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Our ref AW67/125094/000002
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The Secretary of State for Transport
Great Minster House
33 Horseferry Road
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By email

Direct tel +4 [REDACTED] Date 8 October 2026
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Dear Secretary of State

**The Manston Airport Development Consent Order 2022
Non-Material Change Application (NMC-3)
Response to the Transport Infrastructure Planning Unit's Request for Information dated
11 September 2026**

- 1.1 Please find enclosed an Environmental Appraisal prepared on behalf of RiverOak Strategic Partners Limited (the 'Applicant'), in response to the Transport Infrastructure Planning Unit's request for information dated 11 September 2026 in connection with the above Non-Material Change Application ("NMC-3"). This is in respect of the element of NMC-3 that seeks to extend the commencement period for the authorised development under the Manston Airport Development Consent Order 2022 (the "DCO") by a period of two years.
- 1.2 The enclosed Environmental Appraisal has been prepared by ERM, specialist environmental consultants with extensive experience in the assessment of nationally significant infrastructure projects, in support of the NMC-3. The Environmental Appraisal assesses whether the proposed extension to the commencement period could give rise to any new or materially different likely significant environmental effects when compared with the findings of the Environmental Statement. It also includes consideration of whether an updated Habitats Regulation Assessment would be required in connection with NMC-3.
- 1.3 The Applicant also wishes to respectfully draw the Secretary of State's attention to the relevant context in which this environmental information has been provided. In particular, the Applicant notes that the Planning and Infrastructure Act 2025 introduced

For what comes next

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provisions which automatically extend the duration of planning permissions where the commencement of development has been delayed as a consequence of judicial review proceedings. Notably, such automatic extensions do not require the provision of supporting environmental information. The policy rationale underlying those provisions recognises that where delay is attributable to legal challenge rather than to any change in the merits of the consented development, it would be disproportionate to require a fresh assessment of environmental effects as a precondition to the continued validity of the permission.

- 1.4 Whilst NMC-3 is of course determined under the Planning Act 2008, rather than the Town and Country Planning Act regime, the Applicant considers that the underlying policy rationale is directly analogous and compelling here. The commencement period under the DCO has been materially curtailed by judicial review proceedings which were ultimately unsuccessful, in circumstances closely mirroring those which Parliament sought to address through the Planning and Infrastructure Act 2025.
- 1.5 The purpose of NMC-3 is to restore the commencement period that was effectively lost during those proceedings. It does not seek to alter the nature, scale or location of the authorised development in any respect. In those circumstances, and consistent with the clear approach adopted by Parliament in the Planning and Infrastructure Act 2025, the Applicant considered it both reasonable and proportionate to submit NMC-3 without including environmental information as a substantive part of the application.
- 1.6 The Applicant further notes that key statutory consultees, including Natural England, raised no objection to NMC-3.
- 1.7 Notwithstanding the above, the Applicant has, in response to the Department for Transport's request, enclosed the Environmental Appraisal prepared ERM, which confirms that the NMC-3 would not give rise to any new or materially different likely significant environmental effects.
- 1.8 We trust that the enclosed Environmental Appraisal provides the Secretary of State with sufficient information to enable the determination of NMC-3 to proceed.

Yours faithfully

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Enc ERM Manston Airport Environmental Appraisal