

**Note For Inspectors**  
**Draft Policy for Manston Airport**

At the Examination, on Day 9, under Matter 10, the Inspectors asked the Council to prepare a draft contingent Policy for the Airport and to circulate the wording initially to Avison Young (on behalf of Stone Hill Park) and RPS (on behalf of RiverOak Strategic Partners). The draft Policy wording would set out the approach to the Airport in relation to the potential DCO outcomes and the intended review of the Local Plan.

The Council have circulated a draft Policy wording as requested. The draft wording is attached at Annex 1 to this note.

Comments have been received from both Avison Young and RPS, and these are attached at Annexes 2 and 3.

## Annex 1: Draft Policy wording circulated by TDC

### Manston Airport

- 1.1 Following the closure of Manston Airport in May 2014, the Council has made significant efforts to support a functioning aviation use on the site and has explored the potential of partnering with the private sector to this end (utilising the use of its CPO powers if need be) and has carried out extensive soft market testing to seek an airport operator to run the airport, but without positive results.
- 1.2 In order to complete its evidence base for the Plan in deciding how to deal with the future of the airport site, the Council commissioned an airport viability study by Avia Solutions to evaluate the viability of an airport focussed operation of the site within the plan period to 2031. This report took into account national and international air travel and transport and the way in which it is likely to develop over the next 15-20 years and looked at previous reports and developments in the national aviation industry. The report concluded that airport operations at Manston are very unlikely to be financially viable in the longer term, and almost certainly not within the period to 2031.
- 1.3 However, the Council recognises that proposals are being put forward by RiverOak Strategic Partners for an air cargo operation at the site through a proposed development consent order (DCO), pursuant to the Planning Act 2008. The application is before the Secretary of State for consideration and viability and other issues are being interrogated thoroughly as part of this process. A DCO if granted would give consent for the project in recognition of its national importance and may include authorisation for the compulsory acquisition of land to assist in the achievement of its objectives.
- 1.4 In the event that the DCO is either not granted or, if granted, does not proceed within its implementation period, the Council will need to consider the future use of this site in the review of the Plan. Either way, the future of the site is a matter of great importance and the current status quo should, therefore, be maintained pending the outcome of the DCO process.

### SP04A Manston Airport

**Manston Airport as identified on the Policy Map is safeguarded for airport related uses and permission will not be granted for development that would prejudice its future use for air passenger and/or air freight use unless:**

- (1) the Secretary of State refuses development consent or**
- (2) the Secretary of State grants development consent, but the relevant order expires without having been implemented.**

**In the event of (1) or (2) above occurring (prior to the review of the Plan), proposals for the development of Manston Airport will be determined in accordance with policies SP02 and SP21.**

## **Annex 2: comments from Avison Young**

We have reflected on the proposed draft wording of Policy SP04 and have the following comments:

1. Having established a clear evidence base for the local plan, the Council cannot allocate or reserve the land for a use it has established to be unviable – to do otherwise would be unsound and unsustainable;
2. Policy SP04A could sterilise the most sustainable site and largest site in the district for a considerable period. Scenario 2 could result in a significant time period of uncertainty, sterilising the site far beyond the grant of a DCO as there could be a five year period proceeding any grant during which time RSP could determine to exercise (or not) necessary rights for a compulsory purchase and commence development. Against the background of a chronic shortage of housing land where the district's under-performance has reached the point of requiring the Secretary of State's intervention, such an outcome should not be contemplated;
3. There is no justification or evidential support for a Modification which strengthens either the aviation protection of the land or promotes its use for employment purposes (the suggested reference to Policy SP02), particularly given clarity in the evidence base about the relative need for housing and the absence of need for an airport.
4. It has been suggested that the absence of a policy for the airport would create a presumption in favour of sustainable development but:
  - The application of paragraph 11 of the NPPF should not be a cause for concern because it explicitly requires planning decisions to take full account of any adverse impacts and to be taken within the context of the policies within the Framework;
  - The short term importance of the site's temporary lorry park use would be a material consideration – and could be further protected by a plan policy; and
  - Policy SP21 provides a framework in which applications can be determined on their merits – in other words, there would not be a policy vacuum; and
  - The fact of the current DCO application would be a material consideration in the determination of any alternative proposal (but it is not appropriate for the Local Plan to attach any weight to it for the purpose of plan-making).

Furthermore, the timetable for the adoption of the Local Plan (estimated in early 2020) sits contemporaneously with the date for the determination of the DCO (9th January 2020) so the period of 'concern' for RSP is minimal and can only equate to a matter of weeks. This cannot justify the multitude of issues which would be caused by this revised wording.

5. If a short term policy is required, the plan could recognise the temporary imperative to use the land as a lorry park in accord with the T&CPA (Manston Airport) Special Development Order 2019, the need for which is summarised in paragraph 7.3 of the Explanatory Memorandum accompanying the Order (also attached).

In other words – we propose either:

- A. No policy (so that the Plan relies if necessary on its Policy SP21) (which is in effect the current position); or
- B. A temporary lorry park policy.

Any alternative would be unsound and open to challenge.

## Annex 3 :Comments from RPS

### Manston Airport

1.1 Following the closure of Manston Airport in May 2014, the Council has made significant efforts to support a functioning aviation use on the site and has explored the potential of partnering with the private sector to this end (utilising the use of its CPO powers if need be) and has carried out extensive soft market testing to seek an airport operator to run the airport, but without positive results.

1.2 In order to complete its evidence base for the Plan in deciding how to deal with the future of the airport site, the Council commissioned an airport viability study by Avia Solutions to evaluate the viability of an airport focussed operation of the site within the plan period to 2031. This report took into account national and international air travel and transport and the way in which it is likely to develop over the next 15-20 years and looked at previous reports and developments in the national aviation industry. The report concluded that airport operations at Manston are very unlikely to be financially viable in the longer term, and almost certainly not within the period to 2031.

1.3 However, the Council recognises that proposals are being put forward by RiverOak Strategic Partners for an air cargo ~~and passenger airport operation~~ at the site through a proposed development consent order (DCO), pursuant to the Planning Act 2008. The application is before the Secretary of State for consideration and viability and other issues are being interrogated thoroughly as part of this process with a broader evidence base. A DCO if granted would give consent for the project in recognition of its national importance and may include authorisation for the compulsory acquisition of land to assist in the achievement of its objectives.

1.4 In the event that the DCO is either not granted or, if granted, does not proceed within its implementation period, the Council will need to consider the future use of this site in the review of the Plan. Either way, the future of the site is a matter of great importance and the current status quo should, therefore, be maintained pending the outcome of the DCO process.

\* New paragraph \*

### SP04A Manston Airport

Manston Airport as identified on the Policy Map is safeguarded for ~~aviation~~ ~~airport~~ related uses and permission will not be granted for development that would prejudice its future use for ~~aviation air passenger and/or air freight use~~ unless:

- (1) the Secretary of State refuses development consent or
- (2) the Secretary of State grants development consent, but the relevant order expires without having been implemented.

In the event of (1) or (2) above occurring and any related legal challenges having been concluded (prior to the review of the Plan), proposals for the development of Manston Airport will be determined in accordance with policies SP01, SP02 and SP21.

**Commented [AS1]:** Should there be an acknowledgment in the supporting text about the need for a Local Plan Review also if the DCO is granted?

**Commented [AS2]:** For completeness, there ought to be a reference to the 'Operation Stack' Special Order – add in new paragraph

**Commented [AS3]:** This is the new 'overarching' policy that the Inspector recommended to add

**Commented [AS4]:** Caveat – we have not seen/commented on the final wording for Policies SP01, SP02 and SP21 and would need to review this in light of this policy drafting