

DIRECTORATE OF PLACE

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By email - manstonairport@planninginspectorate.gov.uk

THANET DISTRICT COUNCIL RESPONSE TO CONSULTATION ON NON-MATERIAL CHANGE TO MANSTON AIRPORT DEVELOPMENT CONSENT ORDER

Dear Sir/Madam,

Thank you for providing the opportunity for Thanet District Council to comment on the proposed changes to the Development Consent Order (DCO) for Manston Airport. The proposed changes are summarised below:

1. To amend Schedule 2, Part 1, Paragraph 2 (Time Limits) to amend the time limit to commence the authorised development from the expiration of 'five' years beginning with the date that the DCO came into force to 'seven' years beginning with the date that the DCO came into force (8th September 2022).
2. To amend Schedule 2, Part 1, Paragraph 24 (High Resolution Direction Finder) to amend the requirement so that as an alternative to the Applicant having to agree a detailed mitigation scheme for the provision of an alternate High Resolution Direction Finder with the Ministry of Defence, the Ministry of Defence is able to confirm that an alternate High Resolution Direction Finder is not required.

Amendment to Time limit for Implementation

As the applicant's submission outlines, Section 56(2) of the Planning and Infrastructure Act 2025 now automatically extends planning permissions if a challenge is brought. Under Section 91 of the Town and Country Planning Act (as amended), points 3B and 3BA cumulatively extend the permission by 2 years in the specific instance which occurs to the DCO, albeit not for permission granted before changes were made. It appears reasonable for the non-material change to be made to cover the time lost to implement the permission from the uncertainty of a legal challenge.

It is not considered that this change would conflict with the tests outlined in the Department of Communities and Local Government document "Planning Act 2008: Guidance on Changes to Development Consent Orders" (December 2015)." (i.e the need to update the Environmental Statement, a need for a new Habitat Regulations Assessment, the change would authorise the compulsory acquisition not authorised through the DCO, and when there is a potential impact from the proposed changes on local people and businesses).

On this basis and applying the published guidance, the Council does not raise an objection to the application for this specific non-material change.

Amendment of Requirement 24

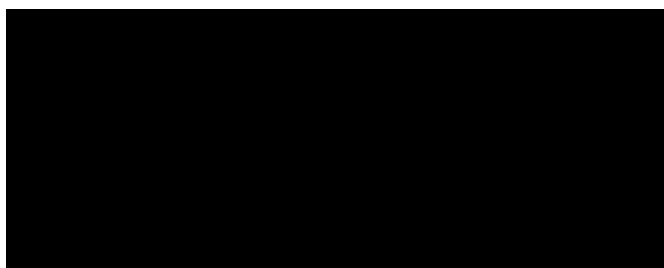
The applicant's submission alleges that the High Resolution Direction Finder (HRDF) has not been operational for the past two years, citing a fault with the power supply reported to RiverOak in April 2024. No information has been provided to the Council to corroborate this claim and in the absence of any evidence or formal comment from the Ministry of Defence (MOD) it should be assumed that the HRDF continues to be required for UK emergency response capabilities.

The proposed change to requirement 24 as drafted in the amendment order would allow for confirmation in writing by the Ministry of Defence that an alternate HRDF is not required (1(b)) and that the existing HRDF does not need to be decommissioned and removed (3(b)). If made, both these clauses should include the requirement that this confirmation in writing should be submitted to the relevant planning authority i.e 2(b) the Ministry of Defence confirms in writing *to the relevant planning authority* that an alternate High Resolution Direction Finder is not required.". In the absence of this change to the amendment order, the procedure for ratification of this confirmation is absent from the wording of the requirement.

Given the involvement of the Defence Infrastructure Organisation within the examination of the Development Consent Order, the view of the MOD in relation to the proposed additional flexibility to requirement 24 should be given substantial weight in determining this non-material amendment order.

The Council respectfully requests that the views of local residents are taken into account in reaching a decision on the proposed change.

Yours faithfully,



Planning Applications Manager