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By email only to: [annette.feeney@thanet.gov.uk](mailto:annette.feeney@thanet.gov.uk)

Dear Annette,

### **INDEPENDENT EXAMINATION OF THE THANET LOCAL PLAN**

I write further to our recent conversations in relation to the independent examination of the Thanet Local Plan. You will recall that RPS Consulting Services Limited act on behalf of RiverOak Strategic Partners (RSP) who are currently engaged in a live examination which is considering their application for a Development Consent Order (DCO) to reopen Manston Airport. This examination is scheduled for completion by 9<sup>th</sup> July 2019.

We have recently received information from the Inspectors regarding the Local Plan's examination including the hearing timetable and matters, issues and questions. We note that the Planning Inspectorate (PINS) have taken the decision to run the Thanet Local Plan examination alongside the Manston Airport DCO examination. This is extremely unfortunate and something which we had hoped could be avoided. Whilst we fully appreciate all the benefits of getting a robust and up-to-date plan adopted for Thanet and the need to ensure that plans are taken through the examination process as quickly and efficiently as possible, for the reasons provided below, we would like to invite the Inspectors and Thanet District Council (TDC) to adjourn the Thanet Local Plan examination until there is more certainty on the likely future of the Manston Airport site once the DCO has been decided (expected January 2020), or at least until the end of the DCO examination (expected July 2019).

In setting out our reasons for requesting the adjournment, we have considered the advice from PINS set out in the document "*Procedural Practice in the Examination of Local Plans*" (4<sup>th</sup> edition v.1, June 2016). This document states very clearly that the process for examining Local Plans needs to be fair and should achieve efficiency so that the needs of all those involved can be accommodated and that a positive outcome is achieved. We believe that running the Local Plan and DCO examinations in parallel is likely to lead to unnecessary confusion in both processes.

We invite you and the Local Plan Inspectors to consider the following points in considering our request for an adjournment of the Local Plan examination:

#### **The importance of producing a realistic and certain plan**

The draft Thanet Local Plan recognises that if the Manston Airport DCO is granted or not, this will prompt a review of the Local Plan. There can be no doubt that there will be spatial planning implications arising out of what is decided about the future of the Manston Airport site. In the interests of certainty, not only for TDC's spatial planning framework going forward, but also for landowners, developers, local residents and others that will be affected by any decision on the future of Manston Airport, we invite the Inspectors to

adjourn the Local Plan examination until there is more certainty on the airport's future. Site promoters need certainty that their sites can come forward and that this position will not change once any Local Plan review is completed. Similarly, it will be difficult for decision makers to react to a proposal for new development at Manston Airport until the outcome of the DCO is known.

TDC, PINS and participants in the Thanet Local Plan process have invested significantly in the plan's preparation. RSP believe that going forward, all those involved in preparing a new Local Plan for Thanet would benefit significantly from the certainty that would be afforded by examining the plan fully in the knowledge of what is going to happen at Manston Airport and the full implications that this will have on issues such as housing and employment land supply provisions, environmental policies and other related matters. TDC expect that the new Local Plan could be adopted towards the end of 2019, assuming that there are no modifications that will be needed or that the Local Plan needs to be withdrawn for whatever reason. There is therefore a chance that the DCO examination could be concluded in advance of the new Local Plan being adopted. Given that the future of the Manston Airport site is going to be known within a very short timescale (in nine months' time) it is RSP's opinion that to proceed with the Local Plan examination now may put waste to valuable resource for all involved. Additionally, it would not be sensible to proceed towards adopting a plan that may need to be reviewed so quickly after adoption. That plan would not be realistic or effective.

In the interests of making the best use of time for everyone involved in the Local Plan examination process; bringing certainty to the spatial planning framework in Thanet and producing a robust Local Plan which clearly sets out the opportunities for development and clear policies on what will or will not be permitted to ensure that decision makers are clear as to how they should react to a development proposal – including proposals that might come forward at the Manston Airport site – the Local Plan examination should be adjourned.

**The approach taken in the Local Plan with regards to the Manston Airport site is critical to its soundness**

The Inspectors will be aware that representations have been submitted by parties wishing to retain Manston Airport in aviation use and those who are promoting, or supporting its redevelopment for a mix of uses, namely residential. Consequently, the Inspectors have rightly identified that the future of Manston Airport is a matter of critical importance to the soundness of the Local Plan.

The Manston Airport site could be very important to delivery of the Council's housing strategy, particularly the distribution of land for housing. There has been considerable evidence provided by both TDC and others on this matter which has yet to be fully tested. The assessment of whether aviation uses are needed at Manston Airport is a matter for the DCO examination and an Issue Specific Hearing is scheduled for 21<sup>st</sup> March 2019 to consider the issue. It is not for the Local Plan examination to determine this matter and to do so would result in duplication and confusion and potentially prejudice the outcome of both processes which could result in significant disadvantage to RSP as the DCO promoter and other parties involved in the DCO and Local Plan processes.

Issues relating to the Council's housing strategy, the selection of sites allocated for housing to deliver the strategy and the related matters including infrastructure and transport requirements, are a matter for consideration as part of the Local Plan examination. The Local Plan Inspectors simply cannot conclude with certainty on the evidence relating to the Council's housing strategy which includes a proposal for a new settlement at Manston Airport until the future of the airport has been decided through the DCO process. Consequently, no conclusion can be made within the Local Plan examination period as to whether the plan is 'positively prepared' and 'justified' based on proportionate evidence, and therefore sound. The Manston

Airport DCO decision must be known before this matter can be fully considered and resolved by the Local Plan Inspectors.

### **The prospect of confusion and disadvantage**

We have already stated above that there is concern that the overlap between the Local Plan and DCO examinations could cause unnecessary confusion for all those involved and potential disadvantage including to RSP as the DCO promoters. By way of example, RSP are in the process of agreeing Statements of Common Ground with key stakeholders as part of the DCO examination. It could be that this process is affected by matters discussed at the Local Plan hearings and generally throughout its examination. Delaying examination of the Local Plan will therefore have benefits in this respect.

### **Resourcing**

The hearing stages of the Local Plan examination are intensive and place significant demands on the Inspectors, the LPA and participants – as does a DCO examination. Running the Local Plan and DCO examinations in parallel will place significant resourcing demands on both RSP, TDC and other stakeholders in addition to the general public that have interests in both processes which may impede their effective participation in one or both of the processes.

### **Local Government Elections in Thanet on 2<sup>nd</sup> May 2019**

There are elections scheduled in Thanet on 2<sup>nd</sup> May 2019. This date falls during the Local Plan examination. Any changes to the political balance or the introduction of new Members could result in changes to how TDC intend to approach matters within the Local Plan including with regard to the future of the Manston Airport site. It would be better to suspend examination of the Local Plan until after the elections with sufficient time afforded to brief new Members as required. As the views of new Members cannot be prejudged, it would be difficult at this stage to assume the time needed to brief them.

Additionally, the pre-election purdah period is expected to take place from no later than 26<sup>th</sup> March to 2<sup>nd</sup> May 2019 which will be during the Local Plan examination period (26<sup>th</sup> February to 31<sup>st</sup> May 2019). Whilst normal Council matters should proceed, given the significance of the Local Plan and the level of interest in it to date, particularly in relation to Manston Airport, undertaking a Local Plan Examination during this time could result in impacts on the effectiveness of election campaigns. The previous UKIP administration at Thanet Council was elected in 2015 on a promise to return the Manston Airport site to use as an airfield. The future of Manston Airport is an issue which has been the subject of considerable local political debate. Councillors would be unable to participate in the Local Plan examination during the purdah period if this could prejudice the outcome of the election. Manston Airport is currently scheduled for consideration at the hearing on 17<sup>th</sup> April 2019 which is right in the middle of the purdah period.

PINS will undoubtedly be aware that the MHCLG in their letter to Councillor Bayford, the Leader of TDC, dated 28<sup>th</sup> January 2019 has given TDC until 25<sup>th</sup> February 2019 to designate a lead Councillor and lead official to be responsible for progressing preparation of the Local Plan and to publish details of those designations. The people designated should be invited to comment on the plans for the Local Plan examination in light of the upcoming local elections.

### **Exploratory Meeting or Pre-Hearing Meeting**

RSP is keen to ensure that the Local Plan Inspectors are entirely familiar with the issues that Manston Airport raises for the Local Plan at an early stage. An Exploratory Meeting or Pre-Hearing Meeting is therefore invited to fully explore this, including programming implications associated with both the Local Plan examination and DCO examination with all relevant parties. The Inspectors can then consider if the

examination can be started or completed without the outcome of the Manston Airport DCO being known. The threat of the Government intervening in TDC's Local Plan preparation should not rush the examination especially when there are crucial issues that need to be properly considered and which may not be resolved within the current Local Plan examination programme. Suspending examination of the Thanet Local Plan until the future of Manton Airport is more certain is preferable to the real prospect of the Local Plan being withdrawn and is likely to be the most expeditious route to getting a sound plan adopted for Thanet.

### Summary

RSP invites the Local Plan Inspectors to suspend the Local Plan Examination until the future of Manston Airport is clearer for all the reasons set out but above all, to ensure that the new Local Plan for Thanet can provide a positive vision for the future; a clear framework for addressing housing needs and other economic, social and environmental priorities; and an effective platform for local people to shape their surroundings. We therefore invite the Local Plan Inspectors to consider these points. RSP would be very happy to discuss matters further with PINS if required.

I shall look forward to hearing from you.

Yours sincerely,  
for RPS Consulting Services Ltd

A handwritten signature in black ink, appearing to read 'Angela Schembri', enclosed within a circular scribble.

**Angela Schembri**  
Planning Director  
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