

**To:** The Planning Inspectorate

**Subject:** Formal Objection to Proposed Material Amendments –  
Manston Airport Development Consent Order (DCO)

**Reference:** Project Reference: TR020002 / RiverOak Strategic  
Partners (RSP) Amendment Application

Dear Case Team,

## **1. Formal objection**

I am writing to log my formal objection to the material amendment requests submitted by RiverOak Strategic Partners (RSP) regarding the Manston Airport DCO.

**The applicant is attempting an impermissible and legally flawed retroactive application of Section 56(2) of the Planning and Infrastructure Act 2025**

I urge the Planning Inspectorate to reject these requests, as they actively compromise national safety, intentionally evade safety regulations, misapply retroactive legislation, hide changes to operational impacts, and obscure a critical lack of commercial and financial viability.

## **2. Context**

As a matter of essential context, it is worth remembering that the original DCO application was examined at immense length by a dedicated Examining Authority. Following this exhaustive scrutiny, all four independent planning inspectors recommended that the DCO should be refused. Furthermore, a substantial part of the subsequent project delay was due to the Secretary of State at the time making his initial decision illegally, resulting in a successful legal challenge that forced a complete redetermination of the order.

### **3. Redetermination Process**

During this redetermination process, the Secretary of State went so far as to engage his own independent consultant, Arup, at a cost of £150,000 to the taxpayer. Arup's independent expert assessment fundamentally agreed with the examiners' original decision, concluding that the DCO should be refused on the basis that the applicant had failed to demonstrate a clear economic case or a genuine need for the freight hub. Having failed to convince either the professional planning inspectorate or the government's own paid independent experts of the project's merits, RSP is now attempting to systematically dismantle the few safeguards that were eventually put in place.

### **4. No Funding and no customers**

In addition to being completely unable to raise or secure clear funding for the project, RSP has also failed to identify a single potential commercial user or airline partner for the airport. This complete absence of market interest mirrors all historic, failed attempts to run aviation businesses at the site. It further validates the overwhelming expert opinions, the four original planning inspectors' conclusions, and Arup's definitive finding that there is absolutely no operational or economic need for an airport at Manston.

### **5. Land Issue**

Furthermore, a highly alarming land-use issue must be brought to the Inspectorate's attention. The current site owners gave a strict 10-year covenant to the previous owners (Stone Hill Park) stating that should houses be built on the site, a mandatory profit-share arrangement would be triggered. This requested two-year extension, if permitted, would cynically take RSP right to the very end of that 10-year covenant period. Granting this extension gives the developer a clear pathway to sit on the blighted land, wait out the clock, and subsequently build a high-

profit housing development with no obligation to share any profits with the previous owners. The Planning Inspectorate must not allow a Nationally Significant Infrastructure Project (NSIP) framework to be used as a stalling tactic for land speculation.

## **6. Impermissible and legally flawed retroactive application of Section 56(2) of the Planning and Infrastructure Act 2025**

The applicant is attempting an impermissible and legally flawed retroactive application of Section 56(2) of the **Planning and Infrastructure Act 2025**. This specific provision, which introduced standard extensions for planning permissions affected by ongoing Court of Appeal challenges, did not exist when Manston Airport's DCO was approved.

It only passed into law and took effect on **18 February 2026**. Under fundamental UK constitutional and planning law principles, statutory clauses do not operate retrospectively to change the legal realities of past events or historical consents unless the Act explicitly mandates it. Because the 2025 Act lacks an explicit retroactive clause designed to "resurrect" or automatically alter older, historically bound DCOs, the Minister would be committing a clear error of law by applying 2026 rules to a 2022 order.

The transitional provisions of the 2025 Act were enacted to provide forward-facing security for upcoming national infrastructure projects, not to serve as an arbitrary safety net to rescue older, stalled projects that failed to clear their pre-commencement triggers on time.

Because RSP's original DCO was bound strictly by the limitation periods active in September 2022, using 2026 legislation to artificially extend their commencement deadline is a misuse of the statutory regime.

The Planning Inspectorate must firmly reject this interpretation.

## **7. Failure to Disclose Material Changes to Flightpaths**

It is highly duplicitous that while RSP continually asks for non-material changes to be made to the DCO when it suits their commercial convenience, they have concurrently failed to disclose a highly critical material change to flightpaths to this inspectorate while seeking permission to change other areas of the DCO.

There is a substantial divergence from the original DCO overflight assumptions and noise mitigation plans.

The actual flight path vectors proposed in the concurrent CAA Stage 3 Airspace Change Proposal differ significantly from the generic assumptions and corridors that RSP originally submitted during the DCO examination phase.

Because the physical tracks of these newly proposed routes focus low-altitude noise footprint exposure far more heavily over specific urban clusters, the original DCO Noise Mitigation Plan and its underlying funding provisions are entirely obsolete.

The current noise contours are fundamentally inaccurate and must be completely reconstructed to reflect these severe path variations. The developer cannot logically decouple the physical infrastructure from the operational aircraft movements that dictate its local environmental impacts.

## **8. Pre-commencement obligations not commenced or completed**

This pattern of avoidance is further evidenced by the fact that RSP has not completed any of the pre-commencement obligations required under the DCO before construction can legally begin. Rather than doing the necessary work to satisfy

these strict legal prerequisites, the applicant is instead coming back to the Planning Inspectorate to request extensions and dilute safety parameters.

## **9. High Resolution Direction Finder (HRDF) facility**

The applicant's attempt to alter Schedule 2, Part 1, Paragraph 24 of the DCO to circumvent its mandatory obligation to construct a replacement High Resolution Direction Finder (HRDF) facility is a primary example of corner-cutting and must be rejected.

RSP claims that because the current HRDF asset has experienced technical issues, a cut to the power supply which RSP probably did not notify the MoD about, the requirement to execute a Ministry of Defence (MoD) approved replacement scheme is unnecessary. However, this justification is entirely commercial and safety-deficient. A formal statement obtained by *The Isle of Thanet News* explicitly refutes RSP's stance.

An MoD spokesperson confirmed that the Ministry continues to require Ultra High Frequency High Resolution Direction Finding capability in the Southeast to support flight safety.

The MoD noted that while there is some limited overlap from existing systems, they do not provide equivalent coverage or functionality, meaning that maintaining this capability—either through retention or appropriate replacement—remains necessary to ensure there is no degradation to safety or operational effectiveness.

The HRDF is a critical Royal Air Force emergency tracking and radio navigation system. Under the existing DCO, a decommissioning, relocation, and twin-system testing phase must occur before any structural airfield development can commence. RSP's attempts to remove this safety buffer

demonstrate a flagrant disregard for regional air safety, rendering this amendment entirely unnecessary.

## **10. Public Safety Zone**

The applicant is engaging in the deliberate suppression of traffic figures to evade the implementation of Public Safety Zones (PSZs).

In the initial DCO application, provisions and assessments were originally made for well over 14,000 aircraft movements per year.

However, RSP has deliberately capped and reduced the forecasted movement figures down to exactly 14,000 in its current operational framework.

This artificial reduction is a cynical calculation designed strictly to circumvent Department for Transport criteria that mandate a formal PSZ.

By suppressing these numbers, RSP avoids legally binding development restrictions and safety zones at the runway ends.

This leaves thousands of residents, homes, and critical local infrastructure directly within a high-risk crash-hazard corridor under the arrival and departure paths without any statutory protection.

## **11. Corporate Transparency**

RSP lacks acceptable corporate transparency for a project of national infrastructural significance. The company remains heavily reliant on complex, offshore corporate structures and ultimate beneficial ownership vehicles that prevent residents and regulators from scrutinizing who is genuinely financing and controlling the development. Coupled with this opaque

ownership, RSP has consistently failed to demonstrate that it has secured the robust, long-term funding required to safely construct and operate an airport of this scale. Advancing an intrusive project without guaranteed capital risks blighting local property values, causing prolonged economic stagnation, and leaving the community with an abandoned site. The Planning Inspectorate should not grant variations for a speculative commercial venture that cannot legally or financially guarantee its own delivery.

## **12. Consideration of Further Legal Action**

Please be advised that if the Minister decides to approve this extension request by relying on the retroactive application of Section 56(2) of the Planning and Infrastructure Act 2025, or by disregarding the material safety and environmental tracking risks outlined above, such a decision could be viewed as an error of law, procedurally unfair, and irrational. Affected stakeholders and community members are closely monitoring these developments, and an approval could leave the decision highly vulnerable to a challenge by way of **Judicial Review** in the High Court within the statutory 6-week window. The Minister and the Planning Inspectorate should take note that an approval could result in protracted and robustly defended litigation.

## **13. Conclusion**

Consequently, I demand that the Planning Inspectorate decline the HRDF amendment request, force the developer to fully install and test the replacement radar systems as originally agreed in the DCO, mandate that the developer model safety zones based on realistic, unsuppressed traffic figures rather than the artificially capped 14,000 threshold, and deny any extension requests that would let the developer bypass their 10-year housing profit-share covenant or obscure their heavily altered flight paths.

**Adem Mehmet**