

**From:** [REDACTED]  
**To:** [Manston Airport](#)  
**Subject:** TR020002: Reply to Consultation and Publicity Statement from Save Manston Airport association  
**Date:** 03 August 2023 19:25:49  
**Attachments:** [SMAa - Reply-to-pins-August-2023.pdf](#)

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Dear Sir,

TR020002: Reply to Consultation and Publicity Statement from Save Manston Airport association.

Please see the attached letter.

**We believe that the two non-material changes are logical, and we ask that the Secretary of State for Transport grants the applicant permission to make the changes requested.**

**Kind regards,**

**From the SMAa Committee on behalf of the 4,000 members**

Dr Beau Webber (Chairman)

Liam Coyle (Vice-Chairman & Chief Moderator)

David Stevens (Vice-Chairman)

Margaret Sole (Treasurer)

Gregory NocenDni (Treasurer)

Angela Stevens (Secretary)

Ex-officio members:

Bryan Girdler

Garry Dumigan

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## **TR020002 – SMAa representation to the Secretary of State for Transport – non-material change of the DCO**

SMAa has over 4,000 members who are in full support of the Development Consent Order to reopen Manston Airport, many wanting jobs for themselves, their family or other Kentish people. Thus, we wish to make further representations to support the granting of the non-material changes to the DCO.

The Application comprises two corrections to the DCO.

- 1. a non-material change to amend the security figure at Article 9(1)(a) from £13.1 million to £6.2 million to reflect RiverOak's acquisition of the main airport site prior to the making of the DCO; and***

The first draft DCO was published by the applicant on the 14<sup>th</sup> August 2018 [APP-006]. The examination started on the 9<sup>th</sup> January and the draft DCO evolved following 5 rounds of written questions and answers, 2 Issue Specific Hearings on the draft DCO (10<sup>th</sup> January 2019 and 7<sup>th</sup> June 2019) and 2 Issue Specific Hearings on Compulsory Acquisition (20<sup>th</sup> March 2019 and 4<sup>th</sup> June 2019). The examination ended on the 9<sup>th</sup> July 2019.

In relation to Article 9(1)(a) and specifically the security of £13.1 million this was set by the applicant in their second draft DCO submitted on the 15<sup>th</sup> February and published on the 10<sup>th</sup> May. This figure was calculated using a figure of £7.5 million as security for Compulsory Acquisition provided by CBRE using the “no scheme world”, £2.75 million for the implementation of insulation policy and Part 1 claims, £1.6 million for the implementation of relocation policy [REP7a-006] leaving a contingency of £1.25 million.

The original area sought for compulsory acquisition was 2,974,807 m<sup>2</sup> with the majority of this owned by Stone Hill Park (SHP) (2,927,158m<sup>2</sup>) [REP11-014]. Despite negotiations taking place throughout the examination, confirmation of the sale of the land owned by SHP to RSP only occurred on the last day of the examination on the 9<sup>th</sup> July [AS-552].

Following the purchase by RSP of the land previously owned by SHP and land acquired through agreement, only 15,022m<sup>2</sup> of land remains to be obtained through Compulsory Acquisition [REP11-014].

The figure of £7.5 million as security for Compulsory Acquisition is no longer appropriate. The applicant has obtained a revised figure from CBRE and is proposing a security for Compulsory Acquisition of £1.1 million.

The sum set aside for the implementation of the insulation policy and part 1 claims and the relocation policy remain unchanged at £4.35 million (£2.75M + £1.6M) giving a total of £5.45 million plus a contingency of £750,000 (13.8%).

- 2. a non-material change to Article 21(3) to confirm that RiverOak's time limit for exercising its compulsory acquisition powers are limited to one year after either the DCO comes into force or the outcome of any challenge, rather than one year after the DCO comes into force and immediately after the outcome of any challenge.***

The Secretary of State for Transport granted development consent for the application on the 20<sup>th</sup> July 2020 but this was subject to a legal challenge and, following an order of the High Court made on the 15<sup>th</sup> February 2021, the consent for the proposed consent was quashed.

There followed a lengthy redetermination process but on the 18<sup>th</sup> August 2022, the Secretary of State for Transport granted development consent for the second time.

Unfortunately, this was also subject to a legal challenge requesting a Judicial Review. Despite the request being originally dismissed by Justice Lane, following an oral hearing, a Judicial Review was granted by Justice Lieven. The JR Hearing was held on the 5<sup>th</sup> and 6<sup>th</sup> July 2023 and the decision is expected in October 2023.

By the time the decision is announced, more than one year will have elapsed since the granting of the DCO. The applicant points out that the wording of Article 21(3) is ambiguous. It could be interpreted as meaning that the applicant would have to exercise its powers of compulsory acquisition immediately after the end of any legal challenge rather than within one year. The non-material change is designed to give clarification and avoid this potential problem.

**We believe that the two non-material changes are logical, and we ask that the Secretary of State for Transport grants the applicant permission to make the changes requested.**

**From the SMAa Committee on behalf of the 4,000 members**

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