

## Planning Act 2008 – section 91

### Application by RiverOak Strategic Partners Ltd for an Order Granting Development Consent to reopen and develop Manston Airport

#### Agenda for Issue Specific Hearing 4 dealing with matters relating to landscape, design, archaeology and heritage

The Examining Authority (ExA) notified Interested Parties (IPs) in its letter dated 3 May 2019 of the decision to hold an Issue Specific Hearing (ISH) into landscape, design, archaeology and heritage on the following date:

Hearing	Date and time	Location
<b>Issue Specific Hearing 4</b> Landscape, design, archaeology and heritage	<b>3 June 2019</b> <b>2.00pm</b> (seating available from 1.30pm)	Laurence Suite, Building 500, Discovery Park, Sandwich, CT13 9FF

#### Participation, conduct and management of hearing

This is the fourth ISH to be held in this Examination. It is being held because the ExA wishes to question the Applicant about the approach that it has taken to identifying and assessing any effects the Proposed Development may have on matters relating to landscape, design, archaeology and heritage.

Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA.

The following IPs are invited, in particular, to attend and participate in this hearing:

- The Applicant;
- Historic England;
- Thanet District Council; and
- Kent County Council.

The named persons have been invited for the following reasons:

- As public bodies with policy and regulatory responsibilities for the historic environment; or
- as national and local authorities for the affected area.



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Participation in the hearing is subject to the ExA's power to control the hearing. IPs may be invited to make oral representations at the hearing<sup>1</sup> (subject to the ExA's power to control the hearing). Oral representations should be based on the Relevant Representations or Written Representations made by the person by whom (or on whose behalf) the oral representations are made<sup>2</sup>.

However, representations made at the hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other party to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of that issue, including through the inclusion of questions in the ExA's Fourth Written Questions (if issued).

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. It may be the case therefore that certain questions later on in the agenda are answered by earlier questions. If this is the case the ExA will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing there may be a need to continue the session for longer on the day or continue the hearing at a subsequent sitting.

Those attending the hearing are asked to note that an early item on the agenda is to deal with any requests to question a person making oral representations directly under section 94(4)(a) of the Planning Act 2008 (PA2008).

The ExA may decide to allow oral cross-questioning of one party by another, where there is clear disagreement between the parties in question, to ensure adequate testing of the representations or to ensure that each party has a fair chance to put their case.

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<sup>1</sup> s91 Planning Act 2008

<sup>2</sup> s91 Planning Act 2008

Breaks will be taken during the hearing as directed by the ExA.

All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the ExA to specific topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

The hearing will have regard to submissions already set out in (amongst others):

- Relevant Representations;
- Written Representations;
- Planning Statement [APP-080];
- Environmental Statement and Landscape and Visual Impact Assessment (and addendum);
- The Applicant's responses to the ExA's First Written Questions [REP3-195] and relevant appendices [REP3-187];
- The Applicant's responses to the ExA's Second Written Questions [REP6-012] and relevant appendices [REP6-014];
- The Applicant's responses to the ExA's Third Written Questions [TBC] and relevant appendices [TBC];
- Heritage Assets and Public Benefits Paper [Appendix HE1.2 of REP3-187];
- The Applicant's Design Guide [REP4-024]
- Local Impact Reports from Thanet District Council [REP3-010] and Kent County Council [REP3-143]; and
- Draft Written Scheme of Investigation [REP4-019].

References in square brackets [] are the unique reference number in the Examination Library. This document can be found on the National Infrastructure Planning website, here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020002/TR020002-002558-Manston%20Examination%20Library%20Template.pdf>

During the hearing, the ExA may additionally refer in particular to:

- [Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England](#), Department for Transport, June 2018.
- [The Infrastructure Planning \(Decisions\) Regulations 2010](#).
- [The National Planning Policy Framework](#); Ministry of Housing, Communities and Local Government, February 2019.
- [Planning Practice Guidance](#) - specifically the chapter on [Conserving and enhancing the historic environment](#), Ministry of Housing, Communities and

Local Government. Last update 22 February 2018 at time of publication of this Agenda.



## AGENDA

### 1. INTRODUCTIONS

### 2. OPENING REMARKS BY THE EXAMINING AUTHORITY

Including consideration of other possible items for the agenda of the hearing.

### 3. REQUESTS TO QUESTION A PERSON MAKING ORAL REPRESENTATIONS DIRECTLY UNDER S94 OF PA2008

The ExA will consider any requests for questioning of those making oral representations at the hearing by another person under this item at the hearing.

### 4. LANDSCAPE AND VISUAL IMPACT

The ExA will examine specific issues relating to the visual impact of the Proposed Development and of the measures designed to address this and to enhance the scheme.

These will include, *inter alia*:

- a) The relationship between landscape assessment and policies in the emerging Thanet Local Plan.
- b) Impacts of lighting.
- c) The drawing up, implementation and phasing of landscaping plans.
- d) Impacts of the proposed Manston-Haine Link Road on landscaping.
- e) Clarification on the felling or lopping of trees and the removal of hedgerows.
- f) The adequacy of landscaping proposals in the Design Guide.

This item will draw on, *inter alia*, responses to the ExA's First Written Questions LV.1.3, LV.1.4, LV.1.7, LV.1.15, LV.1.36 and Second Written Questions LV.2.7, LV.2.9, LV.2.10, LV.2.12, and Appendix LV.1.2 in Appendices to Answers to First Written Questions [REP3-187] and LVIA Addendum Appendices [REP6-026].

### 5. DESIGN

The Applicant will be asked to present, and will be examined on, the approach taken to the design of the Proposed Development as set out in the Design Guide [REP4-024] submitted at Deadline 4 and in the Design and Access Statement [APP-081, APP-082, APP-083 and APP-084] and Design Drawings [APP-031].

This item will draw on, *inter alia*, the Applicant's responses to ExA's First Written Questions LV.1.8, LV.1.9, LV.1.12, LV.1.13, LV.1.14, LV.1.28, LV.1.30, LV.1.34, LV.1.36 and Appendices LV.1.2, LV.1.31, LV.1.32, LV.1.36 and LV.1.41 in the Applicant's Appendices to



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Answers to First Written Questions [REP3-187] and Article 6 in the ExA's draft DCO [PD-015].

## 6. **ARCHAEOLOGY**

The ExA wish to examine provisions for archaeology, including the views of Kent County Council and Historic England on the submitted Draft Written Scheme of Investigation [REP4-019].

This item will draw on, *inter alia*, responses to the ExA's Second Written Questions HE.2.6, HE.2.7 and HE.2.8 and Third Written Questions HE.3.3 and HE.3.4, and Kent County Council's Local Impact Report [REP3-143].

## 7. **HERITAGE – POLICY**

Exploration of views relating to the legislative and policy background in the context of effects on the historic environment, including discussions on weight to be applied.

This item will draw on, *inter alia*, responses to the ExA's Second Question HE.2.1.

## 8. **HERITAGE - NOISE**

Examination of the potential effects of noise on heritage assets, including in relation to:

- a) The use of the Aviation Noise Metric Study (Historic England) [Appendix 28 HE.2.2, REP6-014].
- b) Potential effects of noise upon heritage assets, including upon the setting of listed buildings and the character of conservation areas.
- c) Any effects of the scheme on the Ramsgate Heritage Action Zone.

This item will draw on, *inter alia*, responses to the ExA's Second Written Questions HE.2.2, HE.2.3 and SE.2.11.

## 9. **LANDSCAPE AND HERITAGE – VISUAL EFFECTS**

The ExA wishes to explore the Applicant's case in relation to the visual effect of aircraft on the landscape, the built environment and on relevant heritage assets, including the character and appearance of conservation areas and the setting of listed buildings.

This item will draw on, *inter alia*, responses to the ExA's First Written Questions LV.1.20, LV.1.26 and LV.1.39 and Appendix LV.2.11 in the Applicant's Appendices to Answers to Second Written Questions [REP6-028], as well as Second Written Question HE.2.4 and Third Written Question HE.3.1.

## 10. **HERITAGE – NON-DESIGNATED ASSETS**

Discussion and examination of the relevance and value of the non-designated heritage assets on the Proposed Development site.



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This item will draw on, *inter alia*, responses to the ExA's Second Written Question HE.2.5, Third Written Question HE.3.2 and Kent County Council's Local Impact Report [REP3-143].

- 11. ANY OTHER MATTERS ARISING FROM DEADLINE 7 AND 7A SUBMISSIONS NOT COVERED ABOVE**
- 12. ORAL REPRESENTATIONS FROM INTERESTED PARTIES WHO HAD PREVIOUSLY REQUESTED TO SPEAK**
- 13. ANY OTHER RELEVANT BUSINESS**
- 12. EXA'S CLOSING REMARKS AND CLOSE OF HEARING**