

CORPORATE RESOURCES

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Date: 03/05/19



Dear Mr MacDonald,

Application by RiverOak Strategic Partners to upgrade and reopen Manston Airport

The Examining Authority's second written questions and requests for information (ExQ1)

Please find below Thanet District Council's response to the second written questions of the Examining Authority.

G1 General and Cross-topic questions (including relevant planning policy)

G.2.1 What is the latest position concerning the examination of the draft Thanet DC Local Plan to 2031?

The first set of Local Plan Examination hearings (Matters 1-10) is now complete. Matter 10 (including Manston Airport) was heard on Wednesday 17th April.

In relation to the Airport site, the Inspector has asked TDC to draft a "contingent policy" that addresses any necessary safeguarding of the site, should the DCO be granted; and the policy framework for decisions on the site should the DCO be refused, prior to the review of the Local Plan.

A draft wording has been shared with both Stone Hill Park and RiverOak Strategic Partners, with the intention of seeking views on such a policy.

The hearings will resume on 21st May and run until Friday 31st May. A further Hearing session to conclude the Airport matter has been set for the morning of Friday 31st May.

G.2.2 Thanet DC's response to first written questions stated that the determination period for the application (OL/TH/18/0660) was extended to 31 March 2019, which has now passed. What is the latest position?

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The deadline for the planning application OL/TH/18/0660 has been extended to the 31st August 2019 to allow for further information on highways and environmental matters to be submitted and any potential revisions to parameter plans, heads of terms negotiations and reporting the application to planning committee.

DCO.2 Draft Development Consent Order (DCO)

DCO.2.3 The Revised 2.1 Draft Development Consent Order submitted at Deadlines 3 [REP3-186] on 22 February 2019 and 5 on 29 March 2019 [REP5-index number to be allocated] includes additional references to 'the relevant planning authority' at Articles 3(1), 6(1), 7(1) and 11(4) and has deleted or changed references to 'the relevant planning authority' at Requirements 16(4) and 16(6).

i. Is Thanet DC content to be referenced in these parts of the draft DCO?

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Thanet District Council is content with being referenced in the parts of the DCO, but should be referenced as the discharging authority. No justification has been provided by the applicant as to why Thanet District Council would not be the appropriate body for discharging requirements, nor has that any consultation has occurred with the Secretary of State as instructed by Advice Note 15 if they were to be discharging authority.

ii. Is Thanet DC content for references to be deleted in these other parts of the draft DCO?

Thanet District Council have no comments on the deletion of these references.

iii. Are there other parts of the draft DCO at which Thanet DC would justifiably wish to be referenced either as a body to be consulted or as an approving body?

Thanet District Council's position is that the discharging of all requirements in Schedule 2 Part 1 should be undertaken by the relevant planning authority rather than the Secretary of State for the site. Thanet District Council have demonstrated through the DCO process that it is highly capable of harnessing the breadth of knowledge and expertise to provide critical analysis of any submissions made. The Council have previously been the discharging authority for the Richborough Connection Project DCO and are therefore familiar with the process and the timescales involved. No justification has been provided by the applicant about why the discharging authority should rest with the Secretary of State for the requirements, other than reference to the Transport Select Committee report (which specifically discusses the Compulsory Purchase process), or oral evidence regarding the lack of adoption of the Council's Local Plan. Neither of these points relate to the Council's ability to discharge requirements for the DCO.

Thanet District Council also wishes to raise that fact that the draft DCO has still not revised the procedure for the discharge of requirements, which includes an automatic approval for non-determined requirements after 8 weeks at Part 2 Article 20, with no right of appeal (assumed to be because the Secretary of State is the discharge authority). Given the apparent lack of consultation with Secretary of State to ensure they can comply with these timescales, Thanet District Council is concerned that the details of the requirements submitted may not be subject to sufficient scrutiny, prior to be automatically approved by virtue of the current wording of the draft DCO.

DCO.2.18 The Revised 2.1 Draft Development Consent Order submitted at Deadline 5 on 29 March 2019 [REP5-index number to be allocated] includes the Secretary of State as the approving body in Article 9 - Guarantees in respect of payment of compensation, etc. The Applicant's Written Summary of Case put Orally - Compulsory Acquisition Hearing and associated appendices [REP5-index number to be allocated] states at paragraph 3.23 that: "The report of the Transport Select Committee inquiry into small airports in 2015 is provided at Appendix 8, supporting the case that the Secretary of State would be the better body to approve the guarantee provided at Article 9. The project also affects a wider area than that of Thanet District Council, further suggesting a higher-level body would be more appropriate."

Comment on both parts of the Applicant's justification for the choice of approving body in this Article.

Thanet District Council has no objection to the Secretary of State being the approval body for Article 9. However, as we have stated consistently, Thanet District Council should be the approval body for all other matters, where relevant, as the relevant planning authority as set out in ExQ2 DCO.2.3.

Other DCO's have established the same arrangement in which the Secretary of State is the approving body for the guarantees in respect of payment of compensation and the relevant local planning authority is the approving body for other relevant matters, such as discharging the requirements. This is evident in the following four DCO's

- The Progress Power Station - EN010060 (granted 2015) – Article 7;
- Thorpe Marsh Gas Pipeline - EN070003 (granted 2016) – Article 35;
- Eggborough CCGT – EN010081 (granted 2018) – Article 43; and
- Millbrook Power Gas Fired Generating Station - EN010068 (granted 2019) – Article 42.

*DCO.2.29 The ExA is considering whether to include the phrase "no actions under this Article may be commenced until a landscaping scheme for that part, which sets out details of all proposed hard and soft landscaping works, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function." into this Article. **Comment.***

Thanet District Council has no objection to the inclusion of the phrase regarding landscaping, however, as we have stated consistently, Thanet District Council should be the approval body for this matter as the local planning authority, as set out in ExQ2 DCO.2.3.

*DCO.2.46 The ExA is considering inserting a new Article under principal Powers which specified that the operation of the airport is subject to a total annual air transport movement limit and is subject to a total annual General Aviation movement limit. The quantum of these limits will be set out by the ExA in further drafts of the DCO following further Examination through Written Questions and Issue Specific Hearings. **Comment.***

This approach would reflect the Council's position as stated at the Issue Specific Hearing on Noise.

*DCO.2.47 The ExA is considering inserting a Requirement into the draft DCO stating that an aircraft cannot take-off or be scheduled to land at night between 2300 and 0600 and that 'scheduled' be defined in Requirement 1 – Interpretation. **Comment.***

Thanet District Council agrees with the insertion and need for clarification on the definition of “scheduled”.

DCO.2.48 The ExA notes that the Register of Environmental Actions and Commitments [APP- 010] references: “Measures to optimise local recruitment during construction and operation, including possible measures to ensure linkages to local training initiatives and/or voluntary agreements relating to local recruitment.” The ExA notes the reference in the Preliminary Meeting of the need to consider ‘education’ as well as training and the subsequent inclusion of this word in the list of Principal Issues. The ExA is considering inserting a Requirement into the draft DCO requiring the drawing up and implementation of policies and programmes relating to the employment of local labour and the provision of training and education schemes.

i. Comment on the value and implementability of such a Requirement.

Thanet District Council stated the following in the submitted Local Impact Report:

“Chapter 13 of the ES proposes a number of training opportunities at the construction and operation phases of the development and the use of local recruitment as benefits of the proposed development and additional mitigation measures. However, it is not clear how these would be secured by the dDCO. It is expected that a Section 106 agreement would be required in order to secure the benefits relating to training opportunities and local recruitment that has a direct benefit on the employment and the employability of the workforce in Thanet. “

In the absence of a Section 106 agreement, Thanet District Council would welcome the insertion of an enforceable requirement to require drawing up and implementation of policies and programmes relating to the employment of local labour and the provision of training and education schemes. Thanet District Council should be the approval body for this requirement as the local planning authority, as set out in ExQ2 DCO.2.3

ii. If agreeable to such a Requirement, provide draft wording that may be acceptable to the Applicant.

We understand that the wording of a requirement is being prepared by the applicant and we await submission of this for comment.

*DCO.2.50 The ExA is considering whether it should be a requirement that the authorised development must not be commenced until measures set out in sections 2, 3, 4 and 5 of the revised Noise Mitigation Plan have been implemented. **Comment***

Thanet District Council would welcome this requirement.

LV.2 Landscape and visual

LV.2.7 Thanet DC’s LIR [REP3-010] states that: “As no detailed mitigation has been produced, nor has this been integrated into the Masterplan, we are not in a position to assess whether the impact on visual receptors and the landscape of the district will be acceptable or not.” The Applicant’s Updated Register of Environmental Actions and Commitments show mitigation measures in respect of Landscape and Visual from page 31 on (tracked change version) [REP4-020] The Applicant’s

response to LV. 1. states that: “[the] landscaping scheme will require planting to be provided along the western and eastern perimeters of the business park and east of Spitfire Way/south of Manston Road. This planting has been relied upon as mitigation in the LVIA.”

i. Comment whether the Updated Register of Environmental Actions and Commitments and LVIA provides sufficient details of mitigation

- i. The updated Register of Environmental Actions and Commitments alongside the LVIA commits to the provision of mitigation. This is now supplemented by a Design Guide which provides examples of the proposed mitigation. In order to provide clarity, the details of mitigation set out in the Register of Environmental Actions and Commitments should refer to the Design Guide and require the landscaping principles set out in the Design Guide to be followed.

ii. Comment whether the Design Guide submitted at deadline 4 on 8 March, in particular Design Principles C: Materiality & Landscape provides sufficient information as to mitigation for the potential impact on visual receptors.

- ii. Whilst the level of information contained in the Design Guide is considered to be adequate on a general level, TDC has specific concerns regarding the insufficient proposed structural landscaping on the eastern boundary of the DCO limits, particularly to the south of Manston Road. Diagram A on p37 of the Design Guide shows that the landscape buffer to the south of Manston Road is only 2m in height and just 3m in width. The landscape here is very flat and open, with this boundary running midway across an existing field; there are no existing boundary features in place here. The proposed development would be highly visible in views towards the site from Manston Road west of Manston village and the proposed landscape buffer would be wholly inadequate to mitigate the landscape and visual impacts. Given Requirement 4 now states that “the authorised development must be carried out in general accordance” with the Design Guide (among other documents), it is essential that the proposals contained within the Design Guide are adequate to mitigate effects.

LV.2.8 The Applicant has provided a methodology for the production of the wireframe analysis in the Applicant’s Comments on Local Impact Reports submitted for deadline 4 on 8 March [REP4-028] as requested in the Thanet DC LIR [REP3-010].

i. Is this methodology acceptable to Thanet DC?

The applicant has provided a methodology which is acceptable.

Ns.2 Noise and vibration

Requirement 9 currently reads as follows: “Noise mitigation 9. The authorised development must be operated in accordance with the noise mitigation plan.”

i. Is Thanet DC satisfied with this wording?

ii. If not, would it like to propose alternative wording?

The Noise Mitigation Plan is one of the most important documents within the DCO as it sets out the operation of the airport including restrictions on night flights, a limit of 26,468 annual air transport movements and acoustic insulation and ventilation compensation.

Whilst the current wording requires the development to be operated in accordance with the Noise Mitigation Plan, it is not entirely clear whether the Noise Mitigation Plan, including all the payments and actions within it, is required to be carried out in full. In order to address this point and provide greater clarity, the following wording below is suggested:

“The noise mitigation plan must be carried out in full. The authorised development must be operated in full accordance with the noise mitigation plan”.

SE.1 Socio-economic Effects

*SE.2.14 You note in your LIR [REP3-010] that the proposal may adversely affect tourism in Ramsgate. **Do you consider the proposal would have other effects, positive or negative, on the tourism industry in the wider Thanet area?***

Thanet District Council has no further comments to make on effects on tourism in the wider Thanet area.

TR Traffic and Transport

Tr.2.2

Alternative Manston-Haine Link

Junction 2 A299 / A256 / Cottingham Link Rd

Junction 4 A299 / B2190

Junction 6 A299 / Seamark Rd / A253 / Willetts Hill

Junction 7 A299 / A28

Junction 12: Manston Road / B2050 / Spitfire Way

Junction 15: Manston Road / Hartsdown Road / Tivoli Road / College Road / Nash Road

Junction 16 Ramsgate Rd / College Rd / A254 / Beatrice Rd

Highway Safety Improvement at Spitfire Way/Alland Grange Road

Highway Safety Improvement at Manston Road/Manston Court Road

The removal of junction mitigation schemes at Junctions 1, 10, 13, 17, 20, 21a, 21b, 26 and 27 as set out in APP-061.

Provide any views as to whether these proposals separately and/or together constitute a material change to the Proposed Development?

The applicant has responded to the question in the document titled “Applicant’s Response to Second Written Question TR.2.1” stating that as none of the changes are within the red line of the application, there is no material change to the proposed development. The change in scope of the mitigation

would appear to change the impact of the proposed development from the removal or addition of junction mitigation schemes, but we defer to the Examining Authority about whether this constitutes a material change individually or in combination to the application.

It has been stated in the applicant's response that no changes will be made to the Works Plan in the draft Development Consent Order. Thanet District Council raises concerns that the junction improvements stated as necessary through the revised transport assessment outside of the order limits are not currently the same as those currently proposed by the applicant in the most recent version of the Register of Environmental Action and Commitments (submitted at Deadline 4), nor has the mitigation been linked to trigger points through the phases of development to provide certainty about when they are to be provided. Works no. 26-31 are also seemingly not required to be carried out by virtue of the drafting of the DCO at a particular trigger point in the development. Therefore, as demonstrated through the revised transport assessment, the development as currently proposed would appear to result in an unacceptable significant impact on the free flow of traffic in the district, and the Council would expect that sufficient safeguards are in place to secure the mitigation proposed at an appropriate time to resolve this harmful impact.

Tr.2.8 Manston-Haine Link

i. Do the TDC draft Local Plan to 2031 and draft Thanet Transport Strategy allow for flexibility of routeing?

The draft Local Plan to 2031, at Strategic Policy SP47, includes the Manston Court Road/Star Lane link (from Haine Road, Westwood to B2050 Manston Road). The draft proposal map shows this route as indicative. Therefore flexibility of routeing is allowed on the basis that the route is safeguarded in line with the policy. This is in accordance with the draft Thanet Transport Strategy.

ii. Will the alternative route deliver the same benefits sought by the draft Thanet Transport Strategy?

The alternative route would be in accordance with the draft Thanet Transport Strategy, therefore similar benefits would be achieved if the link was to be delivered.

iii. Is the alternative route acceptable to KCC and TDC?

The acceptability of the alternative route is contingent upon the other connected highway mitigation work being acceptable, including the junction alterations at Spitfire Junction. However, the alternative route is in the majority outside of the order limits, and therefore would not be secured by the Development Consent Order (DCO). No robust justification has been provided for the link not being located through the northern grass site, and part of the strategic link could have been secured through the DCO. The cost of this alternative route has not been calculated, nor factored into the infrastructure delivery plan for the draft Local Plan.

Policy SP47 states that the Council expects all new development to make a proportionate and appropriate contribution to the provision of this key infrastructure, however no information has been provided about any contribution from the development towards this alternative route.

Part of the alternative route is within the order limits, however it has not been demonstrated how this affects the masterplan for the northern grass area, with the north-west corner of the site being affected by the route including the radar area and indicative location of buildings. This means that the alternative route could not be provided if the development is built as proposed, with the route not safeguarded.

Therefore the policy in the draft Local Plan and Thanet Transport Strategy allows for an alternative route however TDC raises concerns that the DCO makes no provision to provide, support or deliver this alternative route, whilst relying on the benefits of it to mitigate the impact of the proposed development, as demonstrated in the revised transport assessment.

Tr.2.60 Do KCC and TDC consider the updated draft Framework Travel Plan to be sufficiently robust and does it overcome KCC previous concerns?

Thanet District Council defer to the local highway authority on this matter.

Tr.2.65 Do KCC and TDC consider the updated Car Parking Management Strategy to be sufficiently robust?

Thanet District Council defer to the local highway authority on this matter.

Tr.2.67 Do KCC and TDC consider the updated Airport Surface Access Strategy to be sufficiently robust?

Thanet District Council defer to the local highway authority on this matter.

Tr.2.71 Table 14.17 Summary of Highway Links Where Receptors Have Been Identified Illustrates highway links that contain sensitive receptors.

iii. Do KCC and TDC agree with highway links included?

Thanet District Council do not object to the Highway links selected in Table 14.17 for the assessment of receptors affected.

Tr.2.74 Paragraph 14.9.8 states:

“The links which have exceeded the percentage increase of traffic threshold for their respective sensitivity under the GEART guidelines have been identified based on the comparison between Scenarios 3 and 2”.

i. Provide justification why it is considered appropriate to compare Scenarios 3 and 2 to assess the effects of the proposal.

ii. Does the comparison of Scenarios 3 and 1 at Appendix 14.3 result in greater differences and potential effects? If so, explain why this should not be considered in the assessment.

iii. Do KCC and TDC agree with the approach taken in this regard?

The scenarios used are:

- Scenario 1 - 2039 Baseline – KCC ‘Do Maximum’ with Manston Haine Link through the Northern Grass Area (NGA);
- Scenario 2 - 2039 Baseline – RiverOak Alternative Alignment;
- Scenario 3 - 2039 With Development – RiverOak Alternative Alignment

Thanet District Council would expect the assessment to include a comparison between scenarios 1 and 3 given that the preferred route for the Manston Haine Link in the Thanet Transport Strategy is through the NGA, however we await the applicant’s justification for the methodology chosen.

Tr.2.75 Section 14.10 Assessment of Effects

This section sets out the assessment of effects for those links that are considered to need further assessment (Links 14, 15, 18, 20,21, 24, 25, 33, 34, 35 and 36, 37 and 38).

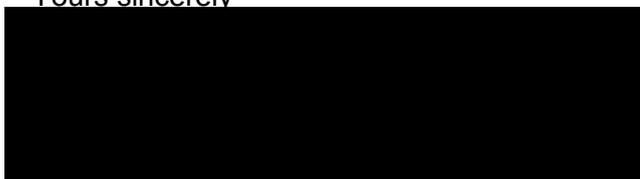
Do TDC and KCC agree with the conclusions for each link?

TDC agrees with the assessment of effects on the links in so far as a quantification of the impacts from the scenarios put forward. However for Links 21, 25, 35, 36, 37 this is on the basis of the alternative link road route being provided, which results in the conclusion that that impact from the development would be accommodated within the network to avoid significant adverse effect on receptors. However, as outlined in the Council answer to TR2.8 above, no contribution is made by the proposal to secure this alternative link, whilst the mitigation of the development’s impact relies on it being provided.

In regard to links 18 and 20, the assessment states that the significance of environmental effects is negligible due to a mixture of road widening, pedestrian footways and junction improvements. These particular works would appear to be approved through Work no.26-31 within the DCO, but some of these works are not required to be carried out in the Register of Environmental Actions and Commitments (as they have been removed at the deadline 4 submission) with no detail on when the works would occur. Therefore as outlined above, the Council would expect that sufficient safeguards are put in place to secure the mitigation proposed at an appropriate time to avoid a significant effect on receptors.

If further clarification is required then please do not hesitate to contact me on the information at the top of this letter.

Yours sincerely



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