

CORPORATE RESOURCES

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Dear Mr MacDonald,

Application by RiverOak Strategic Partners to upgrade and reopen Manston Airport Comments of Examining Authority's Initial Draft Development Consent Order for Deadline 7 submission

Please find below Thanet District Council's comments on the Examining Authority's (ExA) initial draft Development Consent Order (DCO).

Discharging authority

Thanet District Council (TDC) acknowledges that whilst the Secretary of State (SoS) has expressed an unwillingness to be the discharging authority, discussions are still ongoing between the applicant and the SoS. TDC's position remains 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.

Airport-related development

TDC agrees that further discussion is required regarding the definitions of airport-related development and associated development. TDC still has concerns as to whether the commercial facilities within Works no. 15, 16 and 17 meet the principles of associated development set out in the guidance and this appears reliant on the definition of 'airport-related'.

The Ministry for Housing, Communities and Local Government (MHCLG) (formerly DCLG) published 'Guidance on associated development applications for major infrastructure projects' in April 2013 in which paragraph 5 sets out the principles of associated development. The guidance provides examples of associated development in Annexes A and B.

Annex B of the guidance lists only one example of associated development for an airport, being a 'freight distribution centre, including freight forwarding and temporary storage facilities.'

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Whilst it is acknowledged that the list in Annex B is not intended to be exhaustive, the current definition of “airport-related” in the draft DCO is loose. The phrase “directly related to, or associated with, or supportive of...” could allow development with even very tenuous links to the airport to be permissible under the definition of “airport-related”. TDC considers that insufficient information has been provided by the Applicant to demonstrate that the development meets the core principles set out in paragraph 5 of the guidance, especially 5(i) which specifically requires a direct relationship (rather than a loose association with or support for) with the principal development to be established.

In particular, inadequate information has been provided to justify why 1¼ million square feet (116,000sqm) of built footprint is required for airport-related facilities under works 15-17. If developed as two storey buildings, this could create 2.5 million square feet (232,000 sqm) of floorspace. This would create a strategic-scale business park. It is difficult to see how this meets the test in paragraph 5(ii) of the guidance which states that:

“Associated development should not be an aim in itself but should be subordinate to the principal development.”

Similarly, it would not meet the test in paragraph 5(iii) that:

“Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant in order to cross-subsidise the cost of the proposed development”.

Furthermore, it would not meet the test in paragraph 5(iv) that:

“Associated development should be proportionate to the nature and scale of the principal development”.

It should also be noted that given the 18m height limit allowed for works 15 and 16, and the 10m limit allowed for work 17, even the 232,000sqm estimate above could be conservative, since an 18m high B1 office building could comfortably accommodate four generously proportioned storeys.

In this context, TDC would like to propose the following alternative wording:

“airport-related” development means development which can demonstrate both a direct relationship to operations at Manston Airport and a requirement to be located at Manston Airport in order to support those operations including, but not limited to, offices for support functions and freight forwarders, freight distribution centres, flight catering, car hire activities, maintenance and valeting operations, support functions for aircraft maintenance, airline training centres, airline computer centres, security facilities, business aviation facilities and storage facilities for airlines;

Schedule 2 Part 1 Definitions

TDC supports the addition of definitions of ‘Air transport movement’, ‘General aviation movement’ and ‘timetabled’ in Schedule 2 Requirements, Part 1, (1). The Applicant makes a distinction between ‘Air transport movement’ and ‘General aviation movement’ in the noise mitigation plan in which the total annual air transport movements are limited to 26,468 and the total annual General Aviation movements are limited to 38,000. Therefore, it is important the DCO clearly sets out what is meant by these terms.

Requirements 9 and 9a – Noise Mitigation

TDC welcomes the recommended rewording of Requirement 9 - Noise Mitigation and the additional Requirement 9a which explicitly secures the actions in the Noise Mitigation Plan.

Requirements 19a and 19b – Airport Operation

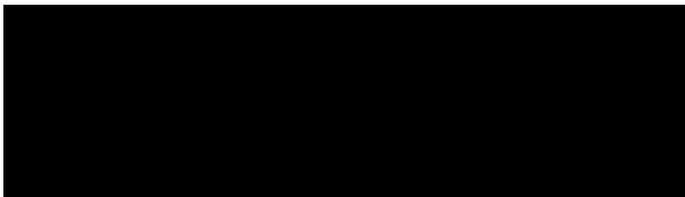
TDC welcomes the addition of Requirement 19a and 19b – ‘Airport Operation’ which ensures the operation (movements and restriction of night flights) of the airport is controlled by a Requirement in the DCO. TDC assumes this Requirement will be amended to match the wording set out in the ‘Table of Changes Proposed by the ExA’ which includes the limits.

Requirement 20 – Education, Employment and Skills Plan

TDC welcomes the insertion of Requirement 20(e) to require the drawing up and implementation of policies and programmes relating to the employment of local labour and the provision of training and education schemes.

If further clarification is required then please do not hesitate to contact me on the information above.

Yours sincerely



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