

MANSTON AIRPORT DEVELOPMENT CONSENT ORDER 2022
APPLICATION FOR A NON-MATERIAL CHANGE (MAY 2026)
SUPPORTING STATEMENT

1. Introduction

- a. This statement is made in support of the application by RiverOak Strategic Partners Limited (the Applicant) for a non-material change to the Manston Airport Development Consent Order 2022 (DCO). The application is made pursuant to Schedule 6 of the Planning Act 2008 and Part 1 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, as amended (2011 Regulations).

2. Background

- a. In August 2022, the Secretary of State for Transport made the DCO authorising the reopening and redevelopment of Manston Airport into a dedicated air freight facility able to handle at least 10,000 air cargo movements per year, whilst also offering passenger, executive travel, and aircraft engineering services. The DCO came into force on 8 September 2022.
- b. On 22 September 2023, the Secretary of State for Transport made The Manston Airport Development Consent (Amendment) Order 2023 (the 2023 Amendment Order) which amended the security figure in Article 9(1)(a).
- c. On 20 May 2025, the Secretary of State for Transport made The Manston Airport Development Consent (Amendment) Order 2025 (the 2025 Amendment Order) which amended the time limit for exercising compulsory acquisition and temporary powers in Article 21(3) from one calendar year to five calendar years.
- d. The Applicant is now seeking consent from the Secretary of State to make a further non-material change to the DCO (the **Application**) in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, as amended (**2011 Regulations**). The Application comprises two non-material changes to the DCO as follows:
 - i. 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.
 - ii. 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.

3. Amendment and Justification

- a. The Application comprises two amendments as set out in paragraph 2(d) above. The non-material amendment is required by the Applicant as a result of several factors which are set out below in turn in relation to each of the amendments.

- i. Schedule 2, Part 1, Paragraph 2
 1. After the making of the Manston Airport DCO in September 2022, the decision to grant the application was challenged in autumn 2022. Having gone through the judicial process, the challenge was finally dismissed by the Court of Appeal in May 2024. During this twenty month challenge period, due to the ongoing uncertainty, the Applicant was unable to progress the development of Manston Airport in any meaningful way.
 2. The Applicant therefore lost almost two years of its five year time period set out in Schedule 2, Part 1, Paragraph 24 during which to commence the authorised development.
 3. The Applicant is now requesting that the time limit be extended from five to seven years to take account of this delay.
 4. This is in line with section 56(2) of the Planning and Infrastructure Act 2025, which came into force on 18 February 2026 and automatically extends town and country planning permissions by two years if a challenge is made to them that reaches the Court of Appeal.

- ii. Schedule 2, Part 1, Paragraph 24
 1. During examination of the Manston Airport DCO application, the Defence Infrastructure Organisation made various submissions about the importance of the High Resolution Direction Finder (HRDF), including that it forms part of a national and civilian capability which is vital to the ability to respond to air emergencies.
 2. Since the making of the Manston Airport DCO, a fault with the power supply to the HRDF was reported to RiverOak in April 2024. Since that time, neither the Defence Infrastructure Organisation nor the Ministry of Defence has been in touch with RiverOak to arrange for access to the site to rectify the issue and so the HRDF does not appear to have been working for at least two years.
 3. RiverOak therefore considers that the requirement to agree a mitigation scheme with the Ministry of Defence for the provision of an alternate HRDF may be unnecessary.
 4. The Applicant has instead included an 'either/or' provision allowing the Ministry of Defence to confirm that an alternate HRDF is not required.

4. Non-Material Change

- a. There is no statutory definition of what constitutes a material or a non-material amendment for the purposes of Schedule 6 of the Planning Act 2008 and Part 1 of the 2011 Regulations. However, the Government has issued guidance on this point and this is outlined in the Department for Communities and Local Government "Planning Act 2008: Guidance on Changes to Development Consent Orders" (December 2015) (the DCO Changes Guidance)
- b. Paragraphs 9 – 16 set out the four characteristics which indicate whether a proposed change to a DCO is material or non-material. The following characteristics are stated to indicate that an amendment is more likely to be considered 'material':
 - i. A change should be treated as material if it would require an updated Environmental Statement (from that at the time the original DCO was made) to take account of new or materially different, likely significant effects on the environment.
 - ii. A change is likely to be material if it would invoke a need for a Habitats Regulations Assessment. Similarly, the need for a new or additional licence in respect of European Protected Species is also likely to be indicative of a material change.
 - iii. A change should be treated as material that would authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the existing DCO.
 - iv. The potential impact of the proposed changes on local people will also be a consideration in determining whether a change is material.

- c. Each of these is considered in turn below, in light of the change being applied for.
- i. Environmental Statement
 - 1. Amending the time for commencement of the authorised development does not give rise to any new environmental effects.
 - 2. Allowing the Ministry of Defence to confirm that a HRDF is not required rather than requiring the Applicant to provide an alternative does not give rise to any new environmental effects.
 - ii. Habitats Regulations Assessments
 - 1. No updated Habitats Regulation Assessment or European Protected Species licence is required as a result of the change being applied for.
 - iii. Compulsory Acquisition of Land
 - 1. There is no change in the land, interest in or rights over land being acquired to that presented in the DCO.
 - 2. The extent of land remains the same as shown in the land plans as certified in Schedule 10 of the DCO. The Land Plans remain on the Planning Inspectorate's website (Examination Library reference: REP11-015).
 - iv. Impact on local people
 - 1. There will be no material change in impact on local people as a result of the proposed changes. The same land will be acquired and the same works will take place.

5. Consultation

- a. In accordance with regulation 7A of the 2011 Regulations the Applicant must provide the Secretary of State with:
 - i. a copy of the notice referred to in regulation 6; and
 - ii. a statement setting out details of the steps the Applicant has taken to comply with the requirements of regulations 6 and 7.
- b. The notice referred to in regulation 6 is appended to this document at **Appendix 1**. A copy has been provided to the Planning Inspectorate for publication on their Manston Airport project webpage.
- c. This section sets out, in regulations 6 and 7, how a non-material change application is to be published and consulted on. Regulation 6 requires a notice of non-material change application to be published for two consecutive weeks in one or more local newspapers and in any other publication necessary to ensure that notice of the application is given in the vicinity of the land. The Regulation 6 Notice will be published in the following newspapers on the following days:
 - i. East Kent Mercury Series: Thursday 28 May and Thursday 4 June 2026
 - 1. East Kent Mercury (Deal and Sandwich)
 - 2. Dover Mercury
 - ii. Kentish Gazette Series: Thursday 28 May and Thursday 4 June 2026

1. Kentish Gazette
 2. Faversham News
 3. Herne Bay Gazette
 4. Whitstable Gazette
- iii. Isle of Thanet Gazette: Friday 29 May and Friday 5 June 2026
 - iv. London Gazette: Thursday 28 May 2026
- d. As set out above, copies of these newspaper notices will be provided to the Secretary of State once published.
 - e. Regulation 6(2)(h) requires a minimum of 28 days for a response following the date when the notice is last published. The Applicant's consultation period is between 5 June and 5 July 2026 and responses need to be received by 11:59pm on 5 July 2026. There are 28 clear days between the date of the last publication and the close of consultation (or 30 days if those days are included). The Applicant has provided additional time, beyond the minimum prescribed by regulation 6, in order to assist interested parties.
 - f. Regulation 7 sets out who is to be consulted, being:
 - i. Each person for whose benefit the development consent order, to which the application relates, has effect;
 - ii. Each person that was, in accordance with section 56 of the Planning Act 2008, notified of that application for the development consent order which is the subject of the application; and
 - iii. Any other person who may be directly affected by the changes proposed in the application.
 - g. Regulation 7(3) states that the applicant need not consult a person or authority specified above if they have obtained the written consent of the Secretary of State. The Applicant confirms that it has not sought the written consent of the Secretary of State in regard to this. The Applicant will send consultation letters to all parties required to be consulted under Regulation 7 on 28 May 2026.

6. Conclusion

- a. The Applicant is seeking to:
 - i. 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; and
 - ii. 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 with the Ministry of Defence a detailed mitigation scheme for the provision of an alternate High Resolution Direction Finder, the Ministry of Defence is able to confirm that an alternate High Resolution Direction Finder is not required.
- b. Consideration has been given to the tests outlined in the relevant DCO Changes Guidance. It has been explained and demonstrated that the proposed amendments would be non-material in nature due to there being:

- i. no new or materially different, likely significant effects on the environment that would required an updated Environmental Statement being produced since the original DCO was made;
- ii. no need for a Habitats Regulations Assessment or an additional licence in respect of European Protected Species;
- iii. limited/no change in the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the existing DCO; and
- iv. no impact on local people as a result of the amendments.

Appendix 1 – Regulation 6 Application Notice

SECTION 153 PLANNING ACT 2008
REGULATION 6 OF THE INFRASTRUCTURE PLANNING (CHANGE TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 (AS AMENDED)
NOTICE OF APPLICATION TO MAKE A NON-MATERIAL CHANGE TO THE FOLLOWING DEVELOPMENT CONSENT ORDER
THE MANSTON AIRPORT DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022/922)
PLANNING INSPECTORATE REFERENCE: TR020002

NOTICE IS HEREBY GIVEN that RiverOak Strategic Partners Ltd (“**RiverOak**”) c/o TLT LLP, 20 Gresham Street, London, EC2V 7JE is submitting an application (“**the Application**”) to the Secretary of State for Transport under Regulation 4 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended), for a non-material change to be made to the Manston Airport Development Consent Order 2022 (“**the DCO**”). The Planning Inspectorate reference number is TR020002.

The DCO granted consent to RiverOak to undertake works to redevelop Manston Airport in Thanet, Kent and to carry out all associated works including to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose. The DCO also includes provisions in connection with the maintenance and operation of the authorised development. The DCO was made on 18 August 2022 and came into force on 8 September 2022.

Summary of the Main Proposals

The Application seeks two non-material changes to the DCO as follows:

(1) To amend Schedule 2, Part 1, Paragraph 2 (Time Limits) as follows:

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.

(2) To amend Schedule 2, Part 1, Paragraph 24 (High Resolution Direction Finder) as follows:

To amend the requirement so that as an alternative to the Applicant having to agree with the Ministry of Defence a detailed mitigation scheme for the provision of an alternate High Resolution Direction Finder, the Ministry of Defence is able to confirm that an alternate High Resolution Direction Finder is not required.

Copies of Application Documents

The Application and its accompanying documents are available to view electronically and download, free of charge, on the project page of the Planning Inspectorate’s National Infrastructure Planning website, being a website maintained by or on behalf of the Secretary of State, and can be found under the tab “Documents” at: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR020002/documents>

The documents will remain available until at least 5 July 2026.

Further information regarding the Application and its accompanying documents may be obtained from

the Applicant by using the following contact details:

Email: Consultation.Manston@TLT.com

Telephone: 0333 006 1871

Post: FAO RiverOak
TLT LLP
20 Gresham Street
London
EC2V 7JE

A free digital copy of the Application documents can be obtained by writing or sending an email to the Applicant using the contact details above. Alternatively, a paper copy can be obtained on request, but a charge of £50 will be made.

Making representations about the Application

Any person may make representations on the proposed non-material change to the Secretary of State by email to: manstonairport@planninginspectorate.gov.uk or by post to National Infrastructure Planning, The Planning Inspectorate, c/o QUADIENT, 69 Buckingham Avenue, Slough, SL1 4PN, quoting reference TR020002.

Should you have any difficulty in submitting a representation, please contact the Planning Inspectorate at either manstonairport@planninginspectorate.gov.uk or by telephone on 0303 444 5000.

The deadline for receipt of representations is 11.59pm on 5 July 2026.

Please note that any submitted representations to the Planning Inspectorate may be published on the National Infrastructure Planning website for the Application and will be subject to their privacy policy which can be viewed at: <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice>

TLT LLP
20 Gresham Street, London, EC2V 7JE
Solicitors acting on behalf of RiverOak Strategic Partners Ltd

28 May 2026