

**For the attention of Naomi Williams**

Secretary of State for Transport  
Department for Transport  
Transport Infrastructure Planning Unit  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR

Our Ref  
AAT/ADW/166055.0003  
Date  
29 September 2021

Dear Secretary of State

**Manston Airport DCO Redetermination Delay**

As you know this firm acts for RiverOak Strategic Partners, the Applicant for the Manston Airport Development Consent Order. I am writing to put on record the effect of the delay in redetermining the application is having on job creation and inward investment in the UK of hundreds of millions of pounds.

The timetabled decision date for this application was 19 January 2020. The examination ran to schedule, and included a series of tight deadlines that the Applicant and interested parties adhered to. The Examining Authority provided their recommendation report to the Secretary of State on 18 October 2019, in line with the timetable. However, the decision was delayed by six months and was eventually taken on 9 July 2020. The judicial review concluded in February 2021 and resulted in the DCO being quashed by the High Court on 15 February 2021, more than seven months ago, compared with three months for the statutory time limit for the Secretary of State to take a decision once it has received the recommendation of the Examining Authority.

Given this expected timescale, the narrow scope of the issues being considered and the familiarity that the Secretary of State has with the project, the Applicant is unable to see any justification for the continued delay for the redetermination and in particular urges that a timetable be published to give some certainty to all those involved. The Applicant notes that in its review of the consultation responses submitted on 9 July 2021, regardless of whether responses supported or opposed the re-opening of Manston, the delay to the determination of the decision is regarded, almost unanimously, as inappropriate. It is very frustrating that redetermination has not been completed and no steps have been taken to outline a timetable for the redetermination process. There has been no attempt at providing certainty to all those who have actively participated in this process.

The Applicant has patiently participated in the redetermination process but is unable to understand why the redetermination process has been so protracted. The letter published by the DfT on 30 July 2021 merely states that the independent report summarising its findings will be published "*in due course*".

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The Applicant and interested parties have been given no indication of when this will be or how long they will have to review this report. This is entirely inconsistent with the philosophy of the DCO regime and the Planning Act 2008. The lack of procedural certainty is unacceptable for any scheme being redetermined, not just for applicants but to all interested parties. We note that the three other decisions that have been quashed are in the same uncertain position as Manston Airport.

This delay is not taking place in a vacuum, it has real world effects and is prejudicial to the Applicant. It is deterring and frustrating investors, particularly from overseas, who had embarked upon their proposal to invest in the UK because of the certainty of timings of the DCO regime but can no longer rely upon it. Further, delays mean that responses have to be updated to take into account changes in policy in this field. This is particularly frustrating as the policy changes and the situations at other airports continue to evolve to provide more support to the re-opening of Manston Airport. As such, the revised reasons for granting the DCO, especially relating to policy and need, should be easier to set out than for the original determination.

Given the current economic uncertainty, the government is surely keener than ever for inward investment into the UK, but through its own actions is making this less likely to happen. The delay also causes an unnecessary harmful local impact. Employment is more precarious than ever, and will be exacerbated by the imminent end to the furlough scheme, and yet there is undue delay to this development which would bring thousands of high quality construction and more permanent jobs.

Through no fault of the Applicant over a year and eight months have passed since the decision was initially due. The Applicant is now in an indefinite decision stage with the prospect of many months more before the decision is retaken. The above points should be given serious consideration and responded to accordingly so as to maintain confidence in this regime, particularly among private inward investors into the UK such as RiverOak. The supposed certainty of timing of the Planning Act 2008 regime is one of its main strengths for investors and this should not be undermined.

The Applicant urges the SoS to publish a timetable for the redetermination process, as this will at least provide some certainty that a decision will be made in a reasonable time. This would help restore faith in the DCO regime, a regime which was founded on the principle of certainty of timescales and transparency. Unless progress is made very soon our client will have to consider other avenues available to it.

Yours sincerely

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**Angus Walker**  
**Partner**  
**For and on behalf of BDB Pitmans LLP**

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