

LOCAL PLAN HEARING STATEMENT
Matter 10 - Economic Development / Issue 1 - Economic Growth / Policy SP02
SUBMITTED BY: Jason Jones-Hall

1. Background

- 1.1. This statement is submitted in both a personal and professional capacity as a resident of Ramsgate and a local digital and creative business owner, with more than 20 years experience working in the creative, cultural and visitor economy sectors and on inward investment projects at a national and international level.

- 1.2. This experience includes working in senior positions for the largest inbound wholesale tour operator in Europe and - over the past 13 years - in senior positions working with and for several of the UK's national support and representative organisations for the creative and cultural sectors, including Creative England, Creative Skillset, Arts Council England, Creative Industries Federation, Nesta, Channel 4.

- 1.3. My current positions include work as board trustee for the South East Arts Council Bridge Organisation, Artswork, and involvement in the Pioneering Places East Kent cultural placemaking project, funded by Arts Council England, Heritage England and National Lottery Heritage Fund and with partners including Turner Contemporary Margate, Marlowe Theatre Canterbury, Creative Foundation Folkestone and The Land Trust in Dover.

- 1.4. My work in this sector has included direct involvement at policy and strategic level in inward investment and placemaking initiatives for the former Regional Development Agency (RDA) in the West Midlands, working closely with Birmingham City Council, Digital Birmingham, the Higher Education sector and industry partners. Projects delivered during this time also resulted in invitations to talk at international creative industries inward investment and skills development conferences across the UK, Europe, the US and in India.

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1.5. Throughout my experience - and in my current work - I am acutely aware of and deeply familiar with holistic strategies to foster and encourage inward investment and economic regeneration based on creative and cultural provision and the knowledge-based economy. Such strategies have proven rates of success in towns and cities across the world to develop stronger community cohesion, deliver efficient methodologies for sustainable growth and to make towns and cities a better place to live, work and visit.

2. Current Observations

2.1. Whilst I acknowledge that some mention is made of both the creative and cultural opportunities in the draft Local Plan, in my opinion these do not go far enough, the approach is not holistic and does not benefit from making best use of current research or best practice - either from national/international examples or from the Council's own experience in developing Margate's creative and cultural sector.

2.2. Specifically, the draft Local Plan fails to recognise the significant opportunities for sustainable growth and economic development and regeneration in Thanet's towns by taking a holistic approach to creative industries, cultural provision and heritage assets and recognising how these three factors may best work together rather than being viewed as separate silos. This has particular relevance with regards to the opportunities presented by the Ramsgate Heritage Action Zone.

2.3. Whilst it is greatly appreciated that the Examiner's amended MIQ have increased visibility of creative industries - and in particular the addition of the question relating to creative industries at Matter 10/Issue 1/Question 8 - there appears to be a distinct separation in the Local Plan in the Examiner's MIQ between creative industries as a driver for development of *clusters or networks of knowledge driven, creative or high technology industries* and

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culture as a driver for the visitor economy that is more closely aligned to a visitor attraction or leisure offer. This fails to recognise the important interplay between culture and the creative industries, the role that culture can play in socio-economic regeneration and, conversely, the role that the creative industries can play in supporting the visitor economy.

- 2.4. As such, I am seeking to request **Additional Modifications** to the Local Plan in order to capitalise on this opportunity and the emerging trends in regeneration in our towns that are already happening and having great impact, sometimes in spite of - rather than because of - policies and strategies in our existing Local Plan and included in the draft Local Plan.

3. Matter 10 / Issue 1 / Economic Growth / Policy SP02 / Question 8

- 3.1. Development of the Creative and Cultural sectors should include close consultation and involvement with those communities in Thanet's towns to include development of opportunities to use and revitalise existing underused spaces and buildings either on a permanent or "pop-up" bases.

3.1.1. The latter has provided significant opportunities for development of inward investment and international visitor initiatives in other similar sized towns internationally - e.g. [Rencontres Des Arles](https://www.rencontres-arles.com/en)¹, a city-wide event in Arles, South-West France, which takes place from July to September each year.

3.1.2. This has particular relevance to Policy SP02, paragraphs 4 and 6, with regards to *"tourism and cultural diversification"* and *"the attraction of tourists to the area and extend the season"*.

¹ <https://www.rencontres-arles.com/en>

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- 3.2. Paragraph 1.9 of the Jobs Growth Strategy (JGS) fails to recognise the full breadth significance and international appeal of Thanet's heritage and cultural offer or to recognise the potential to exploit this beyond the "visitor economy".
- 3.2.1. Thanet has significant historical connections with internationally-renowned cultural icons such as Coleridge, Dickens, Turner, Tissot, Austen, Van Gogh and many others. The connections between these icons and places and spaces across Thanet are currently under-valued and under-exploited.
- 3.2.2. The role of culture - both historical/heritage connections and current provision - cannot be underestimated in attracting inward investment of creative, digital and knowledge-based businesses. These are significant factors in attracting business owners, high-skilled employees and jobs and high-value inward investment.
- 3.2.3. These factors are already playing a significant role in the regeneration of our towns, *as well as* supporting the visitor economy. This appears to be largely unrecognised in the local plan.
- 3.2.4. At present, it is my understanding that there is no statutory provision to include consideration of national arts and culture organisations, e.g. Arts Council England, in Local Plan considerations in the same way as Heritage organisations, (English Heritage et al), are considered. Given the growth of the creative and cultural sectors and the unique features of the Thanet area and historical cultural connections, there is an opportunity to take a much bolder step towards this with Thanet's Local Plan and act as a 'trailblazer' for local placemaking initiatives nationally.

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- 3.2.5. The Pioneering Places East Kent project, which is part of the National Great Places² scheme, is not currently referenced in the Local Plan yet presents a unique opportunity nationally to develop and showcase best practice with regards to work being carried in Ramsgate during this three year project. This includes development of new public artwork in Ramsgate’s Royal Harbour, consideration of using Ramsgate’s heritage assets to unlock cultural and economic regeneration and a world-leading development of a child-led town plan, due for publication in April/May 2019. Provision should be made within the Local Plan to recognise this work and to build on learning opportunities arising from this project.
- 3.3. Paragraph 1.22 of the JGS does not properly recognise the unique role that culture plays within a town or place. Whilst this role may, in part, be viewed as a ‘cultural offer’ and may sometimes be connected with a ‘leisure offer’, linking the two together fails to recognise the wider benefits of cultural provision in terms of economic regeneration, community cohesion, regeneration and redevelopment of a place or space etc.
4. **Suggested Modifications**
- 4.1. **Section 1.22 of the JGS:** “Cultural Offer” should be separate to “leisure offer”. Conjoining the two risks viewing the two as interchangeable and connecting “culture” only with its role in the visitor economy rather than recognising the wider role that culture and cultural provision plays within a town and its regeneration.
- 4.2. Local Plan should support **development of**, as well as “*promoting*”, Thanet’s cultural offer.

² <https://www.greatplacescheme.org.uk/>

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- 4.3. The Examiner’s line of questioning - and, in particular, Question 8 might also reflect the deep connection and interplay between culture and creative industries, for example: “*What provision does the Plan make to support the **cultural sector** and creative industries across Thanet?*”
- 4.4. Given TDC’s partnership role in Historic England’s Heritage Action Zone (HAZ) in Ramsgate, specific reference, provision and policies should be put in place in the Local Plan to support development of the HAZ in Ramsgate and to unlock the significant opportunities that this presents. Reference may also be made to Historic England/Colliers Report of October 2018, **Creative Industries in Historic Buildings and Environments**³, which includes dedicated case study of Ramsgate. **Paragraph 1.12 of the JGS should be amended to include reference to the Ramsgate HAZ and prioritising this “to capitalise on heritage assets”.**
- 4.5. Other areas - including Margate, Folkestone and Canterbury - have benefited from inclusion of dedicated “creative quarters” (Folkestone) or “Cultural Enhancement Areas” (Canterbury), which are built in to their Local Plans. A Policy regarding establishing such a **dedicated area or zone** or **dedicated policies to support the Creative and Cultural sectors** and develop inward investment opportunities might also be included.
- 4.5.1. This might also include specific reference to the Pioneering Places East Kent project and consideration of the Child-Led plan.
- 4.6. Given the phenomenal 84% of the creative and cultural sector and the role this can play in both socio-economic regeneration **and** supporting of the visitor economy, **Policy SP02** should enshrine the role of growing the

³ <https://historicengland.org.uk/content/docs/research/creative-industries-summary-report/>

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Creative Industries and Cultural sector in achieving the goals of the Jobs Growth Strategy, more fully reflecting the content of this strategy.

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STATEMENT REGARDING CONFLICT OF INTEREST AND IMPARTIALITY

For the avoidance of any doubt and in the interests of full transparency, I hereby confirm that I do not have any interests, either financial or otherwise, in the Manston site or any other rival development beyond those of a local business and local resident with strong concerns regarding the devastating impacts of the proposed development on the local area, economy, environment and population. I have not accepted any payments or any other form of compensation or inducements for presenting this or any of our other submissions or representations to the Inspectors. Any offers or suggestions of such from any party will be refused and immediately reported to the Examiners.

1. Background

- 1.1. Whilst there are many individual questions in the Matters, Issues and Questions document, (“MIQ”), that isolate individual implications of decisions taken during the preparation of the Thanet Local Plan - 2031 (“TLP2031”), there does not appear to be any specific question addressing the fundamental issue at the heart of the soundness of TLP2031.

- 1.2. Events and decisions taken during extraordinary Council meetings of 18 January 2018 and 19 July 2018, should be specifically brought into question with regards to their impact on how TLP2031 meets fundamental criteria of being:
 - **Positively prepared**
 - **Justified** and
 - **Consistent with national policy**

- 1.3. Full assessment of whether or not TLP2031 has been **positively prepared** surely cannot be made solely on the basis of questions arising from the final draft document, as presented to the Examiner. There must also be some

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consideration and further questions relating specifically to the *history* of the preparation of the TLP2031. As such, I respectfully request that the **Preparation of the Local Plan** be added to the MIQ as either a principal **Matter** or **Issue**, as appropriate.

1.4. Extraordinary Meeting of 18 January 2018

1.4.1. As the Examiner may be aware, Thanet District Council (“TDC”), published Proposed Revisions to its Draft Local Plan (Preferred Options)¹ for consultation on 19 January 2017, (“POLP2017”), with the consultation closing on 17 March 2017.

1.4.2. The POLP2017 was recommended for publication during an extraordinary meeting of the Full Council on 18 January 2018². Agenda notes provided to Councillors during this meeting³, (“Agenda Pack Jan 2018”), set out a clear rationale for this guidance with a range of three options, (1) To publish; (2) To publish in an amended form; and (3) Not to publish. These options were set out as per pages 29-30 of the Agenda Pack Jan 2018, with Option 1 being the recommended option as follows:

“ To publish the draft Local Plan - it is recommended that Cabinet/Council choose this option, since it responds to Government guidance, the developing evidence base, and accords with legal advice. It also provides local communities and other stakeholders with

¹ <https://consult.thanet.gov.uk/consult.ti/TLPPOR/consultationHome>

² <https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=141&MId=4872>

³

<https://democracy.thanet.gov.uk/documents/g4872/Public%20reports%20pack%2018th-Jan-2018%2019.00%20Council.pdf?T=10>

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the opportunity to comment further on key issues affecting the Local Plan;

- 1.4.3. Minutes of this extraordinary meeting show that Councillor L Fairbrass proposed that *“Following the publication period, the draft Local Plan would be submitted to the Planning Inspectorate for examination.”*⁴
- 1.4.4. The above Motion was lost by 35 votes to 20 and the POLP2017 was not published, resulting in TDC failing to comply with the Local Development Scheme timetable.
- 1.4.5. This vote was carried despite compelling evidence and justification to proceed with Option 1 presented to Councillors in the Agenda Pack Jan 2018 and warnings of implications set out under Option 3 on page 30, which stated significant risks, including but not limited to:

“Delay to the plan risks intervention from DCLG”; and

“it is also likely to lead to an increase in Appeals on unallocated development sites, which might be approved against the Council’s position and result in costs being awarded against the Council”; and

“It could also put at risk the provision of strategic infrastructure that is needed to support new development”

- 1.4.6. The Minutes of this meeting do not record the rationale behind this decision, only that:

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<https://democracy.thanet.gov.uk/documents/g4872/Printed%20minutes%2018th-Jan-2018%2019.00%20Council.pdf?T=1>

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“During the debate, Members focused on the proposed change of designation to the former Manston Airport site from an airport to a site for mixed-use”

- 1.4.7. Minutes of this meeting also record there were no declarations of interest, although at least three members of the Council who voted against the motion who might be considered to have undeclared pecuniary interests with regards to airport use of the former Manston site.

1.5. Extraordinary Meeting of 19 July 2018

- 1.5.1. Following the decision of 18 January 2018, Leader of the Council, Cllr Bob Bayford, (“BB”), asked officers to provide two options for consideration by the Cabinet. The first was the original POLP2017, rejected in January, (“Option 1”). The second, (“Option 2”), was a revised option to accommodate the Manston DCO and fundamentally alter the Spatial Strategy by transferring the housing allocation proposed for the Manston site under POLP2017 to alternative sites throughout the district⁵.
- 1.5.2. These two options were presented to Council during an extraordinary meeting of 19 July 2018⁶, with a recommendation from officers to proceed with Option 1.

⁵ <https://www.thanet.gov.uk/cabinet-to-recommend-that-council-adopts-new-local-plan-for-publication/>

⁶ <https://democracy.thanet.gov.uk/ie/ListDocuments.aspx?CId=151&MIId=5071&Ver=4>

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- 1.5.3. The agenda reports pack of the 19 July 2018 meeting, (“Agenga Pack July 2018”⁷), sets out in extensive detail the issues, implications and risks relating to proceeding with Option 2, including:

*“This approach is not fully aligned with the Council’s own evidence base in respect of the viability of the Airport, and **carries a higher risk of being found not sound**. Whilst recognition of the DCO process is a relevant consideration, previous advice from MHCLG has been that the Local Plan should not be delayed for the DCO process”*

- 1.5.4. The Agenda Pack July 2018 also noted at 2.129 (page 41), that the proposed revisions and reallocations of housing sites under Option 2 in order to accommodate the Manston DCO were unnecessary since:

*“it should be noted that if a DCO is granted with compulsory acquisition powers, this would effectively over-ride the Local Plan. In that event, the Council would need to review the affected parts of the Plan. In other words, **to progress the draft Local Plan on the basis set out in this report would not prejudice the DCO process or its outcomes**”*

- 1.5.5. Minutes of the 19 July 2018⁸ meeting record that the Council decided to go against recommendations and concerns of officers and the TDC’s own evidence base and proceed with Option 2. The minutes of this meeting do not record the rationale behind this decision.

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<https://democracy.thanet.gov.uk/documents/g5071/Public%20reports%20pack%2019th-Jul-2018%2014.00%20Cabinet.pdf?T=10>

8

<https://democracy.thanet.gov.uk/documents/g5071/Printed%20minutes%2019th-Jul-2018%2014.00%20Cabinet.pdf?T=1>

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1.5.6. Minutes of the 19 July 2018 record there were no declarations of interest, although at least three members of the Council who voted in favour of Option 2, two of whom are recorded as having spoke during the meeting under Council Procedure 20.1, might be considered to have undeclared pecuniary interests.

2. Observations

2.1. In August 2018, TDC published its Draft Local Plan - 2031, (Pre-Submission) which removes the current Policy EC4 and replaces it with Regulation 19⁹ which states, (bold added for emphasis):

*1.4.1 "To ensure that the NSIP-DCO process is not prejudiced, the Council is proposing **not to allocate the Airport site for any specific purpose in the draft Local Plan.***

1.4.2 This also provides the opportunity for any other interested parties to pursue the operational use of the airport through agreement with the landowners or through becoming an indemnity partner as part of a potential CPO process with the Council.

1.4.3 In the meantime, the site has an existing use for aviation, subject to other relevant legislation.

1.4.4 If a DCO for aviation use at the site is granted, this would require a partial review of the Local Plan in relation to housing land supply provisions, aviation and environmental policies and other related matters.

*1.4.5 In the event that a DCO or CPO process is not accepted or granted, or does not proceed, the Council will need to consider the best use for this site, in the **next Local Plan review after a minimum of two years.**"*

⁹ Appendix: JJHCSDL1002 - TDC Draft Local Plan (Pre-Submission) Regulation 19

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- 2.2. Regulation 19 of TDC's Draft Local Plan - 2031 is highly beneficial to the DCO Applicant whilst being detrimental to the current landowners or any other party wishing to pursue a non-airport development in that it clears the way for the Applicant to pursue its DCO application and CPO unhindered. The legal landowner is, meanwhile, blocked from continuing with its own mixed-use development plans through a combination of the existing EC4 Policy, which remains in force due to the long delays in publishing the Local Plan -2031, and Regulation 19, which supports "*an existing use for aviation*" until the "*next Local Plan review after a minimum of two years*".
- 2.3. Advice to Councillor's published in the Agenda Document for Council of 19th July 2018¹⁰, notes on page 13, paragraph 2.11 (2) that:
- "The statement regarding existing use is not a policy statement; it is simply a recognition of the current planning status of the site. This also means that current Policy EC4 (and other Airport-related Page 13 Agenda Item 4 Annex 1 policies) would not be continued or replaced with equivalent policies in the new Local Plan."*
- 2.4. This is further beneficial to the DCO Applicant in that it ensures that in the event that the DCO and CPO is granted, there will be no policy statements in the Local Plan -2031 that restrict development of the land to aviation-only use.
- 2.5. In summary, the combined effect of the current TDC Local Plan (2006) and the much-delayed TDC Draft Local Plan -2031 is:
- DCO Applicant has been afforded an unhindered window and 2 year timeframe to pursue its DCO application and CPO

¹⁰ Appendix JJHCS DL003: Agenda Document for Council, 19th July 2019 (p.12 - 15)

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- No other development can progress in the meantime unless it is also aviation-only and DCO Applicant has reminded TDC that the Avia report notes it has *“the only active interest in reopening the airport”*¹¹
- In the event that the Applicant’s DCO application is successful, Applicant will not have any policy restrictions through the Local Plan on any preferred development use of the site

2.6. This issue has been brought into sharp focus following the Minister for Housing, Communities and Local Government’s (“MHCLG”) letter to the leader of Thanet District Council (“**TDC**”), Councillor Robert Bayford, dated 28th January 2019¹². This confirms **Local Plan Intervention measures** as a result of TDC’s *“continuing failure to get a Local Plan in place”* and notes that TDC (in its capacity as a local planning authority):

- “• does not have an up-to-date Local Plan in place - the Council’s last Local Plan was adopted in 2006 and covered a period up to 2011.*
- has failed to meet the milestones in at least five Local Development Schemes since 2006.*
- has failed to plan for and deliver the homes people need in Thanet”*

2.6.1. The MHCLG letter further notes:

“Thanet is within the top third of Districts in England for high housing pressure, based on average affordability ratios. Thanet lack of a five-year housing land supply further highlights the authority’s failure to plan for and deliver the homes people need.”

and

¹¹ Appendix JJHCSDL1004: Letter from BDB to TDC, October 2016, (Page 3, second paragraph)

¹² Appendix JJHCSDL1005 : MHCLG Letter to TDC, 28th January 2019

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“The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity: at least six communities in Thanet are preparing neighbourhood plans: Birchington, Ramsgate, Margate, Broadstairs & St Peters, Westgate and Cliffsend. Communities can bring forward neighbourhood plans in the absence of an up-to-date Local Plan, but doing so can be more challenging for communities.”

3. Key Issues and Concerns

- 3.1. The process leading up to the publication of the current draft Local Plan does not show the Local Plan to be **Positively prepare, Justified or Consistent with national policy.**
- 3.2. As stated at our paragraph 1.5.4, above, the inclusion of the Manston Airport policies at 1.41 - 1.45 is entirely unnecessary with regards to the DCO application and no Local Plan policies would have any impact on the Planning Inspectorate’s ability to proceed with that parallel examination. The inclusion of these policies is therefore, in this regard, entirely redundant.
- 3.3. The impact on the Local Plan, however, is significant, including but by no means limited to negative impacts on both the housing allocation policies and the Economic Policies.
- 3.4. The overwhelmingly favourable conditions for the DCO Applicant created by the inclusion of the Manston Airport policies at 1.41 - 1.45 amounts to Council-sponsored “land-banking” - a practice that most councils nationwide seem to be keen to stamp out, yet here appears to have been actively included in favour of the DCO developer.

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3.5. There is a significant risk that the inclusion of this section of the Local Plan and, specifically, any attempt to reserve the land for aviation-only use puts the Local Plan and District Council in breach of TFEU State Aid Article 107 regulations, specifically with regards to “*selectivity*”, in that it confers a selective economic advantage and impacts competition to the DCO applicant.

3.5.1. It is not clear whether TDC has taken any specialist advice with regards to the State Aid implications and risks or whether any mitigation has been put in place for this.

4. Suggested Amendments

4.1. **Option 1:** Roll-back the Local Plan to the ‘Preferred Option’ version of January 2017, as presented to cabinet on 18 January 2018. This has the advantage of having been already consulted upon, it is publication-ready, and housing allocations have already been assessed for the preferential option.

4.2. **Option 2:** Remove paragraphs 1.41 - 1.45 of the Manston Airport section of the Local Plan.

