

**ANNEX 3: MANSTON AIRPORT EXAMINATION - DEADLINE 5**

**SHP’S COMMENTS ON THE APPLICANT’S COMMENTS ON THE WRITTEN REPRESENTATIONS**

The table below provides SHP’s comments on the Applicant’s comments on the Written Representations submitted on 8 March 2019. Please note that SHP has focused solely on the Applicant’s comments on SHP’s Written Representations.

In summary, it is considered that the Applicant has never properly considered or addressed the issues raised by SHP in all its representations and correspondence going back to 2017, as is reflected in the nature of the Applicant’s comments, which gloss over issues and make assertions that are not supported by the evidence. SHP has kept its comments brief, but considers it important to address the Applicant’s comments.

<b>2.9</b>	<b>Section 2 and Appendix 1 – NSIP status</b>
2.9.1	<p><u>Applicant’s Comments</u></p> <p>SHP is still questioning whether the project is a nationally significant infrastructure project. It is, however, obvious common sense that increasing the number of cargo stands from two to 19 will dramatically increase the capability of the airport by well over the threshold of just under 28 air transport movements a day. In any event, as became clear at the preliminary meeting and the DCO hearing in January, the ExA considers that having accepted the application, it considers the matter closed.</p> <p><u>SHP’s Comments</u></p> <p><i>The Applicant’s comments are simplistic and fail to take note of the s51 advice provided to it by the Planning Inspectorate on 11 May 2018. As set out in Appendix 1: Rebuttal of NSIP Justification to SHP’s Written Representations [REP3-025], the Planning Inspectorate was clear in its view that the capability of the Applicant’s proposed project was 17,170 cargo ATMs, and that if existing capability was less greater than 7,171 cargo ATMs, the project would not satisfy the s23 NSIP criteria. SHP has set out its position in detail in Appendix 1: Rebuttal of NSIP Justification [REP3-025].</i></p> <p><i>SHP would also take issue with the Applicant’s claim that “as became clear at the preliminary meeting and the DCO hearing in January, the ExA considers that having accepted the application, it considers the matter closed.”</i></p> <p><i>This statement is not supported by the facts. As Quod (for SHP) set out in its letter of 15 January 2019 [REP1-021] summarising its submission to the Preliminary Hearing, SHP drew attention to the necessarily limited basis upon which the decision was made to accept RSP’s application as a DCO application (i.e. that it excluded consideration of anything other than RSP’s application) and that a view on the capability of the airport was central to that decision. The letter also noted that the Applicant did not raise any objection to the question of the status of the project as a NSIP being a proper issue for the Examining Authority or the Secretary of State to consider. The letter also thanked the Panel for its confirmation at the Preliminary Meeting that this issue would be examined. Further context is provided in section 2 of Appendix 1: Rebuttal of NSIP Justification [REP3-025].</i></p>

2.9.2	<p><u>Applicant's Comments</u></p> <p>Although the Applicant has now proposed a cap on air transport movements of 26,468 movements per day so that this is now somewhat redundant, SHP continues to be wrong in law by confusing environmental assessment with capability. An airport can have a capability of 83,220 ATMs but its likely significant effects, which are the subject of environmental assessment, could arise from a lower figure corresponding to the likely use of the facility, just as highways do not assess the effects of the maximum possible number of vehicles they could accommodate.</p> <p><u>SHP's Comments</u></p> <p><i>The Applicant has again tried to gloss over fundamental shortcomings in the way it approached the assessment of the environmental effects. It has now offered a cap on ATMs in order to try to avoid the issue, however this just further undermines its comments in paragraph 2.9 regarding satisfaction of the NSIP criteria.</i></p>
2.9.3	<p><u>Applicant's Comments</u></p> <p>The insinuation that the Applicant is seeking to secure ownership of the land for development unrelated to its use as a freight airport is not just untrue but flies in the face of the facts: the Applicant expended considerable time and effort successfully defeating a planning appeal that sought to change the use of some of the buildings on the site to non-airport use, and has spent millions of pounds to date on developing and promoting an airport DCO application and demolishing the case for housing on the site. There is literally no evidence to suggest otherwise.</p> <p><u>SHP's Comments</u></p> <p><i>The Applicant continues to ignore deadlines set by the Examining Authority and withhold information on its beneficial owners and funders. Without having an understanding of the parties/individuals that own or control MIO Investment's Ltd (the Belize registered entity that holds 90% of the shares in the Applicant), how is the Examining Authority or an interested party to have any comfort regarding the objectives of the Applicant. We further heard at the Compulsory acquisition hearing that the Applicant had misled the Examining Authority in its answers to written questions regarding the "Joint Venture agreement" referred to in the Funding Statement.</i></p> <p><i>We would also highlight to the ExA the numerous examples whereby the Applicant has demonstrated an ignorance of the characteristics of air freight market and its complete lack of understanding of the operations of competitor type airports such as East Midlands airport. When combined with an inability to explain or justify the NSIP and associated development it has applied for, and failure to provide any proper evidence of funding, it is difficult to believe that the Applicant truly intends to develop an airport.</i></p> <p><i>The fact that an Applicant has spent millions of pounds is not in itself evidence that its project has any merit.</i></p>

2.9.4

**Section 3 (part) and Appendix 2 – site history**

Applicant's Comments

The history of the site is not relevant when the infrastructure that is being proposed as part of this development is fundamentally different than what has previously operated; indeed, it is the lack of investment to bring it to this greater capability that has contributed to previous failures.

SHP's Comments

*The Applicant's claims that the history of the site is not relevant are baseless. On the particular point the Applicant raises, we would note that the Wiggins Group plc invested £7m on new aprons and taxiways, in order to increase the freight capacity to 200,000 tonnes per annum. This was during the period that RSP director Tony Freudmann was a prominent executive at Wiggins Group plc, holding roles of Managing Director and Chairman of the entity owning and operating the airport between 1999 and 2005.*

*Is it the Applicant's case that Wiggins Group plc misinformed investors in its 2002 Financial statements and other formal stock exchange announcements, including for example, on 10 December 2003, when Wiggins stated the following in relation to Manston;*

*"A new apron and linked taxiways were completed last year increasing annual freight apron capacity from 36,000 tonnes to approximately 200,000 tonnes."*

*Despite this investment, Manston was not successful in growing freight tonnage. Lack of Manston capacity was not the factor as explained in the York Aviation and Altitude Aviation reports [included in REP3-025].*

*It is noted that Mr Freudmann stated at the Compulsory Acquisition Hearing on 20 March 2019 that it was ridiculous to suggest that Manston could handle that much cargo. Mr Freudmann also referred to himself as "foot soldier" at Wiggins Group plc.*

*In his roles as Managing Director and Chairman of Manston Airport, Mr Freudmann and his colleagues attended quarterly meetings of Kent International Airport Consultative Committee (KIACC), that also comprised Kent County Council, Thanet District Council, Canterbury City Council, Dover District Council and other parish and town councils. It is informative that the minutes of the KIACC meeting held on 25 September 2003 (one of the few Mr Freudmann, then the Chairman, was unable to attend) show the Chief Executive informing local authority stakeholders of the following under paragraph 5.4.1.*

*"Mr Lansbury said that Wiggins' investment of £6m on new taxiway and aprons had increased cargo-handling capacity from 30,000 to over 250,000 tonnes p.a."*

*Copies of the relevant pages of the Minutes are attached for information as Appendix 2.9.4 (full copies of the minutes can be provided if required).*

2.9.5	<p><b><u>Section 3 (remainder), Section 6 and Appendix 4 – need</u></b></p> <p><u>Applicant’s Comments</u>  The rest of section 3 and all of section 6 concern themselves with the SHP case that there is no need for a cargo airport at Manston. The core of the argument is the claim that there is no demand for dedicated freighter capacity in the UK; even if there were, Manston is in the wrong place; and even if it were in the right place it would have to have night flights at a much greater rate than proposed for it to be viable.</p> <p><u>SHP’s Comments</u>  <i>SHP’s case is set out in detail in the reports prepared by York Aviation and Altitude Aviation which form Appendices 4 and 5 of SHP’s Written Representations (REP3-025). These reports are commended to the Examining Authority.</i></p>
2.9.6	<p><u>Applicant’s Comments</u>  The Applicant's case is firmly that none of that is correct. The demand for dedicated freighter capacity is evidenced by (a) the share of bellyhold and dedicated freighters outside the UK being far more balanced, whereas in the UK bellyhold dominates the market; (b) that the two major cargo airports in the south-east, Heathrow and Stansted, are focusing on passenger expansion rather than freight (and that East Midlands Airport serves a different function and is not in the south east), and (c) that fact that goods are currently trucked through the Channel Tunnel to and from airports in mainland Europe to access dedicated freighter services not conveniently available in the South East. An expanded Heathrow will not open until 2026 at the earliest and is to be phased over 10 years; Manston will have opened well before then.</p> <p><u>SHP’s Comments</u>  <i>SHP’s case is set out in detail in the reports prepared by York Aviation and Altitude Aviation (see Appendices 4 and 5 of SHP’s Written Representations (REP3-025)). These reports show the arguments made by the Applicant to be baseless, simplistic and displaying a gross lack of understanding of the dynamics of the air freight market. We would also refer the Examining Authority to pages 27 to 62 of SHP’s comments on the Applicant’s responses to Written Questions, which provides a comprehensive rebuttal of the claims made by the Applicant.</i></p>
2.9.7	<p><u>Applicant’s Comments</u>  As and when the UK leaves the European Union, the demand for both imports from and exports to countries further afield will become ever more urgent and for the UK to be best-placed to exploit such opportunities it should not be restricted to serving cities to which passengers fly or only to exporting and importing goods that can be contained in passenger aircraft. The trend towards low-cost carriers (both short-haul and increasingly long-haul) will further reduce the availability of bellyhold cargo as they do not carry it.</p> <p><u>SHP’s Comments</u>  <i>The Applicant provides no evidence for its assertions. The Applicant’s claim regarding the trend towards low-cost carriers reducing the availability of bellyhold cargo is contrary to the evidence that bellyhold capacity is increasing. We would refer the Examining Authority to the extensive analysis contained in the York</i></p>

	<p><i>Aviation and Altitude Aviation reports appended to SHP's Written Representations [REP3-025] and SHP's comments on the Applicant's response to written questions (e.g. in respect of ND.1.9, ND1.11, ND.1.19, ND.1.20 and ND.1.38)</i></p>
2.9.8	<p><u>Applicant's Comments</u>  Government policy is expressed as supportive of airports other than Heathrow making best use of their existing runways, indeed that is the title of the June 2018 policy paper on the future of UK aviation, which is what this proposal does. Given the extreme difficulty of bringing forward a new runway in the UK, very serious consideration should be given before this national asset is lost to aviation.</p> <p><u>SHP's Comments</u>  <i>It is clear that the Applicant is aware that there is no explicit policy support for a reopened Manston. We would refer the Examining Authority to evidence submitted by SHP including SHP's comments on the Applicant's responses to Written Questions (e.g. ND.1.1, ND.1.2, and ND.1.46) and as set out in SHP's written summary of its oral submissions to the Need and Operations hearing, submitted at Deadline 5.</i></p>
2.9.9	<p><u>Applicant's Comments</u>  Concerning Manston's location, as the Altitude report at Appendix 5 states, it is within three hours of London and the South East of England, one of the largest conurbations in the world; furthermore there is dual carriageway or better from the edge of the airport site to those locations and there is a railway line offering high speed services to London running close by. This high quality connectivity is complemented by the fact the site is close to the sea on three sides meaning that its noise and other environmental impacts affect a relatively small number of people.</p> <p><u>SHP's Comments</u>  <i>The reports from both York Aviation and Altitude Aviation (Appendices 4 and 5 of SHP's Written Representations (REP3-025)) clearly set out the evidence showing why Manston's peripheral location is a major disadvantage and that these airports are better located relative to the market and the key locations for distribution within the UK.</i></p>
2.9.10	<p><u>Applicant's Comments</u>  On night flights, the Applicant's evidence is that these only tend to be at night either because of a traditional integrator operation as at East Midlands Airport, which the Applicant is not seeking to reproduce, or because passenger flights are dominating the daytime schedule, as at Stansted. For example, although there are a similar number of cargo flights year-round at Stansted, there are fewer during the night in winter, when there are fewer passenger flights during the day, i.e. the cargo flights take place during the day when they can. Furthermore, Frankfurt Airport carries the highest number of dedicated freighter flights in Europe and yet has a night-time ban on flights.</p> <p><u>SHP's Comments</u>  <i>The Applicant has demonstrated a fundamental lack of understanding of the role night flights play in the air cargo market. We would refer the Examining Authority to the detailed evidence submitted by SHP including, the York Aviation and Altitude</i></p>

	<p><i>Aviation reports (Appendices 4 and 5 of SHP's Written Representations (REP3-025) and SHP's comments on the Applicant's responses to Written Questions, particularly questions ND.1.2, ND.1.16, ND.1.18, ND.1.31, ND.1.37, ND.1.38 and ND.1.41. We would also refer the Examining Authority to the evidence summarised in SHP's written summary of its oral submissions to the Need and Operations hearing, submitted at Deadline 5.</i></p>
2.9.11	<p><u>Applicant's Comments</u>  Finally, to quote the York Aviation Ltd Note on Freight Connectivity for Transport for London appended to Appendix 4: "It is reasonable to assume that around 14,000 freighters a year [required in 2012] could still be accommodated in the vicinity of London by using capacity at airports such as Manston, which already handles some long haul freighters. However, capacity equivalent to an additional 54,000 freighter movements per year could be required to ensure demand [in 2050] is met, although this could be mitigated to an extent if the freighter capacity was prioritised for freight to and from the UK with less transit freight."</p> <p><u>SHP's Comments</u>  <i>It has been made clear to the Applicant on numerous occasions that the Applicant continues to rely erroneously on York Aviation's work for TfL and the FTA. As explained in York Aviation's report appended to SHP's Comments on the Applicants responses to Written Questions, York Aviation had made Dr Dixon of Azimuth Associates fully aware of the misinterpretation of this work in 2017 (see comments on ND.1.7 and correspondence attached at Appendix B to that submission). In view of the continued misrepresentation of the York Aviation work and selective quoting of that work during the hearings, paragraphs 2 – 17 of Appendix NOPS.5.1 to SHP's written summary of oral representations to the Need and Operations hearing provides a correct interpretation of York Aviation's work for the FTA and TfL.</i></p>
2.9.12	<p><u>Applicant's Comments</u>  A fuller assessment of the need for dedicated freighter capacity in the south east of England in response to the Stone Hill Park reports from Altitude Advisory and York Aviation, provided by Northpoint Aviation, is included as TR020002/D4/WRC/Appendix.</p> <p><u>SHP's Comments</u>  <i>SHP has only had limited time to consider the Northpoint report, however it appears to be a clear attempt by the Applicant to produce a post event corroboration of the Azimuth forecasts that are used to underpin the entirety of its case.</i></p> <p><i>Paragraphs 28 – 38 of Appendix NOPS.5.1 to SHP's written summary of oral representations to the Need and Operations hearing, provides an explanation as to why the Northpoint analysis does not corroborate the Azimuth forecast, and indeed tends to confirm the reasons why the airport could not succeed.</i></p>

2.9.13	<p><i>Section 4 and Appendix 3 – housing</i></p> <p><u>Applicant’s Comments</u>  This section promotes SHP's housing proposal, although is based rather more on the general need for housing in Thanet than the proposal itself. Manston airfield is not a sustainable location for residential development, it is located entirely in the countryside, remote from the services, public transport and utilities that would be required to serve a substantial number of houses. It is also situated on an aquifer, and would result in a high risk of water contamination. No transport improvements are proposed to cope with the travel needs of an additional 3,700 households. The proposal has attracted significant objections from statutory bodies and the local community (over 375 objections in total) and has progressed little since an application was first made in May 2016.</p> <p><u>SHP’s Comments</u>  <i>A copy of the Planning Statement that accompanies SHP’s planning application is appended as Appendix 2.9.13.</i></p>
2.9.14	<p><u>Applicant’s Comments</u>  There are many sites available for housing in the UK but virtually none available for airport development. There is no shortage of housing land in Thanet. There is no requirement to develop the airfield for housing to meet Thanet’s housing needs</p> <p><u>SHP’s Comments</u>  <i>We would refer the Examining Authority to SHP’s representations to the draft local plan, which concludes inter alia;</i></p> <ul style="list-style-type: none"> <li>• <i>the Manston Airport site should be allocated for comprehensive mixed use redevelopment including at least 2,500 homes over the plan period</i></li> <li>• <i>that the alternative Strategic Sites put forward for the Council would require development of agricultural and greenfield land</i></li> <li>• <i>it is also unlikely that the alternative will generate sufficient critical mass to deliver necessary infrastructure and are therefore likely to place additional pressure on existing facilities and services;</i></li> <li>• <i>like TDC’s Officers, it is consider that the redevelopment of the former Manston Airport Site for one comprehensive development is preferable to this ‘piecemeal’ approach;</i></li> <li>• <i>we are not convinced that the quantum of homes proposed in these locations have a reasonable prospect of being delivered over the course of the plan period in any event as there is no evidence that they are all available, deliverable and achievable.</i></li> </ul> <p><i>A copy of these representations are attached as Appendix 2.9.14(a) together with the letter from the Secretary of State for Housing, Communities and Local Government putting on public record his concerns about the low level of housing supply and delivery in Thanet (Appendix 2.9.14(b)).</i></p>
2.9.15	<p><i>Section 5 – size of proposal</i></p> <p><u>Applicant’s Comments</u>  This section questions the size of the development given the number of flights that are expected. As explained in the NSIP Justification, paragraph 29, “First,</p>

	<p>significant ‘headroom’ is required to be able to withstand operational issues that regularly arise and so is for reasons of resilience. Secondly, our business model is to provide sufficient capacity to be able to accommodate aircraft when the airline wants to operate rather than to suit the airport through slot management, which requires a much greater availability of stands.”</p> <p><u>SHP’s Comments</u>  <i>We would refer the Examining Authority to paragraphs 5.1-5.5 of SHP’s Written Representations and section 6 “Justification for the Facilities Proposed” of the York Aviation report contained in Appendix 4 (REP3-025). Notwithstanding the lack of credibility of the Applicant’s forecasts, York has provided a detailed assessment of the infrastructure required to accommodate this level of activity using industry accepted measures for infrastructure requirement. This compares with the failure of the Applicant to explain or justify how its forecast translate into a physical requirement for infrastructure. In such circumstances, how can the Examining Authority have confidence in the assertions being made by the Applicant. York Aviation conclude that the land required to accommodate the maximum number of ATMs forecast by the Applicant is considerably less than has been sought.</i></p>
2.9.16	<p><u>Applicant’s Comments</u>  It questions the size of the northern grass as well, citing the Pegasus Business Park at East Midlands Airport. However that is only one area of commercial development at that airport, whose brochure states that it has 218 acres of commercial property (882,000m<sup>2</sup>, eight times the size of the northern grass), with a further 50 acres available (202,000m<sup>2</sup>).</p> <p><u>SHP’s Comments – email to EMA</u>  <i>The Applicant’s comments again glosses over the issues with its application, and in doing so, provides a wholly misleading and inaccurate summary of the position at East Midlands airport. We would note whilst it is correct that the brochure states that it has 218 acres of commercial property, this relates to total land area and the non-airside airport related business space is only a very small part of this. It is highly revealing that the Applicant does not understand this. We look forward to seeing the Applicant’s explanation that was promised at the hearings.</i></p> <p><i>Furthermore, we would again highlight to the Examining Authority, the Applicant’s failure to provide any explanation or justification of the works that it claims comprise the NSIP and associated development. As set out in our Deadline 3 and Deadline 4 submissions, we consider it unacceptable that the Applicant still refuses to provide the most basic, yet fundamental, information about its “project” to the examination. The only conclusion that can be reached is that the Applicant is unable to provide any proper justification or explanation.</i></p>
2.9.17	<p><u>Applicant’s Comments</u>  Also, the size of the northern grass is not ‘completely out of proportion to the principal development’, as alleged - it is 26 acres of developable land compared to 800 for the whole site area.</p> <p><u>SHP’s Comments</u>  <i>The Applicant has mischaracterised the comments made in paragraph 5.11 of the Written Representations. The paragraph did not refer only to the northern grass</i></p>



	<p><i>but stated that the scale of “Associated Development is completely out of proportion to the principal development (see particularly Appendix 1 paragraph 5.16)”. As this paragraph 5.16 demonstrates, <u>none</u> of the 141,350m2 of building footprint sought by the Applicant appears to meet the NSIP development criteria. Section 5 of the Appendix 1 also explains in detail why large elements of the proposed development do not meet the tests for associated development.</i></p> <p><i>Without prejudice to the position set out both above and in SHP’s written representations, even if the Applicant was correct in its claims regarding what is NSIP development and associated development, which it is not, it is clear that the northern grass development (works 15-17) comprise c75% of the total building floorspace. Comparing the area of building footprint for B1/B8 use to the overall land area of c.740 acres, which will largely comprise of grass, the existing runway (and adjacent hardstanding is), is clearly not an appropriate comparison.</i></p>
2.9.18	<p><i>Section 7 and Appendix 5 – financing</i></p> <p><u>Applicant’s Comments</u>  Appended to this response is a report from Northpoint Aviation rebutting the allegations made in the Altitude Aviation report.</p> <p><u>SHP’s Comments</u>  <i>Whilst the Applicant states that it has dealt with the matters raised in Section 7 (Funding, Viability and Deliverability) of SHP’s Written Representations (REP3-025), a review of the Appendix makes clear it has not. As the matters had not in fact been addressed in the appendix, we sought clarification from the Planning Inspectorate as to whether there was a missing section or document from the Applicant’s Deadline 4 submission. The Planning Inspectorate confirmed that all documents had been uploaded and accordingly, it is apparent that the Applicant has elected not to address the matters on funding, viability and deliverability raised in SHP’s Written Representations.</i></p> <p><i>At the hearing on Need and Operations on 21 March 2019 we also heard the startling admissions from Azimuth Associates that it had developed its forecasts without any consideration of costs or viability. Azimuth also confirmed that it had no involvement in the preparation of a business plan. As a result, its “forecasts” and the “business plan” submitted at Deadline 3 should carry no weight in this examination.</i></p> <p><i>This followed on from serious issues that emerged at the Compulsory Acquisition hearing regarding the Applicant’s funding position and the veracity of the information it had provided to the Examining Authority. Further information on this is set out in SHP’s Written summaries of oral submissions made at the hearings.</i></p>
2.9.19	<p><i>Appendices</i></p> <p><u>Applicant’s Comments</u>  These are rather confused, as there is no indication where each appendix starts or ends. Pages 27 - 236 of the representation seem to be repeats. The Applicant has assumed that those 209 pages should be ignored and Appendix 1 starts on page 237. All but Appendix 6 are covered in the remarks above.</p>

	<p><u>SHP's Comments</u>  <i>We would note that the Applicant refers to a discrepancy in the way the documents had been uploaded to website, which resulted in Appendices being out of sync. PINS has confirmed that it has corrected the position so that the ordering of the appendices is now correct.</i></p>
2.9.20	<p><i>Appendix 6 – compensation</i></p> <p><u>Applicant's Comments</u>  <i>To the extent that the quantum of compensation is properly within the remit of the examination, the last two acquisitions of the site were for just £1 and then £7m, both in 2014, although in the latter case the buyer borrowed that amount from the seller, a related company, to acquire the site. The Applicant's consultant CBRE's estimate of £7.5m four years later is therefore clearly a generous one.</i></p> <p><u>SHP's Comments</u>  <i>It is not the role of the Examining Authority to assess the level of compensation payable, but it is quite clearly within the Examining Authority's remit to ensure that the Promoter has sufficient funds for the likely worst case figure that covers Compulsory Acquisition costs, Blight and Noise mitigation related costs. The Examining Authority must be satisfied that the amount is sufficient as otherwise they will not be able to satisfy themselves under the Guidance and any DCO Article or escrow account would be defective. This would be prejudicial to SHP and would have consequential human rights implications given land is being taken away.</i></p> <p><i>The precise amount of compensation is not for the Examining Authority, and if the Compensation figure from the Upper Tribunal is lower than the escrow account, then the remaining amount can be returned to the Promoter. But it should not be the other way around, that there are insufficient funds to pay third parties for their land. Therefore, the Examining Authority must take a precautionary approach and look at the higher figure for security purposes.</i></p> <p><i>The position as it stands is that the Applicant has offered a total consideration of £20m with SHP retaining the benefit of a restriction against residential development on the land. It is revealing that the Applicant has elected not to disclose this to the Examining Authority in its response to First Written Questions. It must therefore follow that the amount of compensation payable for SHP's land interests alone could be significantly higher than £20m, particularly if SHP also were to lose the benefit of a restriction on title preventing residential development on the site. The costs of acquiring all the other land, the noise mitigation and blight costs must also be added to this.</i></p> <p><i>Finally, it is worth highlighting to the Examining Authority the confused and incoherent nature of the Applicant's response;</i></p> <ul style="list-style-type: none"> <li><i>• Firstly, the claim that SHP borrowed £7m to fund the acquisition of the site is inaccurate. There was significant new equity funding injected. Notwithstanding this, the relevance of SHP's funding arrangements are unclear, particularly when the acquisition by SHP followed earlier offer from RiverOak Investment Corporation LLC (RSP's predecessor in the DCO) to acquire the land for £7m. As George Yerrall confirmed in evidence to the Transport</i></li> </ul>

	<p>Committee, RiverOak had made an offer of £7m; “The highest offer was £7 million. We were rejected at £4 million. We were rejected at £5 million. We ultimately offered £7 million, which we were told was the asking price.”</p> <ul style="list-style-type: none"> <li>• Secondly, the Applicant claims its “consultant CBRE’s estimate of £7.5m four years later is therefore clearly a generous one” is highly contradictory. We are losing track of what the Applicant’s position is. In documentation submitted to the examination, RSP has claimed all of the points (i) – (iv) below, and elected not to disclose point (v);       <ul style="list-style-type: none"> <li>i. As noted in its response to Written Representations, the Applicant claims CBRE has estimated the value of the SHP land at £7.5m;</li> <li>ii. In CBRE’s letter of 10 October 2018 (appended to SHP’s responses to Written Questions) it placed a value of £2m on SHP’s land;</li> <li>iii. In the Applicant’s response to Written Question F.1.10 and F.1.13 it states that the £7.5m includes £0.5m for Blight costs;</li> <li>iv. In paragraph 13 of the Applicant’s Funding Statement it claims that the £7.5m includes all the land interests (we would note that this includes the Jentex site the Applicant has acquired for £2.3m);</li> <li>v. The Applicant offered (in writing) to acquire SHP’s land for a total consideration of £20m as set out in SHP’s response to Written Question CA.1.17. The Applicant elected not disclose any of this material information to the Examining Authority when responding to Written Question CA.1.16. We would like to make clear to the Examining Authority that the Applicant was not prevented from doing so by any confidentiality agreement with SHP.</li> </ul> </li> <li>• It is also noteworthy that the Applicant’s response completely ignores the basis on which a Lands Tribunal would assess compensation payable. The evidence presented in Appendix 6 to SHP’s Written Representations (REP3-025) is robust, and is strengthened by the content of the Applicant’s recent submissions at Deadlines 3 and 4. Notwithstanding SHP’s view of viability, as noted in section 5 of Appendix 6, any offer must reflect the value of the site as a viable airport. It must therefore follow that the value must reflect the so-called “business plan” submitted by the Applicant at Deadline 3.</li> <li>• Furthermore, we would also note that paragraph 3.2 of the “Review of Potential Noise Mitigation Measures” (submitted at Deadline 4) provides the Examining Authority with an estimate of the costs of constructing a runway extension. The Applicant’s adviser, Osprey Consulting Services, has conservatively estimated the construction costs of building 500m of runway at “in excess of £8m.” As Osprey makes clear, this excludes land and other related infrastructure costs which could be significant. This analysis from Osprey is helpful in demonstrating the intrinsic value of the existing 2,748 runway (ignoring all other infrastructure on site) would equate to &gt;£44m based on Osprey’s estimate. We note the Applicant’s comments in paragraph 3.3.153 of the Environmental Statement that “the existing runway appears to be in good condition” but would accept that some refurbishment costs may be required.</li> </ul>
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|  | <ul style="list-style-type: none"><li>• <i>It is clear that the Applicant's submissions on this matter lack any coherence and that they have fallen well short of its obligations under the Compulsory Acquisition guidance.</i></li></ul> |
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## APPENDICES

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- 2.9.4 Minutes from the meeting of Kent International Airport Consultative Committee (26.09.2003)
- 2.9.13 SHP Planning Statement relating to Hybrid Planning Application TDC reference OL/TH/18/0660
- 2.9.14 (a) SHP's representations to Thanet District Council's draft local plan and Enclosure 3 (Analysis of "Option 2" Housing sites)
- 2.9.14 (b) Letter from the Secretary of State for Housing, Communities and Local Government to the Leader of Thanet District Council dated 28 January 2019

**MANSTON AIRPORT CONSULTATIVE COMMITTEE  
Minutes of meeting held at 7.30pm on 25<sup>th</sup> September 2003  
in the Departure Lounge London-Manston Airport**

<b>PRESENT</b>	
Sir Alistair Hunter	Chairman
Tessa Sherriff	Secretary
Paul Tipple	Wiggins Group plc
Alastair Robertson	London Manston Airport
Roger Latchford	Thanet District Council
Mike Roberts	Thanet District Council
John Fullarton	Kent County Council
Ron Flaherty	Canterbury City Council
John Bragg	Dover District Council
Stephen Sadler	SEEDA
Malcolm Kirkaldie	Manston Airport Group
Sam Hodgson	Acol Parish Council
John Garland	Birchington Parish Council
Peter Bagley	Manston Parish Council
Gerry Glover	Minster Parish Council
Nick Cole	Monkton Parish Council
Dennis Hart	Ramsgate Residents
Bernard Clayson	St Nicholas Parish Council
Martin Robinson	KAPC Dover
Len Claisse	KAPC Canterbury
Vera Hovenden	Cliffsend Residents Association
<b>ALSO PRESENT:</b>	
Brian Lear	Thanet District Council
Geoff Lansbury	Wiggins Group plc
<b>APOLOGIES</b>	Apologies for absence were received from
Tony Freudmann	Wiggins Group
Leigh Herington	KCC
Bob Weaver	Cliffsend (Vera Hovenden alternate)
Bob Bayford	Broadstairs Town Council
Paul Martin	TDC

## 5. SITUATION REPORT - Wiggins Group plc

5.1 The Chairman welcomed Geoff Lansbury, congratulating him on his appointment as Chief Executive of the Airport.

5.2 Mr Lansbury said his appointment was a statement of the confidence and ambitions Wiggins had for the airport. It was felt important that a main Board Director should be Chief Executive of the airport, thereby giving the Airport representation on the main Board of Wiggins.

5.3 Referring to the suspension of Wiggins shares, Mr Lansbury said the shares had been suspended at the request of the company as it had been negotiating the terms for a sizeable refinancing package. Negotiations were virtually complete and it was anticipated that, subject to Stock Exchange approval, a circular to shareholders would be issued on 6<sup>th</sup> October, and the AGM scheduled for the end of October. This would provide the Wiggins Group with a significant injection of funds effectively removing its indebtedness and providing a platform for expansion of the Planestation network – now a core element of the business. The name of the company would likely change to **Planestation**, highlighting the company's move away from property development. As such, shares would be listed under *Transport* rather than *Building/construction*.

### 5.4 Business Development:

5.4.1 Mr Lansbury said that Wiggins' investment of £6m on new taxiway and aprons had increased cargo-handling capacity from 30,000 to over 250,000 tonnes p.a. The current month's throughput figures would be close to a record.

5.4.2 With regard to the local community, Mr Lansbury emphasised the importance of MACC as a conduit to ensure that the Airport's growth was sustainable and took into account the view of the community as a whole. As Chief Executive, he would be available to both MACC and any member of the public wishing to discuss any element of the business. The company tried to minimise disturbance, whilst benefiting the community. It was appreciated that the movement of cargo brought the benefit of jobs, but what was probably more important to local people was the opportunity to fly from Manston.

5.4.3 The company had recently announced that it had signed an agreement with the city of Melbourne in Florida where a new international terminal was to be built. The initial element of business for Wiggins would be using the terminal for flights to and from other Planestation airports, notably Manston. Mr Lansbury believed that was likely to be the first significant benefit to the community in terms of international flights. This new terminal was expected to be opened in the Spring of 2005, although before then it was hoped to utilise the



## Report

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# Planning Statement (ref. SHP2-4)

Stone Hill Park

April 2018





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- Appendix 19 Estimated Job Creation

Prepared By: Elle Milimuka  
Reviewed by: Nick Alston

**For and on behalf of GVA Grimley Limited**

# 1. Introduction

- 1.1 This Planning Statement has been prepared in support of a Hybrid Planning Application ('the Application') for mixed use redevelopment of the former Manston Airport ('the Site') in Thanet District Council. The Application is submitted by Stone Hill Park Limited ('the Applicant').
- 1.2 The Application seeks outline planning permission (with all matters reserved except access) for comprehensive redevelopment of the Site for a new settlement, with full planning permission sought for the change of use of retained buildings. The Application is the culmination of extensive consultation undertaken with Thanet District Council, Kent County Council, other statutory stakeholders and local residents and businesses, the details of which are set out in the submitted Statement of Community Involvement. It represents the Applicant's enhanced vision for the site, building upon the extensive consultation undertaken on the original masterplan, which was submitted in May 2016.
- 1.3 This Planning Statement has been prepared by GVA on behalf of the Applicant. Its purpose is to set out the planning rationale that underpins the proposed development and to demonstrate its acceptability in planning terms. The Statement is structured as follows:
- **Section 2** describes the Site and its surrounds;
  - **Section 3** provides an overview of the history of the Site, including its relevant planning history;
  - **Section 4** provides a description of the Applicant and summarises their experience in delivering regeneration on large, redundant brownfield sites;
  - **Section 5** describes the proposed development and the application specification;
  - **Section 6** sets out the national, regional and local planning policy framework against which the application will be considered;
  - **Sections 7-13** evaluate the application proposal in the context of relevant planning considerations; and
  - **Section 14** summarises our conclusions in support of the application.

## 2. The Site and Surrounds

### The Site

- 2.1 The Site extends to 296ha and is located centrally within the District of Thanet, approximately 4km southwest of Westwood Cross, 5km west of Ramsgate Town Centre, 7km west of Broadstairs and 6km south of Margate.
- 2.2 The Site is bounded by Spitfire Way (B2190), Manston Road and an unnamed road to the north; Manston Court Road, existing agricultural fields, and the fence line of the former airport to the west; Hengist Way (A299) to the south; and Spitfire Way (B2190) to the west.

### Existing Buildings/Infrastructure

- 2.3 The Site is previously developed. Existing buildings and hardstanding make up approximately 100ha of the site, with other soft-surfacing surrounding fixed infrastructure and hardstanding bringing the total to 262ha of previously developed land, comprising 88.5% of the site (see Appendix 1).
- 2.4 It accommodates numerous buildings, areas of hardstanding, and soft surfacing associated with its former use as an airport, including (but not limited to):
- The former terminal building, located at the eastern perimeter of the Site;
  - The 'old' control tower, originally constructed during WWII and located to the north of Manston Road;
  - The 'modern' control tower of more recent origin, located north of the runway;
  - The fire station, associated with the former airport use and situated directly east of the 'modern' control tower;
  - Various warehouse/shed structures located across the Site, both south of Spitfire Way and south of the former terminal building, which were last used in connection with the general running/maintenance of commercial and freight operations on the Site;
  - The runway, which is 2,748m long, 61m wide and totals 65ha, and is sited along the southern boundary of the Site;
  - Taxiways and parking areas for planes north of the runway, which extend across the Site including to the north of Manston Road;
  - A large surface level car park at the eastern boundary of the Site;
  - Other fixed infrastructure including sub-station, radar dishes and remnants of former airport use; and

- Areas of cleared, soft surfacing once an integral part of the layout and design of the active airfield (including runway safety areas and areas for the manoeuvrability of aircraft, and aircraft servicing), extending throughout the Site.
- 2.5 The Site also includes the RAF Manston Museum and Spitfire and Hurricane Museum, which are situated near the north-western boundary of the Site, north of Manston Road. Whilst it is likely that these buildings originally formed part of the airport, over time they have evolved into their own distinct use and are now considered to form a separate planning unit.
- 2.6 A full schedule of existing buildings and built structures on Site is attached at Appendix 2 and depicted on Parameter Plan 6: Demolition & Retention.
- 2.7 The Site does not include any designated heritage assets or locally listed buildings.

### Permitted Use Class

- 2.8 With the exception of the two museums on Site (which operate under Use Class D1) the permitted use of the Site is Sui Generis (airport).
- 2.9 With the exception of the museums, the site is vacant and unused.

### Environment/Landscape Characteristics

- 2.10 The Site is predominantly flat, sloping gently from south to north. The runway is the most significant landscape feature on the Site and forms a ridgeline just to the north of the southern boundary. The runway provides unencumbered long-distance views to the south, including to Pegwell Bay.
- 2.11 There are no trees, bushes or ecological features on the Site. Soft-surfacing is primarily grass, and managed regularly to prevent overgrowth.
- 2.12 The entirety of the Site (including much of the District) falls within a designated Environment Agency Groundwater Source Protection Zone. Parts of the Site fall within Zone 1, 2 and 3.
- 2.13 The majority of the Site is enclosed by a secure boundary fence.

### Access

- 2.14 The Site is a secure, privately-owned Site to which the public has no access.
- 2.15 The main vehicular access point for the southern part of the Site is off Manston Road, via an internal estate road which provides access to the former terminal building and surface car park, as well as servicing to warehouse/sheds to the south.

- 2.16 Direct access to existing warehouses/sheds along the north/western boundary of the Site is taken directly off Spitfire Way. There are also two vehicular access points for emergency services, one to the west of B32 and the other directly opposite Merlin Way.
- 2.17 The main vehicular access point to the part of the Site north of the B2050 (sometimes referred to as 'the Northern Grasslands') is via a small estate road off Manston Road. The main vehicular and pedestrian entrances to the two museums are taken directly off Manston Road.
- 2.18 There is evidence of a number of additional former access points into the Site linked to its history of military/commercial operations, including:
- An airplane taxiway to the immediate east of the museums which was previously used to allow planes to cross the B2050 to reach the northern part of the Site;
  - An airplane taxiway east of Bell Helicopters which was associated with the (then larger) airfield;
  - A controlled estate road (for authorised vehicles only), which provided vehicular access to the 'old' control tower from directly off Manston Road (B2050);
  - A controlled estate road (for authorised vehicles only), which orbited the Northern Grasslands with access taken off Manston Road (B2050); and
  - A single lane former adopted public highway (Canterbury Road West), running south of the runway from Minster Roundabout in the west to just east of Cliffsend Roundabout, which was stopped up following Kent County Council's completion of Hengist Way (A299).
- 2.19 Pedestrian/cycle access to the Site is extremely limited. The Site is situated within a network of public footpaths and bridleway; however with the exception of an existing Public Right of Way at the eastern edge of the Site, these public footpaths do not extend across or around the Site. The only other pedestrian access to the Site is via the main vehicular entrance to the former terminal building and to the museums directly off Manston Road.
- 2.20 The Site benefits from excellent existing vehicular access and connections to the neighbouring towns, major towns of Kent and the south east region. Manston Road (B2190) provides connections to the A253 and A28 via the A254. The A253 runs east to west connecting Ramsgate and Canterbury. The A28 runs east to west connecting Margate and the M2 leading to Gillingham. The A256 which is accessed to the south of the site runs north to south connecting Ramsgate and Dover.
- 2.21 Ramsgate Rail Station is located approximately 5km east of the Site. It provides existing services to Dover, Canterbury, London and Ashford, including a high speed service via High Speed 1 (HS1). In addition to the existing services, the planned Rail Station 'Thanet Parkway' is located just over 500m southeast of the Site and will connect to the HS1 service via the Ashford - Ramsgate line. This will increase rail connectivity between East Kent, London and the wider Kent area.

- 2.22 The Site is also served by three bus lines: two routes (no. 11 and 38) have existing stops along the B2050 and provide services to Birchington-on-Sea, Acol, Manson Village, Westwood Cross, Ramsgate; and a third (no. 9) provides regional services from Ramsgate to Canterbury via Hengist Way (A299).
- 2.23 In addition to the local and regional connections, the Site also benefits from close proximity to the Ports of Ramsgate and Dover, as well as the Channel Tunnel at Folkestone which provide important passenger and freight connections to Europe.

## Surrounding Area

### Land Uses

- 2.24 The nearest residential settlements to the Site are Minster (to the southwest), Cliffsend (southeast), Manston (west) and Acol (northwest). The largest village by population size<sup>1</sup> is Minster (3,007 residents), and the smallest is Acol (295 residents). The built-up extent of Ramsgate is approximately 800m to the east of the site at its closest point.
- 2.25 There are also a number of smaller residential areas which fall outside defined settlement boundaries. These include: a number of residential properties along Spitfire Way, Manston Road and Manston Court Road; Smuggler's Leap Residential Park (to the west); an area of housing associated with the historic military/commercial use of the Site around Esmonde Drive (to the north); and three caravan parks (to the north and west). An additional area for 785 new homes was consented in 2015 on either side of Haine Road which is referred to locally as 'Manston Green' (ref. OL/TH/14/0050).
- 2.26 Non-residential uses in the surrounding area are primarily located towards the western end of the Site. Immediately north (opposite Spitfire Way) is Manston Business Park, the largest strategic employment allocation within Thanet (17.5ha). 'The Loop' area was originally developed to support wartime activities and formed part of the operational airport (i.e. the Site), however in time became 'Kent International Business Park' and has since been carved out of the airport site. The business park was granted outline planning consent for a northern extension in 1995 for Use Classes B1/B2/B8 (ref. OL/TH/95/0838). In November 2011, the Planning Committee resolved to grant full planning consent for 138,000 sqm (totalling c. 20 units) of Class B1c/B2/B8 floorspace however no decision notice was issued (commonly referred to as the 'China Gateway' scheme). Manston Business Park has not been fully developed and activity is relatively low, albeit a number of smaller general industrial units have been built on land south of Invicta Way in recent years. Current occupiers appear to be oriented towards traditional manufacturing and distribution.

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<sup>1</sup> Source: Office for National Statistics. Usual resident population (2011 census).

- 2.27 The Ministry of Defence Fire Training and Development Centre ('the MoD Site') is located north of the Site and is currently used to deliver fire training to the Royal Air Force (RAF), Ministry of Defence (MOD) and contractor fire fighters. We are unsure of the MOD's long-term intentions for the site.
- 2.28 Bell Helicopter (between the Site and Manston Business Park) and Polar Helicopters (south of Spitfire Way north of B2) are located along Spitfire Way. Bell Helicopter is an independent retailer and customer service facility for maintenance of UK Bell Helicopters. Polar Helicopters is a CAA Flight Training Organisation which provides pilot training.
- 2.29 A solar park is located just beyond the northeastern corner of the Site, which was originally permitted in November 2012 (F/TH/12/0722) with a northern extension granted in July 2013 (ref. F/TH/13/0315). We note an application for an additional 13.8ha solar farm immediately west of the Application Site was refused in October 2014 due to loss of agricultural land F/TH/14/0645).

#### Surrounding Environment/Landscape

- 2.30 There are a number of sites of designated international, national and local biodiversity value within the surrounding area. The Thanet Coast is designated as a:
- Special Area of Conservation (SAC) under the European Union's Habitats Directive;
  - Special Protection Area (SPA) under the European Union's Directive on the Conservation of Wild Birds (in particular, the European Golden Plover, Ruddy Turnstone and the Little Tern);
  - Ramsar wetland site of international importance designated under the Ramsar Convention; and
  - Site of Specific Scientific Interest (SSSI) under the Wildlife and Countryside Act.
- 2.31 In addition, Pegwell Bay (situated south-east of the Site) is designated as a Local Nature Reserve and Special Landscape Area.
- 2.32 A large proportion of the District (including the Site) falls within the Central Chalk Plateau Landscape Character Area. This area is characterised by a generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. We note that the description also acknowledges that this landscape is fragmented by large-scale developments such as the former airfield.
- 2.33 As described in para 2.12, a large portion of the District (including the Site) falls within designated Environment Agency Groundwater Source Protection Zones, varying between Zones 1-3.



### Local Socio-Economic Context

- 2.34 Thanet is the eastern-most District in Kent, and is surrounded by the sea to the north, east and south. The District shares many of the problems and socio-economic disadvantages associated with peripheral seaside locations. Data demonstrates that Thanet performs poorly in a number of key economic performance indicators, albeit it has improved in recent years. In particular:
- There are a lower proportion of individuals in Thanet (77.4%) who are classified as 'Economically Active' compared with Kent (78.9%), South-East region (81.0%) and Great Britain (77.8%)<sup>2</sup>;
  - 3,450 Thanet residents claim benefits under Universal Credit (representing 4.2% of the population), more than double both the regional and national average (1.2% and 2.0% respectively)<sup>3</sup>;
  - 5.5% of Thanet residents aged 16-64 have no formal qualifications<sup>4</sup>;
  - Thanet is the most deprived local authority in Kent and scores 28<sup>th</sup> out of all 326 authorities in England on the Indices of Multiple Deprivation (with 1<sup>st</sup> being the most deprived)<sup>5</sup>;
  - Earnings for district residents are significantly below both the regional and national average<sup>6</sup>.
- 2.35 Further details regarding the existing socio-economic context and projections are set out in the Socio-Economic Chapter of the Environmental Statement.

### Summary

- This 296ha site is located just beyond the built-up extent of Ramsgate (the largest settlement in Thanet).
- The site is previously developed. Existing buildings and hardstanding make up approximately 100ha of the site, with other soft-surfacing surrounding fixed infrastructure and hardstanding bringing the total to 262ha of previously developed land, comprising 88.5% of the site.
- The site is vacant and unused with the exception of the two museums (in Class D1 use). Otherwise, the permitted use of the site is Sui Generis (airport).
- It is well served by existing bus routes and is around 500m from the planning Parkway Station, which will provide fast services between Ramsgate and London. The site is adjacent to the strategic highway network.
- There are no heritage assets or environmental designations which preclude the principle of redevelopment.

<sup>2</sup> Environmental Statement February 2018, ref. 6.20.

<sup>3</sup> Source: Offices of National Statistics. Data period: January 2018.

<sup>4</sup> Source: Offices of National Statistics. Data period: January 2015-December 2015.

<sup>5</sup> Source: Kent County Council statistics. Data period: 2015.

<sup>6</sup> Source: Offices of National Statistics. Data period: 2017.

## 3. Site History

3.1 Key periods in the Site's aviation history are as follows:

- 1915-1999: the Site was historically used for military aviation purposes, migrating to a dual military and commercial function, before the military use completely ceased in 1999.
- 1998-2005: the Site was acquired by Wiggins Group and became a purely commercial enterprise which was rebranded as 'London Manston Airport'. The owner went into administration in 2005 following low passenger numbers.
- 2005-2013: the Site was acquired by Infratil Ltd from administrators. Over this period, the owners made repeated attempts to increase passenger and freight growth to sustainable levels, publishing a draft masterplan for the airport which set ambitious targets for growth over 10 and 25 year time horizons. Despite ambitious plans and sustained efforts to increase passenger numbers and grow freight traffic, the company incurred substantial losses and the Site was put up for sale in March 2012.
- 2013-2014: the Site was sold to Manston Skyport Limited in December 2013 (for one pound), who intended to operate the site as an airport. Expansion opportunities with Ryanair and cargo operators also failed to materialise and it became clear that there was no credible prospect of the airport becoming profitable. The scale of losses could not be sustained and the airport closed on 15th May 2014.
- (2014-Present day): Since closure, all airport operations on Site have ceased. With the exception of the two museums, the Site is vacant. Thanet District Council (TDC) considered and rejected the possibility of making a CPO (as a means of re-commencing airport use) on three separate occasions (December 2014, October 2015 and again in June 2016).

### Planning History

3.2 The planning history related to the Site is extensive, and set out in detail at Appendix 2. Applications of particular relevance to the Application are summarised below.

### Airport

3.3 In 1988, permission was granted for the erection of a passenger terminal building, new access road and car parking facilities on a site then referred to as the 'civilian enclave' to the east of the airport, south of Manston Road (ref. F/TH/88/0121). This permission was subject to a s.106 Agreement which included night-time flying restrictions.

- 3.4 In 1998 the military use of the major part of the airfield ceased, and the Site was sold to the Wiggins Group plc. The same year, the Ministry of Defence applied for four Lawful Development Certificates (LDCs) under section 192 of the Town and Country Planning Act 1990 to confirm that use of the whole of the Site as a civilian airport would be lawful and would not require planning consent. The Council granted two LDCs in 1998 (ref. 98/398 and 98/399) and a further two in 1999 (98/400 and 99/377). These certificates related to:
- the proposed use of the airfield for civilian purposes (ref. 98/398);
  - retention of existing airfield buildings on site (ref. 98/399);
  - proposed use of those buildings in association with the civilian use of the airfield (ref. 98/400);  
and
  - use of crown and airfield land and buildings for commercial civilian airport use (ref. 99/377).
- 3.5 The LDCs did not specify details or restrictions relating to the operation of the airport. Two of the LDCs (ref. 98/377 and 99/400) were subject to a subsequent Judicial Review, mounted on grounds that in not adding any restrictions or conditions on the way the airport could operate, the LDCs failed to follow the correct approach in decision making. The challenge failed, as did a further challenge to that decision.
- 3.6 In 2000, the first major application was submitted to facilitate the extension of use of the airport for civilian purposes. The application sought permission for the replacement and upgrading of passenger aprons adjacent to the existing passenger terminal, the upgrading of the cargo apron around the existing western cargo shed, improvements and part realignment of linking taxiways, and the construction of a new hangar adjacent to the cargo apron. It was permitted in June 2000 (ref. F/TH/00/0297).
- 3.7 On 26th September 2000, a s.106 Agreement was entered into by the Council, Kent International Airport and Wiggins Group plc (the former landowner). Unusually, this Agreement was not associated with a planning application, although its implementation was associated with the revocation of an older s.106 Agreement related to the 1988 grant of permission for the passenger terminal. The agreement imposed restrictions on flights between 2300-0700 (requiring submission of a Night Flying Policy to the Council before they could take place, and imposing fines if noise quotas were exceeded), set out certain restrictions on routes for flights departing and landing at the airport, and dealt with other matters relating to monitoring impact. The term of the s.106 was set for 3 years, however would remain in force if a subsequent agreement was not reached.

- 
- 3.8 In April 2004 an Application was submitted on behalf of the airport owners for construction of a 2,029 space car park with associated roads, landscaping, security fence, etc. (ref. TH/04/0463). The application was granted on 19th June 2008, and was accompanied by a s.106 agreement setting out required off-site highways works. The consent was implemented and 659 spaces have been constructed. A total of 1,100 car parking spaces may be constructed before a further Traffic Impact Assessment is required which identifies the full surface access impact of the remaining car parking spaces and measures that may be required to address that impact.
- 3.9 In October 2004 a proposed replacement draft of the 2000 s.106 agreement was brought to Thanet District Council for discussion. The proposed agreement sought to maintain restrictions on night-time flights (with exceptions for passenger flights between 0600-0700 and a limited number of relief emergency flights and scheduled flights for mechanical or safety or other substantive reasons). Due to public sensitivities regarding night-flights, the Full Council published the details of the agreement for twelve weeks of public consultation, from 21st October 2004 to 13th January 2005. No agreement was reached on the content of a revised s.106 agreement and the original remains in force.
- 3.10 On 27th October 2011, a proposed Night Time Flying Policy was submitted to the Council pursuant to clauses 1.2 and 1.3 of Schedule 2 of the s.106. The policy sought scheduled passenger and freight services in the night time period, with a limit on total movements and total permitted Noise Quota Count (in which operating aircraft are assigned a Quota Count value and these are totalled over the year with an upper limit set). The submission stated that the introduction of night-flights was a crucial factor in attracting a regular air freight service provider, and was needed to improve the financial viability of the airport in the short-term.
- 3.11 The Council instructed Parsons Brinckerhoff to review and validate the technical data submitted by the operator. The report (January 2012) found that negative impacts of night-time flying (on noise, environmental, health) were underestimated and benefits (on jobs and economic benefits) may have been overstated. Between February and March 2012 the Council also conducted a public consultation on the contents of the submitted night-time flying policy. The Council received 2,275 responses from the public, of which 73% were opposed to night flights.
- 3.12 The consultation obligations under the s.106 agreement did not give the Council a right or power to approve/disapprove or give consent for/refuse authorisation of the proposed night time flying policy, however the Council stated that they expected the airport operator to take into account the Council's comments. On 10th May 2012 the Cabinet voted that they could not support the introduction of night flights.

## Change of Use of Buildings 1-4

- 3.13 On 23<sup>rd</sup> May 2015, four applications were submitted to Thanet District Council on behalf of the Applicant for the change of use of four buildings on Site considered suitable for re-occupation. The intention of these applications was to avoid the adverse issues associated with having a vacant site and respond to current occupier demand for the type of accommodation available on Site. The applications sought consent for:
- temporary change of use of Building 1 (B1 on Parameter Plan 6) from Sui Generis to Class B2 use, for a period of 3 years (ref. F/TH/15/0460);
  - proposed change of use of Building 2 (B2 on Parameter Plan 6) from Sui Generis to Class B2 use, plus a small extension and associated elevational and surface works (ref. F/TH/15/0457);
  - application for change of use of Building 3 (B3 on Parameter Plan 6) from Sui Generis to Class B8 use (ref. F/TH/15/0459); and
  - application for change of use Building 4 (B4 on Parameter Plan 6) from Sui Generis to Class B2 use (ref. F/TH/15/0458).
- 3.14 The application for Building 2 was refused by TDC Planning Committee on 21st October 2015, against Officers' recommendation for approval. The reason for refusal was that *"the proposed development, by virtue of the loss of a building for airport use, would create the potential need for additional buildings within the countryside and would not constitute essential airside development, contrary to Thanet Local Plan Policies CC1 and EC4 of the Thanet Local Plan, and paragraphs 14 and 17 and guidance within the National Planning Policy Framework"* (Decision notice, 22<sup>nd</sup> October 2015). The applications for Buildings 1, 3 and 4 were not determined.
- 3.15 In January 2016, four appeals were lodged concurrently against Thanet District Council's refusal of the application for Building 4 (ref. PP/Z2260/W/15/3140990) and the non-determination of Buildings 1, 3 and 4 (ref. PP/Z2260/W/15/ 3140995, 3140992 and 3140994) and a Public Inquiry took place in March 2017. Based on the local plan evidence base (in particular, the AviaSolutions report), the Council concluded that they were unable to defend the reason for refusal and did not participate in the Inquiry. RSP were granted Rule 6 status and participated in the Inquiry. Having regard to the information before him, the Inspector concluded that until such time that a new policy framework exists, Policy EC4 of the Thanet Local Plan (2006) should continue to carry significant weight in the planning balance. He considered that the benefits of the appeal schemes were not of sufficient weight to warrant a decision other than in accordance with the Development Plan and dismissed the Appeals on 13<sup>th</sup> July 2017.

## Pending Masterplan Application

3.16 In May 2016, a hybrid planning application for comprehensive mixed use redevelopment of the former Manston Airport ('the Site') was submitted to Thanet District Council by Stone Hill Park Limited ('the Applicant'). The application comprised:

- Up to 2,500 new residential dwellings<sup>7</sup>, across a wide range of housing types, sizes and tenures, with up to 250 units age-restricted for elderly persons;
- Up to 85,000 sqm (GIA) of employment floorspace, with a focus on advanced manufacturing with some storage/distribution/office use, with detailed consent sought for the first four units (Phase 1);
- A new local centre, with provision for shops (including a small/medium-sized foodstore), services, cafes/restaurants, GP and pharmacy, community hall, hotel and other leisure facilities;
- Two new primary schools, with combined capacity of up to four forms of entry;
- Potential for a small-scale campus for higher/further education located in close proximity to the employment hub, which will train people in the skills needed to support future businesses;
- 130 hectares of managed public open space, including a repurposed runway recreational area, habitat and ecological areas and structural planting, connected by a network of local green spaces;
- 'East Kent Sports Village', including provision for a 50m swimming pool, outdoor 'wave garden', and outdoor sports pitches, courts and track;
- Retention and integration of a number of existing buildings on Site through proposed Change of Use;
- Creation of a new museum hub, providing space and opportunity for expansion of the museums, with adjacent heritage park designed to accommodate the landing historic aircraft on occasion during the year; and
- A network of new streets, pedestrian/cycle routes, associated car parking, and site preparation/enabling/landscaping/infrastructure works.

3.17 The application was registered and validated by TDC on 3rd June 2016 (ref. OL/TH/16/0550). In response to representations made by the Council and other statutory consultees, additional work was undertaken to support the application. A number of amendments were also proposed. An Addendum submission was submitted in October 2017. The original masterplan is currently live, pending determination with Thanet District Council.

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<sup>7</sup> Throughout this statement, the term 'dwellings' is used when referring to both residential units (Class C3) and age-restricted bedspaces (Class C2)

## Operation Stack

3.18 The Town and Country Planning (Operation Stack) Special Development Order 2015 came into effect on 2 September 2015, granting temporary permission for "*consisting of use of certain land on the Manston Airport site for the stationing of goods vehicles and use of the control tower building as a co-ordination centre and the provision of other temporary structures including those needed to provide lighting and other facilities*". The order was originally granted for nine months to expire on 1 June 2016, and was then extended for a further 18 months in 2016, and then further extended until 31 December 2019. See Appendix 4.

## Development Consent Order

3.19 A private party (RiverOak Strategic Partners, or 'RSP') has entered into pre-application discussions with the Planning Inspectorate with the intention of seeking a Development Consent Order (DCO) to reopen the airport for cargo and freight operations. A DCO is a means of obtaining planning permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP). Section 23 of the Planning Act 2008 sets out various criteria for airport related development to qualify. To qualify, application for alterations to an existing airport would need to:

- Increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services, or
- Increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services.

3.20 RSP undertook Statutory Consultation on the plans, which closed 16<sup>th</sup> February 2018. At the time of writing, the Planning Inspectorate's website indicates that the application is expected to be submitted Q1 2018. After receipt of the application, the Planning Inspectorate will have 28 days to review the application and decide whether or not to accept it for examination.

3.21 SHP (as landowner) has submitted representations to RSP as part of the formal consultation (Appendix 5), and expressed various concerns to both RSP and the Planning Inspectorate regarding RSP's plans (Appendix 6). We note that significant concerns have also been raised by Thanet District Council the 'host' authority for any potential DCO application (Appendix 7)

## Summary

- Since 1999, multiple competent and qualified parties have tried and failed to operate the site as a viable airport. In May 2014, the airport closed after sustaining significant financial losses. It has been vacant and unused ever since.

- The site has an extensive planning history associated with its former airport use. Applications and legal obligations consulted upon during the airport's use attracted significant public opposition, mainly in relation to the issue of night flights.
- An application for redevelopment of the site for a new mixed-use settlement was submitted by the Applicant in May 2016 and remains pending determination.
- A public inquiry concerning the change of use of four buildings from Sui Generis (aviation) to employment (B Class) was dismissed by an Inspector, who ruled that until such time that a new policy framework exists, Policy EC4 of the Thanet Local Plan (2006) should continue to carry significant weight in the planning balance.
- Part of the site is subject to the Town and Country Planning (Operation Stack) Special Development Order.
- RSP has entered into pre-application discussions with the Planning Inspectorate with the intention of seeking a Development Consent Order (DCO) to reopen the airport for cargo and freight operation. The Applicant has expressed various concerns regarding these plans.



## 4. The Applicant

4.1 Stone Hill Park Limited ('the Applicant') is a joint venture company (previously under the name Lothian Shelf (718) Limited). The Applicant acquired the Site in September 2014, with the aspiration to comprehensively redevelop it in entirety for a new settlement. The Applicant's aspiration is to deliver a 'total place' mixed-used environment, which will transform the Site into a commercially viable initiative that brings real economic, social and environmental benefits to the local community and East Kent.

### Experience

4.2 The majority shareholders for Stone Hill Park Ltd. have a demonstrable track record of investing in and successfully regenerating large, redundant, brownfield sites for mixed use development. We describe their experience with strategic employment/mixed-use development sites in the UK briefly below.

#### Discovery Park, Sandwich

4.3 The Discovery Park site was originally the European Headquarters for Pfizer, who set up at the site in 1954 who developed the site over a 50 year period. In February 2011, Pfizer vacated the site, resulting in the loss of almost 1,800 jobs. In July 2012 the site was acquired by Discovery Park Ltd (DPL) a consortium which included the owners of the Site. Since acquiring the site, DPL managed to achieve enormous success growing the site from five tenants to more than 150, employing 2,400 people. The site now has a strong science and technology presence, supported by a broad range of business enterprises.

4.4 In September 2015, outline planning permission was granted across the site for up to 500 homes, 120,000 sqm of new commercial/education floorspace, retention and reuse of existing floorspace for employment uses, two hotels, a new supermarket and ancillary uses. In 2016, the site was sold to investment company Discovery Park Estates Limited, who will take forward the delivery phase of the masterplan.

4.5 In the coming years, many of the research companies currently operating in Discovery Park will reach the manufacturing stage of product development. This will require larger premises than can be offered at Discovery Park. The aspiration is that these premises can be provided at Stone Hill Park, ensuring that businesses can continue to capitalise from proximity to Discovery Park and ensuring that business is not lost to competing propositions outside the region.

Wynyard Park, Wynyard

- 4.6 Wynyard Park is a 280ha site in Teeside which formerly comprised microwave and computer monitoring factories operated by Samsung. In 2004 Samsung announced closure of the plant, with the loss of more than 400 jobs. Wynyard Park Ltd was founded by the owners of the Application Site in 2005 as a joint venture with the intention of creating a world class business park complemented by homes and supporting facilities. Since acquisition, the site has attracted more than £250 million of private investment including tenants such as Huntsman, one of the world's leading chemical companies, and logistics firm Clipper with its occupation resulting in 500 jobs.
- 4.7 Wynyard Park is currently 90% let and is home to over 65 companies of varying sizes and currently provides in excess of 2,000 jobs. Continued further investment is planned and the site recently acquired resolution to grant outline planning permission in April 2014 for 101,858 sqm of commercial floor space, up to 600 dwellings, a 2-form entry primary school, local centre, changing facilities, playing field and open space. Upon completion some 4,000 homes will be delivered.

Northumbria Park, Newcastle

- 4.8 In November 2015, the majority stakeholders of Stone Hill Park purchased the site of the former Sanofi plant in Newcastle. At the end of July 2015, the factory ceased production, with the resultant loss of more than 400 jobs. The site has now been fully redeveloped into a science and technology park with inward investor Accord taking the majority of the space for pharmaceutical production.

Flaxby New Settlement, Harrogate

- 4.9 The owners of Stone Hill Park purchased a 113ha former Golf Course in Harrogate. The site had been promoted by its previous owners for a new town (including up to 2,500 homes); however plans stalled when they went into liquidation in March 2016. Proposals for the site are currently being prepared, following consultation with the Council, key stakeholders, and local community for 3750 new homes

**Summary**

- The Applicant is qualified, capable, and has a proven track record of delivering on the promise of regenerating large, disused strategic sites for much needed development at speed.

## 5. Proposed Development

5.1 This section describes the Proposed Development for which planning consent is sought and the specifications of the submitted application.

### Vision for Stone Hill Park

5.2 The Applicant's vision is to create a high quality, distinctive new settlement which will not only answer Thanet's growing housing needs, but also deliver thousands of high-tech and advanced manufacturing jobs. We will also put Manston on the map as a regional sport and leisure destination. From a new country park to an improved aviation heritage component, the proposals will open a successful new chapter for Manston and a prosperous one for Thanet.

5.3 The settlement will be structured around five key components:

1. Thousands of much needed homes for all stages of life, including a range of high quality homes, across a range of tenures and sizes (from executive homes to starter and micro-homes)
2. Thousands of jobs and training opportunities. A new advanced/hi-tech manufacturing park will provide modern, flexible employment floorspace in a variety of sizes. Construction jobs will be created during the 15-20 year build out.
3. A heritage airport comprising the re-use of the western most 1,199m for heritage flights, alongside new facilities for the two existing museums and associated aviation facilities including café, hangars, as well as event and education space.
4. A new country park including hundreds of acres of publically accessible open space with parks, sports pitches, trim-trails, new woodland, communal gardening/allotments and new habitat space. This will include part of the former runway which will be transformed into a unique recreational and events space.
5. East Kent Sports Village, which will deliver regional leisure facilities of a regional scale (including a 'Wave Gardens', 50m swimming pool, and outdoor sports pitches).

5.4 All this will be supported by a range of supporting facilities (including retail, service, education, leisure, community use) which will ensure delivery of a truly sustainable community.

5.5 The Application represents the culmination of more than two years of continuous engagement with the local authority, statutory consultees and the local community regarding the future of the Site. In sum, the Proposed Development includes:

- Up to 3,700 new residential dwellings<sup>8</sup>, across a wide range of housing types, sizes and tenures, with up to 250 units age-restricted for elderly persons;
- Up to 46,000 sqm (GIA) of employment floor space, with a focus on advanced manufacturing with some storage/distribution/office use;
- Retention and re-use of the western 1199m of the existing runway for use by heritage, vintage and classic aircraft, alongside relocation of the existing RAF Manton Museum and Spitfire and Hurricane Museum to new facilities directly adjoining the runway;  
'East Kent Sports Village' directly adjoining the new heritage aerodrome, including provision for a 50m swimming pool, outdoor 'wave garden', outdoor sports pitches, hotel and other ancillary development;
- One main new Local Centre, with provision for shops (including a small/medium-sized foodstore), services, cafes/restaurants, GP and pharmacy, community hall, hotel and other leisure facilities, with smaller satellite village centre to serve the immediate needs north of Manston Road;
- Two new primary schools, with combined capacity of up to six forms of entry;
- Potential for a small-scale campus for higher/further education located in close proximity to the employment hub, which will train people in the skills needed to support future businesses;
- 133 hectares of green infrastructure (45% of the total site area), including a repurposed runway recreational area at the eastern extent of the runway, habitat and ecological areas and structural planting, and community orchard and allotments, all connected by a network of local green spaces;
- Retention and integration of a number of existing buildings on Site through proposed Change of Use;
- A network of new streets, pedestrian/cycle routes, associated car parking, and site preparation/enabling/landscaping/infrastructure works.

## Description of Development

5.6 The application is submitted in hybrid form: full planning permission is sought for part of the development and outline planning permission (with all matters reserved except Access) is sought for the remainder.

5.7 The proposed description of development is as follows:

*Comprehensive redevelopment of the site involving the demolition of existing buildings and structures and removal of hard standing and associated infrastructure, partial retention of runway for airport use, and provision of mixed use development. Application submitted in hybrid form (part-outline and part-detailed).*

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<sup>8</sup> Throughout this statement, the term 'dwellings' is used when referring to both residential units (Class C3) and age-restricted bedspaces (Class C2)

The outline element comprises an outline planning application (with all matters except Access reserved for future determination) for the provision of:

- Buildings/floorspace for the following uses:
  - Employment (Use Classes B1a-c/B2/B8)
  - Aviation (Sui Generis)
  - Residential (Use Classes C3/C2)
  - Retail (Use Classes A1-A5)
  - Education and other non-residential institutions, including museums (Use Class D1)
  - Sport and recreation (Use Class D2)
  - Hotel (Use Class C1)
- Open space/landscaping (including outdoor sport/recreation facilities including recreational surface water body (wave garden))
- Car parking
- Infrastructure (including roads and utilities)
- Site preparation and other associated works

The full/detailed element of the application comprises:

- Change of Use of retained existing buildings
- Means of access

## Outline Element of Application

5.8 The specifications of the outline element of the application are defined by two primary control documents which are submitted 'for approval'. These set the rules and parameters which all subsequent Reserved Matters applications must follow and comprise:

- The Parameter Plans, which set a 'framework' that define the spatial areas within which new buildings are allowed; the height and density for new buildings within these defined spatial areas; the location of vehicular routes against defined allowable deviations/ tolerances; the disposition of land uses across the Site; the location of green/blue infrastructure; and buildings/hardstanding to be retained; and
- The Development Specification, which sets out the type (uses) and quantity of development that could be provided within the context of the Site-wide maximum.

5.9 An Illustrative Masterplan has been prepared to illustrate one way that the scheme could be delivered within the specifications of the Parameter Plans and Development Specification. This Indicative Masterplan is submitted for information purposes only and is not for approval.

### Proposed Lane Use and Amount

5.10 The proposed land use and amount of development for which planning permission is sought is set out in Table 2.3 of the Development Specification

### Layout

5.11 The layout of individual buildings is a matter reserved for future determination. However, approval is sought for the Parameter Plans, which collectively set:

- The shape and form of Development Zones within which buildings may be sited;
- The disposition of proposed land uses across the Site (including the location of the proposed local centre);
- The Character Areas, where specific controls on how development can take place are controlled ;
- Limits of deviation within which Primary and Secondary Roads must be sited;
- Areas within which only sub/surface infrastructure (including green infrastructure) may be sited;
- An area where the 'wave garden' will be allowed;
- The extent of the former runway to be safeguarded for heritage aviation use;
- The extent of the former runway to be repurposed for recreation/open space;
- Existing buildings to be retained; and
- A 'Special Control Area' along the perimeter of the (retained) runway within which new buildings should be staggered and will be subject to additional visual impact testing.

### Scale

5.12 The scale of individual buildings is a matter reserved for future determination. However, together Parameter Plan 4: Character Areas and the Development Specification together set:

- Maximum Finished Floor Levels for both residential and non-residential uses;
- Maximum average residential units per hectare and density tolerance;
- A 'Special Control Area' along the perimeter of the (retained) runway within which new buildings will be subject to additional visual impact testing.

### Access

5.13 Details of the proposed access arrangements are provided in the highways plans in the submitted Drawings for Approval pack. Approval is sought for the following points of access to the Site:

- The principle point of access in the south will be located on the A299 Hengist Way at the Cliffsend Roundabout. A fourth (northern) arm will be constructed to facilitate access.
- Access to the northern part of the site will be taken from Manston Road. A new north-south access road will be provided across the site facilitating access to the development but also serve as a phase of the Link to Westwood Cross proposed within the Thanet Transport Strategy that accompanies the draft TDC Local Plan. This link road will commence with a four arm roundabout junction in the south connecting Manston Road and the southern development site. Heading north, access points in the form of priority junctions will be provided to facilitate

access to the development zones and the road will terminate at the northern boundary of the site where a further phase of the Link to Westwood Cross will be able to tie in.

- A new roundabout junction will be provided on Spitfire Way as the main point of access on this road and will serve the heritage, leisure and residential areas.
- Two new access points to serve the new employment uses on Spitfire Way. These will take the form of priority junctions. The western most access will feature a ghost island right turn lane.
- An access on Spitfire Way to serve the aviation uses.
- An access onto Manston Road in the north west of the site to provide additional permeability to the northern development zones.
- Access to the retained buildings on Spitfire Way to be provided from existing point of access.

5.14 Approval is also sought for Parameter Plan 2: Access and Movement, which defines:

- Points of access to the Site for vehicles;
- Primary and Secondary vehicular routes within the Site, with allowable limits of deviation;
- Connection points to existing non-vehicular routes outside the Site;
- Requirements for the provision of pedestrian and cycle routes throughout the Site;
- Areas for localised upgrades of existing roads; and
- The existing public footpath to be retained.

5.15 Bus access to the site will be phased and secured through a comprehensive Public Transport Strategy tied to the s.106 agreement, which has been agreed in principle with the operator Stagecoach East Kent and Kent County Council.

### Landscaping

5.16 Landscaping is a matter reserved for future determination. However, approval is sought for Parameter Plan 5: Green Infrastructure, Parameter Plan 6: Demolition & Retention and the Development Specification, which set:

- Extensive areas for structural open space, including green infrastructure (including structural landscape, planting and parks) and outdoor sports/recreation facilities (including playing fields, sports courts, allotments/community orchards and play areas);
- Structural landscaping to be provided within Development Zones, including tree planting, landscaped areas, pocket parks, child play space and SUDS infrastructure;
- An area where the 'wave garden' will be allowed;
- An area designated for structure planting and a community orchard/allotments along the eastern perimeter of the Site, to include a linear belt of native woodland;
- Areas of habitat open space, which will be managed to promote ecology and habitat creation; and
- The extent of the former runway to be retained.

### Appearance

- 5.17 Appearance is a matter reserved for future determination. The suggested design language for the development is set out in the submitted Design and Access Statement (DAS) and the intention is that this will form the basis of a future Design Code which will set the design language for future Reserved Matters Applications and will be secured by condition.

### **Full Element of Application (Change of Use)**

- 5.18 Full planning permission is being sought for the change of use of the existing buildings to be retained: the Fire Station (B8), the 'old' Control Tower (B14 & B14a), the 'modern' Control Tower (B9), a number of existing employment units along Spitfire Way (B2, B3 and B4).
- 5.19 The control documents for the change of use application comprise the Parameter Plan 6: Demolition & Retention and the Development Specification.

### Proposed Land Use and Amount

- 5.20 Table 2.2 of the Development Specification lists those buildings subject to the application for change of use, as well total floorspace and existing and proposed uses.
- 5.21 In total, the existing buildings for which change of use is sought will provide up to 5,661 sqm (GIA) of employment floorspace (Use Class B1(c)/B2/B8) and 1,829 sqm (GIA) of restaurant/bar/community floorspace (Use Class A3/A4/D1). Flexible change of use is sought in order to provide maximum flexibility for potential operators, and is in accordance with the provisions of Class E Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

### Layout

- 5.22 No changes to layout of the change of use buildings are proposed.

### Scale

- 5.23 No changes to scale of change of use buildings are proposed.

### Access

- 5.24 Access to existing buildings along Spitfire Way (B2, B3, and B4) will remain unchanged.
- 5.25 Access to the Fire Station (B8), the 'old' Control Tower (B14 & B14a), the 'modern' Control Tower (B9) will be dependent upon the internal access arrangements which will be secured as part of the wider masterplan.



### Landscaping

5.26 No changes to landscaping are proposed.

### Appearance

5.27 No changes to the appearance of the buildings are proposed.

## **Phasing/Implementation**

5.28 The proposed development will be built in three 'stages' over the next 15-20 years. These will be:

- Stage 1: up to 1,100 homes (of which a maximum of 300 will be provided north of Manston Road) alongside up to 10,500 sqm of employment floorspace (limited to 5,661sqm of the wave garden is also delivered in Stage 1); the wave garden; museums; aviation uses; a proportion of main town centre uses; and one primary school.
- Stage 2: up to 1,400 homes (south of Manston Road) alongside up to 10,500 sqm employment floorspace (plus an additional 4,839sqm if the wave garden is provided in Stage 1); the remainder of the East Kent Sports Village; hotel; and a proportion of main town centre uses;
- Stage 3: remaining balance of 1,200 homes; one primary school; and the balance of all other proposed uses.

5.29 The application is accompanied by an Outline Phasing and Delivery Strategy which provides an indication of the likely order in which the proposal will be brought forward.

5.30 The applicant intends to perform the role of master-developer. It will be responsible for site preparation/enabling/infrastructure works and the development of some of the employment and housing phases. Other phases will be sold as serviced development parcels to other developers/housebuilders who will be responsible for delivering development.

5.31 We propose that a condition is attached to the outline consent which requires a detailed Phasing and Delivery Strategy to be prepared/approved by the Council prior to the commencement of development, with a provision for review during the course of the implementation stage.

## **Consultation**

5.32 The Proposed Development has been subject to extensive and sustained pre-application consultation with Thanet District Council, Kent County Council, relevant statutory bodies (including the Environment Agency, Southern Water, Natural England and UK Power Networks), and local residents and businesses, all of which have directly influenced the evolution of the masterplan and the way it responds to surrounding development.

- 5.33 It represents an enhanced version of the Applicant's previous masterplan, which was for 2,500 homes and up to 85,000sqm of employment and leisure floorspace, amongst other supporting uses which was submitted to Thanet District Council for determination in May 2016. The 2016 application was subject to regular pre-application meetings with Thanet District Council from September 2015 to its submission in May 2016. Attendance at Pre-Application meetings comprised representatives from Development Control and Planning Policy, as well as Kent County Council (Highways). Invitations were extended to specific disciplines as necessary. Targeted sessions also took place with TDC Major Sites Group, KCC Growth and Economic Development Cabinet, KCC Technical Liaison Group, Thanet District Councillors (in the form of a Members Briefing).
- 5.34 In October 2017, a number of amendments and refinements were made to the 2016 application in response to representations made by the Council and other statutory consultees. In parallel, pre-application discussions with the Local Authority and other statutory consultees were taking place on the Applicant's enhanced masterplan vision for the site, which is the subject of the present application.
- 5.35 The Applicant's proposals for redevelopment of the site have been subject to regular and sustained engagement with local residents and businesses which has directly influenced the proposal, and include:
- Four public exhibitions:
    - 1st and 2nd July 2015 – introducing aspirations for redevelopment of the Site and key 'ingredients' for any future proposal
    - 3rd and 4th December 2015 – summarising the results of further investigations on Site issues and opportunities and seeking feedback on potential masterplan options;
    - 15th and 16th March 2016 – seeking feedback on the refined illustrative masterplan prior to submission of the 2016 application.
    - 20th and 21st November 2017 – consultation on the enhanced masterplan proposal for the site for up to 3,700 homes and retention of 1199m runway for heritage aviation uses.
  - Design Review Panel with Design : South East
  - Presentations and meetings with Minster, Manston, Cliffsend, and Monkton Parish Councils
  - Presentations and meetings with local community groups including: Locate in Kent, Ramsgate Society, Invest Thanet, Kent Business Advisory Board, Thanet Swim Club; East Kent College; Defence of the Nation Museum and Education Centre; Thanet Destination Management Working Party;
  - Dialogue with existing tenants and neighbours including Spitfire Museum, RAF Manston, Ministry of Defence, and KCC (as owner of Manston Business Park)
- 5.36 Full details of how the Applicant has engaged with the local community and comments have helped shape the Proposed Development are set out in the submitted Statement of Community

Involvement (SCI). The SCI demonstrates the wide reaching and comprehensive approach that the Applicant has taken to stakeholder consultation, which fully accords with and exceeds the requirements of the NPPF and the Thanet District Statement of Community Involvement.

## Summary

- The Application represents the culmination of more than two years of continuous engagement with the local authority, statutory consultees and the local community regarding the future of the Site.
- The new settlement will be structured around five key components: homes, jobs, heritage aviation, East Kent Sports Village and a new country park, all of which will be supported by a range of facilities and services (including retail, service, education, leisure, community use) which will ensure delivery of a truly sustainable community.
- This is a hybrid application. All new development is proposed in outline. Detailed consent is sought for the proposed access arrangements, as well as the change of use of existing buildings.

## 6. Policy Framework, Material Considerations and Decision-Making Framework

6.1 This section summarises relevant adopted and emerging policy and guidance that applies to the Site and the Proposed Development, as well as other relevant material considerations relevant to determination. It then establishes the decision-making framework against which the application should be determined, and the weight which should be attached to relevant policies and other material evidence.

### Legislative Context

6.2 As set out in 'Fixing the foundations: Creating a prosperous nation', the Government is clear on the need to promote the use of brownfield land to deliver an increase in much needed housing supply and has stated that it will remove all unnecessary obstacles to its redevelopment. These include avoiding the long term retention of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose and introducing future legislation to grant automatic planning permission in principle on brownfield land.

### Housing and Planning Act 2016

6.3 The Housing and Planning Act 2016 introduced several measures intended to speed up the planning system in order to expedite the delivery of housing. In February 2016 the DCLG published the '*Technical Consultation on Implementation of Planning Changes*' for consultation. The document confirms the Government's commitment to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020 and seeks views on identifying suitable sites, and the proposed content of such registers to inform the regulations.

### Housing White Paper

6.4 On 7th February 2017 the Government published 'Fixing Our Broken Housing Market', a Housing White Paper setting out the government's plans to reform the housing market and boost the supply of new homes in England. The measures of particular relevance to the consideration of this application are:

- Need to make as much use as possible of previously-developed ('brownfield') land for homes so this resource is put to productive use. The Government intend to amend the NPPF to indicate that "great weight" should be attached to the value of using suitable brownfield land for homes (para 1.25);

- Need to make the most of the potential for new settlements alongside development in existing areas. Well-planned, well-designed, new communities have an important part to play in meeting our long-term housing needs (para 1.36); and
  - Intent to amend the NPPF to introduce a clear policy expectation that housing sites should deliver a minimum of 10% affordable homeownership.
- 6.5 On the 14<sup>th</sup> September 2017 the DCLG published 'Planning for the right homes in the right places: consultation proposals' pursuant to the Housing White Paper. The paper sets out a number of proposals to reform the planning system to increase the supply of new homes and increase local authority capacity to manage growth. One such measure is the introduction of a new standard method for calculating local authorities' housing need.
- 6.6 As part of this, a 'Housing Need Consultation Data Table' has been published which sets out housing need for each local planning authority area using the Government's proposed method. For Thanet, the Government identifies a need for 1,063 dwellings per annum (dpa) for delivery between 2016-2026. This is a 24% increase on the 857 dpa currently identified within Thanet's Updated Assessment of Objectively Assessed Housing Need (September 2106), upon which the last version of the emerging Local Plan (January 2017) is based.
- 6.7 The Housing White Paper states that, as an incentive to get up-to-date plans in place, after 31<sup>st</sup> March 2018 the new standardised method for calculating local housing need should be used when calculating housing need for all those authorities which do not have a Local Plan in place (para 48). This applies to Thanet.
- 6.8 The significant and pressing need for housing delivery in the District is a material consideration which must be given considerable weight in the determination of this application.

## National

### Published NPPF

- 6.9 The National Planning Policy Framework (NPPF) (March 2012) sets out the Government's overarching planning policies for England and how they are to be applied and is a material consideration in the determination of planning applications (para 196).
- 6.10 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as 'a golden thread running through both plan-making and decision-taking' (para 14). The planning system should seek gains in the following 'three dimensions' of sustainable development:
- an economic role: contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.11 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to): job creation; improving the conditions in which people live, work, travel and take leisure; achieving net bio-diversity gains; improving design; and widening the choice of high quality homes (para 9).

6.12 In assessing and determining development proposals, the NPPF states that local planning authorities should apply the presumption in favour of sustainable development (para 14). For decision-making this means approving development proposals that accord with the development plan without delay, or (where the development plan is absent, silent or out-of-date) granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies (relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park; designated heritage assets; and locations at risk of flooding or coastal erosion indicate) indicate development should be restricted.

6.13 In accordance with the NPPF, local authorities are instructed to:

- avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities (para 22);
- boost significantly the supply of housing, and determine applications for housing in the context of the presumption in favour of sustainable development (para 47). Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (para 49);

- promote a mix of uses in larger scale residential developments in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties (para 38);
- encourage a balance of land uses so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other services (para 37);
- encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para 17);
- place significant weight on the need to support economic growth through the planning system (para 19); and
- seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (para 187).

6.14 The National Planning Practice Guidance (NPPG) was launched on the 6 March 2014 and provides a web-based resource in support of the NPPF. A number of planning policy guidance documents were revoked following its launch, as detailed within the Written Ministerial Statement, and replaced with updated guidance.

#### Draft NPPF

6.15 On 5<sup>th</sup> March 2018, the Government published an updated draft National Planning Policy Framework for consultation. The draft NPPF seeks to enhance the coherency of national policies, following recent Written Ministerial statements and case law.

6.16 Paragraph 11 (D) of the draft NPPF sets out the presumption in favour of sustainable development for decision-making, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. It states that in these instances, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.17 Footnote 7 clarifies that the “policies” referred to are those contained in the NPPF, and include those policies relevant to environmental protection (e.g. Green Belt, Local Green Space, AONB, National Park, etc). The footnote clarifies that “it does not refer to policies in development plans”.

6.18 Paragraph 120 states that where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan they should a) reallocate the land for more deliverable use as part of the local plan review and b) in the interim,

prior to reviewing the plan, support applications for alternative uses “where the proposed use would contribute to meeting an unmet need for development in the area”.

6.19 Other relevant changes/clarifications are as follows:

- In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance, unless there are exceptional circumstances that justify an alternative approach (para 61);
- Where major housing development is proposed, decisions should expect at least 10% of homes delivered to be available for affordable home ownership (para 65);
- Strategic plans should contain a clear strategy for accommodation objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land (para 117);
- Decisions should support development that makes efficient use of land, taking into account the need for housing and other forms of development and the availability of suitable land for accommodation it (para 122); and
- Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimise use of the potential of each site (para 123)

6.20 Where the draft revised NPPF includes policies that are different in key ways to the existing NPPF policies, we address these in the Planning Statement.

6.21 Consultation on the draft NPPF closes on the 10<sup>th</sup> May 2018. The document is expected to be published in its final form later this summer.

#### Aviation Policy Framework

6.22 The Government published the Aviation Policy Framework (APF) in March 2013. The APF is a high-level strategy document which set out the Government’s overall objectives for aviation and the policies which will be used to achieve those objectives. Paragraph 1.91 states that “where a planning application is made that is likely to have an impact on an existing aerodrome’s operations, the economic benefit of the aerodrome and its value to the overall aerodrome network as well the economic benefits of the development will be considered as part of the application process.”



## Adopted Planning Policy and Guidance

### Local Plan

- 6.23 The adopted Local Development Plan comprises the Thanet District Local Plan, which was adopted in 2006. Relevant policies were Saved in 2009, pre-publication of the NPPF. In accordance with the para 215 of the NPPF, due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF - the closer the policies in the Local Plan to the policies in the NPPF, the greater the weight that may be given.
- 6.24 The Local Plan states that “[it is] intended to cover the period to the year 2011. It thus only identifies land use provisions related to development needs envisaged within that period.” The plan is therefore ‘time capped’ and time expired.
- 6.25 The following site-specific Local Plan Saved Policies also relate to the Site:
- Saved Policy EC2 sets planning criteria proposals to develop/expand/diversify Kent International Airport;
  - Saved Policy EC4 reserves land adjacent to the airport for airside development. Development proposals here require specific justification to demonstrate that an airside location is essential to the development proposed and will be required to retain sufficient land to permit access by aircraft of up to 65m wingspan to all parts of the site; and
  - Saved Policy EC5 restricts land to the east of the existing airport terminal for airport-terminal related purposes.
- 6.26 By virtue of falling outside urban and village area confines, the site is designated as ‘countryside’ by the Local Plan. Saved Policy CC1 states that within the countryside, new development will not be permitted unless there is a need for development that overrides the need to protect the countryside.
- 6.27 The Site is located within Central Chalk Plateau Landscape Character Area. Saved Policy CC2 states that particular care here should be taken to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea. Proposals which conflict with this principle will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area.
- 6.28 The entirety of the Site (including much of the District) falls within a designated Environment Agency Groundwater Protection Zone. Saved Policy EP13 states that development in these areas that have the potential to result in a risk of contamination of groundwater sources will not be permitted unless adequate mitigation measures can be incorporated to prevent contamination from taking place.

## Emerging Planning Policy and Guidance

### Emerging Local Plan

- 6.29 The Council is currently in the process of preparing a new Local Plan which will cover the period up to 2031.
- 6.30 The Preferred Options Local Plan was consulted on between January and March 2015 and proposed setting a requirement for 12,000 additional homes and a minimum of 5,000 additional jobs to be provided in the District up to 2031. Proposed Policy SP05 of the Preferred Options Local Plan suggested designating of the Site as an "Opportunity Area", with future use to be explored as part of an Area Action Plan. Representations were made to the Council on behalf of the Applicant questioning the soundness of this approach, on the basis that housing figures were based on an out-of-date assessment of housing need and the plan failed to put in place a conclusive policy position to guide future development of the Site which is necessary to ensure the proper planning of the District.
- 6.31 Proposed Revisions to the Preferred Options Draft Local Plan were consulted on between 20th January and 17th March 2017. The Proposed Revisions reflected updated evidence undertaken to support the Local Plan and addressed some of the key issues which arose during the Preferred Options consultation. This included:
- The Strategic Housing Market Assessment (SHMA) (January 2016) and Updated Assessment of Objectively Assessed Housing Need (September 2016), which identify an objectively-assessed need (OAN) for 17,140 additional homes in the District up to 2031 (857 dwellings per annum);
  - An independent report on the Commercial Viability of Manston Airport (September 2016) by AviaSolutions (the AviaSolutions Report) (Appendix 8) which considered whether viable airport operations could be re-instated on the former Manston Airport Site and concludes that, even applying assumptions favourable to Manston Airport, "airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031" (paragraph 2.5); and
  - The New Settlement Strategy (November 2016), which explored the option of meeting part of the District's housing needs through a new settlement, and included a comparative assessment of potential settlement sites one of which was the Application Site.
- 6.32 Based on the updated evidence base, the Council concluded that there was insufficient evidence to justify a policy that protects the existing airport use and that the best use for the site was for a new settlement. Policy SP05 therefore proposed allocating the site for a mixed use settlement comprising a minimum 2,500 homes and 85,000sqm of employment and leisure floor space amongst other supporting uses (see Appendix 9).

- 6.33 Following consultation on the Proposed Revisions, the Council received a number of responses concerning the future of the airport site and, in particular, the 2016 AviaSolutions Report. To respond to these concerns, AviaSolutions were instructed by the Council to review and respond to the representations received. This takes the form of the following two reports, which also comprise part of the local plan evidence base:
- Review of Azimuth & Northpoint Forecast for Manston Airport (August 2017) (Appendix 10), which considers the cases put forward for the re-opening of Manston Airport by Azimuth Associates and Northpoint on behalf of RiverOak Strategic Partners, and concludes that neither report puts forward a sufficiently credible case, nor provides the evidence, for AviaSolutions to change its views on the financial viability of Manston Airport; and
  - Local Plan Representations Final Report (August 2017) by AviaSolutions (Appendix 11), which likewise advises that Local Plan Representations do not make a credible case, nor provide the evidence for AviaSolutions' to change its views on the financial viability of Manston Airport. Based on updated market information since the publication of the 2016 study, they continue to advise that Manston Airport does not represent a financially viable investment opportunity under normal market conditions.
- 6.34 On this basis, Council officers concluded that there was insufficient evidence to justify an allocation which safeguarded the site for aviation use and continued to recommend that Members allocate the Application Site for mixed use development including up to 2,500 homes, subject to minor changes to policy wording.
- 6.35 On the 25<sup>th</sup> October 2017, Cabinet followed Officer's recommendations and agreed to recommend that the full Council publish the draft Local Plan for consultation (Appendix 12). On the 21<sup>st</sup> November 2017 the plan went to the Overview and Scrutiny Panel, who made no recommendations (Appendix 13).
- 6.36 On the 16<sup>th</sup> November 2017 the Secretary of State notified Thanet District Council of possible intervention if the Council fails to make progress with the preparation of the emerging Local Plan (Appendix 14).
- 6.37 On the 18<sup>th</sup> January the draft Plan was presented to the Full Council, with Officers and Cabinet's recommendation to publish the plan for consultation (Appendix 15). Members rejected the plan by a motion of 20 to 35. The primary area of contention comprised the future use of the Application Site and the quantum and distribution of housing need within the District. On the basis that the remaining elements of the emerging Local Plan were not controversial, we have continued to have consideration of other emerging policies when assessing the Application.
- 6.38 Following the rejection of the draft Local Plan by members on the 18<sup>th</sup> January 2018, the expectation is that the Secretary of State will now intervene to assist in the preparation of the Local Plan. As the emerging Local Plan will not have been submitted to the Secretary of State for

examination by the 31<sup>st</sup> March 2018 deadline set by the Government, we anticipate that the new MHCLG methodology for calculating housing need will be adopted, which will raise the housing requirement for Thanet from 857 dwellings per year to 1,063 dwellings per year. The expectation is therefore that the OAHN within the District over the duration of the plan period will increase from 17,140 to 21,240 homes.

## Material Considerations

6.39 Material considerations relevant to defining the decision-making framework (particularly in respect to housing policies) comprise:

- 5 Year Housing Supply Position
- High Court Judgements and Appeals

6.40 We summarise these below.

### 5 Year Housing Supply Position

6.41 Adopted Local Plan housing policies expired on 2011 and are not based on NPPF/NPPG compliant objective assessment of housing need. Therefore the Council is not capable of demonstrating a 5-year supply of deliverable housing land (for the purposes of the NPPF para 49).

6.42 The Council's latest SHMA Update (September 2016) was undertaken by independent consultants GL Hearn and identified an objectively-assessed need (OAN) for Thanet of 17,140 dwellings between 2011-2031 (857 dwellings per annum). The Council's most recent Annual Monitoring Report (2016) demonstrates that only 1,565 homes have been delivered in Thanet since 2011 (an average of 313 dpa). This is significantly below the Council's OAN of 857 dpa, and the MHCLG's figure of 1,063 dpa. As of 1<sup>st</sup> April 2016, unmet housing need in the District equates to between 2,720 and 3,750 homes depending upon which method is used. There is therefore currently a three to three and a half year shortfall on housing delivery.

6.43 The Council's 2016 AMR indicates that the Council has identified land with capacity to accommodate 4,521 homes between April 2016 and March 2020 (relevant five year period). The Planning Statement Addendum: Housing Need (ref. SHP2-4.1) confirms that the Council's estimated supply of housing falls significantly short of the NPPF requirement to demonstrate a five year housing supply, even before considering whether or not identified supply is in fact deliverable. When taking deliverability into account, our analysis shows that the Council only has a five year supply of 3,374 homes. This represents a shortfall of 621 units (against the Council's OAN plus 20% buffer scenario) or shortfall of 1,857 homes (against the HCLG housing need figures plus 20% buffer).

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Relevant High Court Judgements and Appeals

- 6.44 In July 2013, a judgement<sup>9</sup> provided clarity on the matter of prematurity with respect to applications for housing in advance of the adoption of Local Plans. Stratford upon Avon District Council launched a challenge to a decision by the Secretary of State to grant planning permission for up to 800 dwellings on the grounds that the Secretary of State had failed to comply with the National Planning Policy Framework's policy on housing requirements and that the decision had been premature in the light of the Council's emerging local plan. The High Court rejected the Council's challenge, declaring that *"the Aarhus Convention does not require a blanket stop to be put on development that, potentially, might adversely impact on future policy; nor can it be used as a weapon for those who wish to inhibit development, in the hope that planning policy will change in the future to one which is more in line with their wishes."*
- 6.45 In December 2013 a judgement<sup>10</sup> in the Court of Appeal established a definitive answer to the proper interpretation of para 47 of the NPPF and in particular, the arrival at a fully, objectively assessed need. The judgement confirmed that LPAs cannot base their five year supply of housing on local plan targets based upon abolished regional spatial strategies. In this case, we note that the RSS was formally revoked in March 2013<sup>11</sup>.
- 6.46 In June 2014, an appeal was allowed against Thanet District Council's decision to refuse an outline application made by East Kent Opportunities (EKO) for mixed use development including 550 homes, 63,000sqm employment floorspace (Use Class B1), a new local centre, and community facilities on greenfield land at New Haine Road, Ramsgate (ref. OL/TH/11/0910). The Inspector's Report confirms the Council's own position regarding housing need and the status of 2006 Local Plan policies relevant to the supply of housing. Para 94 confirms that the Council accepts that they can no longer rely upon the revoked South East Plan for housing requirements and, without an established target in a Local Plan, cannot now demonstrate a five year supply of housing land. Accordingly, Local Plan Policy H1 is out-of- date. Para 38 of the Inspector's decision states that *"Thanet District Council Planning Committee confirmed that the position of the local planning authority now is that the need for housing is such that the development would in principle amount to sustainable development in accordance with the National Planning Policy Framework."*
- 6.47 In May 2017 the Supreme Court delivered its verdict<sup>12</sup> on the meaning and application of paragraphs 49 and 14 of the National Planning Policy Framework. The judgement overturns the Court of Appeal's previous ruling on the interpretation of the phrase "relevant policies for the supply of housing" (as set out in paragraph 49) which effectively broadened the application of

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<sup>9</sup> Stratford On Avon District Council v Secretary of State for Communities and Local Government [2013] EWHC 2074 (Admin).

<sup>10</sup> St Albans City and District Council v Hunston Properties Limited and Secretary of State for Communities and Local Government. [2013] EWCA Civ 1610

<sup>11</sup> Regional Strategy for the South East (Partial Revocation) Order 2013.

<sup>12</sup> Suffolk Coastal District Court (Appellant) v Hopkins Homes Ltd and another (Respondents). Richborough Estates partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37

the phrase to apply to all policies that create or constrain land for housing development, such as green belt designation.

- 6.48 With respect to the meaning and application of paragraph 49, the Supreme Court concluded that the *“straightforward interpretation is that these words refer to the policies by which acceptable housing sites are to be identified and the five-years supply target is to be achieved. That is the narrow view”* (paragraph 82). Therefore, when a Local Authority cannot demonstrate five years supply of housing, it is the housing supply policies only which are immediately to be considered out of date. Other policies (such as transport, employment, etc.) may also be found to be out-of-date, but are not automatically deemed so as they serve a different purpose.
- 6.49 Nevertheless, Lord Carnwath goes on to state that if Councils are unable to demonstrate a five year housing supply *“it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the overrestrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14”* (emphasis added, para 59). In this case, the presumption in favour of sustainable development will apply and the decision-maker should be disposed to grant the application unless the adverse impacts of doing so would ‘significantly and demonstrably outweigh the benefits of the proposal’ or ‘specific policies in the Framework’ indicate that development should be restricted. The Supreme Court judgement makes it clear that the “specific policies in the Framework” also mean the development plan policies (para 84-85).

## Decision-Making Framework

- 6.50 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.51 In this instance, the statutory development plan comprises the Thanet District Local Plan (2006). In accordance with the NPPF, decision takers should only give due weight to relevant policies in the 2006 Local Plan according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.52 We consider the weight which can be attached to individual policies, and the decision-making framework which should be applied in the determination of this application, in more detail below.

### Policies Protecting Existing Permitted Use

- 6.53 Saved Policies EC4 and EC5 seek to protect the site for development for airport-related uses.
- 6.54 In July 2017 the Inspector at the Public Inquiry for the four change of use appeals on the Application Site considered the extent of weight that should be afforded to Policy EC4 of the

Thanet Local Plan (2006) and concluded that until such time that a new policy framework exists, Policy EC4 should continue to carry significant weight in the planning balance.

- 6.55 However, the Inspector had before him a limited amount of information regarding the prospect of aviation use on the site recommencing and the scope of the Inquiry was narrow (concerning only the change of use of four buildings). Since the Inquiry, the Council instructed independent aviation experts AviaSolutions to review submissions to the emerging Local Plan submitted by RSP and other statutory consultees concerning the prospect for the site returning to aviation use. AviaSolutions produced two reports (described in para 6.32 above) which advised that RSP's case was not sufficiently credible, and maintained their earlier conclusions that Manston Airport does not represent a financially viable investment opportunity under normal market conditions.
- 6.56 Thanet District Council Planning Officers concluded that "*following evidence and Government guidance, there is insufficient justification to retain the Airport designation during the period of the Local Plan*" (para 2.117), and recommended allocation of the site for mixed use development, including up to 2,500 homes. On 25<sup>th</sup> October 2017, Cabinet followed the advice of their officers and recommended that the Council publish the draft Local Plan for consultation. Despite conclusions of the Council's own evidence base, and the recommendations of both Planning Officers and Cabinet, the Council rejected the motion to pursue the current version of the plan on the 18<sup>th</sup> January 2018 by a vote of 20 to 35.
- 6.57 In addition to the Council's own local plan evidence base, SHP has instructed experts York Aviation to consider the case put forward by RSP for re-opening Manston Airport. In November 2017 they published 'Summary Report Analysing Use of York Aviation Material by RiverOak Strategic Partners Limited and Assessment of Capability of Manston Airport' (Appendix 11). York Aviation conclude that RSP's case is unsubstantiated, lacks credibility and, in any event, is entirely theoretical. York Aviation agree with AviaSolutions that there is little prospect of the re-opening of Manston Airport being a commercially viable proposition.
- 6.58 Notwithstanding the overwhelming evidence that there is no prospect of the site returning to aviation use, we understand that RSP intends to apply for a DCO to re-open the airport as an airfreight hub with associated business aviation and passenger services. The Applicant has serious concerns regarding the deliverability of such a scheme, which have been raised with both RSP and the Planning Inspectorate (see Appendices 5 & 6). In sum, these are that:
- RSP's proposals do not meet the thresholds necessary to qualify as an NSIP under the 2008 Act and as such RSP's proposed application for a DCO cannot proceed;
  - There has been, and remains, a lack of clarity over both the identity of the proposed applicant (RSP) and its financial standing. There is no evidence that RSP is of adequate financial standing to meet the costs and compensation arising in relation to the application for DCO to be granted powers of compulsory acquisition, let alone deliver the proposals;

- RSP does not own or control any part of the Site and is unable to progress any application for compulsory acquisition powers as it has not demonstrated that they are a last result following meaningful attempts to negotiate or acquire the Site;
- The level of detail provided in the PEIR is insufficient to reach an informed view on the likely potential environmental effects of the development. Either it is incomplete, or is lacking in scope/depth; and
- The level of consultation has been inadequate.

6.59 For these reasons, we consider there are serious shortcomings with the proposed DCO application and considerable uncertainty as to whether the scheme itself could be delivered. This, coupled with the abundance of published evidence corroborating that there is no viable prospect of aviation use recommencing on site, constitute significant material considerations which indicate that there is no 'reasonable prospect' of the site being used for aviation use in the meaning of NPPF para 22. Thanet's own planning officers have confirmed this to be the case, advising that the Council was unable to support a policy protecting the site for aviation use, instead recommending it for mixed use development including housing.

6.60 As such, and in accordance with the NPPF, "alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities" (para 22).

#### Policies Relevant to Housing Supply

6.61 NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

6.62 There is no Local Plan policy which establishes the full objectively assessed need for housing in the District. Without an established target in a Local Plan the Council cannot demonstrate a five year supply of housing land. This has been confirmed by numerous Inspectors at appeal<sup>13</sup>. Accordingly, all policies which have the effect of restricting the location where new housing may be developed are out-of-date for the purposes of the NPPF and should be afforded no weight in decision-making. These include:

- H1 (residential development sites)
- H2 (dwelling supply)
- R1 (development in rural settlements)
- All other policies relating to housing delivery/allocations

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<sup>13</sup> Westwood Lodge on 13<sup>th</sup> February 2017 (ref. APP/72260/W/16/3151686); 66 Monkton Road on 3<sup>rd</sup> April 2017 (ref. APP/Z2260/W/16/3164748); and Land South of Briary Close on 14<sup>th</sup> December 2017 (APP/Z2260/W/17/3178576).



6.63 The Local Plan also contains several policies which set targets and criteria for provision of facilities to support the assessed development needs of the area up to 2011 (such as sports facilities (SR4), play space (SR5), and formal (SR8) and informal (SR9) recreation space). These policies are based on an out-dated assessment of development need. As such, only limited weight should be attached. Nevertheless, the planning appraisal considers the application against relevant Saved Policy standards/criteria as there is no other policy benchmark against which we can assess the proposal.

#### Presumption in Favour of Sustainable Development

6.64 The Hopkins Homes vs. Suffolk Coastal District Council Supreme Court ruling makes it clear that where a Council is unable to demonstrate a five year supply of housing, NPPF paragraph 14 applies and the decision-maker should be disposed to grant the planning application unless the presumption in favour of sustainable development can be displaced. It can only be displaced on two grounds:

- Where the adverse impacts of granting consent would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

6.65 There is a wealth of evidence which indicates that there is no viable prospect of aviation use recommencing on the site. For this reason, Planning Officers were unable to support a policy which protected the site for aviation use. Likewise, we do not consider RSP's intention to apply for a DCO to provide any 'reasonable prospect' of the site returning to sole aviation use, for the reasons stated above. We therefore consider that material considerations indicate that there is no reasonable prospect of a site being used for the allocated employment use, and the application should be treated on its merits, consistent with NPPF paragraph 22. The weight which can be given to EC4 and EC5 is necessarily limited.

6.66 Furthermore, Policy EC4 and EC5 are not considered restrictive policies pursuant to paragraph 14 of the NPPF, as evidenced by the footnote 9 NPPF which specifies the types of policies envisaged here. This interpretation is supported by the draft NPPF, which clarifies that "restrictive policies in this Framework" in the meaning of the presumption in favour of sustainable development exclude Development Plan policies (see footnote 9, draft NPPF).

6.67 The key decision-making test is therefore the NPPF paragraph 14 and the presumption in favour of sustainable development, which states that permission should be granted unless the impacts of doing so would 'significantly and demonstrably' outweigh the benefits.

## Summary

- The application is a departure from the Development Plan, specifically policies EC4 and EC5 which protect the site for aviation use.
- S.38(6) allows such applications to be approved where material considerations indicate that a decision other than in accordance with the development plan is acceptable. In this instance the principal material considerations are set out in the published NPPF, specifically paragraphs 22, 215, 49, and 14, as well as the draft NPPF which clarifies the intent and meaning of the presumption in favour of sustainable development.
- It can be demonstrated that there is no reasonable prospect of the site being used for its allocated use. Policies EC4 and EC5 are not consistent with NPPF para 22, and should therefore be afforded reduced weight, in accordance with NPPF para 215. As such, applications for other uses should be treated on their merit.
- The Council is unable to demonstrate a five year supply of housing and housing policies are therefore considered out of date in accordance with NPPF paragraph 49. The second part of NPPF para 14 is therefore engaged for the purposes of decision-making. This states that the application should be approved unless the impacts of doing so would 'significantly and demonstrably' outweigh the benefits.
- Likewise, para 11D of the draft NPPF carries forward the presumption in favour of sustainable development, and states that where policies which are the most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in this Framework as a whole.
- It will be demonstrated in this Planning Statement that there is significant merit in using the site for housing-led mixed use development, having regard to market signals and the relative need for such uses to support sustainable local communities.
- It will be demonstrated that the adverse impacts associated with the application would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- Furthermore, there are no specific policies in the Framework that indicate that development should be restricted (and reduced weight should be given to Development Plan policies EC4 and EC5). Accordingly, permission should be granted.

## 7. Principle of Redevelopment

7.1 This application seeks permission for comprehensive redevelopment of a vacant, previously developed (PDL) site.

### Policy

7.2 As set out in 'Fixing the foundations: Creating a prosperous nation', the Government is committed to promoting the use of brownfield land to deliver an increase in much needed housing supply and has stated that it will remove all unnecessary obstacles to its redevelopment. These include avoiding the long term retention of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.

7.3 The NPPF seeks to proactively drive and support sustainable economic development to deliver the homes, businesses, infrastructure and thriving local places that the country needs; encourage the effective use of land by reusing land that has been previously developed (brownfield land); promote mixed use developments; and focus significant development in locations which are or can be made sustainable (para 17).

7.4 Saved Policy CC1 of the 2006 Local Plan identifies this Site as part of the countryside (defined as all areas of the District outside the identified urban and village confines) and restricts development here unless the need for development overrides the need to protect the countryside. As stated above, the Council cannot demonstrate a five year housing supply. Accordingly, the application should therefore be determined in accordance with the NPPF presumption in favour of sustainable development.

### Assessment

7.5 The extent of the Site which qualifies as previously developed land (PDL) comprises 262ha and accounts for 88.5% of the total Application Site (see Appendix 1 for further details). The site is vacant, previously developed, and located in a sustainable location. Planning policies at all levels encourage the sustainable reuse of such sites. None of the buildings are protected. There are no statutory or locally listed heritage features on Site. The Site is not in a Conservation Area. Demolition is therefore acceptable.

7.6 The future of the site has been the subject of significant public interest, and there is general agreement from all parties (including the landowner, Thanet, KCC, and the wider public) that its redevelopment will be key to the future of the District. In accordance with core national planning principles, this should optimise the development potential of the site, respond to local development needs, be properly planned so as to embed the fundamentals of sustainable

development and internalise any necessary mitigation, and deliver public benefits. There is therefore agreement that the site should be redeveloped.

7.7 The proposed development provides a major opportunity to regenerate a vacant, previously developed site in an area of acute housing and socio-economic need. It will deliver a comprehensive mix of uses, including new homes, community, sports, education and retail spaces all set within a network of 133ha of green infrastructure.

7.8 The proposal is also in accordance with national planning policy requirements and the Government's commitment in the Housing and Planning Bill to optimise the use of brownfield locations for the delivery of a mix of uses.

## Summary

- The site is a vacant, previously developed site.
- Planning policies at all levels encourage its reuse.

## 8. Loss of Existing Permitted Use

8.1 With the exception of the heritage aviation component, the application seeks consent for comprehensive redevelopment of the Site for alternative (non-airport use).

### Policy

8.2 Local Plan Saved Policies EC4 and EC5 seek to protect the Site for development for airport-related uses.

8.3 Paragraph 182 of the NPPF requires Local Plans to be sound and advises that one of the key elements of soundness is that "the plan should be deliverable over its period".

8.4 Paragraph 22 of the NPPF states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

### Evidence

8.5 There is a plethora of evidence which confirms that the resumption of sole aviation use on the Application Site is not feasible, viable or probable and is therefore not 'reasonable' in the meaning of NPPF paragraph 22. These reasons can be grouped into the following broad categories:

- History has proven that the market is not able to support a commercially viable airport on this site. This is evidenced by the fact that multiple competent, qualified, well-funded parties have tried and failed to operate a commercially successful endeavour on the site over a 15 year period. TDC have tried on three separate occasions to identify and secure an indemnity partner to underpin the use of CPO powers to compulsively acquire and reopen the site and were unable to find a suitable partner on three separate occasions;
- Evidence has been published by several qualified aviation experts on behalf of both TDC (as part of the local plan evidence base) and on behalf of the Applicant which all conclude that re-opening Manston Airport does not represent a financially viable investment opportunity and is unlikely to be viable even in the long-term;
- The Davies Commission has already concluded that Manston Airport would not provide the additional long-term capacity and connectivity required to satisfy UK runway capacity and has directed new capacity to Heathrow; and

- RSP as a company lacks credibility and we have serious concerns regarding RSP's intention to pursue a DCO, let alone whether the project would be deliverable.

8.6 We elaborate on these in further detail below.

### History

8.7 Since the Ministry of Defence sold the airport in 1998, numerous owners have tried (and failed) to operate Manston as a successful, viable business. History has shown that despite considerable investment and concerted efforts throughout the duration of Manston's 15 years under private ownership, the airport consistently underperformed, never made a profit, and cost investors a total of over £100m.

8.8 A more detailed history of the history of efforts to keep Manston open is set out in Appendix 16, (with a corresponding history of its actual performance set out in Appendix 17), and can be summarised as follows:

- In 1998 Wiggins Group acquired Manston Airport for £4.75 million. According to their company accounts, between 1999-2000 the airport made an operating loss of £1.1m, between 2000-2001 made an operating loss of £3.6m and between 2001-2002 made an operating loss of £3.9m. In 2002, they stated that the airport would double its cargo traffic from 36,000 tonnes per annum to a profitable rate of 100,000 tonnes per annum within twelve months, however the most cargo traffic the airport was able to achieve was 43,000 tonnes (in 2003).
- In January 2004, Wiggins renamed itself Planestation and later that year bought 30% of the airline company EUJet, a budget airline. Subsequently, Planestation made a statement that the airport would break even if it were to achieve delivery of 70,000 tonnes of cargo per annum. Again, this was never achieved.
- In September 2004 EUJet started to operate passenger flights to destinations across Europe and in its busiest month in early 2005 the airport carried 62,709 passengers, however, by July 2005 all EUJet operations were suspended along with all non-freight operations including MK Airlines, Manston's main cargo customer, who left the airport for another site in Europe. As a result of significant financial losses incurred during ownership, Planestation consequently went into administration.
- In August 2005, Infratil Limited acquired Manston Airport from the administrator for £17m, and began to operate the airport for passenger and freight transport. During Infratil's ownership of the site (2005-2013) the airport never achieved more than 31,000 tonnes of freight per annum. Infratil regularly declared Manston airport as a specialised freight handler making a substantial contribution to the UK's air-transport freight capacity; however, we understand that these statements were significantly exaggerated, and Manston actually only contributed approximately 1.3% of national freight tonnage. Actual passenger numbers experienced at the former airport were significantly lower than forecast year after year. In fact, passenger

numbers failed to exceed 50,000 between 2006 and 2014 when the airport finally closed. Infratil's peak passenger year was 2011 when 48,450 passengers used the airport which represented 0.02% of the UK total.

- Between 2005 and 2013 seven different airlines tried and failed to sustain regular services, including: KLM, Cargolux, Kent Escapes, Flybe, Atlantic Holidays, Air Southwest, and Newmarket Holidays.
- Following the repetitive failure to even meet break-even levels of passenger and freight movements, in January 2012 Infratil decided to put Manston Airport up for sale and commissioned PWC to handle an extensive marketing process. Following a global search by Price Waterhouse Coopers (PWC) which lasted almost two years, not a single credible organisation was prepared to pay more than £1 for the site.
- The sale of Manston airport to Manston Skyport Ltd. was agreed in November 2013, and completed in December 2013. In November 2013, a business plan was put together to assess the degree to which the site could progress as a balanced airfield with work in hand to secure both passenger and cargo business. This business plan was well documented, but the potential for these new income streams quickly dried up. As documented in the Falcon Consultancy Report instructed by TDC to assess the commercial viability of the airport "no passenger airlines with any current activities had any interest to start operations at the airport" (Falcon Consultancy Ltd, 2014, pg. 18). Likewise, the hope that the Davies commission would recommend making best use of current runways in the South East (instead of building new runways) was dashed in December 2013, when they eliminated Manston as a possibility for meeting national aviation capacity requirements.
- Over the first 4 months of Manston Skyport's ownership, the airport incurred significant financial losses to the tune of £100,000 per week (KCC Position Statement, 2015). Following failure of the business plan, the airport closed in May 2014.
- Following the airport's closure, the site was sold in September 2014. The aerodrome and air traffic licences have been revoked.

8.9 It is also significant that Thanet District Council have been willing to use compulsory purchase powers to acquire the site and have investigated doing so on three separate occasions in 2014, 2015 and again in 2016. In each case, the Council they were unable to find a suitable indemnity partner and decided not to pursue a CPO.

8.10 On 31st July 2014 TDC's Cabinet resolved to carry out soft-market testing to identify a possible CPO Indemnity Partner. On 9 August 2014 the Council issued a Prior Information Notice (PIN) followed by a soft market testing document on 13 August 2014 in order to identify potential partners (a.k.a the 'Partner Identification Process'). We understand that four parties requested the questionnaire and two submitted returns. The Council then offered meetings with both responding partners, and only one company, RiverOak Investment Corp, responded to the request and agreed to progress through to the Due Diligence stage. Subsequently, upon receiving RiverOak's

the Council conducted due diligence on the company from 18 September 2014 to 18 November 2014.

- 8.11 In December 2014 the Council released their final report concluding that, in their opinion, RiverOak did not have the necessary financial capacity to support their plan for Manston and that RiverOak's business plan was insufficient. In their assessment of RiverOak's business plan, TDC commented that *"the plan does not provide for the CPO compensation cost, and this could be substantial. The business assumptions appear to be optimistic as regards revenues and the known costs of the operation. A 20 year business plan is required for a project of this scale to demonstrate long-term viability, and that the proposed operation is sustainable in the long term. Unless these requirements can be clearly demonstrated there is no prospect of achieving a CPO"* (Extraordinary Full Cabinet Council, 11 December 2014).
- 8.12 In addition, RiverOak's suggested approach of funding a CPO was rejected by TDC. In their statement, the Council concluded that they are *"not seeking a CPO on a speculative basis and would not wish to put itself in a position whereby full achievement and vesting of the site would depend on the partner's ability to generate investment in the project"* (Extraordinary Full Cabinet Council, 11 December 2014). Therefore, to accept RiverOak as the indemnity partner was deemed too high-risk, and as a result, the Council concluded that no further action was to be taken to pursue a CPO of Manston Airport.
- 8.13 In May 2015 the Council agreed to review its position regarding the potential for CPO after receiving an expression of interest from RiverOak Aviation Associates (a new company set up to deliver the project) for use of the site to recycle 'end of life' aircraft with some cargo and potential future passenger activity. On the 29 October 2015 the Cabinet decided that RiverOak did not fulfil the requirements for an indemnity partner and that no further action would be taken on a potential CPO of Manston Airport for a second time.
- 8.14 In 2016 Thanet District Council decided to carry out another soft market testing exercise to seek interest from external parties in becoming an indemnity partner for the acquisition of the former airport. On 15 January the Council issued a PIN and interested parties had until 9 February to register their interest. Five expressions of interest were received, and interested parties then had until 12 February to submit responses to a follow up questionnaire, of which a total of three valid submissions were received. On the 16<sup>th</sup> June 2016 the Cabinet reviewed the content of these submissions and concluded that *"one can draw the conclusions that in terms of the key lines of enquiry, the market cannot deliver on the Council's requirements; there is no established market which is able to deliver, or an adequate number of operators; the market has no capacity to deliver the requirements and there is no cost or other benefits in taking this matter further"* (Cabinet Report 16<sup>th</sup> June 2016). Thanet District Council decided, for the third time, to take no further action.



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Evidence from Aviation Experts

- 8.15 Over the past four years the Council has instructed independent experts to produce four separate reports to assess the potential for a viable aviation use to recommence on site.
- 8.16 In July 2014 Falcon Consultancy Limited produced their Expert Opinion on the Prospects for the Viable Development of Manston Airport on behalf of TDC. This report confirms that growth in air cargo can be absorbed in the belly holds of passenger aircraft (pg. 3) and that the “the climate for cargo-only aircraft operations could not be much worse” (pg. 21). With respect to possible passenger services, the report concluded that “Manston has no natural sustainable passenger market...its catchment area and its propensity to travel is insufficient to generate for the airlines enough traffic on one route to sustain a twice daily operation – the minimum required to risk launching a service” (Page 8).
- 8.17 It concludes that “there is no commercial justification for re-opening and marketing the airport in the same configuration as it was upon closure” (pg.14) however does not eliminate the possibility of a commercially successful operation, provided that a suitable long-term business plan (20 year+) was developed with estimated required investment of £100m” (pg. 7). However, even then there would be ‘no guarantee of success’ (ibid). In light of this conclusion, the Council assessed the option of acquiring Manston from its current owners under Compulsory Purchase Powers, however was unable to find a suitable indemnity partner.
- 8.18 In September 2016 AviaSolutions on behalf of TDC published the Commercial Viability of Manston Airport. This report concludes that, even applying assumptions favourable to Manston Airport, “airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031” (paragraph 2.5).
- 8.19 In August 2017, AviaSolutions were instructed by TDC to review the cases put forward for the re-opening of Manston Airport by Azimuth Associates and Northpoint on behalf of RiverOak Strategic Partners. In their Review of Azimuth & Northpoint Forecast for Manston Airport report, they conclude that neither report puts forward a sufficiently credible case, nor provides the evidence, for AviaSolutions to change its views on the financial viability of Manston Airport.
- 8.20 At the same time, AviaSolutions produced their Local Plan Representations Final Report (August 2017), which similarly concludes that the Local Plan Representations do not make a credible case, nor provide the evidence for AviaSolutions to change its views on the financial viability of Manston Airport. Based on updated market information since the publication of the 2016 study, they continue to advise that Manston Airport does not represent a financially viable investment opportunity under normal market condition.

- 8.21 Based on this evidence base and the comments received, Council officers, correctly, concluded that there was insufficient evidence to justify an allocation which safeguarded the site for aviation use.
- 8.22 Evidence has also been prepared by York Aviation, on behalf of the Applicant, to consider the case put forward by RSP for re-opening Manston Airport. A 'Summary Report Analysing Use of York Aviation Material by RiverOak Strategic Partners Limited and Assessment of Capability of Manston Airport' (Appendix 17) was published in November 2017 and concludes that RSP's case is unsubstantiated, lacks credibility and, in any event, is entirely theoretical. York Aviation agree with AviaSolutions that there is little prospect of the re-opening of Manston Airport being a commercially viable proposition.
- 8.23 There is therefore overwhelming evidence, from various qualified aviation experts, which all confirm that there is no reasonable prospect of the site being used for a viable aviation use.

#### Davies Commission

- 8.24 Government policy supports the UK aviation sector and there is a critical need to increase capacity in and around London. However, the Airports Commission (or 'Davies Review'), concluded that this need can only be satisfied by expanding the capacity of airports in and around London (i.e. Heathrow, Gatwick, City, Stansted, Luton).
- 8.25 The Airports Commission were appointed by the government to investigate potential solutions to the Country's aviation capacity and were instructed with two core responsibilities which comprised:
- Identifying and recommending options for maintaining the UK's status as an international hub for aviation and immediate actions to improve the use of existing runway capacity in the next 5 years; and
  - Assessing the environmental, economic and social costs and benefits of various solutions to increase airport capacity - considering operational, commercial and technical viability.
- 8.26 The Airports Commission Interim Report was published in December 2013, and sets out initial recommendations for making better use of the UK's existing runway capacity over the next five years. Various options to foster greater use of airports outside of London and the South East were investigated, including the potential to impose a congestion charge on the UK's busiest airports to incentivise airlines and their passengers to use other airports, including regional airports that are not yet fully utilised. However, the report concludes that most of the new services developed at less-congested airports under this policy would simply duplicate services already available at Heathrow, such as flights between London and New York. In addition, it recognises that there is little scope for Government intervention to force airlines and passengers to use less busy airports, noting that past measures of this kind have rarely (if ever), achieved their objectives.

- 8.27 The Interim Report concludes that ‘intervening to redistribute the excess demand away from airports in London and the South East does not appear to be a credible option’ (Airports Commission: Interim Report, 2013: 11), and instead recommended that one net additional runway in London and the South East should be delivered by 2030 to meet the nation’s aviation capacity requirements (Airports Commission: Interim Report, 2013).
- 8.28 Importantly, the potential role of Manston Airport was specifically considered by the Airports Commission, who concluded “*that it did not fit with the Commissions remit or offer a solution to the key question of providing additional long-term capacity and connectivity for the UK*” (Appendix 2 of the Airports Commission: Interim Report pg. 16). The Davies Commission has therefore already considered and discounted the Application Site as not being suitable for meeting national aviation infrastructure requirements.

#### Concerns regarding Credibility of RSPs proposals

- 8.29 RSP have previously been considered by TDC as a potential indemnity partner for a CPO. TDC concluded that their proposed funding mechanism was too high risk and concluded that they did not fulfil the requirements for an indemnity partner. The same considerations would apply for compulsory purchase under a DCO. There remains significant uncertainty regarding RSP’s ability to meet tests necessary to pursue a DCO.
- 8.30 The Applicant has also notified the Planning Inspectorate of serious concerns regarding RSP’s intended pursuit of a DCO (see Appendix 6). In particular:
- RSP’s proposals do not meet the thresholds necessary to qualify as an NSIP under the 2008 Act and as such its proposed application for a DCO cannot proceed;
  - There has been, and remains, a lack of clarity over both the identity of the proposed applicant (RSP) and its financial standing. There is no evidence that RSP is of adequate financial standing to meet the costs and compensation arising in relation to the application for DCO to be granted powers of compulsory acquisition, let alone deliver the proposals;
  - RSP does not own or control any part of the Site and is unable to progress any application for compulsory acquisition powers as it has not demonstrated that they are a last result following meaningful attempts to negotiate or acquire the Site;
  - The level of detail provided in the PEIR is insufficient to reach an informed view on the likely potential environmental effects of the development. Either it is incomplete, or is lacking in scope/depth; and
  - The level of consultation has been inadequate.

## Assessment

- 8.31 As stated above, the starting point for consideration of the loss of the existing permitted use is the Adopted Local Plan and in particular Policies EC4 and EC5 which safeguard the Application Site for aviation use. However, in accordance with Section 38(6), we consider there to be significant material considerations which demonstrate that there is no reasonable prospect of the site returning to sole aviation use. These include the following:
- History has shown that despite considerable investment and concerted efforts from numerous capable owners throughout the duration of Manston 15+ years under private ownership, the airport consistently underperformed, never made a profit, and cost investors a total of over £100m;
  - The Government has conclusively dismissed Manston as having a role in meeting national infrastructure capacity requirements, instead directing this to London and the South East;
  - The Council's own evidence base confirms that airport operations at Manston are very unlikely to be financially viable in the longer term, and almost certainly not possible in the period to 2031;
  - On the basis of this local plan evidence base, the Council's own Planning Officers confirm that there would be no justification for retaining the protective airport policy in the emerging Local Plan (para 2.115, Cabinet Report 17th October 2017). The Cabinet agreed with Planning Officers and formally recommended to the full Council publish the Local Plan for consultation on the 17<sup>th</sup> October 2017, however the motion was rejected by the Council on 18<sup>th</sup> January 2018 due to political reasons;
  - The Applicant's own aviation experts York Aviation have similarly concluded that there is little prospect of the re-opening of Manston Airport being a commercially viable proposition;
  - If the emerging Local Plan were to contain a proposed allocation for the Application Site which contained policies safeguarding the site for aviation use (similar to EC4 and EC5), the Local Plan would not be found sound at Examination in Public as it would not be based on evidence;
- 8.32 As such, the weight which can be attached to Policies EC4 and EC5 of the Local Plan should be reduced (in accordance with NPPF paragraph 215), and the application should be determined on its merits (in accordance with NPPF paragraph 22).
- 8.33 The enhanced masterplan now incorporates an element of aviation, through refurbishment of the western 1199m of the runway and introduction of a new heritage aviation hub. The aviation offer is at a scale which is considered to be deliverable and consistent with the overall vision for creating a sustainable new settlement. Advice from York Aviation and heritage aviation consultant is included in the Deliverability Report and confirms that heritage aerodrome is deliverable and responds to existing and forecast market demand.

8.34 Furthermore, the proposed development will generate significant and demonstrable environmental, social and economic benefits of regional significance that must be weighed in the planning balance, including:

- Regeneration of a vacant, previously developed, derelict site in accordance with the core land-use planning principles set out in the NPPF;
- Delivering 3,700 high quality homes in a range of sizes and types (including starter homes, family-sized homes, and specialist homes for seniors) and tenures (including affordable). This will deliver a significant proportion of the District's housing requirements over the plan period - where there has been persistent historic under-delivery and there is currently no 5 year housing supply - without relying upon greenfield land;
- Retaining and repurposing the westernmost 1,199m of the existing runway for heritage aviation use, alongside new facilities for the RAF Manston and Spitfire and Hurricane Museums alongside the runway;
- Delivering a comprehensive and sustainable mix of uses, including new homes, community facilities (including two new primary schools, health centre, community hall), sports facilities, education and retail spaces, that enables people to work, shop and access day-to-day services close to where they live.
- Delivering 1,474 full time equivalent (FTE) permanent and 1,732 temporary construction jobs on site, with an additional 9,620 FTE indirect jobs in the construction supply chain, in an area of acute socio-economic need and deprivation (see Appendix 19);
- A commitment from the Applicant to support opportunities for education/training, including new training and apprenticeships for young people and the long-term unemployed;
- Opening up a site which has been closed to public access for many years, and delivering substantial areas of managed high quality open space and green infrastructure, including significant contributions to biodiversity habitat;
- Introducing new regionally significant leisure facilities (including a wave garden, 50 metre swimming pool) which are currently not provided in the region, and therefore help increase tourist attraction in the local area and access to facilities for the local community;
- Creating new connections through the site, increasing permeability within the local area;
- Delivering the first leg of a north-south link road through the Site to Westwood Cross; and
- Resulting in direct financial benefits to Council in form of New Homes Bonus (£41.9m) and annual tax receipts (£7.0m).

## Summary

- Policies EC4 and EC5 of the Local Plan safeguard the site for aviation use.
- There is a plethora of evidence which confirms that the resumption of sole aviation use on the Application Site is not feasible, viable or probable and is therefore not 'reasonable' in the meaning of NPPF paragraph 22. This includes: the 15 year history of the site which has

repeatedly failed to deliver a viable scheme despite the efforts of multiple landowners; published evidence from qualified aviation experts instructed by both Thanet District Council and the Applicant which conclude that there is no reasonable prospect of a viable aviation use on site; the conclusions of the Davies Commission regarding the unsuitability of Manston Airport for meeting the UK's runway capacity requirements; and the Applicant's serious concerns regarding the credibility and legality of RSP's intention to pursue a DCO on the site.

- As such, the weight which can be attached to Policies EC4 and EC5 of the Local Plan should be reduced (in accordance with NPPF paragraph 215), and the application should be determined on its merits (in accordance with NPPF paragraph 22).
- To respond to comments raised during consultation, the masterplan now seeks to re-use the westernmost 1199m of the runway for heritage aviation use, at a scale which is considered to be deliverable and consistent with the overall vision for creating a sustainable new settlement. It will therefore safeguard aviation use on the site.
- The proposed development will generate significant and demonstrable environmental, social and economic benefits of regional significance

## 9. Principle of a New Settlement

9.1 This application will deliver a sustainable new settlement, including residential (Use Class C3/C2), employment (Use Class B1a-c/B2/B8), heritage aviation (Sui Generis), retail (Use Class A1-A5), sports (Use Class D2), schools and community facilities (Use Class D1), all supported by a variety of green infrastructure and recreational public open space.

### Policy

9.2 The NPPF specifically recognises the role that new settlements can play in providing for the Country's housing need. Paragraph 52 of the NPPF recognises that this can be best achieved by planning for new settlements that follow the principles of Garden Cities.

9.3 In March 2016 the Government published 'Locally-led Garden Villages, Towns and Cities' policy paper which reaffirmed the Government's attention to drastically speed up the delivery of new homes across the Country and set out their support for the garden cities and towns to help meet this need. The Policy Paper recognises that large new settlements have a key role to play, not only in meeting the country's short-term housing needs, but also in providing a stable pipeline of housing well into the future.

9.4 The Housing White Paper expresses the Government's support for new garden cities, stating that: "we need to make the most of the potential for new settlements alongside development existing areas. Well-planned well-designed new communities have an important part to play in meeting our long-term housing needs. Provided they are supported by the necessary infrastructure, they are often more popular with local communities than piecemeal expansion of existing settlements" (pg. 28).

### Evidence

9.5 In November 2017 Town and Country Planning Association published Garden City Standards for the 21<sup>st</sup> Century: Practical Guides for Creating Successful New Communities. The guidance provides detail and case studies on a wide range of key issues concerning the creation of garden cities, including planning, investment, land assembly delivery and long-term stewardship.

9.6 The guidance recognises that well planned new communities provide an opportunity to create high-quality sustainable places, allowing for the highest sustainability standards, economies of scale, and better use of infrastructure. Key benefits include:

- The protection of green belt land and prevention of 'urban sprawl'

- Creation of a population with sufficient critical mass to support the range of facilities and opportunities necessary to make it into a new community, including shopping, education, jobs, cultural and leisure services, education, and more;
- The opportunity to embed the principles of sustainability within the design of the settlement itself, including walkable neighbourhoods, and low-carbon lifestyles
- The opportunity to deal with any potential negative impacts on the environment in a holistic way, so that it is integrated within the design of a new settlement; and
- Engaging the local community on a single large proposal, rather than on multiple small ones.

9.7 It states that “masterplanning at a large scale offers a unique opportunity to consider and plan for robust infrastructure that will support the aspirations of a sustainable community” (Guide 3, pg. 23).

9.8 In support of the emerging Local Plan, Thanet District Council prepared a draft New Settlement Mitigation Study (November 2016) where they assessed the possibility of a new settlement to address planned housing growth needed in the District over the plan period. The Council recognised that “the main advantage of planning an entirely new settlement is the ability to design in sustainability from the outset” (pg. 9). The study assessed the potential of a new settlement on the Application Site specifically (NS4 and NS5) and concluded that it was the only site that could provide the quantum of housing growth required that would not compromise other requirements for suitable open space and supporting retail, commercial education and opportunities.

## Assessment

9.9 The application will deliver a significant proportion of the Council's projected housing need through a comprehensive, sustainable new settlement which encapsulates the core principles of a Garden City.

9.10 The application will deliver a sustainable mixed-use settlement that enables people to work, shop and access day-to-day services close to where they live. The masterplan encourages residents, employees and visitors to live sustainably by providing a range of necessary facilities and amenities within easy distance of their homes and places of work. Together, the proposed uses ensure that the proposed development is a genuinely sustainable, distinctive place which meets the needs of its residents and visitors and encourages them to live more sustainably. The proposal therefore fully embodies the principles of sustainable development.

9.11 The application is currently well served by public transport (bus) and improvements to bus services are proposed in order to enhance connectivity of the site to surrounding Towns. The accessibility of the site will increase in further following the opening of the Thanet Parkway Station, which will provide a direct railway link to Margate, as well as high speed services to London in just under an



hour. Further details on how the principles of sustainability have been incorporated within the heart of the proposal are set out in the DAS and Energy and Sustainability Strategy.

9.12 The application includes a comprehensive masterplan for the site, which will deliver a significant proportion of the District's housing requirements in a way which is planned positively, proactively, and with the principles of sustainability at its heart. The masterplan has been designed to serve as the backbone for the creation of a new community, which will grow and evolve over time. Up to 3,700 homes are proposed within the application boundary, which will create a critical mass of residents needed for the delivery of a rich mix of supporting infrastructure and services. However, the settlement has also been designed to allow for the potential integration of the MOD site to the north, should it come forward for redevelopment in the future.

## Summary

- National planning policy recognises the importance that new settlements can play in meeting housing needs.
- New settlements provide the unique opportunity to robustly plan for the infrastructure necessary to support forecast population growth, and embed the principles of sustainability into design.
- The application will deliver a sustainable mixed-use settlement with the critical mass of new homes to support a range of supportive land uses which enables people to work, shop and access day-to-day services close to where they live. The masterplan will be the backbone on which a new community can grow over time.

## 10. Proposed Uses

10.1 This section considers acceptability of the proposed land uses which comprise:

- Housing;
- Employment;
- Aviation;
- Leisure (East Kent Sports Village);
- Main Town Centre Uses (retail, office, hotel);
- Community facilities; and
- Education.

### Housing

10.2 The proposal seeks outline consent for 3,700 residential units (Use Class C3) to be delivered as part of a comprehensive, mixed use development. Up to 250 dwellings will be provided as age-restricted dwellings (Use Class C3 or C2), with the remaining at Class C3 dwellings.

### Policy

10.3 Boosting housing supply is the Government's primary objective. The Government have tabled various measures and initiatives to 'fix' the housing market (including help to first time buyers, New Homes Bonus, etc), however in the 2017 Autumn Budget they confirmed that "the only sustainable way to make housing more affordable over the long term is to build more homes in the right places".

10.4 Saved Policy H2 of the Local Plan makes provision for 4,200 additional dwellings within the Local Plan Period (up to 2011). This figure was based on the South East Regional Spatial Strategy, which was formally revoked in March 2013. The High Court has declared that housing targets set by abolished Regional Spatial Strategies cannot be used by Local Authorities as a basis for calculating the five year supply of housing. There is therefore no Local Plan policy which establishes the full objectively assessed need for housing in the District. Without an established target in a Plan the Council cannot demonstrate a five year supply of housing land and all policies which have the effect of restricting the locations where new housing may be developed (including but not limited to Saved Policies H1, H2, CC1) are out-of-date for the purposes of the NPPF. Accordingly, the application must be considered in the context of the presumption in favour of sustainable development (para 49).

### Evidence

- 10.5 The District has consistently under-delivered on housing and does not have a five year supply of housing. This has been confirmed by numerous appeal decisions.
- 10.6 The Council's own local plan evidence base confirms that:
- The Council's latest SHMA identifies a need for 17,160 additional dwellings in the District between 2011-2031 (857 dpa). Adopting the MHCLG's new standardised methodology for calculating housing need would increase total housing need to 21,260 homes (1,063 dpa). Since 2011, only 1,565 homes have been delivered in the District meaning that the Council are currently running at a shortfall of three to three and a half years;
  - Actual housing delivery in Thanet in the last five year period (2011-2016) has averaged 313 dwellings per annum, meaning there is an immediate, acute need for housing ;
  - The Council's 2016 AMR identifies a 5 year supply of deliverable housing land with capacity to deliver 4,521 dwellings, however even if these sites were deliverable this would not be sufficient to meet five year housing supply taking into account the current shortfall (of between 2,720 and 3,750 units). Furthermore, 1,000 units (22% total) are expected to be delivered on four strategic sites where there are significant challenges to delivery; and
  - The rejected Draft Submission version of the Local Plan did not identify sufficient sites to meet the housing need generated when adopting the MHCLG's new standardised methodology for housing delivery, even accounting for the delivery of 2,500 homes on the Application Site.
- 10.7 Additional evidence of housing need and five year housing supply is set out within the Planning Statement Addendum: Housing Need (ref. SHP2-4.1).
- 10.8 Following the rejection of the emerging Local Plan by Council, Thanet District Council announced another 'Call for Sites' for housing development, recognising that without allocation of the Application Site for housing growth the local plan as it currently stands would not properly plan for the growth of the District. The call for sites closed on the 16<sup>th</sup> March 2018.

#### Assessment

- 10.9 There is no Local Plan policy which establishes the full objectively assessed need for housing in the District. Without an established target in a Plan the Council cannot currently demonstrate a five year supply of housing land. Local Plan Saved Policies are therefore not up to date for the purposes of NPPF paragraph 49. The presumption of sustainable development should therefore be applied and the LPA should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF or the Development Plan as a whole.

- 10.10 There is an acute, sustained housing need in the District, the Council is unable to demonstrate a 5-year supply of housing land and historic housing completions have consistently failed to meet policy targets. In policy terms this means that the presumption in favour of sustainable development contained within NPPF paragraph 14 applies. There is a very significant existing and projected future shortage of housing in the district. The recently published CLG housing figures show Objectively Assessed Housing Need in Thanet is significantly (24%) greater than previously assessed in the Council's Updated SHMA (September 2106) – confirming that the housing shortage in the district is even more severe than previously thought. This application will help to address this need without requiring greenfield land or 'bolting on' to existing settlements without the delivery of supporting infrastructure in parallel.
- 10.11 The proposals will deliver a single settlement community with supporting services and facilities without requiring greenfield land. The proposal will deliver a significant component of the District's housing requirement over the plan period. The site is suitable for housing development and is available now. There is a willing developer in place and a Housing Association is committed to delivering the first 400 units. In other words, it is a deliverable site. The proposed redevelopment of the site for housing should therefore be given significant weight in the planning balance, and determined in light of the presumption in favour of sustainable development.

## Employment

- 10.12 The application proposes up to 46,000 sqm of employment floor space across use classes B1a-c/B2/B8, of which a maximum of 1,700 sqm can be used for office or research & development use (class B1a/b). Office uses (Class B1a) are directed to the local centre, research & development and light industrial uses (Class B1b-c) will be allowed within the proposed mixed use area at the northwestern end of the local centre, with the broadest variety of traditional employment uses (Class B1(b-c)/B2/B8) concentrated in the designated employment areas south of Spitfire Way.
- 10.13 Full permission is sought for the change of use of three existing buildings along Spitfire Way to flexible B1(c)/B2/B8 use, together totalling 5,661 sqm.

### Policy

- 10.14 The NPPF seeks to build a strong, competitive economy and places significant weight on the planning system in supporting economic growth and job creation. Specifically, the NPPF also requires Local Authorities to plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries (para 21). For larger scale residential developments in particular, the NPPF encourages Local Authorities promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site (para 38).

- 10.15 The three economic development and regeneration objectives of the 2006 Local Plan are:
- To allocate and maintain sufficient land resources to facilitate sustainable growth and diversification in economic activity;
  - To provide a strategy for the encouragement of employment generation in order to redress the persistently high levels of unemployment[...]; and
  - To help create the conditions necessary to bring about a significant reduction in unemployment levels towards the Kent average, and to raise local GDP significantly towards the Kent average by the end of the plan period.
- 10.16 By 2006, a total of 26.3ha of employment sites allocated in the 2001 Local Plan remained undeveloped, resulting in a surplus of 52% over Kent and Medway Structure Plan targets at the time. On this basis, Saved Policy EC1 of the Local Plan carried forward the five previous employment allocations in the District (including Manston Business Park) and concluded that no further economic development land was needed during the Plan period (up to 2011). As explained in para 6.23, the 2006 Local Plan only covered the period up to 2011, is significantly out of date, and should therefore hold limited (if any) weight.
- 10.17 The first strategic priority set out in the emerging Local Plan is to create additional employment and training opportunities, to strength and diversify the local economy and improve local earning power and employability. Proposed Policy SP02 sets a target to deliver a minimum of 5,000 additional jobs in the District up to 2031, with land identified and allocated to accommodate at least 65ha of employment space over the period to 2031. This target is based on projections based upon a dated evidence base which does not reflect changes in population growth and assumes the continued operation of an airport on Site. Projections on employment demand can therefore hold limited weight.

#### Assessment

- 10.18 The Applicant's vision is to create an advanced manufacturing hub for East Kent, capitalising on existing growth potential, supported by 'total place' environment of the type that is currently being sought by potential employers. The proposal will deliver a truly integrated mixed use environment, which brings forward 'traditional' B class employment space alongside institutional, innovation, residential and retail opportunities in order to deliver a sustainable 'total place' environment for new residents, employees and visitors.
- 10.19 The proposed development presents a significant opportunity to enhance Thanet's economic growth prospects by capitalising on existing growth potential by delivering a truly integrated, 'total place' environment of the type that is currently being sought by potential employers. By employing an innovative and flexible approach to development there is the opportunity to create a unique asset within the East Kent and wider County economy that can provide a base

for new inward investment and a location for activity to locate that complements and enhances the existing local drivers.

- 10.20 The masterplan will foster the creation of a new employment hub by concentrating the traditional employment area to the western end of the site the masterplan adjacent to Manston Business Park. This will allow occupiers on both sites to capitalise on agglomeration benefits, rather than allow these to disperse over a wider area. A mixed use area at the north-western end of the local centre is proposed in order to integrate the core 'advanced manufacturing hub' with the local centre residential uses.
- 10.21 It is intended that the majority of employment floor space will be taken up for B1(c) and B2 uses, however a wide, mix of traditional employment floor space is proposed in order to allow the flexibility to allow complementary mix of activities to co-locate in an economic hub and drive new forms of activity. The scale and mix of floor space proposed is driven by the aspiration to deliver a different offer to the market than can be achieved by existing sites, and generate sufficient critical mass and flexibility to allow this growth potential to be realised.
- 10.22 It will help to address some of the key economic issues within the District, including unemployment levels (consistently above regional and national averages), resident earnings (among the lowest in England), and the high proportion of people who leave the District to work (60%).
- 10.23 The Applicant will seek to cultivate a skilled and semi-skilled workforce to support the advanced manufacturing hub. In order to support this, the outline consent seeks consent for sufficient Class D2 floor space to accommodate a Higher/Further Education campus. The intention is that this facility will help train people in the skills needed to support businesses within the hub, as well as allow local employers to cultivate a bespoke, skilled local workforce to support constantly evolving business needs. There will also be opportunities for low-skilled jobs, as well as additional demand generated by downstream activities.
- 10.24 The Vision for the proposed employment space at Stone Hill Park is centred on the creation of a high quality environment which will foster the development of companies engaged in growth sectors of relevance to the economy of Thanet and East Kent. The proposed applications for Change of Use of existing warehouse/sheds along Spitfire Way will ensure that employment generating uses can occupy the Site in the short-term.
- 10.25 Sectors identified within Thanet District Council's Economic Growth Strategy (2016) will be specifically targeted. These include:
- Advanced manufacturing;
  - Engineering;
  - Research and development;
  - Low carbon economy; and

- Agritech.
- 10.26 Stone Hill Park Limited intend to appoint a Senior Director to be responsible for devising and implementing a programme to attract companies in these sectors to the site. He/she will work closely with central government, the South East LEP, Kent County Council, Locate in Kent and Thanet District Council in a proactive campaign.
- 10.27 These marketing efforts will be complemented by investment in capital works, to include infrastructure and buildings. Premises will be provided on both a speculative and bespoke basis and will be of a quality and size range which historically has not been provided in the District.
- 10.28 Close links will be formed with research & development organisations and education institutions, both to create a network of support for occupiers and also to help local people access the employment opportunities that result.
- 10.29 The owners of Stone Hill Park will draw on other examples in the UK in which they, or their directors, have had experience. These include: Discovery Park, Sandwich, Kent; Advanced Manufacturing Park, Sheffield/Rotherham; and Wynyard Park, Teesside:
- Discovery Park is the former European research and development HQ for pharmaceutical giant Pfizer. Following a restructuring of its business, Pfizer dramatically scaled-back its operation in Sandwich in 2011 and sold the site in 2012. Employment fell from 2,400 to around 600 and there was some doubt as to the longevity of those remaining jobs. The site was acquired in July 2012 by Discovery Park Ltd, a consortium that included two shareholders of Stone Hill Park Ltd. Since then, over 125 new companies have been attracted to the site, being a combination of local companies looking to expand and inward-investors seeking a UK base. Employment fully recovered to the 2011 Pfizer level and reached 3,000 when the site was sold. Discovery Park has received national recognition as a major success, including being a case study in the government's "Toolkit" for the regeneration and development of life science sites.
  - The Advanced Manufacturing Park is a highly successful development located on a former coalfield site in South Yorkshire. Anchored by the University of Sheffield, Boeing and Rolls-Royce (aerospace), the site has become a major centre for companies engaged in advanced manufacturing. This former coke works in Rotherham is creating the first advanced manufacturing innovation district in the UK, pioneering development of durable, lightweight materials for everything from aircraft to nuclear reactors. Its success is driven by the co-location of several similar engineering industries, allowing them to capitalise on a shared supply chain and client base, as well as information and (labour) resources. Success is also linked to the relationship of existing businesses on the park with the University of Sheffield's Advanced Manufacturing Research Centre, which moved onto the park in 2004 and has helped in the creation of new production techniques and in training the next generation of

employees. Shareholders in Stone Hill Park have previously been involved in the AMP, including the creation of a joint venture with the AMP owners to speculatively develop a range of buildings aimed at small/medium-sized enterprises. These were fully let and then sold on the investment market.

- Wynyard Park is a 280ha site in Teeside which formerly comprised microwave and computer monitoring factories operated by Samsung. In 2004 Samsung announced closure of the plant, with the loss of more than 400 jobs. Wynyard Park Ltd was founded by the owners of the Application Site in 2005 as a joint venture with the intention of creating a world class business park complemented by homes and supporting facilities. Since acquisition, the site has attracted more than £250 million of private investment including tenants such as Huntsman, one of the world's leading chemical companies, and logistics firm Clipper with its occupation resulting in 500 jobs. Despite being located in an area of relatively low economic activity, the owners of Wynyard Park have been able to let 90% of the site. It is home to over 65 companies of varying sizes and currently provides in excess of 2,000 jobs. Continued further investment is planned and the site recently acquired resolution to grant outline planning permission in April 2014 for 101,858 sqm of commercial floor space, up to 600 dwellings, a 2-form entry primary school, local centre, changing facilities, playing field and open space.

10.30 Proposed employment uses are therefore entirely supported by national policy and guidance.

### Main Town Centre Uses

10.31 The application seeks consent for a mix of retail, office, hotel and sports uses to sustain the day-to-day requirements of the local population and help form part of a new local centre in the heart of the development. In addition, the proposal includes provision for regionally significant sports facilities (comprising a wave garden and 50m swimming pool).

10.32 In total, the following mix and quantum of main town centre uses are proposed:

- Maximum 3,600 sqm (GIA) of retail (Class A1-A5) floor space. Of this, a maximum of 1,100sqm (net) will be capable of use for Class A1 convenience sales floor space and a maximum of 563 sqm (net) for use by Class A1 (comparison) sales floor space.
- Maximum 1,700 sqm office (Class B1a) floor space;
- Maximum of 120 hotel bedrooms; and
- Maximum 7,000 sqm (GIA) sports and leisure facilities (Class D2), including regionally significant leisure facilities including a wave garden and 50m indoor swimming pool (forming a new 'East Kent Sports Village') as well as provision of small scale sport/recreation facilities to meet the local needs of residents/workers.

10.33 The Local Centre will be located at the 'heart' of the community, within walking distance of the greatest proportion of residents. Design controls within the Development Specification will control



Central Character Area (including the High Street), limit the length of the High Street and control its location in relation to the 'key crossroads', as well as set out key considerations required during detailed design of the High Street including the requirement for provision of a new "Village Green" or "Public Square" directly adjacent.

### Policy

- 10.34 The NPPF recognises that town centres are at the heart of communities and local planning authorities should pursue policies to support their viability and vitality, and promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres (para 23).
- 10.35 When considering applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan, the NPPF states that Local Planning Authorities should:
- Apply the sequential approach to site selection, requiring applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. Applicants should also demonstrate flexibility on issues such as format and scale (para 24); and
  - Require an impact assessment (for proposals over 2,500 sqm or any locally set threshold) which consider impact on existing, committed and planned public and private investment and town centre vitality and viability (including local consumer choice and trade) in centres in the catchment area of the proposal (para 26).
- 10.36 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused (para 27).
- 10.37 The NPPF also states that "for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties" (para 38).
- 10.38 We summarise policies relevant to specific subcategories of main town centre uses for which permission is sought below.

### *Retail*

- 10.39 The 2006 Local Plan establishes the retail hierarchy for the District. Westwood Cross sits at the top of the retail hierarchy, followed by three Town Centres (Margate, Ramsgate and Broadstairs), four District Centres (Cliftonville, Westgate, Birchington and Minster) and an unspecified number of

Local Centres which are not defined by the 2006 Local Plan or Proposals Map. Saved Policy TC1 requires applications for new retail development to comply with the sequential approach, with preference for new development to be located within the core areas of Margate, Ramsgate, Broadstairs and Westwood. Outside these proposals, Saved Policy TC1 states that retail proposals should:

- Demonstrate an identified need (assessed according to evidence of existing commitments, residual demand and available expenditure within an appropriate catchment area);
- Be in a sequentially preferable location;
- Be of an appropriate scale;
- Have no unacceptable impact on the vitality and viability of existing centres; and
- Be accessible.

10.40 The NPPF removes the requirement for applications to demonstrate 'quantitative need' (a previous requirement of PPS4). The test relating to appropriate scale of new development remains, however only in so far as it relates to consideration of impact.

10.41 The emerging Local Plan proposes to carry forward the established retail hierarchy. Proposed Policy E05 states that proposals for main town centre uses should be located within the designated town centres of Margate, Ramsgate, Broadstairs and Westwood. Where this is not possible due to size, format and layout town centre uses should be located on the edge of town centres or on employment land designated for flexible uses. Outside these areas applicants should demonstrate that there is no sequentially preferable location within the catchment of the proposed development. It proposes a 280sqm threshold for proposals for main town centre uses in rural areas, above which assessment of impact will be required. We note that proposed allocations for strategic housing sites include scope for provision of "*small scale convenience retail provision required to accessible serve day to day needs of the development*".

10.42 The retail element of the proposal should therefore be determined in accordance with the impact and sequential tests set out in the NPPF.

#### *Office*

10.43 There are no Saved Policies in the 2006 Local Plan or emerging Local Plan relevant to assessment of proposed office uses.

#### *Hotel*

10.44 There are no Saved Policies in the 2006 Local Plan relevant to hotel uses. Proposed Policy E07 of the emerging Local Plan supports new serviced tourist accommodation where it relates to existing built development, is of appropriate scale, is accessible by range of means of transport, is

respectful of landscape character/nature conservation value and any increase in recreation pressure on designated nature conservation sites is mitigated.

#### *Sport and Recreation*

- 10.45 The NPPF confirms that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people take leisure (para 9). It states that planning policies should plan positively for the provision of sports venues and confirms that opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It promotes development of local services and community facilities in villages, including sports venues (para 28). Nevertheless, as 'sport and recreation uses are defined as 'main town centre use' by the NPPF, the sequential and impact tests have been applied to be robust.
- 10.46 Saved Policy T1 of the 2006 Local Plan states that planning permission will be granted for development which would extend or upgrade the range of tourist facilities in the district, increase the attraction of tourists to the area or extend the season.
- 10.47 The Preferred Options Local Plan identifies one long-term primary sports venue for Thanet (Jackey Bakers, south of Westwood Cross), however it is silent on the assessment of applications for additional sports and leisure facilities elsewhere in the District.

#### Assessment

- 10.48 A Retail Assessment is submitted in support of this application which assesses the capacity for new retail (convenience and comparison goods) floor space arising from the masterplan population and provides a view of the most appropriate scale, mix and types of supporting main town centre uses that could sustainably and viably be supported in the proposed local centre. It then assesses the proposal in light of relevant (sequential and impact) tests set by the NPPF and concludes that the proposal is in accordance with the NPPF. We summarise the main conclusions with respect to each proposed sub-category of main town centre uses below.

#### *Retail*

- 10.49 A fundamental design principle of the proposed development is the "walkable neighbourhood," which will encourage residents and visitors to live sustainably by providing a range of necessary facilities and amenities within easy distance of their homes and places of work. To deliver this vision, a new local centre is proposed within the heart of the community within 15 minutes walk of all proposed residential areas.

- 10.50 The proposed location of the local centre is designed to promote a significant proportion of walk-in trips by local residents and employees, as well as attracting trips by public transport and other modes of travel. It will improve the health of residents by encouraging walking/cycling and providing easy and safe access to expansive green spaces to enjoy the outdoors. The proposed floorspace will provide local choice and sustainable access to important services for proposed and existing residents in the local area, in accordance with the overall vision of the NPPF. It will therefore function as highly sustainable development in accordance with policy objectives.
- 10.51 The local centre will comprise a variety of new retail, service and community facilities, including a small/medium-sized foodstore, cafes/restaurants, GP and pharmacy, community hall, hotel and other leisure facilities. The permitted uses in the Local centre will be Class A1-A5, B1(a), C1, C2, C3, D1 and D2 (Parameter Plan 3: Land Use). The masterplan proposes a traditional 'High Street' experience as the focus for the local centre. Here, the predominant ground floor use of this area will comprise Class A1-A5, C1, and D1 uses (Parameter Plan 3: Land Use). The location of the High Street has been designed to ensure that it is accessible to the maximum number of proposed residents, and can serve the neighbouring MOD site should it come forward for redevelopment in the future.
- 10.52 The Retail Assessment submitted in support of the application justifies the quantum of main town centre uses proposed and assesses the proposal against relevant NPPF impact and sequential tests. The catchment area adopted for the purpose of the retail assessment comprises the boundary of the masterplan area which is considered robust and corresponds to the Applicant's desire to create a sustainable mixed-use community.
- 10.53 The quantum of Class A1 retail floorspace proposed is derived from a retail capacity assessment which forecasts the additional convenience and comparison expenditure which will be created by the proposed local population and estimates the proportion of local spend which is likely to be 'retained' by the proposal. It also considers likely levels of expenditure inflow from outside the population area based on the potential scale and attractiveness of new facilities, as well as proximity to competing facilities.
- 10.54 With respect to convenience floorspace, the assessment assumes that 80% of total convenience expenditure will be capable of being retained within the proposed masterplan. Together with estimates for inflow (+10%) and trade from business (+5%), the proposed population is sufficient to sustain a foodstore with a maximum of 1,100 sqm (net) convenience floor space.
- 10.55 With respect to comparison expenditure, the assessment assumes the proposal will retain a much lower amount of comparison goods expenditure from the proposed residential population (10%), commensurate with the tendency for comparison goods floorspace to be concentrated in higher order centres. Together with estimates for inflow (+10%) and trade from business floorspace

(+10%), the proposed masterplan is estimated to generate sufficient demand for 563 sqm (GIA) of comparison floorspace.

- 10.56 The assessment concludes that roughly one third of total Class A floorspace should comprise additional service businesses, including Class A2 Uses (banks and financial services) and Class A3/A4/A5 Uses (cafes, restaurants and takeaways), launderettes, hairdressers, estate agents, etc. This is informed by a 'benchmark' average floorspace mix of smaller UK retail centres.
- 10.57 With respect to impact, the quantum of uses proposed is designed to sustain the requirements of the proposed development, not draw in local expenditure from beyond. Overall, we estimate that less than 10% of the turnover of the proposed convenience floorspace could come from residents outside of the proposal. Of this, a large proportion of this would be from employees of the manufacturing area and drive-by traffic. Impact (in terms of trade diversion) would be diversified across a wide geographical area and is therefore unlikely to result in any significant impact on any local centres. With respect to comparison floorspace, we estimate that the majority of local residential expenditure will be absorbed by higher order centres within the District, resulting in a significant positive benefit to existing town centres in the district.
- 10.58 Local expenditure not attributed to the local shops within the local centre will be spent in existing shops and services within the local area. Overall, the impact of the proposal on local centres is expected to be positive as the proposed population will generate additional spend/patronage which will not be entirely retained within the proposed local centre. Likewise, the proposal will not prejudice any existing or planned investment within town centres within the area. Indeed, it will create new local demand which will not fully be realised by the proposed local centre, which will be capable of being absorbed by existing local centres, stores and services in the local area.
- 10.59 With respect to the NPPF sequential test, the purpose of the proposed retail floorspace is to enable the creation of sustainable "walking neighbourhoods" which provide access to necessary facilities and services within close proximity of proposed and existing residents. The location retail floorspace within the local centre is designed to serve location-specific needs, which could not be met by provision on alternative sites elsewhere in the District. The proposal is therefore compliant with sequential approach to site selection.

#### *Office*

- 10.60 A total of 1,700 sqm of office (B1a) floorspace is proposed to diversify proposed employment floorspace. Office floorspace will be directed to the local centre (Parameter Plan 3: Land Use) to help encourage activity throughout the day.
- 10.61 There is no established method for quantifying the potential impact of proposed office uses on existing town centres. The scale of proposed office floorspace is minimal relative to the total quantum of employment floorspace proposed (5%) and designed to complement the overall

employment offer on site. It is not sufficient to trigger a potential impact on any local centre surrounding the proposal.

10.62 As above, the proposed office floorspace within the local centre is designed to help diversify the mix of uses in the local centre and serve location-specific needs which could not be met by provision on alternative sites elsewhere in the district. The proposal is therefore compliant with sequential approach to site selection.

#### *Hotel*

10.63 A total of 120 bedspaces are proposed, which could be delivered across one large hotel or multiple small/medium sized hotels. Proposed hotel uses will be directed to support the proposed regional sports facilities, within easy walking distance of the hotel and surrounding residential uses.

10.64 The proposed hotel has been designed to serve the future requirements of the proposed masterplan population. It will:

- Sustain the viability and attractiveness of East Kent Sports Village and the heritage aviation offer;
- Support the operational requirements of the proposed employment area; and
- Visitor overflow (e.g. those visiting residents of the masterplan)

10.65 The proposed hotel is therefore designed to meet locally specific needs which cannot be met by existing hotels elsewhere in the District. The scale of the proposal is driven by operator requirements and is not of sufficient scale to trigger potential for adverse impacts. Indeed, by encouraging visitors and employees to stay in the local area longer, the proposed hotel will increase the propensity for visitors to visit other local attractions. The proposal will therefore not have any significant adverse impact on any town centres.

10.66 With respect to the sequential test, the location of the proposed hotel uses is designed to serve location-specific needs, which could not be met by provision on alternative sites elsewhere in the District. The proposal is therefore compliant with sequential approach to site selection.

#### *Sports and Leisure*

10.67 The proposal includes provision for up to 7,500 sqm (GIA) sports and leisure facilities (Class D2), intended to include regionally significant leisure facilities (forming a new 'East Kent Sports Village'), as well as provision of small scale sport/recreation facilities to meet the local needs of residents/workers. These uses will be located at an area of 'transition' connecting the employment and residential areas, and helping to activate open space and public realm.

10.68 The application includes an outdoor 'recreational surface water body' and associated built facilities to be provided. The Applicant's aspiration is that this will comprise a man-made surf lake

(a 'wave garden') which we anticipate will become a regionally significant visitor attraction. The vision is to locate this alongside the swimming pool and supporting outdoor sports/recreation facilities to establish a base for multi-sport activities such as triathlons.

- 10.69 There is no established method for quantifying the potential impact of proposed sports and leisure uses on existing town centres. The proposal is for regionally significant sports and leisure facilities, one of which is not currently not provided for in Kent (50m swimming pool) and one which will be entirely new to the England (wave garden). On the basis that the proposal will introduce something entirely new to the District, the proposal is unlikely to trigger any impact on existing centres.
- 10.70 With respect to the sequential test, the Retail Assessment demonstrates that there are no suitable and viable sites in preferable locations in or at the edge of existing centres within the District which are available to accommodate the proposed uses. The proposals therefore accord with the sequential approach to site selection.

### Community Facilities

- 10.71 The proposed development includes 2,400sqm (GIA) museum space and 2,500 of space for community facilities. It is anticipated that the this will include a community centre and GP surgery, provided within the local centre, which are intended to satisfy the social infrastructure needs generated by the proposed development (as assessed in the Social Infrastructure Assessment provided in the ES).

#### Policy

- 10.72 As mentioned previously, the NPPF recognises that for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities and include key facilities within walking distance of most properties. In villages, it promotes the development of local services and community facilities, including local shops, meeting places, sports venues, cultural buildings, public house and places of worship (para 28).
- 10.73 Local Plan Saved Policy CF1 supports the provision of new community facilities as long as they are not contrary to other policies within the Local Plan and are an appropriate location for community uses. Saved Policy CF3 supports proposals for new education and training facilities subject to satisfying relevant environmental/transport considerations and as long as they are not contrary to other policies in the Local Plan.
- 10.74 Proposed Policy SM01 of the Preferred Options Local Plan supports proposals for new community facilities provided they are: of a scale to meet the needs of the local community; in keeping with the character of the area; supported by adequate parking and operational space; and

accessible to the local community by walking or cycling. Proposed Policy SP33 states that the Council will support the development of new primary and secondary schools to meet identified needs.

#### Assessment

- 10.75 New, enhanced facilities for the museums will be provided along the heritage runway. Space will be designed in consultation with the museums to ensure there is sufficient space for research, education, events, a café and displays. The relocated will be accessible by a means of transport, including cycling and walking, and will be supported by adequate car parking spaces, the exact number of which to be discussed and agreed with the museum operators.
- 10.76 Up to 2,500 sqm (GIA) of additional Class D1 floorspace is proposed, which is envisioned for use for a variety of community facilities including Community Hall, GP surgery, and creches/nurseries. These uses will be directed to the local centre in order to serve the needs of local residents.
- 10.77 The scale and location of proposed community facility floorspace is driven by the need to support local demand driven by the proposed population and ensure that the proposed development is a genuinely sustainable, mixed use development. It is therefore fully supported by all policy levels.

### **Education**

- 10.78 The plan includes provision for two primary schools with a combined capacity of up to 6-forms of entry, as well as a small Higher/Further Education college campus. The Higher/Further Education campus will be located within the mixed-use or employment land use zones. The primary schools will be located within the local centre and/or residential areas, within easy access of the surrounding residential area.

#### Policy

- 10.79 As mentioned previously, the NPPF recognises that for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities and include key facilities within walking distance of most properties.

#### Assessment

- 10.80 The masterplan includes scope for the provision of two primary schools which will provide a total of six forms of entry. The proposed primary schools will satisfy the demand for additional spaces which will be generated by the new residential population arising from the proposal and have the potential to accommodate demand from existing communities within the local area (see Socio-



Economic chapter of the Environmental Statement for further details). The primary schools will be located within the local centre zone and/or residential land use zones, within close proximity to the residential population.

- 10.81 In addition, the masterplan envisions provision of a small Higher/Further Education college campus, which will be located within the mixed-use or employment land use zones. The intention is that this campus will train people in the skills needed to support businesses within the hub, as well as allow local employers to cultivate a bespoke, skilled local workforce to support constantly evolving business requirements.
- 10.82 A working draft of the IDP was published in November 2016. It identifies a wide range of infrastructure required to support overall development proposed in the emerging Local Plan. This includes:
- Affordable housing
  - Public transport measures
  - Walking and cycling measures
  - New/improved roads
  - Employment land provision
  - Education and social provision
  - Health facilities
  - New open space provision
  - Utilities
- 10.83 All infrastructure measures identified in the Draft Infrastructure Delivery Plan are included within the proposals.

## Summary

- This section assesses each of the proposed land uses and demonstrates that they are acceptable and in accordance with relevant national and local policy.
- There is an acute, sustained housing need in the District, the Council is unable to demonstrate a 5-year supply of housing land and historic housing completions have persistently failed to meet policy targets. In policy terms this means that the presumption in favour of sustainable development contained within NPPF paragraph 14 applies. The proposed redevelopment of the site including provision for 3,700 homes must be given significant weight in the planning balance.
- The proposal includes 46,000sqm of employment floorspace. It is intended that the majority of employment floor space will be taken up for B1(c) and B2 uses, however a wide, mix of traditional employment floor space is proposed in order to allow the flexibility to allow complementary mix of activities to co-locate in an economic hub and drive new forms of activity. The scale and mix of floor space proposed is driven by the aspiration to deliver a

different offer to the market than can be achieved by existing sites, and generate sufficient critical mass and flexibility to allow this growth potential to be realised.

- The new settlement will include a number of Main Town Centre uses, the scale of which have been designed to support the local population and (in the case of East Kent Sports Village) deliver leisure facilities of a regional scope. A Retail Impact Assessment has been prepared which confirms that the mix and scale of new facilities are acceptable and supported by policy.
- The proposal will deliver new community facilities and two 3FE primary schools to meet the needs of the proposed population.
- When considered cumulatively, the proposed uses will ensure that the proposed development is a genuinely sustainable, distinctive place which meets the needs of its residents and visitors and encourages them to live more sustainably. The proposal therefore fully embodies the principles of sustainable development.

## 11. Detailed Housing Matters

11.1 This section considers the application in light of the following detailed housing matters:

- Density;
- Mix;
- Affordable Housing;
- Elderly Housing; and
- Residential Amenity/Standards.

### Density

11.2 The proposal includes a range of residential densities across the site to respond to local context, differentiate each character, and allow for a wide variety of housing types to help create a mixed and balanced community which caters to every stage of life. The densities proposed across the site range from 25dph (at the eastern edges of the settlement area) to 45 dph (directly adjacent to the proposed local centre and fronting the Village Greens).

11.3 The Character Area Plan links to a number of specific controls set out within the Development Specification. Controls specific to each Character Area are introduced and cover: layout, density, extent of the character area, building height, open space, and treatment of the Special Control Area.

### Policy

11.4 Saved LP Policy H1 states that the Council will seek to make efficient use of housing land and developments of less than 30 dwellings per hectare would require special justification. Supporting text states that exact density will need to take into account the character of the locality, the need to secure a mix of housing types to meet local demand and the desire to achieve attractive living environments through quality design and optimum use of land. As this policy is relevant to the supply of housing and the Council is unable to demonstrate a five year supply of housing, this policy should be afforded no weight in decision-making.

11.5 The emerging Local Plan does not seek to prescribe target densities for residential developments, stating that " in all instances, the compatibility with the character of the area and the mix of housing to meet local needs or demand will influence design and layout" (paragraph 13.8). Notwithstanding, we note that all proposed strategy and non-strategic housing allocations include a provision that they will provide a maximum 35 dwellings/ha. Again, the Preferred Options Local Plan is based on out-of-date housing evidence, is undergoing substantial revision and has not yet been tested independently by Inspector. This policy should therefore be given limited if any weight.

11.6 The NPPF does not provide any guidance on density, stating that NPPF states that LPAs should set their own approach to housing density to reflect local circumstances (para 47).

#### Assessment

11.7 A range of residential densities is proposed across the application site. Parameter Plan 6: Density & Height sets three residential density 'typologies' based on the characteristics of the Site and aspirations to create distinct yet complimentary character areas which 'stitch' into the local setting. The three density typologies proposed comprise:

- A 'high' density area (with maximum average density of 45dph and an area tolerance of between 40-50dph), which is located near the local centres and along the Village Greens. This higher density area will allow the proposed development to deliver sufficient critical mass in the 'heart' of the masterplan to activate the local centre and main arterial routes through the site. It will also ensure that a wide range of dwellings can be delivered on Site, including flatted residential units and starter homes.
- A 'medium' density area (with maximum average density of 35dph and an area tolerance of between 30 and 40dph), which radiates outwards from the local centre, extending to the edge of the built up area to the south and north.
- A 'low' density area (with maximum average density of 25 dph and area tolerance of between 30-30dph), which is proposed along the eastern edge of the built up area to respect the rural setting of Manston Village beyond.

11.8 The Development Specification includes controls on the maximum average density of each character area, the acceptable density tolerance, and where density at the higher/lower end of the tolerance will be more appropriate. The proposal purposefully directs higher density towards the Central Character Area in order to provide critical mass to create a focal hub for the new settlement community. Densities at the lower end of the density tolerance are envisioned away from the Local Centre and Primary Vehicular Routes, as well as at the eastern edges of the settlement area.

11.9 The proposed density balances the need to make the most efficient use of need with the requirement to provide a wide range of housing types and character areas, both of which are necessary to attract employers/employees to the manufacturing park and activate the local centre. The overall Site-wide average density, and disposition of residential density typologies across the Site, is therefore considered appropriate and in accordance with relevant policy and guidance.

#### **Mix**

11.10 The 3,700 units proposed will be delivered across a mix of sizes, types and tenures, ranging from one to five bedrooms and including apartments and houses. A housing mix is not defined as part

of the planning application. Instead, a condition is proposed that requires a Housing Scheme to be prepared for approval by the Council. The indicative mix proposed is as follows:

- One bed: 10-20%
- Two bed: 30-40%
- Three bed: 30-40%
- Four+ bed: 15-20%

#### Policy

- 11.11 The NPPF requires local planning authorities to deliver a wide choice of high quality homes and to plan for a mix of housing in terms of size, type, tenure and range based on local demand (para 50).
- 11.12 Saved LP Policy H8 states Council will require a mix of dwelling sizes/types to meet a range of community needs, compatible with character of site's locality.
- 11.13 Proposed Strategic Priority 4 of the Preferred Options Local Plan is to provide homes suited to the needs and aspirations of a settled and balanced community. Proposed Policy SP18 states that proposals for housing development will be expected to address the SHMA recommendations regarding the market and affordable housing types and sizes needed to meet requirements.

#### Assessment

- 11.14 The latest SHMA (2016) found Thanet has a significantly above average proportion of flatted homes and a lower proportion of detached properties relative to Kent and the South East. The SHMA concludes that the strongest demand for market housing will be for two and three bedroom properties. For affordable housing, the SHMA identified a greater proportional need for one- and two-bedroom properties. The SHMA recommends that the Council adopts the following mix for all residential dwellings:
- One bed: 10-15%;
  - Two bed: 40%
  - Three bed: 30%
  - 4+bed: 10-15%
- 11.15 The SHMA recommends the following mix of types of property for private market housing:
- Detached: 25-30%
  - Semi-detached: 25-30%
  - Terraced: 20-25%
  - Flat: 20-25%

- 11.16 In applying policies on housing mix to individual development sites, the SHMA recommends that regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level.
- 11.17 The proposed development will deliver a variety of unit sizes, broadly in accordance with the recommended dwelling mix set out in the 2016 SHMA. The masterplan will provide more 3+ bed properties, which are currently lacking in the District and are a central component of the aspiration to meet the requirements of target employment occupiers (in keeping with similar developments across the UK and internationally). It is assumed that the proportion of the District's housing need for smaller/flatted units will come forward in town centre locations which are more appropriate locations for these types of units.
- 11.18 The proposal is therefore appropriate and in accordance with the latest evidence on housing need in the district.

### **Affordable Housing**

- 11.19 The proposal will deliver a mixture of housing tenures, including the maximum viable proportion of affordable housing having regard to relevant local policies. For the purposes of this assessment, we have assumed that affordable housing will comprise 15% of total units, with a split of 40% Affordable Rent and 60% Intermediate (shared ownership, discount market sale, and/or 'starter homes').

#### Policy

- 11.20 The NPPF outlines the Government's support for the delivery of a wide choice of high quality homes across all tenures and sizes, including the provision of affordable homes (para 50).
- 11.21 Local Plan Saved Policy H14 states that the scale of affordable housing which is reasonable and appropriate on any particular site will be a matter for negotiation between the developer and the Council; however the starting position for affordable housing offer on site will be 30%. This policy is out-of-date and will therefore hold limited weight.
- 11.22 Proposed Policy SP19 of the emerging Local Plan states that residential schemes will be expected to include an element of affordable housing equating to 30%. Supporting text indicates that the Council will seek a split of 70% social rented and 30% intermediate, subject to the conclusion of the SHMA.
- 11.23 The 2016 SHMA identifies a recommended tenure split of 84% social/affordable rented and 16% intermediate units based on the current version of affordable housing. The SHMA offered an alternative target split of 65% social rent, 18% affordable rent and 17% Starter Homes, having

regard to the Government's current proposals to extend the affordable housing to encompass a fuller range of products (including Help to Buy and Starter Homes).

- 11.24 As stated previously, the 2016 SHMA identifies a greater proportional need for one- and two-bedroom properties in affordable tenure; however there remains a need for a balanced mix of dwellings of different sizes to come forward with delivery of larger properties being important in meeting the needs of households with an acute housing need, and releasing existing properties for other households.
- 11.25 The NPPF states that Local Authorities should set their own local policies for affordable housing. With respect to plan-making the NPPF states that "to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the *normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*" (para 173).

#### Assessment

- 11.26 The housing component of the development will include a mix of tenures, including the maximum viable proportion of affordable housing having regard to the district's policy target of 30%. The actual affordable proportion will be subject to negotiation with the LPA during the determination stage (on the basis of viability evidence submitted with the application). The tenure mix will be controlled by s.106 planning obligation.

### **Elderly Housing**

- 11.27 The proposals seek permission for a maximum of 250 of the total 3,700 dwellings proposed to be provided as age-restricted units for the elderly persons (to comprise bedspaces under Use Class C2 or dwellings under Use Class C3). These could comprise a number of products including retirement housing, extra-care/assisted living, residential care, residential nursing).

#### Policy

- 11.28 The 2006 Local Plan is silent on the need to plan for housing for elderly residents within the District, however we note that supporting text refers to a shortfall of suitable housing for elderly residents within rural areas.
- 11.29 Proposed Policy H07 of the Preferred Options Local Plan states that the Council will approve applications that provide good quality accommodation that is needed to support the housing and care requirements of Thanet's community. Where such accommodation falls within Use Class C2, proposals will be expected to demonstrate that they are suitably located to meet the needs of occupiers, including proximity and ease of access to community and services and acceptable with surrounding land uses.

11.30 The NPPF states local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, including older people.

#### Assessment

11.31 The 2016 SHMA indicates that residents in Thanet that are over 65 account for a significant 23% of the District's total population. As life expectancy continues to improve, the number of residents aged over 65 is projected to increase by 54% over the plan period (up to 2031). Particularly strong growth is expected in those aged over 75. The SHMA indicates that there are currently 1,674 units of specialist housing for older persons across the District, and that an additional 1,459 are required over the plan period (an increase of 87%). There is therefore clear evidence of need for properties which are capable of accommodating the requirements of the growing elderly population.

11.32 The proposals will deliver 17% of the Council's total projected requirements over the plan period. Housing for older people will be fully integrated within the proposed masterplan, in keeping with the overall aspiration to create a 'total place' where residents will be catered for throughout all stages of life. The provision of specialist housing for the elderly is therefore considered fully supported at all levels of policy.

11.33 Parameter Plan 3: Land Use allows for the possible provision of elderly housing in residential areas, the local centre, and mixed-use area. All elderly housing will be within a 15 minute walk of the local centre. The exact location of elderly housing will be subject to separate Reserved Matters, however will be encouraged as close to the local centre as necessary to ensure safe and convenient access in balance with other design considerations (such as noise attenuation and proximity to open space).

### **Residential Standards**

11.34 The Proposed Development will deliver high quality new homes that will aspire to fully accord with applicable planning policy standards.

#### Policy

11.35 The National Planning Policy Framework says that local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. The DCLG's 'Technical housing standards – national described space standard' (March 2015) sets national internal space standards for new residential development.

11.36 Saved Local Plan Policy H8 states that 15% of new residential development will be expected to be designed as Lifetime Homes and Wheelchair Housing.



11.37 Proposed Policy H08 of the emerging Local Plan states that at least 20% of residential dwellings across all tenures are constructed to Lifetime Homes, with a minimum of 2% of all dwellings to be constructed to Wheelchair Accessible standards.

#### Assessment

11.38 We propose that a condition is attached to any planning consent which requires the submission and approval of a Design Code, which will provide overarching guidance to future design teams involved in the preparation of Reserved Matters Applications for the development of the outline consent. This document will set the residential design standards which must be adhered to in the detailed design of residential buildings. The Design Code will require new development to fully comply with the requirements of the Lifetime Homes Standards and the Wheelchair Housing Standards. The Proposed Development is therefore in accordance with relevant policy and guidance.

#### **Summary**

- The proposal includes a range of residential densities across the site to respond to local context, differentiate each character, and allow for a wide variety of housing types to help create a mixed and balanced community which caters to every stage of life.
- Although the application is in outline form, detailed housing matters have been considered at an early stage and are embedded within the masterplan as set by the proposed Parameter Plans and Development Specification.

## 12. Other Planning Considerations

12.1 This section considers the application in light of other relevant planning considerations, which comprise:

- Heritage;
- Design/Layout;
- Open space and recreation;
- Landscape and Visual Impact;
- Transport;
- Energy and Sustainability;
- Environmental/Technical; and
- Estate management.

### Heritage

12.2 The proposal will re-use and repurpose of the existing runway to create a 1199m long operational runway for heritage aviation use. The remainder of the runway will be retained and repurposed to form a new publically accessible area capable for use for sports, recreation and community events (markets, etc.).

12.3 The proposal also includes the retention and integration a number of existing buildings within the masterplan, including:

- the Fire Station (building ref. B8), the 'old' Control Tower (building ref. B14 & B14a), and the 'modern' Control Tower (building ref. B9) all of which are subject to proposed Change of Use to flexible community/sport/recreation use (Class D1/D2); and
- retention of a number of other elements of fixed infrastructure including sub-station, radar dishes and remnants of former airport use, which will be integrated within the proposed masterplan (building ref. B35, B39, B40).

### Policy

12.4 As there are no designated heritage assets on Site, national and local policies relevant to conservation/enhancement are not relevant. However, Paragraph 131 of the NPPF states that new developments should make a positive contribution to local character and the distinctiveness of an area. Likewise, Strategic Priority 4 of the Preferred Options Local Plan seeks to "*safeguard local distinctiveness and promote awareness, responsible enjoyment, protection and enhancement of Thanet's environment.*"

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### Assessment

- 12.5 Although there are no statutory or locally listed heritage assets within the Site, the results of the extensive pre-application public consultation undertaken to inform the application proposals has made it clear that there is strong local attachment to and respect for the airfield history of the Site.
- 12.6 The western most part of the runway will be retained and safeguarded for heritage aviation use. The museums will be relocated adjacent to the runway to create a new cultural and historic hub, supported by cafe and the operational aerodrome. As outlined in the Environmental Statement, it is intended that the heritage runway will be used only by heritage aircraft with up to 1,100 annual movements with the highest on any one day being six (i.e. three take-offs and three landings). All flights will be during daytime hours (07:00 to 19:00 hours) and there will be no air shows unless otherwise approved and accompanied by necessary assessment. The use of the airport would be strictly controlled to ensure there is no disturbance to existing or future residents.
- 12.7 The remainder of the runway will be repurposed for use as recreational area unique to Thanet. We anticipate that the runway area will be subject to a detailed open space management plan, to ensure that this significant recreational feature is managed in a way that capitalises on its recreational and open space value.
- 12.8 The proposal therefore seeks to retain and reuse a number of existing buildings within the Site that have perceived local historic value. These buildings will be given a new lease of life and integrated within the heart of the proposed development.
- 12.9 Chapter 10 of the Environmental Statement provides further detail on the Site's archaeology and cultural heritage and confirms that the proposal is acceptable in planning terms.

### **Design/Layout**

- 12.10 The layout of the masterplan focuses employment at the western end of the Site, with proposed residential uses generally to the centre and east, clustered around the main local centre. East Kents Sports (with provision for a 50m indoor swimming pool and outdoor Wave Garden and network of outdoor facilities) which will act as the interface between the two.
- 12.11 The settlement will be served by one main Local Centre which will be located in the heart of the development. It will be situated on a Village Green and anchored by a traditional 'High Street', centrally located in order to serve the needs of proposed residential and employment areas.
- 12.12 The masterplan has been designed to achieve a coherent development framework for a new settlement, which has been designed to work coherently with the neighbouring MOD site should it come forward for development in future. The location and orientation of the High Street has been

designed to ensure that it could also serve the neighbouring MOD site, and additional guidance has been included within the Development Specification to ensure suitable pedestrian and cycle connections are made to 'future proof' the Local Centre.

- 12.13 The eastern edge of the proposed built up area is set back from the ownership boundary in order to provide space between the development and Manston Village adjacent.
- 12.14 The southern edge of the site is defined primarily by the existing runway, which also forms the Site ridgeline. Development along this edge should be staggered and will be subject to 'Special Controls' to ensure that the detailed design of buildings along this edge do not cause significant adverse visual impacts from viewpoints to the south.
- 12.15 The extent of the western employment area responds to the extent of the Manston Business Park strategic allocation and committee resolution to grant floorspace here. The western edge of the built up area here is set back from the western most extent of the Site ownership in order to limit the visual impact of the proposal from Minster roundabout.

#### Policy

- 12.16 One of the core planning principles set out in the NPPF is the requirement to always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para 17).
- 12.17 Good design is identified as a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (Para 56). The NPPF (para 58) states that planning policies and decisions should aim to ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - Are visually attractive as a result of good architecture and appropriate landscaping.
- 12.18 Saved Local Plan Policy D1 sets out a number of design principles required to provide high quality and inclusive design, sustainability, layout and materials. Proposals will only be permitted if they:

- Enhance character/appearance of surrounding area particularly in scale, massing, rhythm and use of materials appropriate to the locality;
- Are compatible with neighbouring buildings/spaces and do not lead to unacceptable loss of amenity through overlooking/noise/vibration/sense of enclosure;
- Incorporate a where practicable high degree of permeability for pedestrians/cyclists;
- Incorporates disabled access;
- Retains open spaces and gaps in development;
- Incorporates new landscaping as integral part of development;
- Incorporates wildlife habitats where appropriate;
- Incorporates measures to prevent crime;
- Incorporates, where practical and appropriate, high quality public art relevant to the site and locality;
- Provides safe and satisfactory pedestrian access; and
- Incorporates sustainable urban drainage systems (SUDS),

12.19 Policy QD01 of the emerging Local Plan proposes to carry forward criteria set in the 2006 Local Plan.

#### Assessment

12.20 The proposed masterplan has been influenced by pre-application consultation undertaken with the local community, Design Review Panel, TDC/KCC officers, and technical/environmental experts in statutory bodies.

12.21 The Design and Access Statement explains the design rationale supporting the proposed development and confirms that it is an acceptable design/layout.

12.22 The masterplan has sought make best use the redevelopment opportunity that exists in this accessible, brownfield location, whilst responding to the individual characteristics of the Site and its setting. The masterplan incorporates and builds upon the key design principles promoted by the NPPF and existing and emerging Local Plan. In particular it:

- Places the aspiration to create a sustainable, walkable, genuinely mixed use environment at the heart the design process in order to deliver the Applicant's vision to create a place where people can live, work and play;
- Improves connections through and to the Site, including creation of new pedestrian/cycle paths, roads, and the creation of significant new green network of paths and recreation areas for use by all;
- Capitalises on the Site's unique character and history, making new use out of existing heritage features such as the runway and a number of former airport-related buildings in order to respect the history of the Site and use it to create a unique sense of place;

- Delivers a rational arrangement of buildings and mix of uses which will support the creation of an advanced manufacturing hub at the western end of the Site, linked to and supported by a new, genuinely sustainable and mixed use residential community;
- Supports the creation of distinct character areas throughout the Site;
- Places the delivery of high quality public spaces which are accessible to all at the heart of the design process;
- Proposes a significant amount of new green infrastructure, incorporating a wide variety of new landscape, recreation areas, sports facilities, biodiversity features, and sustainable drainage;
- Respects the local context of the Site, minimising visual impacts from surrounding settlements by introducing significant setbacks from the Site boundary, requiring special controls over the location of buildings along the southern edge, and where appropriate introducing new landscape features to help filter views through to the proposed development;
- Is the result of an extensive design process with the determining authorities and other stakeholders, including the local community;
- Includes provision for SUDS;
- Is informed by a viable phasing strategy which is adaptable and amenable to future change; and
- Will be subject to a Design Code which will be secured by condition and will set the design language for future Reserved Matters Applications.

12.23 A Design Code will be secured by condition which will cover how the principles set out in the DAS are applied to future Reserved Matters applications. The masterplan is therefore considered to be in compliance with the design principles set out in national, regional and local policy guidance.

## Open Space and Recreation

12.24 The masterplan includes over 139ha of new open space which will be used for a variety of uses, including landscaping, recreation, and habitat creation. The total undeveloped area equates to one third of the total Site area. The most significant feature will be the runway, of which no less than 50% will be retained in situ and managed to create a unique new outdoor recreational space. In addition, a network of green spaces will be created within each development zone which will connect to larger green areas proposed.

12.25 Open space will be provided across a variety of typologies, including:

- Parks, Formal Gardens and Recreation Grounds which will provide accessible, high quality opportunities for a range of informal recreation, formal sporting opportunities and community events;
- Natural and Semi-Natural Green Spaces including new publically accessible woodlands or for wildlife conservation, biodiversity and raising environmental education awareness;

- Outdoor Sports Facilities, including playing pitches, bowls and croquet greens, tennis courts;
- Amenity Green Space, which will provide opportunities for informal activities close to residential areas;
- Children's Play, including dedicated, informal, and interpretative/incidental play space; and
- Allotments.

12.26 The Development Specification includes requirements for the creation of open space within each defined Character Area. The Development Specification also specifies the maximum distance any residential dwelling can be from Local Areas for Play (LAP), Local Equipped Areas for Play (LEAP) and Neighbourhood Equipped Areas for Play (NEAP).

12.27 A Site-Wide Management Strategy will be secured by condition which will provide details on the management and use of open space, public realm, child play areas, ecology areas and the overall estate. All future Reserved Matters will need to comply with this over-arching strategy.

#### Policy

12.28 The NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

#### *Open Space*

12.29 Saved Policy D2 of the Local Plan requires that on development sites of one hectare or more, native tree planting must cover 10% of the site. This policy is considerably out-of-date, overly prescriptive, and unsupported by evidence. It can therefore hold limited (if any) weight.

12.30 Policy SP23 of the emerging Local Plan states that developments should make a positive contribution to Thanet's green infrastructure network by (amongst other things) providing and managing new accessible open space. Policy SP27 states that the Council will require provision of suitably and conveniently located areas of usable amenity space, adequate to accommodate the demands for passive recreation generated by proposed residential development. Sites of 50 dwellings or more will be required to provide sufficient space to meet the following standards:

- 2ha of natural and semi-natural green space per 1,000 population
- 1.06ha of urban and country park per 1,000 population;
- 0.19ha of allotments per 1,000 population;
- 0.5ha of amenity green space per 1,000 population; and
- 0.7ha of equipped play areas per 1,000 population.

12.31 We note that these targets are based on the conclusions of the 2005 Open Space Assessment and can therefore hold limited weight.

12.32 Proposed Policy GI04 states that the type and amount of open space will depend upon the size and location of the development, existing open space near the Site, and the number of people likely to live in the proposed development.

#### *Outdoor Recreation*

12.33 Saved Policy SR4 states that the Council will seek a financial contribution for the provision of sports land and facilities together with a commuted payment for continuous maintenance. Supporting text indicates that this policy will not apply to developments which are able to accommodate open sports facilities within the actual site.

12.34 There are no relevant policies in the emerging Local Plan.

#### *Child Play*

12.35 Saved Policy SR5 of the 2006 Local Plan states that where a development includes 50 or more residential units, developers will be required to provide 0.7 hectares of play space on site per 1,000 population. This should be made up of 36% equipped play area and 64% casual or informal play space. Local play area provision should be available within a maximum safe walking distance of 200 metres from any dwelling incorporating one or more child bedrooms. New family dwellings will also be expected to incorporate garden space in order to provide a safe 'doorstep' play area for young children. This will be immediately adjacent to, closely visible and safely accessible from the dwelling served.

12.36 Proposed Policy QD02 of the emerging Local Plan states that residential development should include provision of private or shared external amenity space/play space. Proposed Policy GI04 states that new family dwellings will be expected to incorporate garden space in order to provide a safe 'doorstep' play area for young children.

### Assessment

#### *Open Space*

12.37 Although open space standards set out in Policy SP27 of the Preferred Options Plan are based on evidence which is now considerably out of date, it is the only published standard available for assessing the proposal. Based on these standards, the proposed masterplan population (as estimated within the ES) would trigger the requirement for:

- 18.5ha of natural and semi-natural green space
- 9.8ha of urban and country park
- 1.75ha of allotments
- 4.6ha of amenity green space and
- 6.5ha of play areas



- 12.38 In total, the proposal will deliver 133ha of new open space for public use and enjoyment, far exceeding policy guidance. It is also relevant that the Site has never previously been accessible to the public, and will therefore result in a significant net addition to overall district-wide open space provision.
- 12.39 The Environment Statement confirms that the level of new provision will be sufficient for the new population generated by the Proposed Development and will help in alleviating existing demand for green space.
- 12.40 The disposition of development zones across the site have been designed to support a variety of public spaces across the Site. These will be connected by a network of green and amenity spaces which will be provided within development zones.
- 12.41 A variety of types of open spaces will be provided in accordance with policy guidance. Details of the location, typology, and management of open spaces will be subject to a Design Code which will be secured by condition.

#### *Outdoor Recreation*

- 12.42 The masterplan will support the development of healthy communities and genuinely sustainable neighbourhoods by embedding an element of sports and/or recreation use within the overall green/open space offer. This could take the form of trim trails, outdoor gym equipment, a demarcated running/hiking route, etc.
- 12.43 A Design Code will be secured by condition which will provide further detail on the management of outdoor recreation spaces.

#### *Child Play*

- 12.44 The Environment Statement confirms that the proposal generate a new population of 974 children under 11 years old and 740 youth between 12 and 18 years old. Applying the formula set out in Saved Policy SR5 of the 2006 Local Plan and replicated in proposed Policy GI04 of the emerging Local Plan, the masterplan would generate demand for demand for:
- 6.5ha ha of equipped play space; and
  - Additional youth facilities.
- 12.45 The amount of open space allocated to support the proposed development is more than sufficient to accommodate policy requirements. The Design and Access Statement sets out principles to guide future provision of child play space. A Design Code will be secured by

condition which will cover how the principles set out in the DAS are applied to future Reserved Matters applications.

## Landscape and Visual Impact

12.46 The parameter plans set the extent of the Site on which new built form can be developed and incorporate a number of inherent controls to minimise the visual impact of the proposed development on the surrounding area, including:

- significant green 'wedges' around the proposed built up area, particularly to the east (to provide separation from Manston Village) and north;
- proposed areas of new woodlands along the eastern boundary of the site to help filter views from Manston Village;
- controls to the overall height of proposed buildings;
- creation of a 'Special Control' area along the southern edge of the built up area, within which new buildings must be staggered and will be subject to further detailed testing of visual impact;
- drawing a 'hard edge' at the Site ridgeline, with no development proposed to the south of the runway.

12.47 The Development Specification includes additional controls and guidance on the detailed design of buildings within the Special Control Area to ensure that the design approach is sympathetic to views from the wider surrounds. The scale and density of built form within the SCA will be subject to detailed testing as part of Reserved Matters applications and must be informed by a Landscape and Visual Impact Assessment.

### Policy

12.48 The Site is located within Central Chalk Plateau Landscape Character Area. Saved Policy CC2 states that particular care here should be taken to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea. Proposals which conflict with this principle will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area.

12.49 Proposed Policy GI06 of the Preferred Options Local Plan proposals should be supported by a landscape survey. This should describe the current landscape features on the application site, and demonstrate how the proposed development will provide landscaping and green infrastructure to enhance the setting of the development to:

- Create an attractive environment for users and occupiers;
- Establish a sense of enclosure with hedges and trees;
- Soften hard building lines and the impact of new buildings;

- Provide screening from noise and sun;
- Create new wildlife corridors and stepping stones; and
- Create new wildlife habitats and improve biodiversity.

12.50 It goes on to state that the Council will need to be satisfied that the developer has made adequate arrangements to ensure continued maintenance of landscaping, and may seek to secure arrangements for this purpose by entering into a planning agreement.

### Assessment

12.51 The Environmental Statement confirms that the visual impact of the proposal is acceptable from various long and short distance viewpoints.

12.52 The proposal includes a significant amount of open space which will be publically accessible to all. The disposition of development zones has been designed to retain open gaps in development form, respect the setting of the proposal in relation to nearby settlements, and minimise the visual impact of the proposal from the surrounding area.

12.53 The Parameter Plans specify a special area of control, where buildings will be subject to further detailed testing to minimise visual impact from the south.

12.54 The proposal includes substantial areas of new landscaping, including new woodland planting is proposed to help filter views of the development from Manston Village from the east. We propose a condition is attached to planning consent to cover the maintenance of landscaped areas.

### **Transport**

12.55 The proposal incorporates new means of access to and through the Site for vehicles, public transport and pedestrian/cyclists, the details of which are set out in the Transport Assessment submitted with the application. The Transport Assessment also assesses the impact of the development on the road network and sets out off-site highways improvements required to ensure that the proposal will not have an unacceptable impact on the highway network.

### Policy

12.56 The NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Para 32 states that plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

12.57 Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (para 34). It requires all developments which generate significant amounts of movement to provide a Travel Plan (para 36).

12.58 Saved Policy TR3 states that the District and County Council will ensure that proper provision is made for transport infrastructure that is necessary and relevant to the development to be permitted by means of legal agreement. Proposals for transport infrastructure will be assessed in terms of their impact on capacity and safety of the transport network together with their social and economic impacts.

12.59 Saved Policy TR12 seeks to promote increased use of cycling. The Council will seek the incorporation of facilities for cyclists into the design of new and improved roads/junctions. New residential development should include facilities for the secure parking and storage of cycles. This is repeated in proposed Policy SP36 of the Preferred Options Local Plan.

12.60 Proposed Policy SP36 of the emerging Local Plan states that development proposals will be assessed in terms of the type and level of travel demand likely to be generated. Development will be permitted only at such time as proper provision is made to ensure delivery of relevant transport infrastructure. Where appropriate, development will be expected to contribute to the provision, extension or improvement, of walking and cycling routes and facilities and to highway improvements.

#### Assessment

12.61 A Transport Assessment is submitted in support of the revised proposal and summarises the results of a full strategic model which has been developed to test the impact of the development on the surrounding transport network.

#### *Vehicles*

12.62 Vehicular access to the proposed development will be achieved from seven main points of access as follows:

- The principle point of access in the south will be located on the A299 Hengist Way at the Cliffsend Roundabout. A fourth (northern) arm will be constructed to facilitate access.
- Access to the northern part of the site will be taken from Manston Road. A new north-south access road will be provided across the site facilitating access to the development but also

serve as a phase of the Link to Westwood Cross proposed within the Thanet Transport Strategy that accompanies the draft TDC Local Plan. This link road will commence with a four arm roundabout junction in the south connecting Manston Road and the southern development site. Heading north, access points in the form of priority junctions will be provided to facilitate access to the development zones and the road will terminate at the northern boundary of the site where a further phase of the Link to Westwood Cross will be able to tie in.

- A new roundabout junction will be provided on Spitfire Way as the main point of access on this road and will serve the heritage, leisure and residential areas.
- Two new access points to serve the new employment uses on Spitfire Way. These will take the form of priority junctions. The western most access will feature a ghost island right turn lane.
- An access on Spitfire Way to serve the aviation uses.
- An access onto Manston Road in the north west of the site to provide additional permeability to the northern development zones.
- Access to the retained buildings on Spitfire Way to be provided from existing point of access.

12.63 The development will include the provision of a new north-south link between the A299 Hengist Way in the south and the northern most part of the site, providing the first phase of a the strategic transport link to Westwood Cross set out in the Thanet Transport Strategy.

12.64 There is a shared aspiration for this link road to be delivered over the plan period, as it is required in order to accommodate projected population growth across the District. Since submission of the application, the Applicant has worked with KCC as the highway authority and contributed towards a study to develop a scheme design and estimate the likely costs of delivering this link road. This link road falls across multiple land ownerships and delivery will therefore require coordination and delivery by the relevant authorities. SHP have made a commitment to contribute towards the delivery of this link road at a time specified by KCC. Until that time, and in order to facilitate the development a package of off-site mitigation works capable of being delivered on the public highway have been put forwards that are capable of mitigating the impacts of the proposal.

12.65 The proposals will restrict access between the A299 and Manston Road by not completing any through road links until such a time as this link road is provided.

#### *Public Transport*

12.66 Bus access to the site will be phased and secured through a comprehensive Public Transport Strategy tied to the S106 agreement that has been agreed in principle with the operator Stagecoach East Kent and Kent County Council.

12.67 Initially it is proposed to provide additional bus stops on the roads surrounding the site (Spitfire Way and Canterbury Road West) to facilitate access to existing services. At an appropriate trigger point it is then proposed to extend an existing route that serves Westwood Cross and Ramsgate

railway station to the site. Further triggers to then divert services within the site will then be secured through the S106 agreement. In the longer term implementation of a new service to link the strategic sites on the Haine Road corridor with Westwood Cross, the proposed Parkway Station and Discovery Park has been allowed for in the strategy.

#### *Walking and Cycling*

12.68 Pedestrian and cycle access to the site will be enhanced through the introduction of a series of new permissive rights of ways that will cross the development connecting with existing routes off-site. New crossing points will be introduced on the surrounding highway network to facilitate onward connections including:

- Minster Road to the west of the site to link with existing pedestrian/cycle facilities at the Minster Roundabout
- Manston Road to facilitate a crossing to link the public rights of way in the area

12.69 Improvement of bridleway TR10 will provide a high quality pedestrian and cycle link to the east of the site to connect with Ramsgate and the railway station, and improved linkages to/from the proposed Parkway Station will be delivered when the station is opened.

#### *Impact*

12.70 The Transport Assessment proposes a number of mitigation measures designed to provide additional capacity in order to support the development, and reduce its overall effect on the surrounding transport network. The final measures to be implemented will be the subject of ongoing and post-application discussions with KCC and the results of the strategic transport model that is being prepared. It is anticipated that any agreed mitigation measures will be secured by condition or through the S106 agreement attached to any planning permission.

### **Energy and Sustainability**

12.71 The masterplan has been designed to incorporate passive solar design principles and a SUDs drainage system. A high quality green space network provides future employees and residents attractive open spaces and walking routes.

#### Policy

12.72 The NPPF sets out the Government's priority in delivering sustainable development. Development proposals are expected to comply with local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy.

12.73 There are no policies relevant to energy or sustainable in the Adopted Local Plan. Policy CC04 of the emerging Local Plan states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. All developments will be required to achieve a high standard of energy efficiency in line with most recent government guidance and make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping. All new buildings and conversions of existing buildings must be designed to use resources sustainably. This includes, but is not limited to:

- re-using existing buildings and vacant floors wherever possible;
- designing buildings flexibly from the outset to allow a wide variety of possible uses;
- using sustainable materials wherever possible and making the most sustainable use of other materials; and
- minimising waste and promoting recycling, during both construction and occupation.

#### Assessment

12.74 Sustainability is at the heart of the masterplan design process. The applicant's vision and overarching aim is to create a sustainable mixed-use environment that enables more people to work, shop and access day-to-day services close to where they live. Sustainability features are embedded within the masterplan itself, including (but not limited to):

- the "walkable neighbourhood," encourages residents, employees and visitors to live sustainably by providing a range of necessary facilities and amenities within easy distance of their homes and places of work. All proposed residential development is within the 15 minute catchment area.
- the proposal will comprise a wide choice of residential accommodation by size, type and tenure (including elderly provision), enabling people to move through different stages of life without needing to move away.
- The masterplan requires all vehicular routes to incorporate suitable provision for cyclists and pedestrians. Primary and secondary routes will incorporate cycle provision either on or off carriageway.

12.75 The submitted Energy and Sustainability Strategy (ref. 1-8) confirms that the proposed development will meet minimum national building regulations (Part L 2013), and aim to exceed this by ensuring regulated carbon emissions for the buildings are 10% below these requirements. This will be accomplished through a mixture of improving building fabric above notional values as well as through the use of renewable energy most likely in the form of photovoltaic solar panels. This strategy applies to both the domestic and commercial elements of the proposed development.



12.76 The proposal is therefore in accordance with national and local policy.

### Environmental/Technical

12.77 The application is accompanied by an Environmental Statement (ES) that presents the findings of the assessments that were undertaken as part of the Environmental Impact Assessment (EIA). The ES includes a detailed assessment of the following matters:

- Socio-economics and population;
- Transportation and access;
- Noise and vibration;
- Local air quality;
- Biodiversity;
- Landscape and visual effects;
- Archaeology and cultural heritage;
- Water resources, flood risk and drainage;
- Ground conditions, hydrogeology and contamination;
- Artificial lighting; and
- Climate change

12.78 In overall terms, the ES concludes that the proposed development is appropriate in terms of local and national policy and is considered to be of a design that addresses and responds appropriately to the Site's prevailing environmental considerations.

12.79 The ES has identified some adverse effects that are predicted to arise as a result of the Proposed Development. In particular,

- The Biodiversity chapter (10) identifies the potential for minor negative effects on some species (Brown Hare, common and wintering birds, and barn owls). Mitigation measures are proposed to minimise these effects and include a dog management strategy, encouraging the use of amenity areas by the public, prevention of access to replacement roosts, and use of sensitive lighting. These will be secured by condition.
- The Transport chapter (7) identifies a moderate negative effect on driver delay is anticipated at two junctions. In junction delay terms these effects are minor and are unlikely to be material on a day to day basis, nonetheless, the Applicant commits to work with KCC to find a solution to the moderate negative effects identified.
- The Landscape and Visual chapter (11) identifies six visual receptors are predicted to have moderate negative effects. These are a 'worse case' scenario due to the limitations of the visual representation on the Maximum Parameters within the view montages. The Development Specification proposes specific controls to influence detailed design of the Special Control Area to minimise any negative effects.

12.80 The ES identifies that the redevelopment of the scheme is also predicted to result in many positive environmental effects across a range of disciplines. The overarching benefit of the scheme to be derived from redeveloping the Site to deliver a mixed use development that creates new homes, jobs and sustainable growth is considered to outweigh those negative environmental effects that have been identified in the ES.

### **Estate Management**

12.81 The intention is to transfer 'Primary' roads to the Highway Authority for adoption. All other common areas (including estate roads and public open space) will be held in private ownership.

12.82 A Site-Wide Management Strategy will be secured by condition to ensure a balanced approach and coherent approach to the management of the estate (including public realm, child play space, open space, publically accessible areas (such as roads), ecological areas, etc.).

### **Summary**

- This section has considered the application across a range of relevant planning matters and demonstrated that the proposal would not result in any significant adverse impacts that could not be mitigated.

## 13. Economic Benefits

13.1 The proposed development will deliver significant economic benefits which must also weigh in the planning balance.

### Employment Opportunities

13.2 The proposal will generate direct permanent and temporary job opportunities, as well as indirect job creation through the construction phase. In total, it is estimated that the proposal will create:

- 1,474 (FTE) direct permanent jobs on site in the various land uses proposes;
- 1,732 (FTE) direct temporary (construction) jobs, of which 666 will be direct construction jobs on site and the remainder would be through increased demand for construction labour in the immediate supply chain; and
- 9,620 (FTE) indirect induced jobs, supported by the increased wages of the local population and construction workers who will be working on site.

13.3 See Appendix 19 for further details on job creation.

13.4 Once in employment, the employment floorspace created with the development will play an important role in up-skilling the local workforce.

### Local Economic Output

13.5 Another way of looking at the impact of the masterplan is by economic output. The masterplan development will increase the economic output of the local area, a proportion of which will be distributed back into the economy through local wages and occupier profits. Induced impacts arise from the increase in local expenditure as a result of new residents, employees and businesses in the masterplan buying goods and services from the local area.

13.6 Applying a conservative average of £20,723 per job (average Thanet 'workplace' salary in 2015), the proposed floorspace will generate salaries of **£31.1m** per year by completion (without taking into account inflation or improvements in salary). Even assuming a proportion of these salaries will be spent outside Thanet, this still represents a significant pool of economic output which will create additional uplift to the Thanet Area.

### Retail and Leisure Expenditure

13.7 The proposed new homes represent a net gain to the local economy as the new population will increase retail expenditure capacity in the local area (i.e. introduce a need for top-up and main-convenience and comparison goods retail and leisure services).

13.8 Assuming a population of c.8,140 (based on a 3,700 unit scheme and an average household size of 2.2 persons; and annual expenditure of £5,964 (comparison), £2,544 (convenience) and £3,978 (leisure) per person at 2036 (allowing for site build out) it is estimated that the proposed housing in the masterplan will increase local retail and leisure expenditure capacity as follows:

- Convenience retail: £20.7m
- Comparison retail: £18.5m
- Leisure spend: £32.4m

13.9 Much of this expenditure will be retained in the District which will represent a significant boost to the local economy and is anticipated to have a regenerative effect, helping to increase the trading performance of existing shops and services in the locality and providing opportunity for new facilities to be sustained locally (boosting the overall vitality and viability of the District's centres).

### Local Authority Fiscal Effects

13.10 The New Home Bonus is a grant paid by central government to local councils to reflect and incentivise housing growth in their areas. Based on the number of homes proposed, the proposed development would generate a New Homes Bonus of 4

13.11 The proposal would also result in increased revenue streams to the Council as a result of Business Rates and Council Tax receipts. For the latter, based on the average Council Tax rate of £1,888 for 2015-2016 rates across all bands (A-H), the housing will generate an additional **£7.0m** of Council Tax receipts for the council annually.

### Summary

- The following economic benefits are anticipated to be derived from the proposed masterplan by its completion:
  - 1,474 (FTE) direct permanent jobs generating total salaries of more than £31.1m per annum
  - 1,732 FTE direct temporary (construction) jobs arising on-site
  - 9,620 (FTE) indirect jobs, arising from off-site construction and the supply chain
  - £69.3m of retail and leisure expenditure from the estimated 8,140 new local residents in the masterplan area;
  - New Homes Bonus of £41.9m
  - Annual Council Tax receipts of £7.0m
  - Business receipts

## 14. Conclusions

- 14.1 This Planning Statement explains why Proposed Development is being promoted and assesses it against the applicable national, regional and local planning policy and guidance. It summarises the key planning considerations that arise within this context and concludes overall that the Masterplan meets the overall objectives of national, regional and local policy to deliver sustainable development on previously developed land.
- 14.2 Policies EC4 and EC5 of the Local Plan safeguard the site for aviation use, however there is a wealth of evidence which indicates that there is no viable prospect of the site being used for aviation use. It is for this reason that Council Officers were unable to support including a policy within the emerging Local Plan which safeguarded the site for aviation use. In accordance with NPPF paragraph 22, the application should therefore be treated on its merits. The weight which can be attached to Policy EC4 and EC5 is therefore limited.
- 14.3 There is an acute, sustained housing need in Thanet, the Council is unable to demonstrate a 5-year supply of housing land and historic housing completions have persistently failed to meet targets. As such, the presumption in favour of sustainable contained in Paragraph 14 of the NPPF applies and the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 14.4 The technical reports submitted in support of the Application confirm that the proposal would not result in any significant adverse impacts that could not be mitigated. The application has also demonstrated that proposal would result in significant social, economic, financial and environmental benefits, including:
- regeneration a vacant, previously developed site in accordance with the core land-use planning principles set out in the NPPF;
  - delivering 3,700 high quality homes in a range of sizes and types, including starter homes, family-sized homes, and specialist homes for seniors. This will make a significant contribution to the supply of new housing, where there is no 5 year housing supply – delivering c. 20% of the District's housing requirements over the plan period without relying upon greenfield land;
  - delivering a comprehensive mix of uses, including new homes, community facilities (including two new primary schools, health centre, community hall), sports facilities, education and retail spaces, that enables people to work, shop and access day-to-day services close to where they live;
  - bringing aviation use back onto the site by re-using the western portion of the existing runway to allow for operation for heritage aviation use, supported by new hangars and a relocated museums to create a new historic and cultural aviation 'hub';

- delivering 1,474 full time equivalent (FTE) direct jobs, and additional indirect jobs through construction, in an area of acute socio-economic need and deprivation
- providing opportunities for education/training, including new training and apprenticeships for young people and the long-term unemployed;
- opening up a Site which has been closed to public access for many years, and deliver substantial areas of managed high quality open space and green infrastructure, including significant contributions to biodiversity habitat;
- introducing new regionally significant leisure facilities (including a wave garden, 50 metre swimming pool) which are currently not provided in the region, and therefore help increase tourist attraction in the local area;
- creating new connections through the Site, increasing permeability within the local area.
- delivering the first leg of a north-south link road through the Site to Westwood Cross;
- resulting in direct financial benefits to Council in form of New Homes Bonus (£41.9m) and annual tax receipts (£7.0m).

14.5 Therefore, in accordance with the presumption in favour of sustainable development, permission should be granted.



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4<sup>th</sup> October 2018

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Dear Sir/Madam,

### **Representations to Draft Local Plan (August 2018) Pre-Submission Regulations 19 & 22 Consultation**

This representation is submitted on behalf of our client Stone Hill Park Limited, the owners of the former Manston Airport Site. It comments specifically on policy changes proposed as part of the Regulation 19 & Regulation 22 Draft Local Plan consultation. It should be read alongside our client's previous representations to the various stages of the emerging Local Plan<sup>1</sup>, where we set out our client's justification for the allocation of the Site for redevelopment and explain why the best use of the Site is as a new settlement.

### **Background**

The Preferred Options Local Plan was consulted on between January and March 2015 and proposed setting a requirement for 12,000 additional homes and a minimum of 5,000 additional jobs to be provided in the District up to 2031. Proposed Policy SP05 suggested designating the former Manston Airport Site as an "Opportunity Area", with the detail of future use to be explored as part of an Area Action Plan. Representations were made to the Council on behalf of Stone Hill Park questioning the soundness of this approach, on the basis that housing figures were based on an out-of-date assessment of housing need and the plan failed to put in place a conclusive policy position to guide future development of the Site which is necessary to ensure the proper planning of the District.

Proposed Revisions to the Preferred Options Draft Local Plan were consulted on between 20<sup>th</sup> January and 17<sup>th</sup> March 2017. The Proposed Revisions reflected and responded to the updated evidence base undertaken to provide a sound and up to date foundation to support the Local Plan. This also responded to and addressed some of the key issues which arose during the Preferred Options consultation. This included:

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<sup>1</sup> Representations made to: Preferred Options Local Plan (dated March 2015); Proposed Revisions Local Plan (dated 15<sup>th</sup> March 2017); and Call for Sites (dated 28 February 2018).



- The Strategic Housing Market Assessment (SHMA) (January 2016) and Updated Assessment of Objectively Assessed Housing Need (September 2016), which identify an objectively-assessed need (OAN) for 17,140 additional homes in the District up to 2031 (857 dwellings per annum);
- An independent report on the Commercial Viability of Manston Airport (September 2016) by AviaSolutions (the AviaSolutions Report) which considered whether viable airport operations could be re-instated and sustained on the former Manston Airport Site and concluded that, even applying assumptions favourable to Manston Airport, "*airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031*" (paragraph 2.5); and
- The New Settlement Strategy (November 2016), which explored the option of meeting part of the District's housing needs through a new settlement, and included a comparative assessment of potential settlement sites one of which was the former Manston Airport Site.

Based on the up to date and sound evidence base, Officers concluded that there was insufficient evidence to justify a policy that protects the existing airport use and that the best use for the Site was for a new settlement. Policy SP05 was therefore revised, proposing the Site for a mixed use settlement comprising a minimum 2,500 homes and 85,000sqm of employment and leisure floor space amongst other supporting uses.

Following consultation on the Proposed Revisions, the Council received a number of responses regarding the future of the former Manston Airport Site and, in particular, concerning the content of the 2016 AviaSolutions Report. To respond to these concerns, AviaSolutions were instructed by the Council to review and respond to the representations received. This took the form of the following two reports, which also comprise part of the local plan evidence base:

- Review of Azimuth & Northpoint Forecast for Manston Airport (August 2017), which considers the cases put forward for the re-opening of Manston Airport by Azimuth Associates and Northpoint on behalf of RiverOak Strategic Partners. The review concludes that neither report puts forward a sufficiently credible case, nor provides the evidence, for AviaSolutions to change its views on the financial viability of Manston Airport; and
- Local Plan Representations Final Report (August 2017) by AviaSolutions, which likewise advises that Local Plan Representations do not make a credible case, nor provide the evidence for AviaSolutions' to change its views on the financial viability of Manston Airport. Based on updated market information since the publication of the 2016 study, they continue to advise that Manston Airport does not represent a financially viable investment opportunity under normal market conditions.

Officers therefore reaffirmed that there remained insufficient evidence to justify an allocation which safeguarded the Site for aviation use and continued to recommend that Members allocate the former Manston Airport for mixed use development including up to 2,500 homes, subject to minor changes to policy wording.

On the 25<sup>th</sup> October 2017, Cabinet followed Officer's recommendations and agreed to recommend that the full Council publish the draft Local Plan for consultation. On the 18<sup>th</sup> January 2018 the draft Plan was presented to the Full Council, with Officers and Cabinet's recommendation to publish the plan for consultation. Members went against recommendations and rejected the plan by a margin of 20 'for' to 35 'against'. The primary area of contention comprised the future use of the former Airport Site and the quantum and distribution of housing need within the District.

In July 2018 the Draft Local Plan was again taken back to Council, where Officers presented two options. Option 1 was to proceed with the draft Local Plan as recommended to Council on 18<sup>th</sup> January 2018, including the allocation of the former Manston Airport for comprehensive mixed use development including 2,500 homes. Officers confirmed that this remained their recommendation.



Option 2 included removing the proposed allocation on the former Manston Airport Site and replacing it with supporting text regarding the status of the Site and the Council's intention to revisit the policy designation of the Site in 2 years to allow the potential for a DCO to be submitted and that process concluded. Option 2 also included the allocation of other sites to account for the 2,500 home deficit caused by the removal of the allocation on the former Manston Airport Site. Officers considered Option 2 to be less preferable for a number of reasons, including that it would require the redevelopment of agricultural and greenfield land and was not fully aligned with the Council's own evidence base. Although it was not recommended by Officers, it was presented as an option to address Members' concerns regarding the potential for the Local Plan process to prejudice any future DCO application. Members voted to endorse Option 2 by a count of 31 'for' and 21 'against'. Our client's representation responds to these 'Option 2' changes to the draft Local Plan.

### **Manston Airport (AD06 & AD07)**

Local Plan Draft Policy SP05 (which allocated the former Manston Airport Site for mixed use redevelopment including at least 2,500 homes) has now been replaced with supporting text. This supporting text clarifies that the Council does not allocate the Site for any specific purpose to ensure that the NSIP-DCO process is not 'prejudiced' and states that it will review the status of the Site in the next Local Plan review after a 'minimum of two years.'

We object to this approach for the reasons set out below. Without prejudice to this representation and to the supporting evidence referenced herein, should the Inspector find sound evidence to support the latest promoted amendments and should the Inspector accept the changes now proposed, we would request that the supporting text is revised to clarify that the Local Plan review will take place after a 'maximum of two years' as the current policy wording does not provide sufficient certainty regarding the timing of the Local Plan review.

The Local Plan does not seek to protect the existing airport use, nor can it lawfully do so, as the Council's own up-to-date evidence base confirms that "*airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031*" (AviaSolutions Report, paragraph 2.5) the airport is very unlikely to be financially viable in the longer term and almost certainly not over the plan period. This evidence base comprises three separate reports from credible aviation experts AviaSolutions, two of which specifically respond to comments/concerns raised by third parties. This is consistent with the conclusions of our client's own expert aviation consultants, York Aviation and Altitude Aviation, both of whom conclude that there is little prospect of the re-opening of Manston Airport being a commercially viable proposition over the plan period (see Enclosures 1 and 2 respectively). The Council therefore correctly concludes that there is no evidence which justifies a policy which would safeguard the Site for aviation use and no such policy is proposed as to do so without evidence would be unsound and fail to meet the minimum requirements for a development plan.

We note that an application for a DCO on the Site has recently been accepted by the Secretary of State and will now be the subject of a separate examination. The application has yet to undergo any scrutiny and the mere acceptance of a DCO does not, and indeed cannot, constitute sufficient evidence to justify a policy protecting the Site for aviation use. Members' desire not to allocate the Site for alternative use so as not to 'prejudice' the potential for a DCO to be granted is unfounded. The DCO will be determined through a separate process and must meet all necessary tests under the Planning Act 2008 (as amended), which does not require presumption in favour of the development plan and does not apply s38(6) of the Planning and Compulsory Purchase Act 2004 in the same way that planning applications are considered, in order to be granted.

Stone Hill Park's position is that the former Manston Airport Site should be allocated for comprehensive mixed use development. This echoes the views expressed by the Council's own officers. There is an acute, sustained housing need in the District, the Council has consistently failed to

meet its annual housing delivery targets, and the District does not have a five year supply of housing (as confirmed by appeal decision ref. OL/TH/11/0910 and as summarised in the Planning Statement Addendum: Housing Need included at Enclosure 2). The Site provides the opportunity to plan for sustainable growth in a way which will deliver a large proportion of the District's housing need in a comprehensively designed new settlement, with sufficient critical mass to deliver necessary infrastructure and services, including the delivery of a key transport link between the A22 and Manston Road forming part of the Council's Transport Strategy. It will embed the principles of sustainable development at its heart, providing the backbone upon which this new community will grow and evolve over time. A full suite of environmental and technical evidence has been provided to the Council in support of the May 2016 hybrid application (ref: 16/0550) as well as the enhanced masterplan for 3,700 homes which was submitted in May 2018 (ref: 18/0660) which confirms that the Site is suitable, deliverable and viable for delivering the mix and quantum of development proposed. We refer the Inspector to these applications for the full details of the planning case and evidence in support of Stone Hill Park's plans.

### **Strategic Site Policies**

The latest Draft Local Plan proposes to 'redistribute' the 2,500 homes previously allocated at the former Manston Airport Site to the following strategic sites:

- An additional 600 dwellings at Birchington, as an extension of the previous draft allocation;
- An additional 1,000 dwellings at Westgate, as an extension of the previous draft allocation;
- An additional 500 dwellings at Westwood, as an extension of the previous draft allocation at Manston Court Road/Haine Road;
- An additional 550 dwellings at a new strategic site north and south of Shottendane Road.

The allocation of these sites for housing would (if developed) result in the loss of greenfield, agricultural land predominantly classified as 'Excellent' in the Agricultural Land Classification. As these sites would involve a more 'piecemeal' approach to housing delivery, it is also unlikely they would be able to create sufficient critical mass to deliver the infrastructure necessary to mitigate their own impact and are therefore likely to place additional pressure on existing local facilities and services.

We also question whether these sites are capable of delivering the quantum of homes proposed over the plan period. We summarise our client's representation on each proposed strategic allocation below. Please refer to the Enclosure 3 for full details.

#### Birchington-on-Sea (Policy SP14)

The proposed allocation site comprises land classified as 'Excellent' in the Agricultural Land Classification.

The revised allocation proposes an additional 600 homes on this site, however we note that the revised site boundary incorporates Site ST3 which was already allocated in the Preferred Options Local Plan (Policy H02C) and therefore double counts 90 homes.

With respect to the 510 additional homes proposed, it is unclear how these could be accommodated on the proposed allocation site as the proposed site boundary has changed only marginally (by 9.3ha) and the maximum density control proposed by Policy SP14 remains unchanged. The additional areas now included within the proposed site boundary comprise agricultural land/greenfield which is not in the SHLAA and has not been put forward by a developer; and land identified in the SHLAA as having constraints to development. We therefore question whether these sites are available, viable, sustainable or feasible within the plan period.

#### Westgate-on-Sea (Policy SP15)

The majority of the proposed allocation site is classified as 'Excellent' in the Agricultural Land Classification, with a small portion identified as 'Very Good'.

It is unclear how an additional 1,000 homes can be achieved on this site while maintaining the maximum housing density. Indeed, during the most recent call for sites, the land owner suggested

2,500 homes could be delivered on a significantly larger (172ha) site bound by Park Road and Shottendane Road to the south and stretching considerably further west than the proposed allocation. We therefore question whether this site is available, viable, sustainable or feasible within the plan period.

#### Manston Court Road (Policy SP18)

An additional 500 homes is proposed on agricultural land to the west of the Manston Court Road/Haine Road allocation. The majority is classified as 'Excellent' in the Agricultural Land Classification, with a small portion identified as 'Very Good'.

This site was promoted by the landowner in the most recent Call for Sites for "Between 751 - 667 dwellings (35 dph /30 dph). Site area: 31.33ha" however no evidence has been provided to confirm it is deliverable or achievable and the site was not assessed in the SHLAA.

#### Shottendane Road (Policy HO2)

This proposed allocation includes two rectangular sites on either side of Shottendane Road. The northern site is classified as 'Excellent' in the Agricultural Land Classification and the southern site is classified as 'Very Good'.

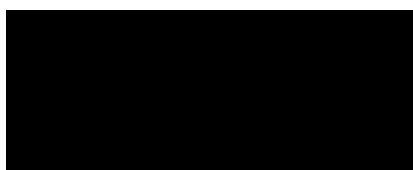
The southern area has not been put forward for redevelopment by the landowner, and has not been assessed in the SHLAA. There is therefore no evidence that the site is available, deliverable, sustainable or achievable. The 'northern' site was promoted by the landowner in the most recent Call for Sites for "maximum capacity of 364 homes at 35dph. Site area: 10.41 ha." No evidence is provided which demonstrates that the site is deliverable, sustainable or achievable.

## Conclusion

Our client's position remains that the former Manston Airport Site should be allocated for redevelopment for alternative use, including housing. In summary:

- The Council's evidence base concerning the former Manston Airport Site is up-to-date and confirms that the airport is very unlikely to be financially viable in the longer term and almost certainly not over the plan period. The evidence base comprises three separate reports from independent experts AviaSolutions, two of which specifically respond to comments/concerns raised by third parties. AviaSolutions conclusions are corroborated by the advice provided by our client's own expert aviation consultants, York Aviation and Altitude Aviation. There is no policy basis on which to justify a planning policy which safeguards the site for aviation use and this is acknowledged by the Council, who do not propose any policy protecting the existing use of the site.
- A DCO has been accepted and must now be properly scrutinised and examined in accordance with a separate legislative process. The emerging Local Plan cannot 'prejudice' whether it is approved or not. Likewise, the Government has confirmed that the Local Plan must proceed and should not be delayed for the DCO process to be concluded.
- Our client's position remains that the former Manston Airport should be allocated for comprehensive mixed use redevelopment including at least 2,500 homes over the plan period. The development potential of this vacant, brownfield site should be optimised in accordance with the principles of sustainable development.
- The alternative Strategic Sites put forward for the Council to would require development of agricultural and greenfield land. It is also unlikely that they will generate sufficient critical mass to deliver necessary infrastructure and are therefore likely to place additional pressure on existing facilities and services. Like Officers, we consider that the redevelopment of the former Manston Airport Site for one comprehensive development is preferable to this 'piecemeal' approach.
- Furthermore, we are not convinced that the quantum of homes proposed in these locations have a reasonable prospect of being delivered over the course of the plan period in any event as there is no evidence that they are all available, deliverable and achievable.

Yours faithfully

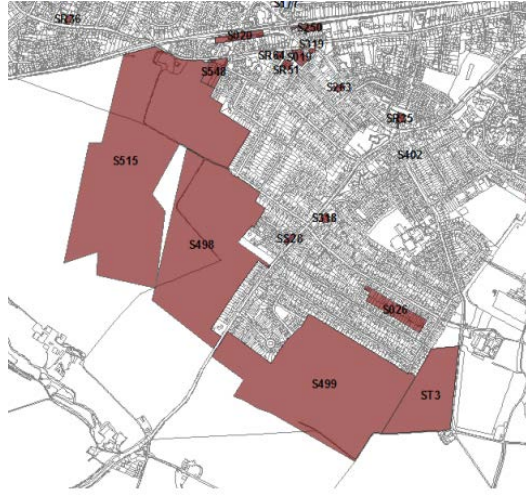
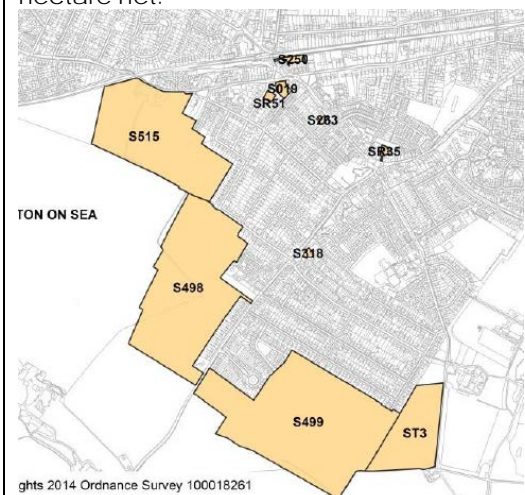
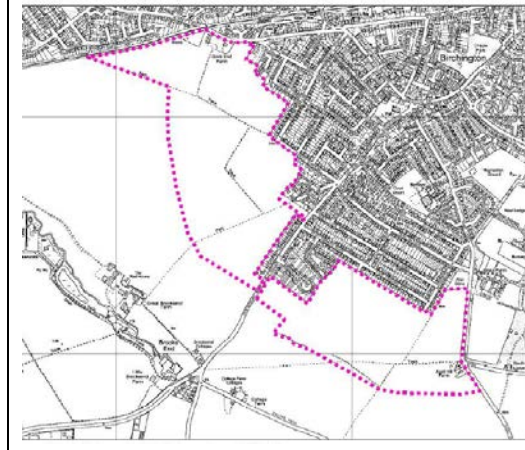


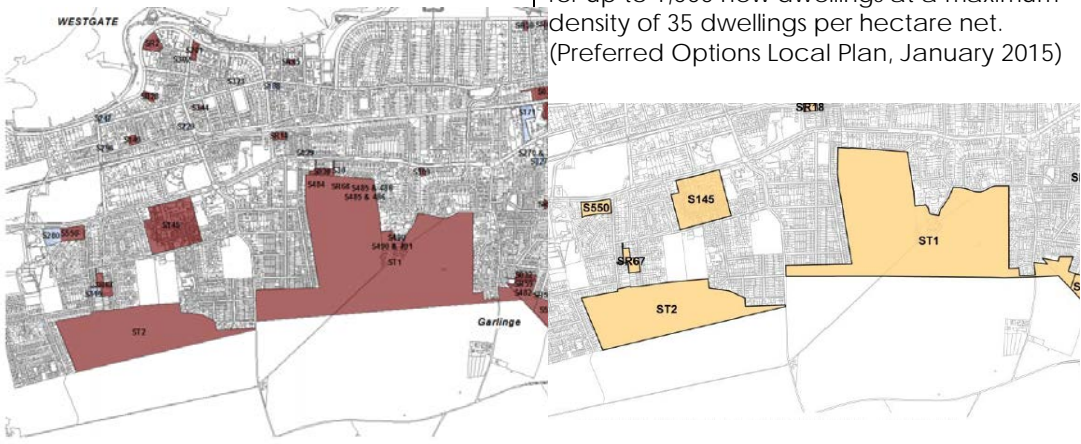
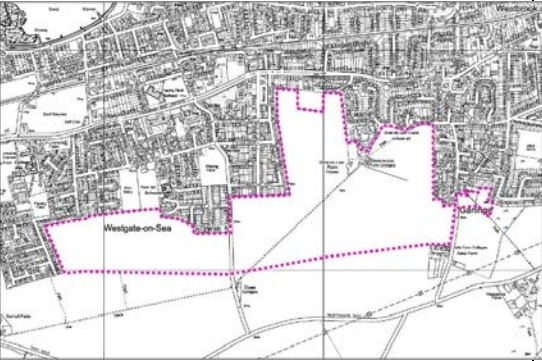

**GVA**  
**For and on behalf of GVA Grimley Limited**

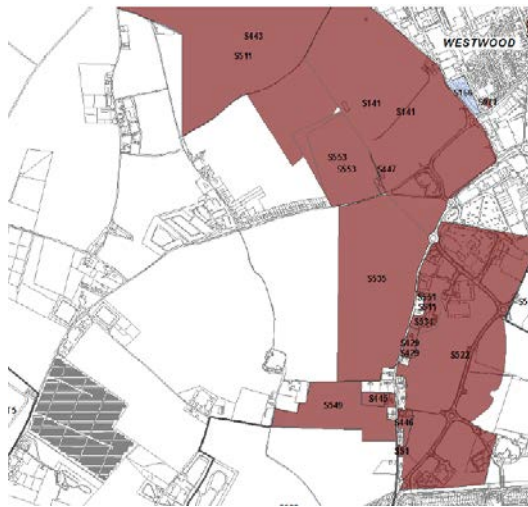

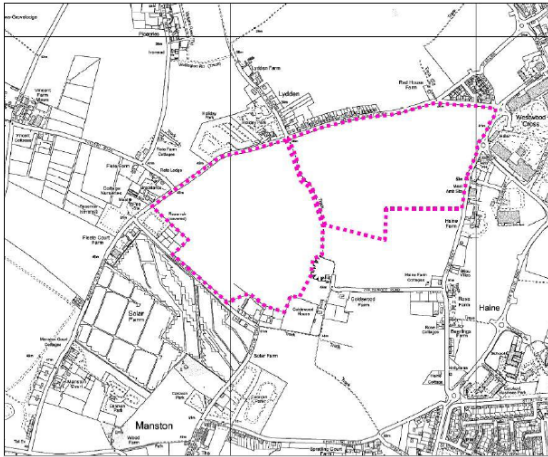


Encl. 1 York Aviation Report  
Encl. 2 Altitude Aviation Report  
Encl. 3 GVA Analysis of Option 2 Housing Sites  
Encl. 4 Planning Statement Addendum: Housing Need

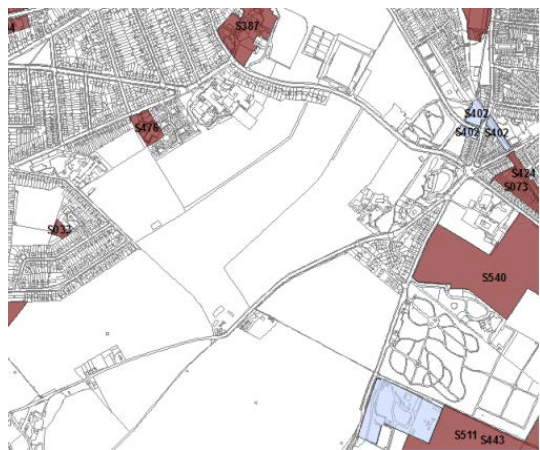
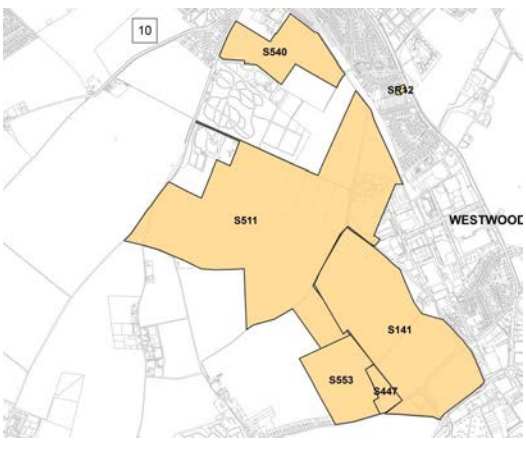

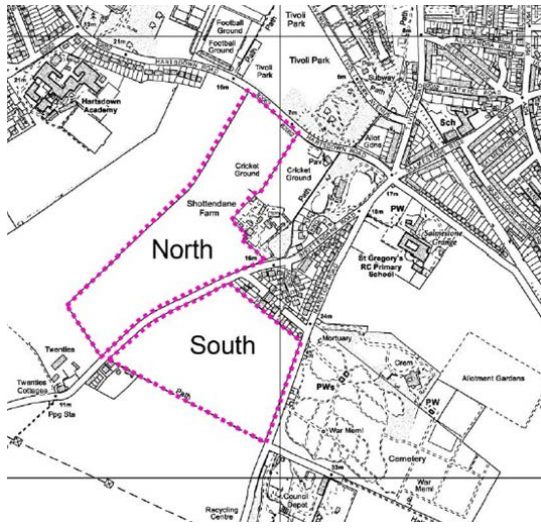
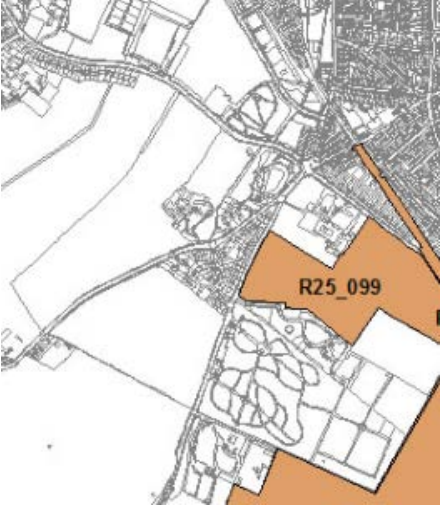

Analysis of 'Option 2' Housing Sites

Draft Thanet Local Plan, October 2018

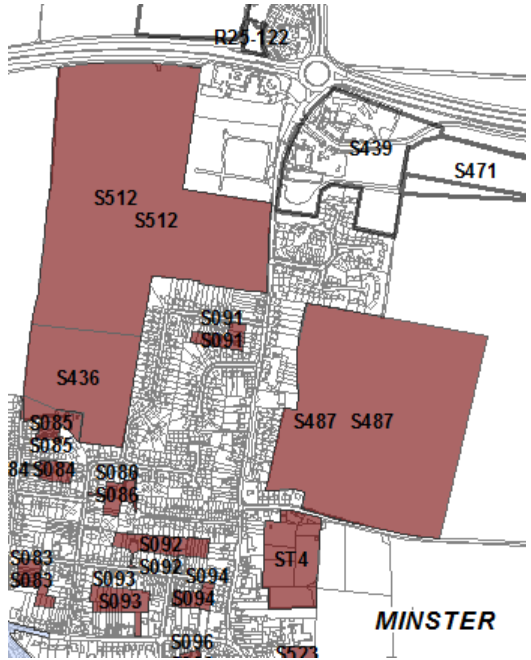
Site	SHLA (2013)	Preferred Options Local Plan (Jan 2015)	Proposed Revisions to Local Plan (Jan 2017)	Draft Local Plan August 2018	Representation
Birchington	<p>S515: 560 home capacity S498: 456 home capacity S499: 800 home capacity</p> 	<p>Policy SP14 - Strategic Housing Site at Birchington (comprising sites referenced S515, S498 &amp; S499). Land is allocated for up to 1,000 new dwellings at a maximum density of 35 dwellings per hectare net at Birchington.</p> <p>Policy H02C- Land fronting Park Lane, Birchington. (site reference ST3). Land fronting Park Lane, Birchington is allocated for up to 90 new dwellings at a notional maximum density of 35 dwellings per hectare net.</p> 	None	<p>Policy SP14 - Land is allocated for up to <del>1,000</del> 1,600 new dwellings at a maximum density of 35 dwellings per hectare net at Birchington.</p>  <p>Policy HO2 - Delete</p>	<p>The proposed allocation site comprises land classified as 'Excellent' in the Agricultural Land Classification.</p> <p>The revised allocation as part of the Draft Local Plan would result in the allocation of an additional 510 homes (not 600) as the proposed allocation incorporates Site ST3 which was already proposed for an allocation for 90 homes in the Preferred Options Local Plan (Policy H02C).</p> <p>It is unclear how the revised allocation would be sufficient to accommodate an additional 510 homes, particularly as the maximum density control proposed by Policy SP14 remains unchanged.</p> <p>The only additional area incorporated within the proposed allocation appears to be a 2.8ha triangle shaped site immediately west of site referenced S515 and 6.5ha of agricultural/greenfield land between S515 and S498.</p> <p>S515 Land at Gore End Farm was identified in SHLAA as having constraints: including contamination, listed buildings and potential landscape impacts. There is no evidence these can be mitigated.</p> <p>The triangular site west of S515 is not in the SHLAA and hasn't been put forward for development by the landowner in the current or any previous call for sites. Deliverability is therefore uncertain. Additional homes are therefore only likely deliverable post 2026</p>

<p>Westgate-on-Sea</p>	<p>ST1: 1,040 home capacity ST2: 386 home capacity</p> 	<p>Policy SP15 - Strategic Housing Site at Westgate-on-Sea (comprising sites referenced ST1 &amp; ST2). Land to the east and west of Minster Road, Westgate is allocated for up to 1,000 new dwellings at a maximum density of 35 dwellings per hectare net. (Preferred Options Local Plan, January 2015)</p>	<p>None</p>	<p>Policy SP15 - Land to the east and west of Minster Road, Westgate is allocated for up to <del>4,000</del> 2,000 new dwellings at a maximum density of 35 dwellings per hectare net.</p> 	<p>The majority of the proposed allocation site is classified as 'Excellent' in the Agricultural Land Classification, with a small portion identified as 'Very Good'</p> <p>Outline planning permission for 24 units on ST1 was granted at appeal (OL/TH/16/1473). A comprehensive masterplan for the remainder of the allocated site has not come forward. There is only evidence that 24 units can be delivered between 2021-2026 (subject to reserved matters) and would be on the portion of the site already subject to a proposed allocation (and therefore not additional).</p> <p>During the most recent call for sites, the land owner suggested 2,500 homes could be delivered on a much larger (172ha) site than allocated, albeit they state that "the full area of the site would not be proposed for built form".</p> 
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<p>Manston Court Road</p>	<p>S535: 840 home capacity Rest not assessed</p> 	<p>Not allocated</p>	<p>New Strategic Policy - Land at Manston Court Road/Haine Road. Land is allocated for a mixed use development, comprising up to 700 new dwellings at a maximum density of 30 dwellings per hectare net, and leisure uses. This allocation adjoins other sites allocated for residential development (strategic sites S141, S511, S553 &amp; S447 and other housing sites S535 &amp; S549).</p> 	<p>Policy SP18 - Land is allocated for a mixed use development, comprising up to <del>700</del> 1200 new dwellings at a maximum density of 30 dwellings per hectare net, and leisure uses.</p> 	<p>The proposed allocation site comprises land classified as 'Excellent' in the Agricultural Land Classification.</p> <p>A planning application for c. 850 homes on the eastern half of this proposed allocation was due to be submitted by Greenacre at the end of 2017, however no application has been submitted. Assuming a submission takes place in 2018, GVA's Housing Report assumes half of the dwellings (350 units) could be developed between 2021-26, with the remaining 350 dwellings developable between 2026-31. Nevertheless, site was already subject to a proposed allocation and cannot accommodate the additional allocations required.</p>  <p>The westernmost part of the proposed allocation was promoted by the landowner in most recent Call for Sites for "Between 751 - 667 dwellings (35 dph /30 dph). Site area: 31.33ha" No evidence has been provided to confirm it is deliverable or achievable.</p> 
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<p>Shottendane Road</p>	<p>Not assessed in SHLAA</p> 	<p>Not allocated</p> 	<p>HO2 Additional Site - Land at Manston Road/Shottendane Road, Margate. Land is allocated for up to 250 dwellings at a maximum density of 35 dwellings per hectare net at Manston Road/Shottendane Road.</p> 	<p>Policy HO2 – Land is allocated for up to 300 dwellings at land north of Shottendane Road, and up to 250 dwellings at land south of Shottendane Road, at a maximum density of 35 dwellings per hectare net.</p> 	<p>Southern site not put forward by landowner for development. Not assessed in SHLAA. No evidence site is available, deliverable or achievable. The site comprises land classified as 'Very Good' in the Agricultural Land Classification.</p>  <p>'Northern' site promoted for landowner in most recent Call for Sites for " maximum capacity of 364 homes at 35dph. Site area: 10.41 ha" No evidence site is deliverable or achievable. The site comprises land classified as 'Excellent' in the Agricultural Land Classification.</p> 
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<p>Tothill Street, Minster</p>	<p>S512: 347 home capacity S436: 85 home capacity</p> 	<p>Housing Site Allocation (in Appendix B) - Site Ref S512/S436/S85, identified for 150 homes.</p>	<p>Housing Site Allocation (in Appendix B) - Site Ref S512/S436, identified for 150 homes.</p>	<p>Housing Site Allocation (in Appendix B) - Site Ref S512/S436, Increase dwelling capacity to 250 homes.</p>	<p>No objections raised.</p>
<p>Total additional homes proposed for allocation in 'Option 2'</p>					<p>+2,410 (Thanet District Council) or + 100 (GVA estimate based on evidence of availability/deliverability/feasibility)</p>



Ministry of Housing,  
Communities &  
Local Government

Councillor Robert W. Bayford  
Leader, Thanet District Council

**The Rt Hon James Brokenshire MP**  
*Secretary of State for Housing, Communities and  
Local Government*

**Ministry of Housing, Communities and Local  
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28 January 2019

## **LOCAL PLAN INTERVENTION**

Following Thanet District Council's failure over many years to get a Local Plan in place, the former Secretary of State wrote to your Council, on 16 November 2017, to express his concerns. He offered an opportunity to explain any exceptional circumstances justifying the failure of your Council to produce a Local Plan and any measures you had taken or intended to take to accelerate plan publication. Following your letter of January 2018 outlining your exceptional circumstances, the former Secretary of State wrote again on 23 March 2018. He set out that he had considered your representations and the Government's Local Plan intervention policy criteria and had decided to continue with the intervention process by commissioning a team of experts led by Government's Chief Planner to provide advice on next steps.

I have carefully considered that advice on next steps and all the above matters. I have also considered correspondence sent to my Department since January 2018, including correspondence from Thanet District Council, which reported some positive actions and progress, including the publication of a Local Plan under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the publication of a revised Local Plan production timetable<sup>1</sup> and the submission of a Local Plan under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Section 27(1) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides:

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<sup>1</sup> The Thanet Local Development Scheme (July 2018)

“This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.”

In view of your continuing failure to get a Local Plan in place I am satisfied that the requirements in section 27(1) of the 2004 Act are met; Thanet District Council (in its capacity as local planning authority):

- does not have an up-to-date Local Plan in place - the Council’s last Local Plan was adopted in 2006 and covered a period up to 2011.
- has failed to meet the milestones in at least five Local Development Schemes since 2006.
- has failed to plan for and deliver the homes people need in Thanet.

Section 27(2) of the 2004 Act provides:

“The Secretary of State may—

(a) prepare or revise (as the case may be) the document, or

(b) give directions to the authority in relation to the preparation or revision of the document.”

Pursuant to the powers in section 27(2)(b) of the 2004 Act I have decided to make a direction in relation to the preparation of the Thanet Local Plan:

Within four weeks of the date of this letter, I direct Thanet District Council to designate a lead Councillor and lead official to be responsible for progressing preparation of the Local Plan and to publish details of those designations.

In making this decision I have considered the following Local Plan intervention policy criteria<sup>2</sup>:

- **The least progress in plan-making has been made:** Out of 338 local planning authorities in England, Thanet are one of only circa 50 authorities who have not yet adopted a 2004 Act Local Plan under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- **Policies in plans have not been kept up to date:** Thanet’s last Local Plan was adopted in 2006 (not under the provisions of the 2004 Act), and covered a period up to 2011. Thanet have consistently failed to bring forward a Local Plan in accordance with its Local Development Scheme as legally required, having failed to meet Local Plan milestones in at least six Local Development Schemes since 2006.

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<sup>2</sup> Local Plan intervention policy criteria were consulted on in 2016 and confirmed in the 2017 housing White Paper and the 16 November 2017 Written Statement in the House of Commons

- **There is higher housing pressure:** Thanet is within the top third of Districts in England for high housing pressure, based on average affordability ratios<sup>3</sup>. Thanet lack of a five-year housing land supply further highlights the authority's failure to plan for and deliver the homes people need.
- **Intervention would have the greatest impact in accelerating Local Plan production:** Based on Thanet's revised Local Development Scheme, it is unlikely that Local Plan production would be accelerated by my Department taking over its production. In my judgement, given the authority's track record of persistent failure in plan-making, the intervention I have decided upon will provide more certainty and is the best way of ensuring that a Local Plan will be produced in accordance with the Local Development Scheme timetable.
- **The wider planning context in each area in terms of the extent to which authorities are working co-operatively to put strategic plans in place:** Several authorities in Kent have indicated interest in joint planning but no formal arrangements are in place.
- **The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity:** at least six communities in Thanet are preparing neighbourhood plans: Birchington, Ramsgate, Margate, Broadstairs & St Peters, Westgate and Cliffsend. Communities can bring forward neighbourhood plans in the absence of an up-to-date Local Plan, but doing so can be more challenging for communities.

Having considered Thanet's performance against the Local Plan intervention criteria, I am satisfied that intervention action is justified.

Section 15(4) of the 2004 Act provides:

“The Secretary of State may direct the local planning authority to make such amendments to the [local development] scheme as he thinks appropriate for the purpose of ensuring full and effective coverage (both geographically and with regard to subject matter) of the authority's area by the development plan documents (taken as a whole) for that area.”

Pursuant to my powers in Section 15(4) of the 2004 Act, I am also directing Thanet District Council to, within eight weeks of the date of this letter, amend its Local Development Scheme (dated July 2018) to provide for the completion of a review of their Local Plan within six months of its adoption.

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<sup>3</sup> Ranked 98 least affordable of 324 English Districts (Housing Affordability Statistics, Office of National Statistics, 2017)

This course of action would ensure full and effective coverage of housing provision to give clarity to communities and developers about where homes should be built.

Having considered all of the above, in my judgement, there is a compelling case for the Local Plan intervention actions I have decided upon in Thanet, pursuant to powers in sections 15(4) and 27(2)(b) of the 2004 Act. Given your recent actions and progress in meeting the requirements in the Town and Country Planning (Local Planning) (England) Regulations 2012, I have decided not to prepare the Thanet Local Plan. However I will continue to closely monitor your Local Plan progress. Should a significant delay occur against the milestones set out in your July 2018 Local Development Scheme, should you fail to comply with the directions in this letter or should your draft Local Plan fail at examination, I will consider whether to take further action to ensure that a Local Plan is put in place.

I am also, for the avoidance of doubt, now putting on public record my concerns about the low level of housing supply and delivery in Thanet. I expect planning decision-takers to have regard to these concerns as a material consideration when deciding local planning applications.

I appreciate the constructive way Thanet District Council have engaged in this process so far and I trust that you and your officers will continue to engage positively. My officials will be in touch over the next few days to discuss next steps.

**RT HON JAMES BROKENSHERE**