

From: [REDACTED]
To: [Manston Airport](#)
Subject: For the attention of the Manston Airport Case Team
Date: 18 June 2021 17:13:07
Attachments: [TR020002-005360-FINAL Statement of Matters - Manston Airport.pdf](#)

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

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

Dear Sirs

I write further to Natasha Kopala's attached letter dated 11 June 2021 regarding the above matters ("**the Letter**").

I note the Secretary of State's request, relayed by paragraph 5 of the Letter, for confirmation or otherwise from the Government Legal Department of consent to the compulsory acquisition under section 135 of the Planning Act 2008 of plots 019c and 05b at Manston Airport. My understanding is that the "rights" of the Treasury Solicitor in her capacity as the Crown's Nominee for Bona Vacantia (on whose behalf the Bona Vacantia Division of the Government Legal Department acts) at Manston Airport consist of:

- The benefit of a now expired option to purchase land in plot 050b (rather than plot 05b); and
- The benefit of a licence granted in 1949 to run a water pipeline across plot 019c (we have been informed that, given the land changes in this area, it is doubtful that the licence continues to subsist). In any event, the Treasury Solicitor is not bound by the burdens imposed by the licence such as to pay rent or to maintain the pipe; nor would she wish to exercise any subsisting rights to use the pipeline.

Given the lack of bona vacantia interest and in order to protect the Treasury Solicitor from any suggestion that she has exercised any act of possession (and thus exposed herself and the Crown to liability for the same pursuant to section 2 (1) (c) of the Crown Proceedings Act 1947) in relation to any part of Manston Airport, I hereby confirm on her behalf that the Treasury Solicitor neither objects nor consents to the compulsory acquisition.

In respect of the invitation from the Secretary of State, relayed by paragraph 2 of the Letter, for further representations on further specified matters, I can state on the Treasury Solicitor's behalf that, given her lack of interest in Manston Airport, she does not wish to make any such representations.

Please let me know if you require any clarification in respect of the foregoing or wish to discuss any other issue raised by the Letter.

Yours faithfully

Nathaniel Gifford
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Department for Transport

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Telephone:
e-mail: transportinfrastructure@dft.gov.uk
Web: www.gov.uk/dft

To:

All Interested Parties

11 June 2021

cc:

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.

STATEMENT OF MATTERS

1. The High Court’s order dated 15 February 2021 quashed the decision of the Secretary of State for Transport dated 9 July 2020 to grant the application by RiverOak Strategic Partners Limited (“the Applicant”) for development consent for the proposed development and reopening of Manston Airport in Thanet, Kent (“the Development”). Following that order, the Secretary of State must now re-determine that application.
2. I am therefore writing in accordance with rule 20(2) of the Infrastructure Planning (Examination Procedure) Rules 2010 to set out to you, as an Interested Party to the above application, the following matters which the Secretary of State invites further representations for the purposes of his re-determination of the application. These matters are:
 - the extent to which current national or local policies (including any changes since 9 July 2020 such as, but not limited to, the re-instatement of the ANPS) inform the level of need for the services that the Development would provide and the benefits that would be achieved from the Development;
 - whether the quantitative need for the Development has been affected by any changes since 9 July 2019, and if so, a description of any such changes and the impacts on the level of need from those changes (such as, but not limited to, changes in demand for air freight, changes of capacity at other airports, locational requirements for air freight and the effects of Brexit and/or Covid);

- the extent to which the Secretary of State should, in his re-determination of the application, have regard to the sixth carbon budget (covering the years between 2033 – 2037) which will include emissions from international aviation; and
 - any other matters arising since 9 July 2019 which Interested Parties consider are material for the Secretary of State to take into account in his re-determination of the application.
3. In addition to the above matters set out in paragraph 2, the Secretary of State requests information from the Interested Parties specified below.
 4. In light of the passage of time since close of the examination, the Secretary of State requests the **Applicant** to consider the currency of the environmental information produced for the application (including information submitted to inform the Habitats Regulation Assessment) and either confirm the continued currency of that information, or where necessary, to submit updated information.
 5. The Secretary of State seeks confirmation or otherwise from **the Government Legal Department** of consent to the compulsory acquisition under section 135 of the Planning Act 2008 in relation to plots 019c and 05b held as Queen's Nominee in respect of bona vacantia land.
 6. The Secretary of State seeks confirmation or otherwise from both **the Met Office** and **the Secretary of State for Housing, Communities and Local Government** of consent to the compulsory acquisition under section 135 of the Planning Act 2008 in relation to plot 27.
 7. **The deadline for any response is 9 July 2021.**
 8. Responses to the matters outlined in this statement of matters should where possible be provided by email to manstonairport@planninginspectorate.gov.uk, marked "For the attention of the Manston Airport Case Team". As a result of ongoing Government guidance relating to the coronavirus (COVID-19) emergency, the Planning Inspectorate based at Temple Quay House is unable to receive postal submissions in a reliable way. Postal submissions made to the Secretary of State for Transport, Manston Airport Case Team, c/o Planning Inspectorate, National Infrastructure Planning, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN will therefore be subject to delay and we cannot guarantee that they will be received in time to be considered. If you have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Manston Airport Case Team.
 9. The Secretary of State has appointed an independent aviation assessor to advise him on matters relating to the need for the Development and to produce a report summarising those findings. The assessor's report, along with all representations received and any supporting information, will be made available on the Planning Inspectorate's National Infrastructure Planning website as soon as possible after the 9 July 2021 deadline for responses at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/manston-airport/>
 10. An opportunity to comment on the independent aviation assessor's report, the representations received and any supporting information will be given to Interested Parties. The Secretary of State will then consider the responses and information received in redetermining the application.

11. All previous representations and information relating to the application received before 9 July 2020 has been published on the National Infrastructure Planning website. To assist the Secretary of State, any reliance on information containing in previous representations made either during or since the examination should also include the relevant document reference number(s) and preferably also include hyperlinks to where the documents can be viewed on the National Infrastructure Planning website.
12. Any correspondence received between 9 July 2020 and the date of this statement of matters has not been published on the National Infrastructure Planning website and as such will not be taken into account as part of the re-determination process. Where Interested Parties have submitted comments on the application between 9 July 2020 and the date of this statement of matters, and where they wish to have those comments treated as a formal representation in the re-determination process, the Secretary of State requests that Interested Parties resubmit their correspondence. The Secretary of State will then treat such resubmitted correspondence as a formal representation submitted to him in response to his statement of matters.
13. 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