

Manston Airport Air Freight Hub

*Reviving strategic transport infrastructure to
maximise Global Britain's trading potential*

Cover Letter to the Applicant's Redetermination Submission

Project: Manston Airport Development Consent Order
Document Ref: TR020002/RED3/Cover

For the attention of Natasha Kopala
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref
AAT/ADW/OZP/166055.0003
Date
28 March 2022

By Email manstonairport@planninginspectorate.gov.uk

Dear Sir

Redetermination of Manston Airport Development Consent Order
Applicant reference: TR02000
Applicant's redetermination submission - 28 March 2022 - document ref: TR020002/RED3/Cover

Applicant's submissions for the third re-determination deadline

1. This letter sets out Applicant's submission for the redetermination of the application for granting development consent for the Manston Airport project. The Applicant has set out in this letter its response to the Secretary of State's letter dated 11th March 2022 in which the Secretary of State requested further information from the Applicant. The specific requests are detailed in four to seven of that letter.
2. Paragraphs four and five of the letter make reference to the Applicant's June 2021 and January 2022 submissions and in particular: [Appendix A: Independent Ecological Surveys](#) and [Appendix 1 Effects on air quality impacts of updated Air Pollution Information System \(APIS\) data](#).

Applicant's response to paragraph five

3. The Secretary of State requests that the Applicant confirm how the submissions listed in paragraph four took account of the works implemented on the development site between 24 January 2019 and 30 June 2021 so that it could operate as a temporary Inland Border Facility, and any environmental impacts from the operation of the site for this purpose that may affect: the conclusions presented in the Environmental Statement (ES); the Water Framework Directive Report (WFD); and the information to inform the Habitats Regulations Assessment (HRA).
4. The Applicant permitted the site to be used as an Inland Border Facility in order to assist the government in tackling cross-border delays in Dover and Folkestone and aid the UK's supply

Registered Office

One Bartholomew Close
London
EC1A 7BL
DX 339401 London Wall

50/60 Station Road
Cambridge
CB1 2JH
DX 339601 Cambridge 24

The Anchorage
34 Bridge Street
Reading, RG1 2LU
DX 146420 Reading 21

Grosvenor House
Grosvenor Square
Southampton, SO15 2BE
DX 38516 Southampton 3

T +44 (0)345 222 9222

W www.bdbpitmans.com

chain resilience post-Brexit. The Inland Border Facility was a Department for Transport (DfT) operation which ceased on 6 July 2021 and for the creation of which conversion works were carried out at the airport in 2019 authorised by and subject to the [Town and Country Planning \(Manston Airport\) Special Development Order 2019](#) (SI 2019/86) and then an approval under the [Town and Country Planning \(Border Facilities and Infrastructure\) \(EU Exit\) \(England\) Special Development Order](#) (SI 2020/928). A copy of the approval is provided as document **TR020002/RED3/TCPA**. The operational facility was wholly under the control of DfT, and its environmental impacts were controlled by the terms of the first Special Development Order (SDO) and then the approval under the second SDO.

5. In parallel, the Applicant carried out extensive ecological surveys at the airport during 2020 which confirmed that the worst-case scenario presented in the ES that accompanied the DCO application was indeed worst-case. On this basis, the DCO mitigation plan was also confirmed.
6. The 2020 surveys targeted areas of the site considered to be of potential value for the target ecological receptors. This included parts of the Inland Border Facility (including the runway, and areas of gravel to the north of the runway that were created by DfT) where appropriate. Specifically, the breeding bird, bat and terrestrial invertebrate surveys covered the whole site, including the Inland Border Facility. The 2020 botanical survey only covered the relevant remaining areas of grassland and targeted locations for reptiles.
7. The preparation and use of the site as an Inland Border Facility was strictly controlled by the terms of the first SDO and the approval under the second SDO, which can be assumed to have been complied with (confirmed by the Applicant's surveys to the extent that the Applicant's assessments were not exceeded). These included, for example, an ecological survey required by article 6 of the first SDO before the development could commence, following which development was precluded within 20 metres of any protected species identified by the survey by virtue of article 5(h).
8. The approval under the second SDO considered EIA, HRA and the WFD. It contained a screening opinion that the Inland Border Facility was not EIA development at Annex 1, it carried out an appropriate assessment (described on page 3), which concluded that the Inland Border Facility would not have an adverse effect on the integrity of any European site, and it considered the Water Framework Directive and as a result introduced additional mitigation measures in Annex 1. The Secretary of State can therefore be confident that the assessment of the DCO project remains robust and its conclusions on EIA, HRA and the WFD are unaffected by the Inland Border Facility in any material way.
9. With reference to the APIS data, this is based on national modelling of air pollution and would not have changed as a result of a temporary site use such as the Inland Border Facility. There has been no further update to the data since March 2021. As such the 2021 update should be considered valid.
10. As requested by the Secretary of State, a summary of works that have been implemented by the DfT in connection with the construction and operation of the Inland Border Facility is provided at **Appendix A** to the this letter.

Applicant's response to paragraph seven

11. As requested by the Secretary of State, the Applicant submits an updated Schedule of Changes, with reference **TR020002/RED3/BoRSoC**, which has been updated to reflect the removal of the Crown interests in plots 019c and 050b. The Secretary of State should note that the changes affect Parts 1, 2a, 3 and 4 of the Book of Reference, as apparent from the track changes version of the Book of Reference referred to at paragraph 6 of the Secretary of State's letter. These changes were omitted from the schedule of changes in error.
12. The Applicant draws the Secretary of State's attention to the response to the Secretary of State's consultation of 11 June 2021 by Nathaniel Gifford for the Government Legal Department (GLD), by email dated 18 June 2021.
13. The interests in plots 019c (a historic and likely unenforceable licence) and 050b (an expired option) belonged to two separate dissolved companies. The Applicant had treated plots 019c and 050b as Crown Land on a precautionary basis, as interests belonging to dissolved companies often pass to the Crown as *bona vacantia*. However, following discussions with the GLD, the "lack of bona vacantia interest" has now been confirmed by Mr Gifford. Plots 019c and 050b are therefore not Crown Land. The Applicant instead considers that the interests in the plots ceased to exist following dissolution of the beneficiary companies. The interests have accordingly been removed from Part 4 (Crown Land) of the Book of Reference.



For and on behalf of BDB Pitmans LLP



APPENDIX A

SUMMARY OF WORKS¹

Feb / Mar 2019: Start Area B Temporary hardstanding (99,500m²) and drainage trenching construction – Mott Macdonald, Kent County Council (KCC) & Gallagher.

Feb 2019: Gate 7 (exit gate) widening and resurfacing of access roadway to A299 –KCC & Gallagher / O'Rourke Contracting.

Feb / Mar 2019: Phase 1 drainage survey and repairs – KCC & Gallagher / O'Rourke Contracting, Invek.

Mar 2019: Slurry seal surface applied to 2/3rds Northern edge of runway parking area – KCC.

Mar 2019: Construction and commissioned 5 x drainage containment / penstock chambers – Mott Macdonald, KCC & Gallagher / O'Rourke Contracting.

Mar 2019: Installation of 2 x water quality monitoring boreholes – Environment Agency & KCC.

Oct 2019: Phase 2 drainage survey and repairs – KCC & Gallagher / O'Rourke Contracting, Invek.

Oct 2019: Install of 5 x stone temporary welfare areas along runway edge grass area – KCC.

May 2020: Drainage Survey – KCC & Hydro Cleansing.

Nov 2020: Erection and installation of HMRC inspection shed – Mott Macdonald & Buckingham Group.

19th Dec 2020: Granted approval by Ministry of Housing, Communities and Local Government to the Department for Transport for use as an Inland Border Facility (until 30th of June 2021).

22nd to 26th Dec 2020: Manston airport used as lorry park by the DfT following closure of French ports.

Jan 2021: repairs to runway parking area identified as required through ground penetrating radar by EA – KCC & Fugro.

*1st Jan to 21st Mar 2021: Site used as an inland border facility.**

Jun 2021: Phase 3 drainage repairs – KCC & Gallagher / O'Rourke Contracting.

Jun 2021: Decommission and dismantling of HMRC inspection shed – Mott Macdonald & Buckingham Group.

Jul 2021: Removal and reinstatement of 5 x stone temporary welfare areas along runway edge grass area – KCC.

¹ Note that those items shown in italics are non-construction related activities that have relevance to the activities taking place.



*After March 21st 2021, the site was placed into “Standby” for any further possible cross channel disruption. This standby state ended June 30th 2021, by which time HMRC had already started to dismantle their part of the operation for border inspections.