

**Application by Riveroak For An Order Granting Development Consent For An Airport At Manston Airfield**

**Application Ref: TR020002**

**Summary of submissions made during the Issue Specific Hearings by the Historic Buildings and Monuments Commission for England (Historic England)**

**Registration ID No. 20014009**

**Our Ref: PA00513760**

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**CONTENTS**

- 1. Article 6 – Limits of Deviation**
- 2. Requirement 3 – Development masterplans**
- 3. The Heritage Action Zone**

## **1 Article 6 – Limits of Deviation**

1.1 A suggestion was made by the applicant that the effect of the Limits of Deviation on buried archaeological remains would be negligible because deviations would only entail the deepening of pre-existing foundations. However, we think it equally likely that design amendments might also involve some horizontal deviation of foundations or re-routing of service trenches, which could affect archaeological deposits in nearby undisturbed areas. Furthermore, we note that the use of shallow “raft” foundations might be used as a form of mitigation in archaeologically sensitive areas, and where this is the case the deepening of foundations could be harmful to buried archaeological remains beneath the raft. We note that the reference to deviations allows for deviation “below existing ground level” and doesn’t specify the range of depths at which they might occur.

1.2 We also think that deviations in the scale and location of buildings might adversely affect historic buildings and their settings, and historic landscape character.

1.3 We also offered clarification to the ExA and the applicant regarding what we hoped to achieve through our previously proposed amendments to the Development Consent Order (e.g. those suggested in our response to the ExA’s Second Written Questions s.1.8). We said that “Heritage Constraint Areas” have parallels in tools commonly employed by Local Planning Authorities for the identification of heritage assets that should be considered during the assessment of planning applications, which are sometimes called “Archaeological Notification

Areas". However, we are not aware of specific examples of such tools being used to inform the implementation of the articles of Development Consent Orders. We think that the purpose of such Heritage Constraint Areas would be to provide, on the basis the results of the further heritage assessment and surveys that are to be undertaken, a means of mapping sensitive archaeological remains, historic buildings and historic landscape character, and specifying that any such areas should be protected from harm as a result of development, including as a result of deviations.

1.4 The ExA suggested that a possible solution might be for Historic England to be consulted about proposed deviations. We do not think that it would be beneficial to consult us or other heritage advisors about all deviations because in many cases this would not add any value and might slow the process down unnecessarily. It is only where deviations are proposed in areas that have been shown by heritage assessment and survey to be sufficiently important and vulnerable to harm that consultation would be necessary.

1.5 The ExA also asked whether Thanet District Council should be responsible for approvals in most instances (rather than the Secretary of State). We think that it would be appropriate for TDC to undertake this role with the benefit of advice from their archaeological advisors at Kent County Council. Historic England could advise TDC and KCC where archaeological remains that are potentially of national importance have been identified.

## **2 Requirement 3 – Development masterplans**

2.1 Historic England welcomed the applicant's proposed amendments to Requirement 3 (1) and (3) but we said that they do not go far enough in that i) they only make provision for archaeological survey and not for historic buildings and historic landscape survey and assessment, or the analysis of such surveys to determine heritage significance, and ii) they only make provision for "considering the options" for minimising impacts, which we think is weak provision because it doesn't commit the applicant to finding conservation solutions and therefore is a poor substitute for properly understanding heritage impacts prior to determination of the application, which is normally required under the Airports National Policy Statement s.5.193.

2.2 The ANPS also requires that an understanding of heritage significance should be used to avoid or minimise conflict between the conservation of heritage assets and any aspect of the proposal (ANPS 5.198) and a clear and convincing justification for harm to any heritage asset should be provided (ANPS 5.201). It also says that proposals should make a positive contribution to the historic environment (5.199), and to consider how their scheme takes account of the significance of heritage assets affected (ANPS 5.195). In our view if harm hasn't been avoided as far as possible and enhancements haven't been sought the justification for harm can hardly be clear and convincing.

2.3 The ANPS also says that non-designated heritage assets of archaeological interest that are demonstrably equivalent to Scheduled Monuments should be

considered subject to the policies for designated heritage assets (s.5.191), which involve more stringent tests. In particular, if archaeological remains are found to be of national importance: great weight should be attached to their conservation; less than substantial harm must be weighed against public benefits; and substantial harm should be exceptional and only justified where outweighed by substantial public benefits (s. 5.200, 5.202, 5.203, 5.204 and 5.205).

2.4 We are concerned that it has not been possible to properly assess the heritage significance of the heritage assets within the airport or the likely harm to them as a result of the development because access for heritage surveys has not been available. We conceded that in the circumstances it would be reasonable to determine the DCO in the absence of such information provided that the ExA is satisfied that there is adequate flexibility in the design that nationally important heritage assets can be preserved if they are identified during surveys and assessment after determination. We asked that evidence of such flexibility could be provided in support of the DCO application in order to assure the ExA on this point. It is implicit in this that some areas might be set aside from development so that heritage assets are conserved.

2.5 However, during the DCO hearing the applicant expressed concern that some areas could become “no-go areas” and expressed a preference for mitigation of harm over the avoidance of harm, which seemed to misunderstand or reject our concerns. Furthermore, when Thanet District Council were asked whether they could take responsibility for approvals they focussed only on the mitigation of harm and did not acknowledge that there might be circumstances in which harm

should be avoided through the amendment of the design and quantum of development.

2.6 We acknowledged the applicants assertion that the buildings that are proposed for demolition (the T2 Hangar and the Fighter Dispersal Bay) might not be sufficiently well preserved to have heritage significance worth preserving but we noted that the survey and assessment has not yet been undertaken to demonstrate whether this is the case. Historic England's Listing Selection Guide for Military Structures says that individual examples of such buildings with strong intrinsic or associational importance could be considered to be of national significance.

2.7 The ExA asked the applicant to attempt to find a resolution of these matters in conjunction with Thanet District Council and Historic England, and this was reiterated in no.54 of the Action Points issued by the ExA wherein they said that the aforementioned parties should attempt to negotiate revised wording for Article 6 and or Requirement 3, and if that is not possible prior to Deadline 8 to provide a note on progress. We can confirm that we have not yet agreed an alternative wording; however we have suggested to the applicant that our concept of Heritage Constraints Areas could be moved from the Articles to the Requirements if that is more acceptable to them.

2.8 Furthermore, we note that the suggestion made by Kent County Council in relation to Requirement 16 goes some way to addressing our concern (ExA Agenda for ISH8 s.8 d)), where it says "(2) *Where archaeological evaluation*

*works referred to in sub-paragraph (1) identify remains that are of a significance to warrant preservation in situ, as advised to the Secretary of State by Kent County Council and Historic England, the design, parameters and quantum of development in that area will be adjusted to ensure the appropriate preservation in situ of the archaeological remains.*” However, at present this provision is not wholly adequate for our purpose in that it only makes provision for the protection of buried archaeological remains and not for historic buildings and their settings, and historic landscape character. In addition, we think it inappropriate that a provision for the avoidance of harm should be in Requirement 16, which relates to the mitigation of impacts through excavation and recording; in our view it should be covered in Requirement 3 as provision for avoidance of harm prior to approval of a masterplan.

### **3 The Heritage Action Zone**

3.1 The Heritage Action Zone is not a heritage asset in its own right but is a partnership to deliver a programme of projects based in, and depending on, the historic environment of Ramsgate. It will attempt to facilitate economic growth by using the historic environment as a catalyst. It will be based around a wide variety of projects aimed at engaging the local community with their heritage as well as increasing our understanding of the rich local heritage including its distinctive maritime story.

3.2 In answer to the ExA’s question we said that we thought it conceivable that the airport would have socio-economic effects on Ramsgate but that it would be

necessary to demonstrate specific effects on heritage assets for them to be considered part of the heritage assessment.