
STATUTORY INSTRUMENTS

2022 No. 922

The Manston Airport Development Consent Order 2022

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Manston Airport Development Consent Order 2022 and comes into force on 8th September 2022.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961**(1)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(2)**;

“the 1972 Act” means the Local Government Act 1972**(3)**;

“the 1980 Act” means the Highways Act 1980**(4)**;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981**(5)**;

“the 1982 Act” means the Civil Aviation Act 1982**(6)**;

“the 1984 Act” means the Road Traffic Regulation Act 1984**(7)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(8)**;

“the 1991 Act” means the New Roads and Street Works Act 1991**(9)**;

“the 2008 Act” means the Planning Act 2008**(10)**;

“access and rights of way plans” means the documents of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the access and rights of way plans for the purposes of this Order;

“address” includes any number or address for the purposes of electronic transmission;

“airport-related” development means development directly related to and required to support operations at Manston Airport including, but not limited to, freight distribution centres, including freight forwarding and temporary storage facilities for airlines;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1972 c. 70.
(4) 1980 c. 66.
(5) 1981 c. 66.
(6) 1982 c. 16.
(7) 1984 c. 27.
(8) 1990 c. 8.
(9) 1991 c. 22.
(10) 2008 c. 29.

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development) or any part of it, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“book of reference” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“commence” means the carrying out of any material operation (as defined in section 155 (when development begins) of the 2008 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, diversion and laying of services, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or contractors’ signage and notices or installation of a site compound or any other temporary building or structure to the extent that these are not likely to harm heritage assets of national importance and their settings as defined in the further assessment of the historic character of the airfield under requirement 3(3)(a) and “commenced” and “commencement” are to be construed accordingly;

“consultative committee guidance” means the Guidelines for Airport Consultative Committees published by the Department for Transport in April 2014;

“crown land plan” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the crown land plan for the purposes of this Order;

“cycle track” has the same meaning as in the 1980 Act⁽¹¹⁾;

“design and access statement” means the documents of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the design and access statement for the purposes of this Order;

“design drawings” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the design drawings for the purposes of this Order;

“design guide” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the design guide for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003⁽¹²⁾;

“engineering drawings and sections” means the documents of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the engineering drawings and sections for the purposes of this Order;

(11) The definition of “cycle track” (in section 329(1) of the 1980 Act) was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(12) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

“environmental statement” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the environmental statement for the purposes of this Order;

“footway” and “footpath” have the same meaning as in the 1980 Act;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“Kent County Council” means Kent County Council of County Hall, Maidstone, Kent ME14 1XQ;

“land plans” means the documents of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the land plans for the purposes of this Order;

“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct to the extent that such works do not give rise to any materially new or materially different environmental effects from those identified in the environmental statement and any derivative of “maintain” is to be construed accordingly;

“noise mitigation plan” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the noise mitigation plan for the purposes of this Order;

“Operation Stack” means the operations known as Operation Stack and Operation Brock administered by Kent Police and Highways England for the purpose of relieving congestion on the M20 motorway;

“Operation Stack land” means the land comprising Manston Airport, Manston Road, Manston, Kent and defined as ‘the land’ in the Town and Country Planning (Manston Airport) Special Development Order 2019(13);

“Order land” means the land shown on the land plans which is within the Order limits and described in the book of reference;

“the Order limits” means the limits of lands to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“outline construction environmental management plan” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the outline construction environmental management plan for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(14);

“register of environmental actions and commitments” means the document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the register of environmental actions and commitments for the purposes of this Order;

“relevant highway authority” means, in any given provision of this Order, the highway authority for the area to which the provision relates;

“relevant planning authority” means in any given provision of this Order, the planning authority for the area to which the provision relates;

“special category land plan” means the plan document of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the special category land plan for the purposes of this Order;

(13) S.I. 2019/86.

(14) 1981 c. 67. The definition of “owner” was amended by section 70 of, and Schedule 15 to, the Planning and Compensation Act 1991 (c. 34).

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) or section 138(4A) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act;

“street” means a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“traffic authority” has the same meaning as in section 121A(15) (traffic authorities) of the 1984 Act;

“traffic regulation order plans” means the documents of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the traffic regulation order plans for the purposes of this Order;

“undertaker” means RiverOak Strategic Partners Limited (company registration number 10269461) whose registered address is at Calder @AMP@amp; Co, 30 Orange Street, London WC2H 7HF;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“works plans” means the documents of that description certified by the Secretary of State under article 41 (certification of documents, etc.) as the works plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the access and rights of way plans or the traffic regulation order plans.

(6) References in this Order to numbered works are references to works as numbered in Schedule 1 (authorised development).

(15) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act. It was amended by section 1(6) of, and paragraph 95(2) and (3) of Schedule 1 to, the Infrastructure Act 2015 (c. 7). There are other amendments to section 121A that are not relevant to this Order.