

STATEMENT IN SUPPORT OF CHANGE OF USE APPLICATIONS

F/TH/15/0457 TO 0460 INCLUSIVE

BUILDINGS 1- 4 AT THE FORMER MANSTON AIRPORT SITE

SUBMISSION FROM NO NIGHT FLIGHTS

IN SUMMARY:

- A full planning application has never been submitted for this site to be an airport
- TDC does not have an up to date Local Plan
- TDC's draft Local Plan entertains the idea of this site being used for mixed-use development
- The saved policies from the 2006 Local Plan are based on inaccurate conclusions about the economic benefits to the area of having an airport on this site because they rely on evidence that is demonstrably out of date
- The saved policies take no account of the NPPF
- The NPPF supports the development of brownfield land; the creation of jobs; and is in favour of sustainable development
- These Change of Use applications create jobs on brownfield land, making use of existing buildings with no material change to either the buildings or to local traffic.

The applications should be approved.



THE PLANNING CONTEXT – THE NPPF

The key document in the determination of planning applications is the National Planning Policy Framework (NPPF). It sets out the Government's over-arching guidance for planning decisions, which is that there should be:

“a presumption in favour of sustainable development”.

The NPPF emphasises the need for Local Planning Authorities (LPAs) to have up to date plans in place. Planning applications which accord with an up-to-date development plan should be approved without delay. Where the development plan is absent or silent, or where relevant policies are out-of-date, **LPAs should grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits** when assessed against the policies in the NPPF. This is what TDC needs to do in this instance.

The NPPF also says that LPAs should encourage the effective re-use of previously developed (brownfield) land. In addition, it records the Government's commitment to ensuring that the planning system supports economic growth to create jobs and prosperity. TDC must take these factors into account when determining these four applications.

THE PLANNING CONTEXT: PREVIOUS PLANNING STATUS AND THE 2006 LOCAL PLAN

TDC's Development Plan comprises the saved policies of the Thanet Local Plan (2006). This was prepared and adopted long before the publication of the NPPF. The 2006 Plan builds on the previous planning history of the former airport.

No formal planning application has ever been submitted or approved for the use of the site as an airport. The land was requisitioned in WWI and therefore did not need planning permission. In 1998, the MoD announced its desire to dispose of the airfield. The then Local Plan had not addressed the possibility of a civilian airport on the site. The Council therefore produced a plan supplement - the Central Island Initiative - which was adopted in August 1998. This supplement did not go out for full consultation in the way that the Local Plan did, particularly not in Ramsgate, the town where residents were likely to be worst affected by the airport's activities. So, when the airport became a civilian airport, this possibility had not been properly consulted on as part of the then Local Plan.

TDC could have insisted that the airport apply for proper planning permission, but it chose not to do so. Instead, in 1998 and 1999, TDC issued a series of Certificates of Lawful Use, on the grounds that civil aviation had been taking place on the airfield for more than ten years. Residents challenged TDC in the High Court and Appeal Court over the issue of these Certificates. The court ruled that these Certificates simply

allowed the airport to be transferred from military to civilian ownership. Any future intensification of use would have to be dealt with via the planning system.

A Certificate of Lawful Use is not planning permission. Government guidance says that:

“The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant.”

Since these Certificates were issued, there have been a lot of changes on the site. Year by year piecemeal development has taken place on the site that has required a series of planning permissions to be given for specific buildings and structures. In defiance of the legislation that says that this kind of cumulative, bit-by-bit development should trigger a proper Environmental Impact Assessment (EIA), TDC has allowed airport operators to develop the site without carrying out a full EIA.

TDC is currently in the process of writing its Local Plan. In the interim, it is relying on saved policies from the 2006 Local Plan. When the Council applied to the Secretary of State to “save” some policies, it was made clear to the Council that it should not assume that, just because it had been allowed to save these policies in June 2009, they would be accepted by the Secretary of State should they be presented to him/her at a later stage as part of a new Plan. The Secretary of State’s letter says:

“Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and the emergence of new evidence, will be afforded considerable weight in decisions.”

It is now six years since TDC was given that guidance and nine years since the 2006 Local Plan was published. New national policy in the shape of the NPPF was introduced after the 2006 Local Plan. In addition, it is clear that the 2006 Plan was based on evidence captured before 2006. That evidence is now demonstrably out of date. As part of its 2006 evidence base, TDC said that by 2011 it expected the airport to deliver as follows:

“... the Council takes the position that it should plan for 1 million passengers, and 250,000 tonnes of freight per annum by the end of the Plan period.”

In fact, the airport managed a peak of just 206,875 passengers (2005) and 43,026 tonnes of freight (2003). Levels of freight and passengers at the airport fell after the introduction of the 2006 Plan, rather than increasing as the Council had envisaged. By the final year of the airport’s operation, throughput had fallen to 40,391 passengers and 29,306 tonnes of freight. In addition, an important piece of new evidence is that the airport closed over a year ago; it is no longer licensed by the

CAA and much of the necessary equipment for it to operate as an airport has been sold.

It is clear from this that the saved policies from the 2006 Plan are based on out-of-date evidence. The new evidence is that there is no longer an operational airport at Manston and also that, when it was operating, the airport was far less successful economically than the Council had planned for. This evidence must be given considerable weight in the determination of the Change of Use applications.

THE PLANNING CONTEXT – THE NEW LOCAL PLAN

The draft Local Plan says at paragraph 1.32:

“The National Planning Policy Framework requires that we should avoid the long term protection of allocated sites where there is no reasonable prospect of them being used for that purpose.”

The Local Plan must be sound, justified and realistic. It must support sustainable development which supports positive economic, social and environmental outcomes.

The draft Plan to support retention and expansion of aviation activity on this site is clearly flawed. It is neither sound nor realistic. The site is not functioning as an airport and has not done so for 13 months. TDC needs an indemnity partner before it can even consider attempting to CPO the site for use as an airport in the future. TDC has decided that it does not have a suitable indemnity partner so it cannot start this process. TDC may not plan for:

“... the long term protection of allocated sites where there is no reasonable prospect of them being used for that purpose”.

Even if a suitable partner existed, the lack of economic viability at the airport (evidenced by expert reports from Parsons Brinkerhoff and from Falcon Consultancy as well as by 15 years of operational failure) means that there is not a "compelling case in the public interest" to try to CPO the land to reopen an airport. Given this, TDC has no reasonable expectation of a CPO being awarded so that an airport can be developed on this land. Moreover, there is no economic, social or environmental justification for attempting to safeguard this site for aviation use. As an airport, the site produced 144 jobs at peak. Many of these were part time. It contributed negatively to the environment by virtue of noise pollution, air pollution and water pollution (the runoff into Pegwell Bay).

The airport has consistently failed to contribute positive economic, social and environmental outcomes for the area.

No viable business plan has been put forward to develop a successful airport on this site. The RiverOak "plan" relies on the expertise of Mr Freudmann who has already

failed to make a success of Manston Airport. It also relies on the same strategy that Infratil pursued - i.e. the development of a freight hub at Manston. That plan failed.

The draft Local Plan is also flawed in that it is inconsistent to suggest that there could be a cargo airport at Manston at the same time as developing Ramsgate for tourism, leisure, a heritage environment and nature conservation. Noise pollution, air pollution, and the need to introduce Public Safety Zones would all produce significant constraints for Ramsgate. TDC's draft Local Plan fails to recognise and deal with the significant negative impact that a freight hub at Manston would have on Ramsgate's future development.

The draft Local Plan entertains the possibility that, instead of being retained for airport use, the site should be recognised as an Opportunity Area, subject to an Area Action Plan (AAP). That AAP will:

“... assess mixed-use development that will deliver significant new high quality skilled and semi-skilled employment opportunities, residential development, sustainable transport and community facilities.”

TDC has therefore already accepted the possibility that the site will not be used as an airport in the period of the next Local Plan. The Change of Use applications are entirely consistent with the use of the site as a mixed-use development.

THE APPLICATIONS THEMSELVES

The four applications, if approved, can support 320 jobs on the site. This is more than double the number of jobs that the airport created in 15 years of civilian operation across the whole site. Some jobs (100 jobs at Instro Precision) already exist in the area, but are in danger of being lost to Thanet as the company has indicated that it has outgrown its current base and has found nothing else that is suitable for it to use as a base in Thanet. Many of the other 220 jobs envisaged can be brought on site quickly either because potential tenants are already in discussions with the site's owners or because companies like Instro and X Wind have immediate expansion plans. Thanet is an area of high unemployment and TDC has a responsibility to welcome job creation and job retention. It would be irresponsible of TDC to refuse these Change of Use applications which could deliver 320 jobs in short order, when the only alternative available to TDC is a long and uncertain CPO process leading to just 39 jobs as currently laid out in the draft business plan for use of the site as a cargo airport.

The application for building 1 is for three years only. There is no case for refusing this as there is no realistic chance of a potential CPO process being completed successfully within that period.

Buildings 2, 3 and 4 are not essential for airport operational purposes. There is no case to refusing the Change of Use applications for these buildings.

More importantly, were a CPO of the site to be granted, the legislation allows for vacant possession of the site. Therefore any change of use between now and the unlikely event of a CPO being granted is irrelevant from the point of view of the Council's desire to "protect" the site for aviation purposes, as tenants would be forced to leave anyway.

The traffic assessment submitted makes it clear that the traffic implications of these Change of Use applications are insignificant.

Three of the four change of use applications are suggesting no change to the outward appearance of the buildings and the changes envisaged in the fourth are insignificant. The four buildings are in themselves of no architectural merit. There are no adverse planning implications of the future use envisaged for these buildings.

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Phil Rose, Co-founder

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