



Department
for Transport

Gareth Leigh
Head of the Transport Infrastructure Planning Unit
Department for Transport
c/o Great Minster House
33 Horseferry Road
London SW1P 4DR

Enquiries:

E-mail: TRANSPORTINFRASTRUCTURE@dft.gov.uk

Web Site: www.gov.uk/dft
13th June 2023

Angus Walker
Partner
BDB Pitmans
One Bartholomew Close
London
EC1A 7BL

Dear Mr Walker,

PLANNING ACT 2008: PROPOSED NON-MATERIAL CHANGE TO THE MANSTON AIRPORT DEVELOPMENT CONSENT ORDER 2022

REGULATION 7(3) OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 - WRITTEN CONSENT FROM THE SECRETARY OF STATE FOR NOT CONSULTING A PERSON OR AUTHORITY

1. Thank you for your email of 24th May 2023, and attached documents which provided details of the proposed application to amend The Manston Airport Development Consent Order 2022 (“the 2022 Order”) and your intended approach to consultation.
2. The Secretary of State notes that the amendments that will be sought through the proposed application correct article 21(3) setting out the deadline for the exercise of compulsory acquisition powers and the monetary value given in article 9(1)(a), which does not currently reflect the acquisition of the main airport site by agreement at the end of the examination.
3. Your email requested the Secretary of State’s consent for a limited consultation exercise and set out in Table 1 a list of parties you propose to consult on the non-material change application. The email explains the reasons why these parties should be consulted, and so implies why others should be excluded.
4. The Secretary of State has considered your request under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent;

Orders) Regulations 2011 (as amended) (“the 2011 Regulations”). The Secretary of State considers that those parties listed in Table 1 accurately represent those which should be consulted, in that they are still subject to compulsory acquisition powers and include Thanet District Council and Kent County Council. Had those Councils not been subject to compulsory purchase powers, he would in any case have requested that they be consulted.

5. The Secretary of State agrees that other consultees previously involved in the process need not be consulted as they are not directly affected either because the proposed amendments will not affect their interests.

6. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

7. In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the Application will be publicised in line with the requirements in regulation 20 of the 2011 Regulations.

8. Finally, the Secretary of State’s written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the 2022 Order which fall to him for consideration and determination, or whether the proposed changes will be regarded as material or not.

Yours sincerely,

Gareth Leigh