

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

Application Ref: TR020002

Submission by the Historic Buildings and Monuments Commission for England (Historic England) in response to the Department for Transport's letter of 17 January 2020

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1. Introduction

1.1. Historic England provided Written Representations, Responses to Examining Authority questions and also attended Issue Specific Hearings in relation to the proposed DCO application relating to Manston Airport.

1.2. On 17 January 2020 we were sent notification that a new deadline for the decision had been set and the Secretary of State had requested comments and further information regarding the application.

1.3. We have carefully reviewed that letter and are responding on 3 particular matters. These relate to the draft Development Consent Order and late representations submitted by Five10Twelve Limited on 17 and 27 October, and 01 November. We therefore set out our response to these below.

2. Historic England response on draft Development Consent Order - wording for Article 6 and Requirement 3 (para.16 of the Department of Transport letter 17 January 2020).

2.1. We set out our position with regards the wording of the draft DCO (Article 6 and Requirement 3) in our Deadline 11 submission of 5 July 2019.

2.2. As noted in that submission we had agreed on some wording, but still disagreed in some respects. We therefore proposed some alternative wording to try and address this – see in particular paragraphs 1.3.3 and 1.3.4 of our Deadline 11 submission.

2.3. We note that the current proposed wording of Article 6(3) adds the phrase “*as defined in the further assessment required in requirement 3(3)(a)*”. We consider that the inclusion of this phrase gives rise to ambiguity about i) the potential for harm from deviations, and ii) the worthiness of heritage assets for conservation, and whether these decisions would be made by the relevant planning authority, Kent County Council and Historic England or by the applicant as part of their further heritage assessment. To be clear, we consider these decisions should be made by the relevant planning authority, Kent County Council and Historic England. We recommend that the word “defined” is changed to “informed”, which we consider could remove the ambiguity.

2.4. With regards Requirement 3, we also commented on this in our Deadline 11 submission, and we note as follows:

2.4.1. We agree with the wording set out in Requirement 3(a) in the Department of Transport letter of 20 January 2020, which reflects that which we had agreed with the Applicant.

2.4.2. We agree with the wording set out in Requirement 3(b) in the Department of Transport letter of 20 January 2020, which reflects the submission that we had made.

2.4.3. We agree with the wording set out in Requirement 3(c) in the Department of Transport letter of 20 January 2020, which reflects that which we had agreed with the Applicant.

3. Historic England response on Late Representations of 17 and 27 October 2019 from Five10Twelve Ltd (para.23 of the Department of Transport letter 17 January 2020).

3.1. Page 35 of the 17 October letter says “With much of our heritage at risk including the whole of the Conservation Area (which is the largest in Kent) the mere threat of such a development will have far reaching, long lasting and perhaps irreversible consequences, irrespective of whether or not it ever materialises” and refers in a footnote to Historic England’s Heritage at Risk register for the South East of 2018.

3.2. We think that the aforementioned sentence anticipates that development of an airport would have socio-economic impacts on heritage assets. In order to convincingly demonstrate socio-economic impacts on particular heritage assets we think that it would be necessary to demonstrate not only effects on the built environment and businesses’ viability generally, but also to show that such effects would adversely affect the characteristics that impart heritage significance to heritage assets. However, we have not seen evidence that aircraft noise will cause socio-economic effects that are likely to harm the heritage significance of heritage assets. The assets on the Heritage at Risk Register were not placed there because they were identified as being

at risk from changes to their audial environment, and we have not seen any evidence that their heritage significance would be at risk from such changes.

3.3. The conclusions paragraph in the letter of 27 October says that “the inaccurate Environmental Statement would materially and significantly affect” the Statement of Common Ground between Historic England and Riveroak. The last version of a Statement of Common Ground between Historic England and Riveroak was version 5, which was drafted by Riveroak on 27 November 2018. Historic England drafted further comments on 07 February 2019 and sent them to Riveroak but no further progress was subsequently made, and the SoCG was never signed by Historic England because of the unresolved issues. The main unresolved issues were related to the adequacy of the ES in describing heritage assets on the airfield, the provision for preservation of important heritage assets that may be discovered during investigation or works, and the provision for archaeological mitigation.

3.4. Since the Statement of Common Ground was not adopted and was superseded by the DCO hearings we don't think that there is much value in considering the effect on it of Five10Twelve Ltd.'s alternative noise contour modelling. However, if the aim of the question was intended to challenge our acceptance that the approach taken within the ES appeared to comply with the Aviation Noise Metric methodology (e.g. in our Additional Written Representations of 08 March 2019) we advise that if the ExA considers that Riveroak's noise contour was incorrect and there is evidence that some

heritage assets were consequently omitted from the assessment then we acknowledge that the ES may have been lacking in this respect.

4. Historic England response on Late Representation of the 1 November 2019 from Five10Twelve Ltd (para.24 of the Department of Transport letter 17 January 2020).

4.1. Part A of this letter refers to “New Evidence since the close of the Examination: Source Historic England”. This notes that on 27 October Historic England published its annual Heritage at Risk Register 2019.

4.2. The Register includes buildings, places of worship, monuments, parks and gardens, conservation areas, battlefields and wreck sites that are designated and found, following assessment, to be at risk. The criteria used to assess historic buildings include their listing grade and their type, whether they are occupied, and their condition and vulnerability. Buildings or structures are removed from the Register when they are fully repaired or consolidated and their future secured through either occupation or use, or through adoption of appropriate management.

4.3. We confirm that two heritage assets in Ramsgate were added to our Heritage at Risk Register last year and the register was published on 17 October 2019. In neither case was operational aircraft noise a factor in the decisions to add them to the Register.

4.4. The Clock House was added to the Register because of damage to stonework, water ingress and the lack of a sustainable use. The Conservation Area was added because of numerous issues related to the condition and management of the area's building stock and public realm, and the trajectory of change of these issues, including:

- the lack of a Conservation Area Appraisal or Management Plan;
- the loss of historic detail in several areas (including building frontages, decorative features, shop fronts and signage, roof coverings and chimneys, and boundaries);
- the introduction of new features such as satellite dishes, renewable energy generation equipment and extensions;
- the severe dereliction of some buildings;
- the condition of the public realm;
- the impact of advertisements and signs, and the impact of highways signs and works; and
- a shortage of suitable skills for conservation work.

4.5. We confirm that part of the Ramsgate Royal Harbour is Grade II* listed and many of the buildings, arches and monuments surrounding and part of the Royal harbour are Grade I, II and II* listed.

4.6. In the conclusion to the letter there is reference to Historic England's Statement of Common Ground with Riveroak. As we said in paragraphs 3.3 and 3.4, above, given the SOCG's lack of status we don't think that there is much value in considering the effect on it of additions to our Heritage at Risk

register. We would reiterate that assets on our Heritage at Risk Register were not placed there because they were identified as being at risk from changes to their audial environment, and we have not seen any evidence that their heritage significance would be at risk from such changes.

4.7. With respect to Five10Twelve Ltd.'s comments about legislation, planning policy and case law we would only say that we expect and advise the Secretary of State to ensure that the correct legal and policy requirements are adhered to with regards the historic environment in making his decision.