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Dennis E Franklin

Your Ref:

Our Ref: TR020002

Date: 26 September 2016

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Dear Mr Franklin

## **The Planning Act 2008 (as amended) – Section 51**

### **Application by RiverOak Investment Corp for an Order granting development consent for the proposed Manston Airport**

### **Response by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government**

Thank you for your letter dated 6 September 2016 which was duplicated to the Secretary of State for Communities and Local Government (SoSCLG) and received by him on 9 September 2016. This letter comprises the Planning Inspectorate's response to you on behalf of both itself and the SoSCLG.

If an application by RiverOak Investment Corp (RiverOak) is forthcoming it will be examined through the Planning Act 2008 process. However, RiverOak's proposals are still at the Pre-application stage of that process, and the Planning Inspectorate does not have a formal role in receiving representations about the scheme at this time. Until an application is formally made to us any comments about the proposal should be sent directly to the developer. If you have not done so already done so, I would therefore strongly encourage you to send the comments comprised within your letter to RiverOak.

If an application is submitted to the Planning Inspectorate a 28 day period will commence within which a suite of tests from the Planning Act 2008 will be applied to the application and a decision made (on behalf of SoSCLG) about whether or not the application is of a standard that is satisfactory to be examined.

If the application is formally accepted, one or more Inspectors will be appointed as an Examining Authority (ExA) to conduct a 6 month examination of the application. Following the examination the ExA will report to the relevant Secretary of State (in this case, the Secretary of State for Transport) who will take the final decision about whether or not development consent will be granted for the scheme.

If, as per the above, the application is accepted to progress to examination, RiverOak will be required by the statute to advertise a formal stage within which the public will be invited to submit representations and register as interested parties. This stage, which must comprise a minimum of 28 days, will be the appropriate time at which to make representations about the application to the Planning Inspectorate.

Further information about the Planning Act 2008 process and in particular about making representations to the Planning Inspectorate can be found on our website. The Advice Note 8 series explains how to have your say in the Planning Act 2008 process, and when is the appropriate time to do so:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

If, arising from the content of this letter, you have any questions about the Planning Act 2008 process, please do not hesitate to contact the Planning Inspectorate again using the details at the top of this letter. Please respond by the same means if you require hard copies of any of the Advice Notes available on our website.

Yours sincerely

*Richard Price*

**Richard Price**  
**National Infrastructure Case Manager**

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.