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To: Secretary of State for Transport
% Planning Inspectorate,
National Infrastructure Planning

Date: 23 March 2022
Our Ref: Manston Cover Letter

Email: manstonairport@planninginspectorate.gov.uk;

Background

- A. As advised on 17 January 2022 by email by the Planning Inspectorate we submitted re-determination correspondence with comments on the Applicant's Response to the Secretary of State's Consultation of 21 October 2021 labelled the Cover Letter to the Applicant's Redetermination Submission of 2 December 2021¹ and published on the Planning Inspectorate website on 12 January 2022 ("**Applicant's Cover Letter**") in relation to the Manston Airport DCO application (the "**Proposed Development**") dated 21 February 2022.
- B. On 11 March 2022, the Secretary of State issued a letter and at paragraph 11 stated that Interested Parties who have submitted re-determination correspondence with any comments that they wish the Secretary of State to treat as formal consultation response should re-submit these comments by 28 March 2022.
- C. Accordingly, we re-submit our re-determination correspondence with comments dated 21 February 2022 herewith as a **formal consultation response** to the Secretary of State.

Formal Consultation Response to the Secretary of State

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https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006149-Cover%20Letter%20for%20Manston%20Redetermination%20-%20TR020002_RED2_Cover.pdf

- D. We note that the last paragraph of Page 4 of the Applicant's Cover Letter states that: *"The Applicant has already written three times to the Secretary of State during the redetermination period about the delay and uncertainty and has not had any replies. It will not hesitate to seek judicial remedies or involve the National Audit Office, if the delay, wrongly-focused approach (deliberate or not), uncertainty and lack of engagement continue²".*
- E. The correspondence to the Secretary of State on three occasions (the "**Three Correspondence**") that the Applicant refers to in the said paragraph were not attached to the Applicant's Cover Letter and, as of today's date, the Three Correspondence has not been published on the National Planning Infrastructure website.
- F. We would remind the Secretary of State that within his Statement of Matters of 11 June 2021 at paragraph 12 it specifically states that: *"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".*
- G. Further, we would remind the Secretary of State that within his Statement of Matters of 21 October 2021 at paragraph 13 it specifically states that: *"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"*

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https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-006149-Cover%20Letter%20for%20Manston%20Redetermination%20-%20TR020002_RED2_Cover.pdf

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”.

H. **Conclusion**

Accordingly, the Three Correspondence that the Applicant refers to in the Applicant's Cover Letter and seeks to rely upon does not exist as part of the formal consultation and it therefore cannot be relied upon by the Applicant and/or by the Secretary of State in the Secretary of State's re-determination of the application for the Manston Airport application.

Further, the Secretary of State is under no obligation to reply to the Applicant to give certainty, to explain himself and/or otherwise. To do so would prejudge the Application and show favour to the Applicant. This cannot be just, fair or right.

As you will be aware the Applicant has already been enriched for the use of the land by the Department of Transport for the use of the site as a lorry park in the amount of £8.5 million in the period 2020/21.