

001

Unit History: RAF Manston

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At the outset of the Great War, the Isle of Thanet was equipped with a small and precarious landing strip for aircraft at St Mildreds Bay, Westgate, on top of the chalk cliffs, at the foot of which was a promenade which had been used for seaplane operations.

The landing grounds atop the cliff soon became the scene of several accidents, with at least one plane seen to fail to stop before the end of the cliffs and tumble into the sea, which for the fortunate pilot had been on its inward tide.

In the winter of 1915-1916 these early aircraft first began to use the open farmlands at Manston as a site for emergency landings. Thus was soon established the Admiralty Aerodrome at Manston. It was not long after this that the training school, set up originally to instruct pilots in the use of the new Handley Page bombers, was established, and so by the close of 1916 there were already two distinct units stationed at Manston, the Operational War Flight Command and the Handley Page Training School.

Its location near the Kent coast gave Manston some advantages over the other previously established aerodromes and regular additions in men and machinery were soon made, particularly, in these early days, from Detling. By 1917 the Royal Flying Corps was well established and the airfield was a key place in the defence of England.

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At a time when Zeppelin raids were bringing the war directly to

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English civilians, daylight bombing raids by German 'Gotha' Bombers, a twin engined biplane, would have been considerably more effective were it not for the RFC's presence at Manston.

The German air raids had lasted for thirteen weeks, the last being on 22 August 1917. On this occasion, of the 15 bombers that set out for England five did not reach the Kent coast, and the 'spirited' intervention from Manston based fighters prevented those remaining from flying further west, three being destroyed outright and the remaining seven returning to Germany with dead and wounded on board.

Shortly after such formation raids and in consequence the Cabinet recommended the creation of a separate Air Ministry. The RAF was officially formed on 1 April 1918.

In World War II, during an eventful Battle of Britain, Manston was heavily bombed and airfield buildings destroyed. This caused dispersal of many of the staff to surrounding housing. Hawker Typhoon attack aircraft were based there later in the war, and also the first Meteor jet squadron of the RAF. It was used as a departure point for airborne forces in Operation Market Garden. It was one of the few airfields installed with the Fog Investigation Dispersal Organisation (FIDO) system designed to remove fog from airfields by burning it off with petrol. Being close to the front-line and having a long and broad runway (currently listed as 2,752 metres x 61 metres) the airfield became something of a magnet for badly damaged aeroplanes that had suffered from ground fire, collisions, or air attack but retained a degree of airworthiness. The airfield became something of a "graveyard" for heavy bombers and no doubt the less-damaged portions of aircraft landing or otherwise arriving here sometimes provided spare parts for other allied aircraft in need of repair. The museums on site displays some startling aerial views dating from this era and the post-war years. Along with Carnaby and Woodbridge, Manston was available as an east coast emergency landing ground for bomber crews.

During the Cold War of the 1950s the United States Air Force used Manston as a Strategic Air Command base for its fighter and fighter-bomber units.

With the USAF's withdrawal from Manston, the airfield became a joint civilian and RAF airport from 1960 and was thence employed for occasional package tour and cargo flights, alongside its continuing role as an RAF base. The Air Cadets used the northern side of the airfield as a gliding site, and an Air

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Experience Manston as it was based there. Thanks to its broad long runway, (built during World War II, along with Woodbridge's, to allow returning damaged bombers a longer than usual runway to land on) Manston was used as a

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diversionary airfield for emergency military and civilian landings.

From 1989 Manston became styled as Kent International Airport, and a new terminal was officially opened that year by the Duchess of York. It is allegedly listed by NASA, although never used, as an emergency diversionary landing strip for the space shuttle programme.

In 1996, Manston's satellite station RAF Ash, was closed, and in 1999, it was decided to close the RAF Manston base.

The MOD decided to keep the central fire training school (CTE) facility open, and almost the entirety of the 'domestic' side of the base became FSCTE Manston (for Fire Service Central Training Establishment).

The 'airside' portion of the base was signed over the commercial operator of Kent International Airport.

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002



Department
for Transport

Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England

Presented to Parliament pursuant to Section 9(8) of the
Planning Act 2008

Moving Britain Ahead

June 2018

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1. Introduction

Background

- 1.1 The UK aviation sector plays an important role in the modern economy, contributing around £20 billion per year¹ and directly supporting approximately 230,000 jobs.² The positive impacts of the aviation sector extend beyond its direct contribution to the economy by also enabling activity in other important sectors like business services, financial services, and the creative industries. The UK has the third largest aviation network in the world, and London's airports serve more routes than the airports of any other European city.
- 1.2 However, London and the South East are now facing longer term capacity problems. Heathrow Airport is operating at capacity today, Gatwick Airport is operating at capacity at peak times, and the whole London airports system is forecast to be full by the mid-2030s.³ There is still spare capacity elsewhere in the South East for point to point and especially low cost flights. However, with very limited capability at London's major airports, London is beginning to find that new routes to important long haul destinations are being set up elsewhere in Europe. This is having an adverse impact on the UK economy, and affecting the country's global competitiveness.⁴
- 1.3 In September 2012, the Coalition Government established the independent Airports Commission to examine the scale and timing of any requirement for additional capacity to maintain the UK's position as Europe's most important aviation hub, and identify and evaluate how any need for additional capacity should be met in the short, medium and long term.⁵
- 1.4 In its Interim Report in December 2013, the independent Airports Commission concluded that there was a need for one additional runway to be in operation in the South East of England by 2030.⁶ It also confirmed three shortlisted capacity schemes for further analysis: a Second Runway at Gatwick Airport (proposed by Gatwick Airport Ltd.), a Northwest Runway at Heathrow Airport (proposed by Heathrow Airport Ltd.), and an Extended Northern Runway at Heathrow Airport (proposed by Heathrow Hub Ltd.). The Airports Commission then consulted further on the three shortlisted schemes, plus proposals for a new airport in the inner Thames Estuary. In September 2014, the Airports Commission concluded not to consider further an inner Thames Estuary scheme.⁷
- 1.5 In its Final Report in July 2015, the Airports Commission unanimously concluded that the proposal for a Northwest Runway at Heathrow Airport, combined with a significant

¹ ONS, Input-Output Supply and Use tables, 2014

² ONS, Business Register and Employment Survey, 2014

³ <https://www.gov.uk/government/publications/airport-expansion-updated-cost-and-benefits-appraisal> Updated Appraisal Report, p11

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/440316/airports-commission-final-report.pdf Airports Commission: Final Report, p3

⁵ <https://www.gov.uk/government/organisations/airports-commission>

⁶ <https://www.gov.uk/government/publications/airports-commission-interim-report>

⁷ <https://www.gov.uk/government/publications/inner-thames-estuary-airport-summary-and-decision>

package of measures to address its environmental and community impacts, presented the strongest case and offered the greatest strategic and economic benefits.

- 1.6 The Airports Commission's remit also required it to look at how to make best use of existing airport infrastructure, before new capacity becomes operational.⁸ The Commission noted in its final report that a new runway will not open for at least 10 years. It therefore considered it imperative that the UK continues to grow its domestic and international connectivity in this period, which it considered would require the more intensive use of existing airports other than Heathrow and Gatwick.⁹
- 1.7 On 14 December 2015, the Government accepted the Airports Commission's recommendation for increased capacity in the South East of England, and its shortlisted scheme options. The Government also confirmed that it would begin work on the building blocks of an Airports National Policy Statement ('Airports NPS'), and this is what happened.¹⁰
- 1.8 The Government believes that an NPS is the most appropriate method to put in place the planning framework for a new runway in the South East of England.¹¹ All three shortlisted airport schemes would have been classed as nationally significant infrastructure projects under the Planning Act 2008, and the Government's view is that an Airports NPS, and a development consent application made under the Planning Act 2008, is the most appropriate route to deliver the Government's preferred scheme.
- 1.9 In its announcement on 14 December 2015, the Government made clear that it would be important to undertake further work regarding the final location of the preferred scheme. This included additional work on air quality, noise, carbon, and mitigating impacts on affected local communities.
- 1.10 On 25 October 2016 the Government announced that a Northwest Runway at Heathrow Airport, combined with a significant package of supporting measures, was its preferred scheme to deliver additional airport capacity in the South East of England. It also confirmed that this would be included in a draft Airports NPS, to be the subject of consultation according to the procedures laid down in the Planning Act 2008.¹²
- 1.11 The draft Airports NPS and supporting Appraisal of Sustainability were published on 2 February 2017 and a 16 week public consultation was launched. On publishing the draft Airports NPS, the Government made a commitment to continue updating its evidence base on airport capacity, including revised passenger demand forecasts and the impact of the publication of the final Air Quality Plan (the UK plan for tackling roadside nitrogen dioxide concentrations). On 24 October 2017, the Government published and conducted an 8 week public consultation on a revised draft Airports NPS and other documents which were published alongside it. The revisions were made on the basis of changes to the evidence base and as a result of initial consideration of the responses to the February consultation and other broader government policy changes. Having considered the responses to both the February and October consultations, and the report published by the Transport Committee on 23 March 2018, the Government has made some further changes, principally to provide greater clarity and reflect updates to wider Government policies.

⁸ *Airports Commission: Interim Report*, paragraph 5.2

⁹ *Airports Commission: Final Report*, paragraph 16.40

¹⁰ <https://www.gov.uk/government/speeches/aviation-capacity>

¹¹ Throughout this document, unless specified otherwise, the term "NPS" refers to the Airports NPS. Other NPSSs, for example the National Networks NPS, are referred to in full as required

¹² <https://www.gov.uk/government/speeches/airport-capacity>

Purpose and scope of the Airports NPS

- 1.12 The Airports NPS provides the primary basis for decision making on development consent applications for a Northwest Runway at Heathrow Airport, and will be an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England. Other NPSs may also be relevant to decisions on airport capacity in this geographical area.
- 1.13 The Airports NPS sets out:
- The Government's policy on the need for new airport capacity in the South East of England;
 - The Government's preferred location and scheme to deliver new capacity; and
 - Particular considerations relevant to a development consent application to which the Airports NPS relates.
- 1.14 It sets out planning policy in relation to applications for any airport nationally significant infrastructure project in the South East of England, and its policies will be important and relevant for the examination by the Examining Authority, and decisions by the Secretary of State, in relation to such applications.
- 1.15 In particular, the Secretary of State will use the Airports NPS as the primary basis for making decisions on any development consent application for a new Northwest Runway at Heathrow Airport, which is the Government's preferred scheme. The policies in the Airports NPS will have effect in relation to the Government's preferred scheme, having a runway length of at least 3,500m and enabling at least 260,000 additional air transport movements per annum.¹³ It will also have effect in relation to terminal infrastructure associated with the Heathrow Northwest Runway scheme and the reconfiguration of terminal facilities in the area between the two existing runways at Heathrow Airport. For the avoidance of doubt, the Airports NPS does not identify any statutory undertaker as the appropriate person or appropriate persons to carry out the preferred scheme.
- 1.16 It is possible that an applicant for development consent in respect of the preferred scheme will promote more than one application for development consent, dealing with different components individually. To the extent that this is the case, the Secretary of State will apply the Airports NPS to such applications to the extent that he or she determines to be appropriate in the circumstances.
- 1.17 For a scheme to be compliant with the Airports NPS, the Secretary of State would expect to see these elements comprised in its design, and their implementation and delivery secured, particularly with regard to runway length and increased capacity of air transport movements. Other NPSs may also be relevant to decisions on nationally significant infrastructure projects at airports but, if there is conflict between the Airports NPS and other NPSs, the conflict should be resolved in favour of the NPS that has been most recently designated.
- 1.18 Under section 104 of the Planning Act 2008, the Secretary of State must decide any application in accordance with any relevant NPS unless he or she is satisfied that to do so would:

¹³ The Airports NPS stipulates the length of the new runway to ensure that the new infrastructure can accommodate the largest commercial aircraft, as they operate many of the long haul flights that support the UK's position as a major aviation hub

- Lead to the UK being in breach of its international obligations;
- Be unlawful;
- Lead to the Secretary of State being in breach of any duty imposed by or under any legislation;
- Result in adverse impacts of the development outweighing its benefits; or
- Be contrary to legislation about how the decisions are to be taken.¹⁴

1.19 The Airports NPS refers in some places to other relevant documents. These other documents may be replaced, updated or amended over the lifetime of the Airports NPS, and so successor documents should be referred to when this is the case.

1.20 Unlike the regime for the granting of planning permission under the Town and Country Planning Act 1990, there is no provision in the Planning Act 2008 for the making of an 'outline' application for development consent, followed by 'reserved matters' approval. This does not mean, however, that development cannot be phased, so that particular parts are brought forward at different times, or that the details of a proposal cannot be reserved for determination later. Guidance by the Ministry of Housing, Communities and Local Government recognises that development projects advanced through the development consent order process may be phased, but emphasises that every phase of the project contained in a development consent application must be considered in the application for the order and the order itself.¹⁵

Duration

1.21 The Airports NPS covers development that is anticipated to be required by 2030 as well as other development required to support it. It will remain in place until it is withdrawn, amended or replaced. It will be reviewed, in accordance with the Planning Act 2008, when the Secretary of State considers it appropriate to do so. When considering whether to review the Airports NPS, the Secretary of State will look at whether there has been a significant change in any circumstances on which the policy was based and whether such change was anticipated when the Airports NPS was designated.

Territorial extent

1.22 The Airports NPS covers England only. Some aspects of aviation noise policy are devolved but others are reserved.¹⁶

1.23 Aviation policy is largely a reserved matter, though planning policy is not. Specifically:

- The National Assembly for Wales has devolved powers relating to airports in terms of land use planning and surface access policy;
- The Scottish Parliament has competence for planning in Scotland, and some powers in relation to aerodromes are also devolved to the Scottish Parliament; and
- The Northern Ireland Executive and Assembly have devolved powers relating to airports in terms of regional land use planning, surface access policy and funding,

¹⁴ Planning Act 2008, section 104 – decisions in cases where an NPS has effect

¹⁵ <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

¹⁶ For the avoidance of doubt, references to matters which are "reserved" in this section refer to those matters of legislative responsibility reserved to the Westminster Parliament under the UK's devolution arrangements

and environmental policy. The Northern Ireland Executive also has responsibility for airport economic regulation, has powers over land in relation to aviation safety, has the ability to grant aid for airports infrastructure, and may exercise certain controls relating to the management of airports.

European Union

- 1.24 On 29 March 2017 the Government formally notified the European Council of its intention to withdraw from the European Union, as provided for under Article 50 of the Treaty on European Union. Until the UK has left the EU, it remains a full Member of the European Union and all the rights and obligations of EU membership remain in force. Therefore, for the time being, European Union legislation applies to the development of this policy and to decision making in relation to the preferred scheme.
- 1.25 The UK and EU negotiating teams reached agreement in March 2018 on the terms of a transition or implementation period that will start on 30 March 2019, when the UK formally ceases to be a member of the EU, and last until 31 December 2020. The agreed text states that “Union law shall be applicable to and in the United Kingdom during the transition period”. The limited exceptions to this are set out in the published text.
- 1.26 The Government has also introduced legislation to ensure that the UK exits the EU with maximum certainty and continuity. The EU Withdrawal Bill ends the supremacy of European Union (EU) law in UK law and converts EU law as it stands at the moment of exit into domestic law. The same rules and laws will apply on the day after exit as on the day before. It will then be for democratically elected representatives in the UK to decide on any changes to that law, after full scrutiny and proper debate.

Appraisal of Sustainability

- 1.27 An Appraisal of Sustainability is required by the Planning Act 2008 in relation to any NPS. An Appraisal of Sustainability, which describes the analysis of reasonable alternatives to the preferred scheme, has been carried out to inform the Airports NPS. The Appraisal of Sustainability informs the development of the Airports NPS by assessing the potential economic, social and environmental impacts of options to increase airport capacity.
- 1.28 The Appraisal of Sustainability also incorporates a strategic environmental assessment (pursuant to Directive 2001/42/EC as transposed by SI 2004/1633).¹⁷ The Appraisal of Sustainability was published alongside the Airports NPS.
- 1.29 The overall conclusions of the Appraisal of Sustainability show that (provided any scheme remains within the parameters and boundaries in this policy), whilst there will be inevitable harm caused by a new Northwest Runway at Heathrow Airport in relation to some topics, the need for such a scheme, the obligation to mitigate such harm as far as possible, and the benefits that such a scheme will deliver, outweigh such harm. However, this is subject to the assessment of the effects of the preferred scheme, identification of suitable mitigation, and measures to secure and deliver the relevant mitigation.

¹⁷ Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment

- 1.30 The preferred scheme has been subject to further refinement by Heathrow Airport since the conclusion of the work of the Airports Commission. These refinements were not captured within the Airports Commission's appraisals and are not expected to significantly alter the key appraisal findings. The Government expects any applicant to carry out a further and more detailed study, and to secure appropriate mitigation measures, ahead of seeking development consent.

Habitats Regulations Assessment

- 1.31 The Airports NPS has also been assessed under the Habitats and Wild Birds Directive and Regulations.¹⁸ A Habitats Regulations Assessment has been undertaken at a strategic level, and was published alongside the Airports NPS.
- 1.32 The strategic level Habitats Regulations Assessment, conducted in accordance with the Conservation of Habitats and Species Regulations 2010,¹⁹ concluded that the potential for the preferred scheme to have adverse effects on the integrity of European sites for the purposes of Article 6(3) of the Habitats Directive could not be ruled out. This is because more detailed project design information and detailed proposals for mitigation are not presently available and inherent uncertainties exist at this stage. The Airports NPS has thus been considered in accordance with Article 6(4) of the Habitats Directive. Consideration has been given to alternative solutions to the preferred scheme, and the conclusion has been reached that there are no alternatives that would deliver the objectives of the Airports NPS in relation to increasing airport capacity in the South East and maintaining the UK's hub status. In line with Article 6(4) of the Directive, the Government considers that meeting the overall needs case for increased capacity and maintaining the UK's hub status, as set out in chapter two, amount to imperative reasons of overriding public interest supporting its rationale for the designation of the Airports NPS. At detailed design stage, and in so far as it may be necessary, the matters set out in the Airports NPS will be relevant to determining whether there are alternative solutions and imperative reasons of overriding public interest, provided that the design remains consistent with the objectives of the Airports NPS.
- 1.33 Any development brought forward through an Airports NPS that was likely to have a significant effect on a European site, either alone or in combination with other plans or projects, would be subject to a project-level Habitats Regulations Assessment at the detailed design stage. If it could not be concluded that there would be no adverse effects on site integrity, the project would not receive development consent on this basis, unless (a) there were no alternative solutions, (b) there were imperative reasons of overriding public interest in support, and (c) the necessary compensatory measures to protect the site were secured.

Equality Assessment

- 1.34 The Airports NPS has been informed by an Equality Assessment, which was published alongside the Airports NPS.
- 1.35 Under the Equality Act 2010, public bodies have a statutory duty to ensure race, disability and equality are considered in the exercise of their functions. The Equality

¹⁸ Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna; and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds

¹⁹ <http://www.legislation.gov.uk/ukssi/2010/490/contents/made> Since the revised draft Airports National Policy Statement was published, the Conservation of Habitats and Species Regulations 2017 have come into force

Assessment considered the potential equalities implications of airport expansion, including the effect on persons or groups of persons who share certain characteristics protected by the Equality Act 2010. The Equality Assessment concludes that all of the shortlisted schemes will have effects on these groups, but that such effects can be managed and can ultimately be within appropriate limits. The Airports NPS requires that final impacts on affected groups should be the subject of a detailed review, carefully designed through engagement with the local community, and approved by the Secretary of State. It should be possible to fully or partially mitigate negative equalities impacts through good design, operations and mitigation plans.

Health Impact Analysis

- 1.36 The Airports NPS has been subject to a Health Impact Analysis, which was published alongside the Airports NPS.
- 1.37 The Health Impact Analysis identified impacts which would affect the population's health, including noise, air quality and socio-economic impacts. In order to be compliant with the Airports NPS, a further project level Health Impact Assessment is required. The application should include and propose health mitigation, which seeks to maximise the health benefits of the scheme and mitigate any negative health impacts.

Relationship between the Airports NPS and the Aviation Policy Framework

- 1.38 The Airports NPS sets out Government policy on expanding airport capacity in the South East of England, in particular by developing a Northwest Runway at Heathrow Airport. Any application for a new Northwest Runway development at Heathrow will be considered under the Airports NPS. Other Government policy on airport capacity has been set out in the Aviation Policy Framework, published in 2013.²⁰ The Airports NPS does not affect Government policy on wider aviation issues, for which the 2013 Aviation Policy Framework and any subsequent policy statements still apply.²¹
- 1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy.²² Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.

²⁰ <https://www.gov.uk/government/publications/aviation-policy-framework>

²¹ This includes changes to the UK airspace policy published in the Government's response to the consultation, *UK Airspace policy: a framework for balanced decisions on the design and use of airspace*

²² *Beyond the Horizon: The Future of Aviation*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636625/aviation-strategy-call-for-evidence.pdf - see paragraphs 7.19 to 7.21

Development covered by the Airports NPS

- 1.40 The Airports NPS has effect in relation to the delivery of additional airport capacity through the provision of a Northwest Runway at Heathrow Airport. It also applies to proposals for new terminal capacity located between the new Northwest Runway and the existing Northern Runway at Heathrow Airport, as well as the reconfiguration of terminal facilities in the area between the two existing runways at Heathrow Airport. Each of these elements is also capable of constituting a nationally significant infrastructure project.
- 1.41 The Airports NPS does not have effect in relation to an application for development consent for an airport development not comprised in an application relating to the Heathrow Northwest Runway, and proposals for new terminal capacity located between the Northwest Runway at Heathrow Airport and the existing Northern Runway and reconfiguration of terminal facilities between the two existing runways at Heathrow Airport. Nevertheless, the Secretary of State considers that the contents of the Airports NPS will be both important and relevant considerations in the determination of such an application, particularly where it relates to London or the South East of England. Among the considerations that will be important and relevant are the findings in the Airports NPS as to the need for new airport capacity and that the preferred scheme is the most appropriate means of meeting that need.
- 1.42 As indicated in paragraph 1.39 above, airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority, which should be judged on the application's individual merits. However, in light of the findings of the Airports Commission on the need for more intensive use of existing infrastructure as described at paragraph 1.6 above, the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow. As indicated in paragraph 1.39 above, the Government's policy on this issue will continue to be considered in the context of developing a new Aviation Strategy.

2. The need for additional airport capacity

The importance of aviation to the UK economy

- 2.1 International connectivity, underpinned by strong airports and airlines, is important to the success of the UK economy. It is essential to allow domestic and foreign companies to access existing and new markets, and to help deliver trade and investment, linking us to valuable international markets and ensuring that the UK is open for business. It facilitates trade in goods and services, enables the movement of workers and tourists, and drives business innovation and investment, being particularly important for many of the fastest growing sectors of the economy.
- 2.2 International connectivity attracts businesses to cluster round airports, and helps to improve the productivity of the wider UK economy. Large and small UK businesses rely on air travel, while our airports are the primary gateway for vital time-sensitive freight services. Air travel also allows us ever greater freedom to travel and visit family and friends across the globe, and brings millions of people to the UK to do business or enjoy the best the country has to offer.
- 2.3 The UK benefits from a strong and substantially privatised airport sector, with a regulatory system that supports growth while ensuring the interests of passengers are at its heart. The Government believes that this is the right approach for the airport sector, but that Government has an important role to play in strategic decisions like planning future airport capacity.
- 2.4 The UK has the third largest aviation network in the world after the USA and China,²³ and London's airports serve more routes than any other European city.²⁴ The UK's airports handled over 268 million passengers in 2016, a 6.7% increase from the previous year.²⁵ The sector benefits the UK economy through its direct contribution to GDP and employment, and by facilitating trade and investment, manufacturing supply chains, skills development, and tourism.
- 2.5 In 2014 the UK aviation sector generated around £20 billion²⁶ of economic output, and directly employed around 230,000 workers,²⁷ supporting many more jobs indirectly. The UK has the second largest aircraft manufacturing industry in the world after the USA, and will benefit economically from growth in employment and exports from future aviation growth.²⁸ Air Passenger Duty remains an important contributor to Government revenue, raising over £3 billion in 2015/16.²⁹ Heathrow Airport directly supports around 75,000 jobs on site.³⁰

²³ *The Global Competitiveness Report 2014-2015*, World Economic Forum, 2015, based on available airline seat kilometres

²⁴ *Airports Commission: Final Report*, p55

²⁵ <https://www.caa.co.uk/Data-and-analysis/UK-aviation-market/Airports/Datasets/UK-Airport-data/Airport-data-2016/>

²⁶ ONS, Input-Output Supply and Use tables, 2014

²⁷ ONS, Business Register and Employment Survey, 2014

²⁸ UK Aerospace Industry Survey, Aerospace, Defence, Security Trade Association, 2010

²⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/691309/Feb18_Receipts_NS_Bulletin_Final.pdf

³⁰ <https://www.heathrowexpansion.com/local-community/local-benefits/>

- 2.6 Businesses from across the UK utilise our aviation network to access markets worldwide. The UK's strong services sector, which provides significant export earnings for the country, is particularly reliant on aviation. The sector includes, among others, financial services, insurance, creative industries, education, and health – all of which rely on face-to-face engagement with customers for success.
- 2.7 Air freight is also important to the UK economy. Although only a small proportion of UK trade by weight is carried by air, it is particularly important for supporting export-led growth in sectors where goods are of high value or time critical. Heathrow Airport is the UK's biggest freight port by value.³¹ Over £178 billion of air freight was sent between UK and non-European Union countries in 2016, representing over 45% of the UK's extra-European Union trade by value.³² This is especially important in the advanced manufacturing sector, where air freight is a key element of the time-critical supply chain. By 2030, advanced manufacturing industries such as pharmaceuticals or chemicals, whose components and products are predominantly moved by air, are expected to be among the top five UK export markets by their share of value.³³ In the future, UK manufacturing competitiveness and a successful and diverse UK economy will drive the need for quicker air freight.
- 2.8 Aviation also brings many wider benefits to society and individuals, including travel for leisure and visiting family and friends. This drives further economic activity. In 2013, for example, the direct gross value added of the tourism sector, one of the important beneficiaries of a strong UK aviation sector, was £59 billion.³⁴ Likewise, 2015 saw the value of inbound tourism rise to over £22 billion,³⁵ with the wider UK tourism industry forecast to grow significantly over the coming decades.
- 2.9 The importance of aviation to the UK economy, and in particular the UK's hub status, has only increased following the country's decision to leave the European Union. As the UK develops its new trading relationships with the rest of the world, it will be essential that increased airport capacity is delivered, in particular to support development of long haul routes to and from the UK, especially to emerging and developing economies.

The need for new airport capacity

- 2.10 However, challenges exist in the UK's aviation sector, stemming in particular from capacity constraints. These constraints are affecting our ability to travel conveniently and to a broader range of destinations than in the past. They create negative impacts on the UK through increased risk of flight delays and unreliability, restricted scope for competition and lower fares, declining domestic connectivity, erosion of the UK's hub status³⁶ relative to foreign competitors, and constraining the scope of the aviation sector to deliver wider economic benefits.
- 2.11 The UK now faces a significant capacity challenge. Heathrow Airport is currently the busiest two-runway airport in the world, while Gatwick Airport is the busiest single runway airport in the world. London's airports are filling up fast, and will all be full by the mid-2030s if we do not take action now.³⁷

³¹ <https://www.uktradeinfo.com/Statistics/BuildYourOwnTables/Pages/Home.aspx>

³² <https://www.uktradeinfo.com/Statistics/Pages/Statistics.aspx>

³³ HSBC Trade Forecast Tool, Accessed 2015

³⁴ Estimates of the Economic Importance of Tourism 2008-2013, Office for National Statistics, December 2014

³⁵ <https://www.visitbritain.org/2015-snapshot>. This figure represents tourism by all modes of transport. The equivalent figure for inbound tourists by air is £19 billion in 2015

³⁶ Defined as the frequency of flights and the density of a route network

³⁷ *Updated Appraisal Report*, p11

- 2.12 Aviation demand is likely to increase significantly between now and 2050.³⁸ All major airports in the South East of England³⁹ are expected to be full by the mid-2030s, with four out of five full by the mid-2020s. By 2050 demand at these airports is expected to outstrip capacity by at least 34%, even on the department's low demand forecast.⁴⁰ There is relatively little scope to redistribute demand away from the region to less heavily utilised capacity elsewhere in the country.⁴¹
- 2.13 The UK's hub status, stemming from the convenience and variety of its direct connections across the world, is already being challenged by restricted connectivity.⁴² Hub airports at Paris, Frankfurt and Amsterdam have spare capacity and are able to attract new flights to growth markets in China and South America.⁴³ These competitors have benefited from the capacity constraints at Heathrow Airport, and have seen faster growth over the past few years. The UK's airports also face growing competition from hubs in the Middle East like Dubai, Abu Dhabi, Doha and Istanbul. Heathrow Airport was overtaken by Dubai in 2015 as the world's busiest international passenger airport.⁴⁴
- 2.14 The consequences of not increasing airport capacity in the South East of England – the 'do nothing' or 'do minimum scenarios' – are detrimental to the UK economy and the UK's hub status. International connectivity will be restricted as capacity restrictions mean airlines prioritise their routes, seeking to maximise their profits. Capacity constraints therefore lead to trade-offs in destinations, and while there is scope to respond to changing demand patterns, this necessarily comes at the expense of other connections. Domestic connectivity into the largest London airports will also decline as competition for slots encourages airlines to prioritise more profitable routes.
- 2.15 Operating existing capacity at its limits means there will be little resilience to unforeseen disruptions, leading to delays. Fares are likely to rise as demand outstrips supply, and the lack of available slots makes it more difficult for new competitors to enter the market.
- 2.16 The Government believes that not increasing capacity will impose costs on passengers and on the wider economy. The Airports Commission estimated that direct negative impacts to passengers, such as fare increases and delays, would range from £21 billion to £23 billion over 60 years.⁴⁵ Without expansion, capacity constraints would impose increasing costs on the rest of the economy over time, lowering economic output by making aviation more expensive and less convenient to use, with knock-on effects in lost trade, tourism and foreign direct investment.
- 2.17 It is very challenging to put a precise figure on these impacts, but using alternative approaches the Airports Commission estimated these costs to be between £30 billion and £45 billion over 60 years.⁴⁶ The Airports Commission urged caution interpreting these figures, which overlap with the direct passenger costs reported above and so are not wholly additional. But they do illustrate that not increasing airport capacity carries real economic costs to the whole economy beyond aviation passengers. Having reviewed this further, the Government accepts this analysis and considers that

³⁸ *Updated Appraisal Report*, p8

³⁹ Defined as Gatwick, Heathrow, London City, Luton and Stansted

⁴⁰ *Updated Appraisal Report*, p11

⁴¹ *Airports Commission: Interim Report*, pp117-126

⁴² For more analysis on the UK's hub status, see *Airports Commission: Interim Report*, pp90-92

⁴³ *Airports Commission: Final Report*, p249

⁴⁴ <http://www.aci.aero/News/Releases/Most-Recent/2016/09/09/Airports-Council-International-releases-2015-World-Airport-Traffic-Report-The-busiest-become-busier-the-year-of-the-international-hub-airport>

⁴⁵ *Airports Commission: Final Report*, p81; present value over 60 years

⁴⁶ *Airports Commission: Final Report*, p81

recent demand growth in the South East suggests an even greater possible cost if expansion is not undertaken.⁴⁷

2.18 The Government also acknowledges the local and national environmental impacts of airports and aviation, for example noise and emissions, and believes that capacity expansion should take place in a way that satisfactorily mitigates these impacts wherever possible. Expansion must be deliverable within national targets on greenhouse gas emissions and in accordance with legal obligations on air quality.

The Airports Commission

2.19 To address these issues, in September 2012, the Coalition Government established the independent Airports Commission, led by Sir Howard Davies. The Airports Commission had two objectives:

- To produce an Interim Report, setting out the nature, scale and timing of steps needed to maintain the UK's global hub status alongside recommendations for making better use of the UK's existing runway capacity over the next five years; and
- To produce a Final Report, setting out recommendations on how to meet any need for additional airport capacity in the longer term.⁴⁸

2.20 The Airports Commission was asked to take appropriate account of the national, regional and local implications of any expansion. As well as seven discussion papers and an appraisal framework, the Airports Commission delivered its recommendations to Government in its Interim Report in December 2013 and its Final Report in July 2015. It also published a summary and decision paper in September 2014 on whether to add an inner Thames Estuary airport proposal to a shortlist for further appraisal.⁴⁹

Alternatives to additional runway capacity

2.21 The Airports Commission explored potential alternatives to additional runway capacity, which included:

- Doing nothing;
- A 'do minimum' set of alternatives with very limited provision for additional capacity;
- Redistribution methods, for example changing the rate of Air Passenger Duty, changing slot allocation regimes, traffic distribution rules, and prohibiting certain types of flights;
- Investment in high speed rail and improved surface access options; and
- New technologies.⁵⁰

2.22 The Airports Commission found that none of these options delivered a sufficient increase in capacity, and that many required investment far in excess of the cost of runway expansion. However, the Airports Commission did note that the need to make best use of existing infrastructure would remain.⁵¹

⁴⁷ Updated Appraisal Report, p11

⁴⁸ <https://www.gov.uk/government/organisations/airports-commission/about/terms-of-reference>

⁴⁹ <https://www.gov.uk/government/publications/inner-thames-estuary-airport-summary-and-decision>

⁵⁰ Airports Commission: Final Report, p84

⁵¹ Airports Commission: Final Report, paragraph 16.1 and 16.40

The Airports Commission's shortlisting process

- 2.23 The Airports Commission consulted widely on its appraisal framework, which contained its criteria for sifting proposed schemes,⁵² and the Government is satisfied that the appraisal framework was appropriate. The Airports Commission received 52 proposals, with three options developed by the Airports Commission itself. The Airports Commission took advice from a number of relevant stakeholders, including NATS Holdings, the Civil Aviation Authority, Network Rail, and the Highways Agency (as it then was). The Government believes that the Airports Commission has analysed all the options put forward to the appropriate degree of detail, and discounted non-shortlisted schemes fairly and objectively according to the sift criteria. The Government does not consider that any of the non-shortlisted schemes represents a reasonable alternative to its preferred scheme.
- 2.24 The three shortlisted schemes were:
- Gatwick Second Runway scheme;
 - Heathrow Northwest Runway scheme (which the Airports Commission recommended and is the Government's preferred scheme); and
 - Heathrow Extended Northern Runway scheme.
- 2.25 The Government has made clear in its announcement of 14 December 2015 that it agrees with the Airports Commission's three shortlisted schemes for expansion, and has taken forward its further work on this basis. As set out at paragraph 1.40 of this document, the Airports NPS will only have effect in relation to a scheme located at Heathrow Airport for the provision of a Northwest Runway, and not the other shortlisted schemes.

The Airports Commission's conclusions

- 2.26 In its Interim Report in December 2013,⁵³ the Airports Commission concluded that there was a need for one additional runway to be in operation in the South East of England by 2030. It also set in train a period of further consultation on three shortlisted schemes (Gatwick Second Runway scheme, Heathrow Northwest Runway scheme, and Heathrow Extended Northern Runway scheme), as well as the option of a new airport in the inner Thames Estuary. In September 2014, the Airports Commission concluded that a new airport in the inner Thames Estuary did not perform sufficiently well to warrant consideration alongside the three schemes that it decided to shortlist.
- 2.27 In its Final Report in July 2015, the Airports Commission concluded that the proposed Northwest Runway at Heathrow Airport presented the strongest case for expansion and would offer the greatest strategic and economic benefits to the UK. A copy of the illustrative Heathrow Northwest Runway scheme masterplan is included at Annex B. The Airports Commission also made clear that expansion would have to involve a significant package of supporting measures to address the environmental and community impacts of the new runway.
- 2.28 The Commission's remit also required it to look at how to make best use of existing airport infrastructure, before new capacity becomes operational.⁵⁴ The Commission noted in its final report that a new runway will not open for at least 10 years. It

⁵² <https://www.gov.uk/government/publications/sift-criteria-for-long-term-capacity-options-at-uk-airports>

⁵³ *Airports Commission: Interim Report*, p11

⁵⁴ *Airports Commission: Interim Report*, paragraph 5.2

therefore considered it imperative that the UK continues to grow its domestic and international connectivity in this period, which it considered would require more intensive use of existing airports other than Heathrow and Gatwick.⁵⁵

The Government's work

- 2.29 The Government has reviewed the Airports Commission's work and the representations Government has received on the issue of airport capacity, and is confident that the Airports Commission's arguments and reasoning are clear and thorough.
- 2.30 The Airports Commission undertook an extensive appraisal over two and a half years, consulting widely and analysing all the evidence before making its final recommendations. Since then, the Government has reviewed the Airports Commission's work and concluded that its evidence base on the case for expansion and its use of this evidence are both sound.⁵⁶ This has given the Government the assurance required to use the evidence to inform its further work, which is set out in more detail later. The Government has therefore considered the Airports Commission data in great depth and also carried out its own further work, all of which informs the Airports NPS.
- 2.31 In coming to these decisions, the Government has fully considered the Airports Commission's Interim and Final Reports, as well as the inner Thames Estuary summary and decision paper. The Government also received a range of information from a variety of stakeholders in response to those reports, which was taken into account by the Government in reaching its preference.
- 2.32 Having reviewed the work of the Airports Commission and considered the evidence put forward on the issue of airport capacity, the Government believes that there is clear and strong evidence that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway. The Government also agrees with the Airports Commission that this can be delivered within the UK's obligations under the Climate Change Act 2008.⁵⁷ The Government considers that following the country's decision to leave the European Union the country will increasingly look beyond Europe to the rest of the world, and so the importance of maintaining the UK's hub status, and in that context long haul connectivity in particular, has only increased.
- 2.33 The next chapter of the Airports NPS sets out how the Government has identified the most effective and appropriate way to address the overall need for increased airport capacity, and maintain the UK's hub status, while meeting air quality and carbon obligations and identifies that the Northwest Runway at Heathrow is the Government's preferred scheme.

⁵⁵ *Airports Commission: Final Report*, paragraph 16.40

⁵⁶ <https://www.gov.uk/government/publications/airport-expansion-further-review-and-sensitivities-report>

⁵⁷ <https://www.gov.uk/government/publications/airport-expansion-dft-review-of-the-airports-commissions-final-report> *Review of the Airports Commission Final Report*, p19

3. The Government's preferred scheme: Heathrow Northwest Runway

Overview

- 3.1 While the previous chapter of the Airports NPS sets out the Government's underlying policy and evidence on the need to expand airport capacity in the South East of England, this chapter sets out why the Government has stated its preference for the Heathrow Northwest Runway scheme.
- 3.2 As set out in the previous chapter, the Airports Commission undertook a detailed shortlisting process, which resulted in three shortlisted schemes being considered by the Government for additional airport capacity:
 - Gatwick Second Runway scheme;
 - Heathrow Northwest Runway scheme (which the Airports Commission recommended and is the Government's preferred scheme);
 - Heathrow Extended Northern Runway scheme.
- 3.3 The Government accepted the Airports Commission's three shortlisted schemes on 14 December 2015, agreeing with the Airports Commission's conclusion that one new runway in the South East of England by 2030 would be required to meet the need for additional capacity.
- 3.4 Following the publication of the Airports Commission's Final Report, the Government undertook further work on:
 - Air quality;
 - Noise;
 - Carbon emissions; and
 - Impacts on local communities.
- 3.5 The Government has carried out additional sensitivities, which show the worst case scenarios on noise, carbon and the economy, within the Appraisal of Sustainability.
- 3.6 The work on air quality, which demonstrated that expansion (with mitigation) is capable of taking place within legal limits, is outlined in the Government's air quality re-analysis⁵⁸ and the Appraisal of Sustainability. Both documents contain a worst case scenario.
- 3.7 The Government agrees with the Airports Commission's assessment that a new runway is deliverable within the UK's climate change obligations.⁵⁹

⁵⁸ <https://www.gov.uk/government/publications/airport-expansion-further-updated-air-quality-re-analysis>

⁵⁹ <https://www.gov.uk/government/publications/airport-expansion-dft-review-of-the-airports-commissions-final-report> *Review of the Airports Commission Final Report*, p19

- 3.8 Following engagement with all three shortlisted scheme promoters, the Government has recommended a package of community supporting measures.
- 3.9 The Government also carried out additional work in relation to surface access, and further economic analysis. This work has allowed the Government to consider carefully the effectiveness of each of the three schemes to meet the need for additional capacity.
- 3.10 The detailed results of this work can be found in a number of reports published by the Government on 25 October 2016:
- A formal review by the Department for Transport of the Airports Commission's Final Report;⁶⁰
 - An air quality re-analysis to test the Airports Commission's work against the Government's air quality plan;⁶¹
 - A further review of the Airports Commission's analytical approach, providing greater assurance in those areas where needed;⁶²
 - A comparison of the originally shortlisted schemes' compensation packages against other expansion projects around the world;⁶³
 - An assurance report by Highways England on the schemes' road surface access proposals;⁶⁴ and
 - A non-binding statement of principles between Heathrow Airport and the Secretary of State for Transport on the Heathrow Northwest Runway scheme.⁶⁵
- 3.11 On 25 October 2016, the Government announced that its preferred scheme to meet the need for new airport capacity in the South East of England was a Northwest Runway at Heathrow Airport.⁶⁶ It also confirmed that this would be included in a draft Airports NPS, which would be subject to consultation in accordance with the procedures laid down in the Planning Act 2008.
- 3.12 The draft Airports NPS and supporting Appraisal of Sustainability were published on 2 February 2017 and a 16 week public consultation was launched. On publishing the draft Airports NPS, the Government made a commitment to continue updating its evidence base on airport capacity, including revised passenger demand forecasts and the impact of the publication of the final Air Quality Plan (the UK plan for tackling roadside nitrogen dioxide concentrations). On 24 October 2017, the Government published and conducted an 8 week public consultation on a revised draft Airports NPS and other documents which were published alongside it. The revisions were made on the basis of changes to the evidence base and as a result of initial consideration of the responses to the February consultation and other broader government policy changes. Having considered the responses to both the February and October consultations, and the report published by the Transport Committee on 23 March 2018, the Government has made some further changes, principally to provide greater clarity and reflect updates to wider Government policies. The Government believes that the Heathrow Northwest Runway scheme, of all the three shortlisted schemes, is the most effective and most appropriate way of meeting the

⁶⁰ <https://www.gov.uk/government/publications/airport-expansion-dft-review-of-the-airports-commissions-final-report>

⁶¹ <https://www.gov.uk/government/publications/airport-expansion-further-analysis-of-air-quality-data>

⁶² <https://www.gov.uk/government/publications/airport-expansion-further-review-and-sensitivities-report>

⁶³ <https://www.gov.uk/government/publications/airport-expansion-global-comparison-of-airport-mitigation-measures>

⁶⁴ <https://www.gov.uk/government/publications/airport-expansion-highways-england-assurance-report>

⁶⁵ <https://www.gov.uk/government/publications/heathrow-airport-limited-statement-of-principles>

⁶⁶ <https://www.gov.uk/government/speeches/airport-capacity>

needs case set out in chapter 2. As such, the Government has also concluded that the other shortlisted schemes do not represent true alternatives to the preferred scheme.

- 3.13 The remainder of this chapter is broken down into two distinct sections. The first section focuses on why the Government prefers the Heathrow Northwest Runway Scheme to the Gatwick Second Runway scheme in terms of delivering additional airport capacity by 2030. The second section focuses on why the Government prefers the Heathrow Northwest Runway scheme to the Heathrow Extended Northern Runway scheme.
- 3.14 Increasing airport capacity in the South East of England and maintaining the UK's hub status can be expected to result in both positive and negative impacts, as would be the case for any major infrastructure project. Important positive impacts are expected to include better international connectivity and providing benefits to passengers and the UK economy as a whole (for example for the freight industry). The negative impacts are expected to include environmental impacts, for example on air quality and affected local communities.
- 3.15 In its considerations on a preferred scheme, the Government has fully taken into account the work of the Airports Commission, information provided by a variety of stakeholders, and the results of the Government's further work outlined in paragraphs 3.4-3.10 above. As set out below, the Government has considered the positive and negative effects from each of the three shortlisted schemes, and reached its conclusion by weighing these expected effects, along with considering how positive effects can be enhanced and negative effects mitigated.

Heathrow Northwest Runway and Gatwick Second Runway

- 3.16 In identifying the preferred scheme, a wide range of factors has been taken into account, including:
- International connectivity and strategic benefits;
 - Passenger and wider economic benefits;
 - Domestic connectivity and regional impacts;
 - Surface access links;
 - Views of airlines, regional airports and the business community;
 - Financeability;
 - Deliverability; and
 - Local environmental impacts.
- 3.17 While the Government acknowledges the differences between the three shortlisted schemes, carbon impacts (unlike the factors above) have not been considered as a differentiating factor between schemes due to the Airports Commission's overarching assessment that all three are deliverable within the UK's climate change obligations.

International connectivity and strategic benefits, including freight

- 3.18 Heathrow Airport is best placed to address this need by providing the biggest boost to the UK's international connectivity. Heathrow Airport is one of the world's major hub airports, serving around 180 destinations worldwide with at least a weekly service,

including a diverse network of onward flights across the UK and Europe.⁶⁷ Building on this base, expansion at Heathrow Airport will mean it will continue to attract a growing number of transfer passengers, providing the added demand to make more routes viable. In particular, this is expected to lead to more long haul flights and connections to fast-growing economies, helping to secure the UK's status as a global aviation hub, and enabling it to play a crucial role in the global economy.

- 3.19 By contrast, expansion at Gatwick Airport would not enhance, and would consequently threaten, the UK's global aviation hub status. Gatwick Airport would largely remain a point to point airport, attracting very few transfer passengers. Heathrow Airport would continue to be constrained, outcompeted by competitor hubs which lure away transfer passengers, further weakening the range and frequency of viable routes. At the UK level, there would be significantly fewer long haul flights in comparison to the preferred scheme, with long haul destinations served less frequently. Expansion at Heathrow Airport is the better option to ensure the number of services on existing routes increases and allows airlines to offer more frequent new routes to vital emerging markets.
- 3.20 This was demonstrated by the forecasts produced by the Airports Commission, and continues to be found in the department's 2017 forecasts.⁶⁸ Compared to no expansion, the Government estimate that a Northwest Runway at Heathrow Airport by 2040 would result in 113,000 additional flights a year across the UK as a whole (including 43,000 long haul), and 28 million additional passengers a year. By way of comparison, the Heathrow Extended Northern Runway would add 85,000 more flights and 22 million additional passengers.^{69 70}
- 3.21 Compared to no expansion, the Second Runway scheme at Gatwick would add 15,000 flights and 10 million passengers by 2040, across the UK as a whole, increasing to 77,000 and 23 million respectively in 2050. The Government project that 8,000 of these additional flights would be long haul in 2040, rising to 17,000 in 2050.⁷¹ Gatwick Airport has recently been successful in securing a number of long haul routes to the USA and Canada from low cost carriers, a new market segment.
- 3.22 As set out above, the ease with which businesses can move staff around the globe is an important facilitator of trade and for businesses locating and remaining in the UK. The broader range and greater frequency of long haul flights at Heathrow Airport best meets this need. It would deliver benefits for UK passengers (both business and leisure) by allowing them to travel to more destinations flexibly. These benefits include the additional frequency of flights, for example connecting the UK to long haul destinations daily instead of weekly, or several times a day instead of daily. Businesses from across the UK currently take advantage of Heathrow Airport's international connections, and will continue to benefit from these following expansion. In particular, the additional capacity delivered at Heathrow Airport will support growth

⁶⁷ CAA, 2016

⁶⁸ An important uncertainty to the central estimates concerns the forecasts of future aviation demand and allocation across UK airports. The Airports Commission reflected this uncertainty using five demand scenarios, as well as two carbon policy regimes. The Department for Transport has further considered uncertainty through the use of low, central and high demand scenarios. Further uncertainty arises from the choice of individual modelling assumptions. More information on the Airports Commission's scenarios and sensitivity analysis, can be found in the *Further Review and Sensitivities Report*. More information on the department's 2017 scenarios and sensitivity analysis can be found in the Updated Appraisal Report

⁶⁹ *Updated Appraisal Report*, p14 and 17. This number includes all point to point and transfer passengers at UK airports, and refers to terminal passengers who are counted each time they land or take off at a UK airport. Further disaggregation is provided in the Updated Appraisal Report

⁷⁰ Due to the expected use of larger planes with higher load factors, the department's 2017 forecasts find smaller increases in ATMs are needed to deliver similar increases in passenger numbers. This is particularly evident for Gatwick, where load factors have increased notably over the past few years. Further information is provided in the Updated Appraisal Report

⁷¹ *Updated Appraisal Report*, p 14 and 17

in important sectors of the UK economy, including tourism, financial services, and the creative industries.

- 3.23 The aviation sector can also boost the wider economy by providing more opportunities for trade through air freight. The time-sensitive air freight industry, and those industries that use air freight, benefit from greater quantity and frequency of services, especially long haul. By providing more space for cargo, lowering costs, and by the greater frequency of services, this should in turn provide a boost to trade and GDP benefits.⁷²
- 3.24 As set out above, expansion at Heathrow Airport delivers the biggest boost in long haul flights, and the greatest benefit therefore to air freight. This is further facilitated by the existing and proposed airport development of freight facilities as part of the Northwest Runway scheme. Heathrow Airport currently has a substantial freight handling operation, around 20 times larger by tonnage⁷³ than that at Gatwick Airport, and accounting for 34% of the UK's non-European Union trade by value – around 170 times more than Gatwick Airport.⁷⁴ Expansion at Heathrow Airport will further strengthen the connections of firms from across the UK to international markets.

Passenger and wider economic benefits

- 3.25 Without expansion, passengers and other users of airports are likely to suffer from higher fares and more delays. High demand for air travel at airports with limited or no scope for increased capacity could weaken competition, allowing airlines to charge higher fares. As airports fill up and operate at full capacity, there is little resilience to deal with any disruption, leading to delays.
- 3.26 Expansion via the Heathrow Northwest Runway scheme is best placed to address this need. Heathrow Airport is currently the busiest two runway airport in the world, already operating at full capacity, with substantial pent up demand from passengers and airlines. Expansion at Heathrow Airport would increase the availability of services, and increase competition between airlines. This would lower fares that passengers can expect to face relative to no expansion, leading to significant benefits to business and leisure passengers and the wider economy. Crucially, the extent of the pent up demand at Heathrow Airport means that these benefits will be experienced more rapidly once the new capacity is operational, with both Heathrow schemes providing more passenger benefits by 2050 than the Gatwick Second Runway scheme, and with total benefits (not including wider trade benefits) of up to £74 billion over 60 years for the Northwest Runway scheme.⁷⁵ ⁷⁶ These benefits are expected to be realised by passengers across the UK as they make use of the additional services provided by the expanded airport. Cumulative benefits delivered by a Northwest Runway scheme remain highest throughout most of the appraisal period, until the mid-2070s, although total benefits are slightly lower than would be delivered by Gatwick expansion over the full 60 year assessment.⁷⁷
- 3.27 The Government also recognises the role airports can play in supporting wider economic growth in the local community. Expansion at Heathrow Airport is expected to result in larger benefits to the wider economy than expansion at Gatwick Airport. These additional benefits come from workers moving to more productive jobs around the expanded airport as well as the productivity benefits from firms who will enjoy lower aviation transport costs. Heathrow Airport already has a more developed cluster

⁷² Updated Appraisal Report, p16

⁷³ <https://www.caa.co.uk/Data-and-analysis/UK-aviation-market/Airports/Datasets/UK-airport-data/Airport-data-2016/>

⁷⁴ HMRC, 2016, <https://www.uktradeinfo.com/Statistics/BuildYourOwnTables/Pages/Home.aspx>

⁷⁵ For clarity of presentation, only the central demand scenario estimate is presented here. This value is the same for the department's carbon-traded and carbon-capped scenarios – see the Updated Appraisal Report for further details

⁷⁶ This includes passenger benefits to UK residents, non-UK residents and international-to-international interliners

⁷⁷ Updated Appraisal Report, p45

of businesses in its surrounding area, which should enable an even larger economic boost from expansion in the local economy.⁷⁸

- 3.28 Expansion via the Heathrow Northwest Runway scheme should deliver additional jobs at the airport, through its supply chain and in the local community. The Heathrow Northwest Runway scheme is expected to generate up to 114,000 additional jobs in the local area by 2030,⁷⁹ with Heathrow Airport also pledging to provide 5,000 additional apprenticeships by this time. The number of local jobs created at an expanded Heathrow Airport is predicted to be much greater than at Gatwick Airport (up to 21,000 by 2030 and 60,000 by 2050),⁸⁰ and the jobs would also be created more quickly. The numbers are higher at Heathrow Airport because the additional capacity is forecast to be used more quickly following expansion and, importantly, because the types of services offered at an expanded Heathrow Airport are likely to be more complex, particularly with the greater number of full service airlines operating there.
- 3.29 Expansion brings a wide set of non-monetised benefits such as local job creation, trade, and freight benefits, which indicate a stronger case for a Heathrow scheme than for the Gatwick Second Runway scheme.⁸¹

Domestic connectivity

- 3.30 The Government recognises the importance that the nations and regions of the UK attach to domestic connectivity, particularly connections into Heathrow Airport. Airports across the UK provide a vital contribution to the economic wellbeing of the whole of the UK. Without expansion, there is a risk that, as airlines react to limited capacity, they could prioritise routes away from domestic connections. The Government therefore sees expansion at Heathrow Airport as an opportunity to not only protect and strengthen the frequency of existing domestic routes, but to secure new domestic routes to the benefit of passengers and businesses across the UK.
- 3.31 Passengers from across the UK are likely to benefit from the improved international connectivity provided by expansion. In 2040, 5.9 million additional passengers from outside of London and the South East are forecast to make one way international journeys⁸² from Heathrow Airport. Under a Gatwick Second Runway scheme, 3.8 million additional passengers from outside London and the South East would be forecast to make one way international journeys from Gatwick Airport in 2040. By way of comparison, under a Heathrow Extended Northern Runway scheme, 4.6 million additional passengers from outside London and the South East would be forecast to make one way international journeys from Heathrow Airport in 2040. While expansion will also see some displacement of passengers from regional airports to the London system, overall regional airports are expected to continue displaying strong growth in passenger numbers by 2050.⁸³
- 3.32 An expanded Heathrow Airport should therefore mean that more passengers from across the UK are likely to benefit from lower fares and access to important international markets from the airport.
- 3.33 The Government expects to see expansion at Heathrow Airport driving an increase in the number of UK airports with connections specifically into the airport. Heathrow

⁷⁸ Updated Appraisal Report, p27

⁷⁹ Updated Appraisal Report, p29

⁸⁰ Ibid.

⁸¹ Updated Appraisal Report, p42

⁸² Defined as any passenger who travels to (or from) an international destination from a region outside of London and the South East, and uses the expanded airport as part of this journey. A one-way journey is counted as either an outbound or an inbound journey. Return passengers are therefore counted twice.

⁸³ Updated Appraisal Report, p20

Airport and Gatwick Airport set out plans on domestic connectivity which they say they could deliver by 2030:

- at least 14 domestic routes for Heathrow Airport, compared to the eight routes currently in operation; and
- at least 12 domestic routes for Gatwick Airport, compared to the six currently offered.⁸⁴

The following table provides examples of potential domestic routes:⁸⁵

Heathrow Airport under expansion in 2030 ⁸⁶	Gatwick Airport under expansion in 2030
8 domestic routes operating today (Aberdeen, Belfast City, Edinburgh, Glasgow, Inverness, Leeds Bradford, Manchester, Newcastle) plus Belfast International, Durham Tees Valley, Humberside, Liverpool, Newquay, Prestwick Total: 14	6 domestic routes operating today (Aberdeen, Belfast International, Edinburgh, Glasgow, Inverness, Newquay) plus Belfast City, Derry-Londonderry, Dundee, Leeds Bradford, Manchester, Newcastle Total: 12

Government expectation on domestic connectivity

3.34 The Government recognises that air routes are in the first instance a commercial decision for airlines and are not in the gift of an airport operator. But the Government is determined that new routes will be secured, and will hold Heathrow Airport to account on this. The Government requires Heathrow Airport to demonstrate it has worked constructively with its airline customers to protect and strengthen existing domestic routes, and to develop new domestic connections, including to regions currently unserved.

Surface access links

3.35 To realise the benefits of expansion, passengers and users must have good access to the airport. On this basis Heathrow Airport has the advantage, because of its more accessible location and more varied surface access links.

3.36 Heathrow Airport already has good surface transport links to the rest of the UK. It enjoys road links via the M25, M4, M40 and M3, and rail links via the London Underground Piccadilly Line, Heathrow Connect, and Heathrow Express. In the future, it will connect to Crossrail, and link to HS2 at Old Oak Common. Plans are being developed for improved rail access: the proposed Western Rail Access could link the airport to the Great Western Main Line, and Southern Rail Access could join routes to the South Western Railway network and London Waterloo Station. This varied choice of road and rail connections makes Heathrow Airport accessible to both passengers

⁸⁴ The DfT 2017 aviation forecasts do not take account of the ability of airport levers to strengthen specific routes. Domestic routes proposed by promoters are therefore not included in the updated forecasts

⁸⁵ Table excludes UK Crown Dependencies

⁸⁶ Taken from promoter plans for domestic connections at Heathrow Airport and Gatwick Airport, compared to existing domestic connections at both airports. The Government would expect Heathrow Airport's plan to be broadly equivalent for the Extended Northern Runway proposal if it was taken forward

and freight operators in much of the UK, and provides significant resilience to any disruption.

- 3.37 Access to Gatwick relies on the M23 and the Brighton Main Line, which means it serves London well but makes it less convenient for onward travel to the rest of the UK. It is also less resilient than Heathrow Airport. Heathrow Airport has advantages over Gatwick Airport with its greater integration into the national transport network, benefitting both passengers and freight operators. It also currently has significantly larger freight operations than Gatwick Airport, around 20 times larger in terms of total tonnage⁸⁷ and around 170 times larger in terms of value.⁸⁸
- 3.38 The airport scheme promoters have pledged to meet the cost of surface access schemes required to enable a runway to open. For Gatwick Airport, this covers the full cost of the works (including the M23 and A23) needed to support expansion. The two Heathrow schemes would pay for the full cost of M25, A4 and A3044 works, as well as other local road works. They would make a contribution towards the cost of the proposed Western Rail Access and Southern Rail Access schemes. Improvements which are already underway, such as Thameslink and Crossrail, will be completed, and the Government has not assumed any change to these schemes' existing funding.
- 3.39 The majority of the surface access costs where a split of beneficiaries is expected (for example, where multiple businesses and the public at large benefit from a new road junction or rail scheme) are likely to be borne by Government, where the schemes provide greater benefits for non-airport users. The airport contribution would be subject to a negotiation, and review by regulators.
- 3.40 Because of the early stages of development, there is some variability of surface access costs, which are subject to more detailed development and, for example, choices over precise routes. The additional public expenditure effects of the options would likely be as follows:
- For both Heathrow proposals, there is no Government road spend directly linked to expansion; the promoter would pay for changes to the M25, A4 and A3044 and any local roads. The Western and Southern Rail schemes are at different levels of development and the cost estimates will change as these schemes are developed. The Government would expect the costs of the schemes to be partly offset by airport contributions, which would be negotiated when the schemes reach an appropriate level of development.
 - For the Gatwick proposal, there would be no additional public expenditure solely because of expansion, as all road enhancement costs for airport expansion would be met by the scheme promoter. The Government has assumed that any improvements to the Brighton Main Line that may be required would take place regardless of expansion and would be publicly funded.

Views and support of airlines, regional airports and the business community

- 3.41 The benefits of expansion will be delivered only if airlines and the industry choose to use the new capacity, and pay for it via airport charges. There is much greater airline support for expansion via the Heathrow Northwest Runway scheme than the other two schemes, subject to various concerns being met, for example on costs.
- 3.42 The majority of regional airports who have stated a public preference support expanding Heathrow Airport, on the basis of its current status as the UK's hub (though

⁸⁷ <https://www.caa.co.uk/Data-and-analysis/UK-aviation-market/Airports/Datasets/UK-airport-data/Airport-data-2016/>

⁸⁸ <https://www.uktradeinfo.com/Statistics/BuildYourOwnTables/Pages/Home.aspx>

Birmingham Airport has supported expansion at Gatwick Airport). This support is driven by airports' considerations on connectivity and other commercial issues.

- 3.43 Expansion is critical for business confidence in the UK. The Heathrow Northwest Runway scheme has strong support from the wider business community across the whole of the UK, including from the Confederation of British Industry,⁸⁹ the British Chambers of Commerce,⁹⁰ the Federation of Small Businesses,⁹¹ the manufacturers' organisation EEF,⁹² and regional business groups across the UK. 61% of the directors asked by the Institute of Directors stated that their preference was for expansion at Heathrow Airport, compared to 39% who favoured expansion at Gatwick Airport.⁹³

Financeability

- 3.44 While the Gatwick Second Runway scheme would be significantly cheaper than the two schemes at Heathrow, with the Heathrow Northwest Runway the most expensive of the three shortlisted schemes, all three are private sector schemes which the Government believes could be financeable without Government support.⁹⁴
- 3.45 The level of debt and equity required for the Gatwick Second Runway scheme would be significantly lower than for the Heathrow schemes, but the Airports Commission noted that the Gatwick Second Runway scheme would have comparatively higher demand risk, which is harder for Government to mitigate compared to the Heathrow schemes.⁹⁵ Both Heathrow schemes build on a strong track record of proven demand that has proven resistant to economic downturns. Independent financial advisers have undertaken further work for the Government, and agree that all three schemes are financeable without Government support.

Deliverability and safety

- 3.46 The three shortlisted schemes involve different levels of delivery risk. Gatwick Airport said its Second Runway scheme is capable of being delivered by 2025, while Heathrow Airport said its Northwest Runway scheme is capable of being delivered by 2026. The Gatwick Second Runway scheme would be much simpler to build. The process for delivering powers for the Heathrow schemes will be more complex because the schemes themselves are more complex. The delivery dates for both Heathrow schemes are therefore likely to be more risky than that for the scheme at Gatwick.
- 3.47 The Airports Commission worked with the Civil Aviation Authority and NATS Holdings to review the operational and airspace implications of all three shortlisted schemes, including conducting fast-time simulation modelling of the proposed airspace routes. This work concluded that, while safely managing the expected increase in air traffic for any scheme will be challenging, it should nevertheless be achievable given modernisation of airspace in the South East of England and taking advantage of new technologies – changes which will be necessary with or without expansion.
- 3.48 The Airports Commission also asked the Health and Safety Laboratory (HSL) to review the scale of increase in crash risk associated with each of the schemes. This review considered two risks: the background risk, which accounts for aircraft cruising in UK airspace, and an airfield crash rate, relating to aircraft taking off and landing at a

⁸⁹ <http://mediacentre.heathrow.com/pressrelease/details/81/Expansion-News-23/4789>

⁹⁰ <http://www.britishchambers.org.uk/press-office/press-releases/bcc-while-britain-dithers-on-aviation,-others-do.html>

⁹¹ <https://www.fsb.org.uk/media-centre/press-releases/heathrow-s-third-runway-sends-clear-signal-britain-is-open-for-business>

⁹² <https://www.eef.org.uk/about-eef/media-news-and-insights/media-releases/2016/oct/eef-comment-on-heathrow-expansion>

⁹³ <https://www.iod.com/news-campaigns/news/articles/Business-leaders-welcome-Airports-Commission-recommendations>

⁹⁴ The Airports Commission estimated capital costs at £9 billion for the Gatwick Second Runway scheme, £14.4 billion for the Heathrow Extended Northern Runway Scheme, and £17.6 billion for the Heathrow Northwest Runway scheme, not including surface access costs

⁹⁵ *Airports Commission: Final Report*, p270

specific airfield.⁹⁶ This review concluded that “the changes to the background crash risk are minimal regardless of whether or not expansion takes place at the airports.”⁹⁷ In addition the increase in airfield crash risks for both airports was proportionate to the additional number of flights anticipated, meaning that the “scenario for Heathrow with the highest crash rates represents an increase of 60% in the crash rate compared to 2013. At Gatwick Airport, the crash rate is more than doubled in the scenario with the highest rates.”⁹⁸ As noted by HSL, “there is a high level of uncertainty in the calculated crash rates” due to the limited number of previous incidents to assess. Of the over 36 million aircraft movements examined by HSL that are of relevance to either Heathrow or Gatwick’s airfield crash risk, only three resulted in accidents.⁹⁹ The Civil Aviation Authority conducted a preliminary safety assessment of the schemes and concluded that the schemes were feasible in principle from a safety perspective.¹⁰⁰

Local environmental, health and community impacts

- 3.49 Decisions on airport capacity must rightly balance local, environmental and social considerations against the national and local benefits stemming from expansion. As set out above, in terms of economic and strategic benefits, expansion via the Heathrow Northwest Runway scheme best meets the need for additional capacity in the South East of England. However, set against these positive impacts, airport expansion can also have negative impacts. For example, all three schemes will have significant impacts on the environment and local communities.
- 3.50 The Appraisal of Sustainability presents an assessment of the likely environmental, social and economic impacts of all three schemes. The Health Impact Analysis also presents an assessment of the health impacts. The following discussion of assessments of the three schemes considers the impacts of expansion without the benefits of the mitigation package put forward by scheme promoters or required by the Government under this NPS. The *Updated Appraisal Report* monetises, where possible, the air quality, noise and carbon impacts affecting people from each of the three schemes. These monetised values are small relative to the size of the monetised economic benefits of each scheme over the 60-year appraisal period. The Appraisal of Sustainability shows that, while all three schemes are expected to lead to a reduction in air quality and increased noise (without consideration of potential mitigations of the three schemes), the Gatwick Second Runway scheme would have a lower level of adverse effects relating to noise and air quality than either scheme at Heathrow. All three schemes will have an impact on the natural environment, including biodiversity, water and landscape. Negative effects upon quality of life, health and amenity were assessed, when unmitigated, to be of a greater magnitude for the two Heathrow expansion schemes and of a lower magnitude for the Gatwick Second Runway scheme. This is primarily because Gatwick Airport is in a more rural location, with fewer people impacted by the airport. The Appraisal of Sustainability also outlines measures to mitigate these local impacts to ensure that legal obligations will be met.

⁹⁶ *Operational Efficiency: Ground Risk Analysis*, Health and Safety Laboratory, p3
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/437269/operational-efficiency-ground-risk-analysis.pdf

⁹⁷ *Operational Efficiency: Ground Risk Analysis*, Health and Safety Laboratory, pvi
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/437269/operational-efficiency-ground-risk-analysis.pdf

⁹⁸ *Operational Efficiency: Ground Risk Analysis*, Health and Safety Laboratory, p15
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/437269/operational-efficiency-ground-risk-analysis.pdf

⁹⁹ *Operational Efficiency: Ground Risk Analysis*, Health and Safety Laboratory, p9
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/437269/operational-efficiency-ground-risk-analysis.pdf

¹⁰⁰ *Airports Commission: Final report*, p243

As set out below, the Government believes this demonstrates how the commitment to ensure that local impacts of expansion will be mitigated satisfactorily can be met.

- 3.51 Heathrow Airport has committed to ensuring its landside airport-related traffic is no greater than today. The airport will be expected to achieve a public transport mode share of at least 50% by 2030, and at least 55% by 2040, for passengers.
- 3.52 The Government agrees with the evidence set out by the Airports Commission that expansion at Heathrow Airport is consistent with the UK's climate change obligations.¹⁰¹
- 3.53 The Appraisal of Sustainability identifies that, in addition to changes due to local noise and air quality impacts, communities may be affected by airport expansion through loss of, and/or additional demand for housing, community facilities or services, including recreational facilities. In addition, there will be effects on parks, open spaces and the historic environment, which will affect the quality of life of local communities which benefit from access to these facilities and features. These effects will be of a higher magnitude for the two Heathrow expansion schemes and a lower magnitude for Gatwick Second Runway. Overall, each of the three schemes is expected to have negative impacts on local communities, with more severe impacts expected from the Heathrow schemes. Impacts of all three schemes will not be felt equally across social groups. Equality impacts are set out in chapter four.
- 3.54 The Heathrow Northwest Runway scheme will be accompanied by a package of measures to mitigate the impact of airport expansion on the environment and affected communities.¹⁰² The Government agrees with the Airports Commission's conclusion that "to make expansion possible...a comprehensive package of accompanying measures [should be recommended to] make the airport's expansion more acceptable to its local community, and to Londoners generally".¹⁰³ This is expected to include a highly valued scheduled night flight ban of six and a half hours between 11pm and 7am (with the exact start and finish times to be determined following consultation), and the offer of a predictable, though reduced, period of respite for local communities.
- 3.55 To mitigate environmental and social impacts, Heathrow Airport and Gatwick Airport both announced compensation packages (covering residential property acquisition, noise insulation, and other community measures like funding for schools), of more than £1 billion at Heathrow Airport and more than £200 million at Gatwick Airport (over 15-20 years from 2020). Heathrow Airport's package reflects the much greater number of people affected in the local area.

Heathrow Northwest Runway and Heathrow Extended Northern Runway

- 3.56 The Heathrow Extended Northern runway scheme has two advantages over the Heathrow Northwest Runway scheme: lower capital costs (£14.4 billion for the Extended Northern Runway scheme compared to £17.6 billion for the Northwest Runway scheme), and significantly fewer houses being demolished (242 rather than 783), as well as avoiding impacts on a number of commercial properties.

¹⁰¹ <https://www.gov.uk/government/publications/airport-expansion-dft-review-of-the-airports-commissions-final-report> *Review of the Airports Commission Final Report*, p19

¹⁰² By way of comparison, the Government engaged Ernst & Young to prepare a report on the approaches taken by other international airports in addressing the local impacts of the airport - <https://www.gov.uk/government/publications/airport-expansion-global-comparison-of-airport-mitigation-measures>

¹⁰³ *Airports Commission: Final Report*, p4

- 3.57 However, the Government made a preference for the Heathrow Northwest Runway based on a number of factors:
- Resilience;
 - Respite from noise for local communities; and
 - Deliverability.
- 3.58 The Heathrow Northwest Runway scheme would provide respite by altering the pattern of arrivals and departures across the runways over the course of the day to give communities breaks from noise. However, respite would decrease from one half to one third of the day. The Heathrow Extended Northern Runway scheme has much less potential for respite. It would use both runways for arrivals and departures for most of the day, although it may be able to ‘switch off’ one runway for a short time during non-peak periods with a corresponding reduction in capacity.¹⁰⁴
- 3.59 The Heathrow Northwest Runway scheme should provide greater resilience than the Heathrow Extended Northern Runway scheme because of the way the three separate runways could operate more flexibly when needed to reduce delays, and the less congested airfield. It delivers greater capacity (estimated on a like for like basis by the Airports Commission at 740,000 flights departing and arriving per annum compared to the Extended Northern Runway scheme at 700,000),¹⁰⁵ accordingly higher economic benefits, and a broader route network. It also provides greater space for commercial development, which could be used to enhance onsite freight capacity.
- 3.60 The Airports Commission assessed the Heathrow Extended Northern Runway scheme to be deliverable.¹⁰⁶ However, the Extended Northern Runway scheme has no direct global precedent. As such, there is greater uncertainty as to what measures may be required to ensure that the airport can operate safely, and what the impact of those measures may be, including the restriction on runway capacity.

Carbon emissions

- 3.61 Although not a differentiating factor between the three shortlisted schemes, the Government has considered the issue of carbon emissions, given the Government’s commitment to tackle climate change, and its legal obligations under the Climate Change Act 2008.
- 3.62 The Airports Commission identified carbon impacts from expansion in four areas: a net increase in air travel; airside ground movements and airport operations; changes in travel patterns as a result of the scheme’s surface access arrangements; and construction of new infrastructure. Emissions from air travel, specifically international flights, are by far the largest of these impacts.¹⁰⁷
- 3.63 To address uncertainties over the future policy treatment of international aviation emissions,¹⁰⁸ the Airports Commission used two carbon policy scenarios in its analysis.
- 3.64 The first was a ‘carbon capped’ scenario, in which emissions from the UK aviation sector are limited to the Committee on Climate Change’s planning assumption for the

¹⁰⁴ *Airports Commission: Final Report*, pp180-184

¹⁰⁵ *Airports Commission: Final Report*, p29

¹⁰⁶ *Airports Commission: Final Report*, p236

¹⁰⁷ Intra-UK flights account for approximately 6% of the total emissions from all flights departing UK airports. These emissions are included in the UK’s carbon budgets

¹⁰⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/186683/aviation-and-climate-change-paper.pdf *Airports Commission: discussion paper 03: aviation and climate change*, pp12-16

sector of 37.5 million tonnes of carbon dioxide in 2050. The second was a 'carbon traded' scenario, in which emissions are traded as part of a global carbon market, allowing reductions to be made where they are most efficient across the global economy.

- 3.65 The Airports Commission then assessed whether the needs case could be met under each of these scenarios, that is whether expansion would still deliver the necessary improvements and provide benefits to passengers and the wider economy. The Government has updated this analysis to take account of the latest passenger demand forecasts.
- 3.66 This further analysis reinforces the conclusion that any one of the three shortlisted schemes could be delivered within the UK's climate change obligations, as well as showing that a mix of policy measures and technologies could be employed to meet the Committee of Climate Change's planning assumption.¹⁰⁹
- 3.67 Of the three shortlisted schemes, the Heathrow Northwest Runway scheme produces the highest carbon emissions in absolute terms. However, this is in part due to the greater additional connectivity provided by the scheme, and, in relation to the increase in emissions caused by expansion under any of the schemes, the differences between the schemes are small. Both of the carbon policy scenarios incorporated measures to ensure that the increased emissions from any of the shortlisted schemes were not additional overall either at the global level (in the carbon traded case) or at the UK level (in the carbon capped case).
- 3.68 The further analysis also shows that, in both carbon policy scenarios, the Heathrow Northwest Runway scheme would deliver significant benefits to passengers and the wider economy (such as lower fares, improved frequency and higher productivity), and would do so more quickly than the Gatwick Second Runway scheme. Both Heathrow schemes provide more passenger benefits by 2050 than the Gatwick Second Runway scheme.
- 3.69 The Government has considered this further analysis, and concludes both that expansion via a Northwest Runway at Heathrow Airport (as its preferred scheme) can be delivered within the UK's carbon obligations, and that the scheme is the right choice on economic and strategic grounds regardless of the future regime to deal with emissions from international aviation.¹¹⁰

Strategic environmental assessment

- 3.70 Strategic environmental assessments are required by the law. A strategic environmental assessment is set out in full in the Appraisal of Sustainability.¹¹¹ It demonstrates that airport expansion will attract additional air traffic, which impacts upon quality of life and wellbeing, in particular through noise, air quality, housing, community facilities, and access to nature and cultural heritage. Negative impacts upon quality of life were of a greater scale within the two Heathrow schemes and of lower magnitude for the Gatwick Second Runway scheme. However, when assessing against the objective of maximising economic benefits and improving competitiveness and employment, the Heathrow Northwest Runway scheme generates the most benefits, as well as producing the highest direct benefits to passengers.

¹⁰⁹ Updated Appraisal Report, p36

¹¹⁰ Updated Appraisal Report, p35 and p42

¹¹¹ <https://www.gov.uk/government/publications/appraisal-of-sustainability-for-the-revised-draft-airports-national-policy-statement>

Conclusion

- 3.71 This section summarises the factors the Government considered when evaluating each of the three schemes shortlisted by the Airports Commission against the needs case presented in chapter 2. As part of this, the Government identified where schemes could have negative impacts, for example on the local environment. It considered the predicted beneficial effects of the three schemes, particularly in relation to the needs case and economic considerations. It also assessed how the schemes could conform to wider Government strategic objectives and meet legal obligations, for example on air quality. Bringing these considerations together, the Government's decision on a preferred scheme balances this range of factors, enabling it to determine which scheme, overall, is the most effective and appropriate means of meeting the needs case and maintaining the UK's hub status in particular.
- 3.72 The Appraisal of Sustainability provides an assessment of the schemes against a number of the factors considered in this chapter. It concludes that the Heathrow Northwest Runway scheme is best placed to maximise the monetised economic benefits that the provision of additional airport capacity could deliver in the short term, although this scheme is likely to do so with the greatest negative impact on local communities. However, the Appraisal of Sustainability also identifies measures which can help to mitigate these impacts, for example by reducing noise, ensuring that the development is in accordance with legal obligations on air quality, showing how future carbon targets could be met, and assessing future demand scenarios.
- 3.73 Building on this assessment, the Government has identified a number of attributes in the manner of strategic effects, which it believes only the preferred scheme is likely to deliver to meet the overall needs case for increased capacity in the South East of England and to maintain the UK's hub status. The Government has afforded particular weight to these:
- Expansion via the Heathrow Northwest Runway scheme would provide the biggest boost to connectivity, particularly in terms of long haul flights. This is important to a range of high value sectors across the economy in the UK which depend on air travel, as well as for air freight. It will enable more passengers to fly where they need to, when they need to.
 - Expansion via the Heathrow Northwest Runway scheme would provide benefits to passengers and to the wider economy sooner than the other schemes. This is regardless of the technical challenges to its delivery. It would also provide the greatest boost to local jobs.
 - Heathrow Airport is better connected to the rest of the UK by road and rail. Heathrow Airport already has good road links via the M25, M4, M40 and M3, and rail links via the London Underground Piccadilly Line, Heathrow Connect and Heathrow Express. In the future, it will be connected to Crossrail, and linked to HS2 at Old Oak Common. The number of such links provides resilience.
 - The Heathrow Northwest Runway scheme delivers the greatest support for freight. The plans for the scheme include a doubling of freight capacity at the airport. Heathrow Airport already handles more freight by value than all other UK airports combined, and twice as much as the UK's two largest container ports.
- 3.74 The needs case has shown the importance of developing more capacity more quickly, and in a form which passengers and businesses want to use. The Heathrow Northwest Runway scheme is best placed to deliver this capacity, delivering the greatest benefits soonest as well as providing the biggest boost to the UK's international connectivity,

doing so in the 2020s at a point when without the scheme 4 out of 5 London airports would be full, with all the problems to passengers this could entail. Taken together, benefits to passengers and the wider economy are substantial, even having regard to the proportionally greater environmental disbenefits estimated for the Heathrow Northwest Runway. Even though the preferred scheme's environmental disbenefits are larger than those of the Gatwick Second Runway scheme, when all benefits and disbenefits are considered together,¹¹² overall the Heathrow Northwest Runway scheme is considered to deliver the greatest net benefits to the UK.

- 3.75 A number of mitigation measures will need to be applied to reduce the impacts of the Heathrow Northwest Runway scheme felt by the local community and the environment. Airport expansion is also expected to be accompanied by an extensive and appropriate compensation package for affected parties. With these safeguards in place, the Government considers that the Heathrow Northwest Runway scheme delivers the greatest strategic and economic benefits, and is therefore the most effective and appropriate way of meeting the needs case.

¹¹² *Updated Appraisal Report*, p44

4. Assessment principles

General principles of assessment

- 4.1 The statutory framework for deciding applications for development consent is contained in the Planning Act 2008. This chapter of the Airports NPS sets out general policies in accordance with which applications relating to a Northwest Runway at Heathrow Airport are to be decided. This chapter is specific to assessments necessary for the Heathrow Northwest Runway scheme, but is not exhaustive as to the assessments that may be applicable to that scheme.
- 4.2 The Airports NPS covering the Heathrow Northwest Runway scheme establishes the needs case for that proposed development, provided it adheres to the detailed policies and protections set out in the Airports NPS, and the legal constraints contained within the Planning Act 2008. The statutory framework for deciding nationally significant infrastructure project applications where there is a relevant designated NPS is set out in section 104 of the Planning Act 2008.¹¹³
- 4.3 The Airports NPS applies to schemes at Heathrow Airport (in the area shown, for this purpose, illustratively, within the scheme boundary map at Annex A) that include a runway of at least 3,500m in length and that are capable of delivering additional capacity of at least 260,000 air transport movements per annum, and associated infrastructure and surface access facilities. In particular, it also applies to the reconfiguration of and provision of new terminal capacity to be located between the two existing runways at Heathrow Airport. The Secretary of State's policy in relation to other airport infrastructure in the South East of England is set out at paragraph 1.41 above.
- 4.4 In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will take into account:
 - Its potential benefits, including the facilitation of economic development (including job creation) and environmental improvement, and any long term or wider benefits; and
 - Its potential adverse impacts (including any longer term and cumulative adverse impacts) as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 4.5 In this context, environmental, safety, social and economic benefits and adverse impacts should be considered at national, regional and local levels. These may be identified in the Airports NPS, or elsewhere. The Secretary of State will also have regard to the manner in which such benefits are secured, and the level of confidence in their delivery.

¹¹³ Planning Act 2008, section 104 – decisions in cases where an NPS has effect

- 4.6 The National Networks NPS sets out the Government's policies to deliver development of nationally significant infrastructure projects on the national road and rail networks and strategic rail freight interchanges. It provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
- 4.7 Where the applicant's proposals in relation to surface access meet the thresholds to qualify as nationally significant infrastructure projects under the Planning Act 2008, or is associated development under section 115 of the Planning Act 2008, the Secretary of State will consider those aspects by reference to both the National Networks NPS and the Airports NPS, as appropriate. To the extent that discrete aspects of the surface access proposals do not qualify as nationally significant and cannot be included in a development consent application as associated development (for example), the applicant will be expected to pursue or secure necessary consent(s) through the most appropriate alternative consenting regime. This might include, for example, the Town and Country Planning Act 1990, the Highways Act 1980, or the Transport and Works Act 1992, promoted by a third party if need be.
- 4.8 The Secretary of State will consider any relevant nationally significant road and rail elements of the applicant's proposals in accordance with the National Networks NPS and with the Airports NPS. If there is conflict between the Airports NPS and other NPSs, the conflict should be resolved in favour of the NPS that has been most recently designated. The Airports NPS and the National Networks NPS may also be a material consideration in decision making on applications for road and rail schemes associated with or related to the preferred scheme that fall under the Town and Country Planning Act 1990, the Transport and Works Act 1992, or other legislation relating to planning. Whether, and to what extent, the Airports NPS and the National Networks NPS are a material consideration will be judged on a case by case basis by the relevant decision makers.
- 4.9 The Examining Authority should only recommend, and the Secretary of State will only impose, requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.¹¹⁴ The need for requirements in respect of the phasing of the scheme is likely to be an important consideration, so that effects of construction and operational phases are properly mitigated, as well as any changes in the operations of the airport that may occur in line with the phasing of physical works and commencement of operations. Guidance on the use of planning conditions or any successor to it should be taken into account where requirements are proposed.
- 4.10 Obligations under section 106 of the Town and Country Planning Act 1990 should only be sought where they are necessary to make the development acceptable in planning terms, (including where necessary to ensure compliance with the Airports NPS), directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.¹¹⁵

Scheme variation

- 4.11 While the Government has decided that a Northwest Runway at Heathrow Airport is its preferred scheme to deliver additional airport capacity (an illustrative masterplan is at

¹¹⁴ National Planning Policy Framework, March 2012, paragraph 206, or any successor document

¹¹⁵ Town and Country Planning Act 1990, section 106; Regulation 122(2) Community Infrastructure Levy Regulations 2010; National Planning Policy Framework, March 2012, paragraph 204

Annex B of the Airports NPS), this does not limit variations resulting in the final scheme for which development consent is sought. To benefit from the full support of policy within the Airports NPS, any application(s) will have to fall within the boundaries and parameters set out in the Airports NPS. However, the form of a development for which an application is made is a matter for the applicant. The Airports NPS does not prejudice the viability or merits of any particular application, detailed scheme or applicant. It governs the location, limits and nature of such schemes. It will be for an Examining Authority, and ultimately the Secretary of State, to determine whether any future application is compliant with the Airports NPS, meets the need for additional capacity, and is of benefit to the UK, whilst minimising any harm caused.

Environmental Impact Assessment

- 4.12 All proposals for projects that are subject to the European Union's Environmental Impact Assessment Directive,¹¹⁶ and are likely to have significant effects on the environment, must be accompanied by an environmental statement, describing the aspects of the environment likely to be significantly affected by the project.¹¹⁷ The Directive specifically requires an Environmental Impact Assessment to identify, describe and assess effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. Schedule 4 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017¹¹⁸ sets out the information that should be included in the environmental statement. This includes a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects of the project, and also the measures envisaged for avoiding or mitigating significant adverse effects.
- 4.13 When examining a proposal to which the Airports NPS applies, the Examining Authority should ensure that likely significant effects at all stages of the project have been adequately assessed. The effects of any changes in operations, including the number of air traffic movements, during the construction and operational phases must be properly assessed and appropriate mitigation secured for any significant effects. Any requests for environmental information not included in the original environmental statement should be proportionate and focus only on likely significant effects. In the Airports NPS, the terms 'effects', 'impacts' or 'benefits' should accordingly be understood to mean likely significant effects, impacts or benefits.
- 4.14 When considering significant cumulative effects, any environmental statement should provide information on how the effects of an applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence if they are not part of the baseline).¹¹⁹
- 4.15 The Examining Authority should consider how significant cumulative effects, and the interrelationship between effects, might as a whole affect the environment, even

¹¹⁶ Directive 2014/52/EU of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. The amendments to Directive 2011/92/EU made by Directive 2014/52/EU have been transposed into domestic legislation. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 have, subject to transitional arrangements, with amendments, consolidated the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and various amending regulations

¹¹⁷ <http://www.legislation.gov.uk/uksi/2017/572/contents/made>

¹¹⁸ Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/572)

¹¹⁹ The applicant should refer to the Planning Inspectorate's advice on assessing cumulative effects <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf>

though they may be acceptable when considered on an individual basis or with mitigation measures in place.

- 4.16 In some instances it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.
- 4.17 Effort should be made to refine the detail of the proposed development. However, where details are still to be finalised, such as in respect of the phasing of the development and operational changes at the airport, the applicant is advised to set out in the environmental statement the relevant design parameters used for the assessment. The environmental statement should explain, with reference to the parameters, what the maximum extent of the proposed development may be (for example in terms of site area) or the extent of change in respect of operational impacts, and assess the potential adverse effects which the project could have, to ensure that the impacts of the project as it may be constructed have been properly assessed.
- 4.18 Should the Secretary of State decide to grant development consent for an application where details are still to be finalised, this will need to be reflected in appropriate development consent requirements in the development consent order. It may be the case that development consent is granted for a proposal and, at a later stage, the applicant wishes (for technical or commercial reasons) to construct it in such a way that it is outside the terms of what has been consented, for example because its extent will be greater than has been provided for in terms of the consent. In this situation, it will be necessary for the applicant to apply for a change to be made to the development consent provided under the Planning Act 2008.

Habitats Regulations Assessment

- 4.19 Prior to granting development consent, the Secretary of State as competent authority must comply with the duties under the Conservation of Habitats and Species Regulations 2017. Under these regulations, if the competent authority considers that the proposed development is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not connected with or necessary to the management of that site, it must make an Appropriate Assessment of the implications for the site in view of the site's conservation objectives.¹²⁰ ¹²¹ The applicant should also refer to the Airports NPS sections on biodiversity, land use, and air quality. The competent authority must consult Natural England to ensure that impacts on European sites are adequately considered.
- 4.20 The applicant is required to provide sufficient information with their applications for development consent to enable the Secretary of State to carry out an Appropriate Assessment if required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects on a European site. The information provided may also assist the Secretary of State in concluding that an Appropriate Assessment is not required because significant effects on European sites

¹²⁰ This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in Regulation 8 of the Conservation of Habitats and Species Regulations 2017

¹²¹ Directive 2011/92/EU was amended in 2014 by Directive 2014/52/EU. As amended, Article 2(3) of the Directive provides that, where an obligation to assess environmental effects arises simultaneously from the EIA Directive and the Habitats Directive (Directive 92/43/EU) and/or the Wild Birds Directive (Directive 2009/147/EC), Member States "shall, where appropriate, ensure that coordinated and/or joint procedures" are provided for

are sufficiently unlikely that they can be excluded. If it is concluded there is likely to be a significant effect, or such effects cannot be ruled out (alone or in combination), an Appropriate Assessment is required.

- 4.21 If an Appropriate Assessment for a proposed airport development concludes that it is not possible to rule out an adverse effect on the integrity of a European site, the Habitats Directive permits a derogation, subject to the proposal meeting three tests. These tests are (a) that there are no less damaging alternative solutions, (b) that there are imperative reasons of overriding public interest for the proposal going ahead, and (c) that adequate and timely compensation measures will be put in place to ensure the overall coherence of the network of protected sites is maintained. At detailed design stage, and in so far as it may be necessary, the matters set out in the Airports NPS will be relevant to determining whether there are alternative solutions and imperative reasons of overriding public interest, provided that the design remains consistent with the objectives of the Airports NPS.
- 4.22 Where a development may negatively affect any priority natural habitat type or priority species,¹²² any imperative reasons of overriding public interest case would need to be established solely on one or more of the grounds relating to human health, public safety or beneficial consequences of primary importance to the environment. The competent authority may only rely on other (i.e. social or economic) imperative reasons of overriding public interest if it has first obtained an opinion from the European Commission.

Equalities

- 4.23 The Airports Commission's stated objective on equalities was "to reduce or avoid disproportionate impacts on any social group".¹²³ At consultation stage, the Airports Commission carried out a high level Equality Impact Assessment.
- 4.24 The Appraisal of Sustainability to the Airports NPS sets out an assessment of equalities impacts, informed by the work of the Airports Commission. The Airports Commission was clear that its assessment was based upon current scheme design, and that a more detailed Equality Impact Assessment would likely be necessary as design, supporting measures and operational plans were developed.
- 4.25 The Airports Commission's assessment identified different types of equalities impacts for each of its shortlisted schemes, but no substantial difference in the overall extent of equalities impacts. The Airports Commission's assessment, and the assessment carried out for the Appraisal of Sustainability that informs the Airports NPS, both concluded that negative equalities impacts could be well mitigated through good design and operation, and supporting measures and plans.
- 4.26 The Department for Transport has reviewed the Airports Commission's work, informed by the Equality Assessment carried out as part of the Appraisal of Sustainability. The Government is satisfied that the scope of the Airports Commission's work was appropriate at this stage of scheme development, that the Airports Commission's approach was consistent with the Equality Act 2010, and that its conclusion is consistent with the evidence produced.
- 4.27 For any application to be considered compliant with the Airports NPS, it must be accompanied by a project level Equality Impact Assessment examining the potential impact of that project on groups of people with protected characteristics. In order to

¹²² As listed in Annex I and II of the Habitats Directive

¹²³ *Airports Commission: Appraisal Framework*, p98

benefit from the support of the Airports NPS, the results of that project level Equality Impact Assessment must be within the legal limits and parameters of acceptability outlined in the Appraisal of Sustainability that informs the Airports NPS.

Assessing alternatives

- 4.28 The applicant should comply with all legal obligations and policy set out in the Airports NPS on the assessment of alternatives. In particular:
- The Environmental Impact Assessment Directive requires projects with significant environmental effects to include a description of the reasonable alternatives studied by the applicant which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the project on the environmental effects;
 - There may also be other specific legal obligations requiring the consideration of alternatives, for example, under the Habitats and Water Framework Directives; and
 - There may be policies in the Airports NPS requiring consideration of alternatives, for example the flood risk sequential test.

Criteria for 'good design' for airports infrastructure

- 4.29 The applicant should include design as an integral consideration from the outset of a proposal.
- 4.30 Visual appearance should be an important factor in considering the scheme design, as well as functionality, fitness for purpose, sustainability and cost. Applying 'good design' to airports projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, and matched by an appearance that demonstrates good aesthetics as far as possible.
- 4.31 A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the adverse impacts of the development, for example by improving operational conditions. It should also mitigate any existing adverse impacts wherever possible, for example in relation to safety or the environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts.
- 4.32 Scheme design will be an important and relevant consideration in decision making. The Secretary of State will need to be satisfied that projects are sustainable and as aesthetically sensitive, durable, adaptable and resilient as they can reasonably be, having regard to regulatory and other constraints and including accounting for natural hazards such as flooding. The Secretary of State will also need to be satisfied that extant security, customs and immigration measures are maintained or reprovided.
- 4.33 The scheme should take into account, as far as possible, both functionality, including fitness for purpose and sustainability, and aesthetics, including the scheme's contribution to the quality of the area in which it would be located. The applicant will want to consider the role of technology in delivering new airports projects. Professional, independent advice on the design aspects of a proposal should be undertaken to ensure good design principles are embedded into infrastructure proposals.

- 4.34 There may be opportunities for the applicant to demonstrate good design in terms of siting and design measures relative to existing landscape and historical character and function, landscape permeability, landform, and vegetation.
- 4.35 The applicant should be able to demonstrate in its application how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, the applicant should set out the reasons why the favoured choice has been selected. The Examining Authority and Secretary of State will take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security standards which the design has to satisfy.

Costs

- 4.36 The relationship between cost and affordability for a scheme is governed by the regulated funding of the airport and funding from other sources, and the need to comply with the Government's guidance on compulsory acquisition of land under the Planning Act 2008.¹²⁴ This guidance is relevant to any scheme that will require the compulsory acquisition of land, which is expected in relation to any scheme to which this NPS applies which would include any application for development consent for a Northwest Runway at Heathrow Airport. That guidance sets out what a promoter must demonstrate if it is to be granted powers of compulsory acquisition - including in relation to impediments to a scheme and financial resources.
- 4.37 Heathrow Airport is subject to economic regulation by the Civil Aviation Authority (CAA) under the Civil Aviation Act 2012. As part of the CAA's discharge of its duty under the Civil Aviation Act 2012 to further the interests of users of air transport services (passengers and cargo owners), the CAA has granted an economic licence to the operator of Heathrow Airport to levy airport charges. This licence sets a maximum yield per passenger that can be recovered by the operator of Heathrow Airport through airport charges (the "maximum yield"). This maximum yield is set by the CAA having conducted a process that scrutinises, among other things, the business plan submitted by the licence holder and developed through constructive engagement with the airlines, as well as other submissions from airlines and stakeholders. This process of scrutiny of costs will include benchmarking exercises from industry professionals and assessments by an Independent Fund Surveyor as well as by the CAA. Expansion will also be subject to specific gateway reviews by airlines and stakeholders. The final business plan will include details of the future capital expenditure that the licensee proposes to incur.
- 4.38 For the development of new capacity at Heathrow, the CAA will set the maximum yield having regard to the matters required by the Civil Aviation Act 2012. The CAA will consider, among other things:
- the need to secure that the licence holder is able to finance its provision of airport operation services; and
 - the economy and efficiency of the proposals set out in any business plan (including such capital expenditure proposals as are contained in it),
- as part of its process of setting the maximum yield per passenger in the period covered by the price control.

¹²⁴ [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008 - Guidance related to procedures for the compulsory acquisition of land.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)

- 4.39 The applicant should demonstrate in its application for development consent that its scheme is cost-efficient and sustainable, and seeks to minimise costs to airlines, passengers and freight owners over its lifetime.
- 4.40 Detailed scrutiny of any business plan put forward by the licence holder will fall under the CAA's regulatory process under the Civil Aviation Act 2012, and the detailed matters considered under that process are not expected to be scrutinised in the same way during the examination and determination of an application for development consent. The CAA is a statutory consultee for all proposed applications relating to airports or which are likely to affect an airport or its current or future operation. The applicant is expected to provide the CAA with the information it needs to enable it to assist the Examining Authority in considering whether any impediments to the applicant's development proposals, insofar as they relate to the CAA's economic regulatory and other functions, are capable of being properly managed.

Climate change adaptation

- 4.41 The Planning Act 2008 requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS.¹²⁵
- 4.42 This section sets out how the Airports NPS puts Government policy on climate change adaptation into practice, and in particular how the applicant and the Secretary of State will take into account the effects of climate change when developing and considering airports infrastructure applications. Climate change mitigation is essential to minimise the most dangerous impacts of climate change, as previous global greenhouse gas emissions will already mean some degree of continued climate change for at least the next 30 years. Climate change is likely to mean that the UK will experience on average hotter, drier summers and warmer, wetter winters. There is potentially an increased risk of flooding, drought, heatwaves, intense rainfall events and other extreme events such as storms and wildfires, as well as rising sea levels.
- 4.43 Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the provision of green infrastructure.
- 4.44 The Government has published a set of UK Climate Projections, and every five years prepares a statutory UK Climate Change Risk Assessment and National Adaptation Programme.¹²⁶ In addition, the Climate Change Act 2008 adaptation reporting power has been used by Government to invite reporting authorities (a defined list of public bodies and statutory undertakers, including airports) to consider the impact on them of current and predicted climate change, and to report on progress implementing adaptation actions.¹²⁷ Successive strategies for adaptation reporting will be laid alongside five yearly updates to the National Adaptation Programme.
- 4.45 New airports infrastructure will typically be a long-term investment which will need to remain operational over many decades, in the face of a changing climate. Consequently, the applicant must consider the impacts of climate change when planning design, build and operation. Any accompanying environmental statement

¹²⁵ Planning Act 2008, section 10(3)(a)

¹²⁶ Climate Change Act 2008, section 58

¹²⁷ Climate Change Act 2008, section 62

should set out how the proposal will take account of the projected impacts of climate change.

- 4.46 Detailed consideration must be given to the range of potential impacts of climate change using the latest UK Climate Projections available at the time, and to ensuring any environmental statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of any environmental statement, the Examining Authority should consider whether it needs to request additional information from the applicant.
- 4.47 Where transport infrastructure has safety-critical elements, and the design life of the asset is 60 years or greater, the applicant should apply the latest available UK Climate Projections, considering at least a scenario that reflects a high level of greenhouse gas emissions at the 10%, 50% and 90% probability levels, to assess the impacts of climate change over the lifetime of the development.
- 4.48 The applicant should demonstrate that there are no critical features of infrastructure design which may be seriously affected by more radical changes to the climate beyond those projected in the latest set of UK Climate Projections. Any potential critical features should be assessed, taking account of the latest credible scientific evidence on, for example, sea level rise, and on the basis that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime through potential further mitigation or adaptation.
- 4.49 Any adaptation measures should be based on the latest set of UK Climate Projections,¹²⁸ the most recent UK Climate Change Risk Assessment,¹²⁹ consultation with statutory consultation bodies, and any other appropriate climate projection data. Any adaptation measures must themselves also be assessed as part of any Environmental Impact Assessment and included in the environmental statement, which should set out how and where such measures are proposed to be secured.
- 4.50 If any proposed adaptation measures themselves give rise to consequential impacts, the Secretary of State will consider the impact in relation to the application as a whole and the assessment principles set out in the Airports NPS.
- 4.51 Adaptation measures can be required to be implemented at the time of construction where necessary and appropriate to do so.
- 4.52 Where adaptation measures are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project or the surrounding environment, the Secretary of State may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the development.

Pollution control and other environmental protection regimes

- 4.53 Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality or the marine environment, or which include noise, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. Relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated.

¹²⁸ <http://ukclimateprojections.metoffice.gov.uk/>

¹²⁹ <https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-government-report>

- 4.54 In deciding an application, the Secretary of State should focus on whether the development is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The Secretary of State should assess the potential impacts of processes, emissions or discharges to inform decision making, but should work on the assumption that, in terms of the control and enforcement, the relevant pollution control regime will be properly applied and enforced. Decisions under the Planning Act 2008 should complement but not duplicate those taken under the relevant pollution control regime.
- 4.55 These considerations apply in an analogous way to other environmental regulatory regimes, including those on land drainage, flood defence, and biodiversity.
- 4.56 When an applicant applies for an environmental permit, the relevant regulator (in this case the Environment Agency) requires that processes are in place that are sufficient for the grant of the permit and to ensure compliance with conditions attached to any permit. In examining the impacts of the project, the Examining Authority may wish to seek the views of the regulator on the scope of the permit or consent and any management plans (such as any produced for noise) that would be included in an environmental permit application.
- 4.57 The applicant should begin pre-application discussions with the Environment Agency as early as possible. It is expected, however, that an applicant will have first considered what the Environment Agency is likely to require as a starting point for discussion. Some consents require a significant amount of preparation: as an example, the Environment Agency strongly recommends the applicant should start work towards submitting the permit application at least six months prior to the submission of a development consent order application, where it wishes to parallel track the applications. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the Examining Authority and the Secretary of State.
- 4.58 The Secretary of State will be satisfied that development consent can be granted taking full account of environmental impacts. This will require close cooperation with the Environment Agency, the local planning authority and pollution control authority, and other relevant bodies, such as Natural England, Drainage Boards, and water and sewerage undertakers, to ensure that, in the case of potentially polluting developments:
- The relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and
 - The effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.
- 4.59 The Secretary of State should not refuse consent on the basis of regulated impacts unless there is good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.

Common law nuisance and statutory nuisance

- 4.60 Section 158 of the Planning Act 2008 provides a defence of statutory authority in civil or criminal proceedings for nuisance. Such a defence is also available in respect of anything else authorised by an order granting development consent. The defence does not extinguish the local authority's duties under Part III of the Environmental Protection Act 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence.
- 4.61 During the examination of an application for development consent for infrastructure covered under the Airports NPS, possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 and under sections 76 and 77 of the Civil Aviation Act 1982 should be considered by the Examining Authority. The Examining Authority should also consider how those sources of nuisance might be mitigated or limited so they can recommend appropriate requirements that the Secretary of State might include in any subsequent order granting development consent.
- 4.62 The defence of statutory authority is subject to any contrary provision made by the Secretary of State in any particular case by an order granting development consent.¹³⁰

Security and safety considerations

- 4.63 National security considerations apply across all national infrastructure sectors. The Department for Transport acts as the sector sponsor department for the aviation sector, and in this capacity has lead responsibility for security matters and for directing the security approach to be taken, working with the Civil Aviation Authority. The Department for Transport works closely with Government agencies, including the Centre for the Protection of National Infrastructure, to reduce the vulnerability of the aviation sector to terrorism and other national security threats.
- 4.64 Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. The nature of the aviation sector as a target for terrorism means that security considerations will likely apply in the case of the infrastructure project for which development consent may be sought under the Airports NPS.
- 4.65 Where national security implications have been identified, the applicant should consult with relevant security experts from the Centre for the Protection of National Infrastructure and the Department for Transport to ensure that physical, procedural and personnel security measures have been adequately considered in the design process, and that adequate consideration has been given to the management of security risks. If the Department for Transport, taking advice from the Civil Aviation Authority, Centre for the Protection of National Infrastructure and others it considers appropriate, forms the opinion that it is satisfied that current and potential future security needs are adequately addressed in the project and that relevant guidance on these matters has been appropriately taken into account in the application, it will provide confirmation of this to the Secretary of State, and the Examining Authority should not need to give any further consideration to the details of the security measures during the examination.

¹³⁰ Planning Act 2008, section 158(3)

- 4.66 The applicant should only include such security-related information in the application as is necessary to enable the Examining Authority to examine the development consent issues and make a properly informed recommendation on the application.
- 4.67 In exceptional cases where examination of an application would involve public disclosure of information about defence or national security which would not be in the national interest, the Secretary of State can intervene and may appoint an examiner to consider evidence in closed session.
- 4.68 Air transport is one of the safest forms of travel, and the UK is a world leader in aviation safety. Maintaining and improving that record, while ensuring that regulation is proportionate and cost-effective, remains of primary importance to the UK. Since 2003, rules and standards for aviation safety in Europe have increasingly been set by the European Aviation Safety Agency. The UK will continue to work closely with the European Aviation Safety Agency to ensure that a high and uniform level of civil aviation safety is maintained across Europe. The preferred scheme at Heathrow must comply with the UK's civil aviation safety regime, regulated by the Civil Aviation Authority.
- 4.69 There remains a considerable threat to aviation security from terrorism. The UK meets this threat with a multi-layered aviation security regime built on intelligence, effective risk management and robust, proportionate measures, brought together under the National Aviation Security Programme. The regulations governing aviation security in the UK have their basis in UK and European law, and are enforced by the Civil Aviation Authority on behalf of the Secretary of State. The design and operation of the Heathrow Northwest Runway scheme, to which the Airports NPS relates, must comply with aviation security regulations and guidance in the same way as existing airports. There may also be other security considerations linked to any application for development consent under the Airports NPS.

Health

- 4.70 The construction and use of airports infrastructure has the potential to affect people's health, wellbeing and quality of life. Infrastructure can have direct impacts on health because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests.
- 4.71 New or enhanced airports infrastructure may also have indirect health impacts, for example if they affect access to key public services, local transport, opportunities for cycling and walking, or the use of open space for recreation and physical activity. It should also be noted, however, that the increased employment stemming from airport expansion may have indirect positive health impacts.
- 4.72 As described elsewhere in the Airports NPS, where the proposed project has likely significant environmental impacts that would have an effect on human beings, any environmental statement should identify and set out the assessment of any likely significant health impacts.
- 4.73 The applicant should identify measures to avoid, reduce or compensate for adverse health impacts as appropriate. These impacts may affect people simultaneously, so the applicant, the Examining Authority and the Secretary of State (in determining an application for development consent) should consider the cumulative impact on health.

Accessibility

- 4.74 The Government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for all people to connect with jobs, services and leisure opportunities. This commitment extends to all the users of new airports infrastructure, and to the associated surface access facilities.
- 4.75 In 2008, the Department for Transport published *Access to Air Travel for Disabled Persons and Persons with Reduced Mobility – Code of Practice*,¹³¹ which sets out the legal framework and gives advice and information. Since then, the Equality Act 2010 has updated and extended the legal framework for accessibility.¹³²
- 4.76 In accordance with legal and best practice in relation to accessibility:
- The Government requires the applicant to include clear details of how plans will improve access on and around the airport by designing and delivering schemes (both new construction and upgrade or refurbishment) that address the accessibility needs of all those who use, or are affected by, surface access infrastructure, including those with physical and/or mental impairments as well as older users. Every opportunity to deliver improvements in accessibility on and to the existing national road network should also be taken;
 - The Government will continue to work to ensure that all bus and train fleets comply with legal access standards by 2020, and to improve rail station access for those with impairments in accordance with legislation and best practice; and
 - The car will continue to play an important role, providing disabled people with independence where other forms of transport are not accessible or available. Easy access and car parking provision at the airports is essential to this goal and must meet standards set down in guidance (such as the Department for Transport's *Inclusive Mobility*).¹³³

¹³¹

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/transportforyou/access/aviationshipping/accesstoairtravelfordisabled.pdf>

¹³² <http://www.legislation.gov.uk/ukpga/2010/15/contents>

¹³³ <https://www.gov.uk/government/publications/inclusive-mobility>

5. Assessment of impacts

Introduction

- 5.1 This chapter focuses on the potential impacts of the Heathrow Northwest Runway scheme, the assessments that any applicant will need to carry out, and the specific planning requirements that they will need to meet, in order to gain development consent.
- 5.2 In its Final Report, the Airports Commission recommended that “to make expansion possible...a comprehensive package of accompanying measures [should be recommended to] make the airport’s expansion more acceptable to its local community, and to Londoners generally”.¹³⁴
- 5.3 When the Government stated in December 2015 that it agreed with the Airports Commission that one additional runway was required in the South East of England by 2030, it also emphasised the importance of securing the best possible deal for communities affected by the preferred scheme to increase airport capacity. The Government undertook further work, including through engagement with all three shortlisted scheme promoters, during 2016 to develop a package of location-specific measures to mitigate the impacts of increased capacity, and to enhance beneficial effects.
- 5.4 The Government announced on 25 October 2016 that its preferred scheme to deliver additional airport capacity in the South East of England was a Northwest Runway at Heathrow Airport. Alongside this, it set out a number of supporting measures that any application for development consent will be required to demonstrate and secure in order to mitigate the impacts of expansion on the environment and affected communities.

Surface access

Introduction

- 5.5 The Government’s objective for surface access is to ensure that access to the airport by road, rail and public transport is high quality, efficient and reliable for passengers, freight operators and airport workers who use transport on a daily basis. The Government also wishes to see the number of journeys made to airports by sustainable modes of transport maximised as much as possible. This should be delivered in a way that minimises congestion and environmental impacts, for example on air quality.
- 5.6 A Northwest Runway at Heathrow Airport will have a range of impacts on local and national transport networks serving the airport, during both the construction and operational phases. Passengers, freight operators and airport workers share the

¹³⁴ *Airports Commission: Final Report*, p4

routes to and from the airport with other road and rail users, including commuters, leisure travellers and business users. Without effective mitigation, expansion is likely to increase congestion on existing routes and have environmental impacts such as increased noise and emissions.

- 5.7 The Airports Commission identified three major rail improvements which would support a new Northwest Runway at Heathrow Airport. These were Crossrail, a Western Rail Link to Heathrow and Southern Rail Access to the airport. Notwithstanding the requirements for the applicant's assessment set out below, Government has supported, or is supporting, all three of these schemes subject to a satisfactory business case and the agreement of acceptable terms with the Heathrow aviation industry. Crossrail is in construction and full services are anticipated to commence in 2019. The Western Rail Link to Heathrow was one of the schemes named as being in the 'develop' phase in the Rail Network Enhancements Pipeline, published in March 2018 and, subject to obtaining planning consent, it is expected to commence operations before 2030. Any Southern Rail Access to Heathrow is at an earlier stage of development and, subject to an acceptable business case and obtaining planning consent, should commence operations as soon as reasonably practicable after a new runway has opened.
- 5.8 It is important that improvements are made to Heathrow Airport's transport links to be able to support the increased numbers of people and freight traffic which will need to access the expanded airport, should development consent be granted.

Applicant's assessment

- 5.9 The applicant must prepare an airport surface access strategy in conjunction with its Airport Transport Forum, in accordance with the guidance contained in the Aviation Policy Framework.¹³⁵ The airport surface access strategy must reflect the needs of the scheme contained in the application for development consent, including any phasing over its development, implementation and operational stages, reflecting the changing number of passengers, freight operators and airport workers attributable to the number of air traffic movements. The strategy should reference the role of surface transport in relation to air quality and carbon. The airport surface access strategy must contain specific targets for maximising the proportion of journeys made to the airport by public transport, cycling or walking. The strategy should also contain actions, policies and defined performance indicators for delivering against targets, and should include a mechanism whereby the Airport Transport Forum can oversee implementation of the strategy and monitor progress against targets alongside the implementation and operation of the preferred scheme.
- 5.10 The applicant should assess the implications of airport expansion on surface access network capacity using the WebTAG methodology stipulated in the Department for Transport guidance,¹³⁶ or any successor to such methodology. The applicant should consult Highways England, Network Rail and highway and transport authorities, as appropriate, on the assessment and proposed mitigation measures. The assessment should distinguish between the construction and operational project stages for the development comprised in the application.
- 5.11 The applicant should also consult with Highways England, Network Rail and relevant highway and transport authorities, and transport operators, to understand the target completion dates of any third party or external schemes included in existing rail, road or other transport investment plans. It will need to assess the effects of the preferred

¹³⁵ <https://www.gov.uk/government/publications/aviation-policy-framework>, paragraphs 4.20-4.21

¹³⁶ <https://www.gov.uk/guidance/transport-analysis-guidance-webtag>

scheme as influenced by such schemes and plans. Such consultation and assessment, both of third party schemes on which the preferred scheme depends, and others which interact with it, all of which may be subject to their own planning, funding and approval processes, must be understood in terms of implications of the timings for the applicant's own surface access proposals.

- 5.12 The applicant will need to demonstrate that Highways England, Network Rail and any relevant highway and transport authorities and transport providers have been consulted, and are content with the deliverability of any new transport schemes or other changes required to existing links to allow expansion within the timescales required for the preferred scheme as a whole, the requirements of the Airports NPS and other statutory requirements. This includes changes to the M25 to allow a new runway to cross the motorway, local road changes, and improvements including the diversion of the A4 and A3044, changes to the Colnbrook Freight branch railway and on-airport station works and safeguarding. On the strategic road network, it will be important to ensure that any changes to the M25 which the applicant proposes will be implemented consistently with the Secretary of State's statutory directions and guidance set out in Highways England's licence. This includes ensuring that sufficient provision is made to accommodate flexibility and future-proofing in planning the long-term development, improvement and operation of Highways England's network.
- 5.13 For schemes and related surface access proposals or other works impacting on the strategic road network, the applicant should have regard to DfT Circular 02/2013, *The Strategic Road Network and the delivery of sustainable development*¹³⁷ (or prevailing policy), and the National Networks NPS. This sets out the way in which the highway authority for the strategic road network will engage with communities and the development industry to deliver sustainable development and economic growth, whilst safeguarding the primary function and purpose of the network.
- 5.14 The surface access systems and proposed airport infrastructure may have the potential to result in severance in some locations. Where appropriate, the applicant should seek to deliver improvements or mitigation measures that reduce community severance and improve accessibility.

Mitigation

- 5.15 In its application, the applicant should set out the mitigation measures that it considers are required to minimise and mitigate the effect of expansion on existing surface access arrangements.
- 5.16 The applicant should demonstrate in its assessment that the proposed surface access strategy will support the additional transport demands generated by airport expansion. This should be appropriately secured.
- 5.17 Any application for development consent and accompanying airport surface access strategy must include details of how the applicant will increase the proportion of journeys made to the airport by public transport, cycling and walking to achieve a public transport mode share of at least 50% by 2030, and at least 55% by 2040 for passengers. The applicant should also include details of how, from a 2013 baseline level, it will achieve a 25% reduction of all staff car trips by 2030, and a reduction of 50% by 2040.¹³⁸
- 5.18 The applicant should commit to annual public reporting on performance against these specific targets. The airport surface access strategy should consider measures and

¹³⁷ <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development>

¹³⁸ These mode share targets are derived from *Heathrow Airport Ltd. Statement of Principles*, part 5, paragraph 1.6
<https://www.gov.uk/government/publications/heathrow-airport-limited-statement-of-principles>

incentives which could help to manage demand by car users travelling to and from the airport, as well as physical infrastructure interventions, having at all times due regard to the effect of its strategy on the surrounding area and transport networks. The strategy should also include an assessment of the feasibility of the measures proposed as well as the benefits and disbenefits related to those measures, including any implications for Highways England, Network Rail and affected relevant highway authorities and transport providers. These measures could be used to help achieve mode share targets and should be considered in conjunction with measures to mitigate air quality impacts as described in the Airports NPS.

- 5.19 The Government expects the applicant to secure the upgrading or enhancing of road, rail or other transport networks or services which are physically needed to be completed to enable the Northwest Runway to operate. This includes works to the M25, local road changes and improvements including the diversion of the A4 and A3044, and on-airport station works and safeguarding, as set out in more detail in paragraph 5.12.
- 5.20 Where a surface transport scheme is not solely required to deliver airport capacity and has a wider range of beneficiaries, the Government, along with relevant stakeholders, will consider the need for a public funding contribution alongside an appropriate contribution from the airport on a case by case basis. The Government recognises that there may be some works which may not be required at the time the additional runway opens, but will be needed as the additional capacity becomes fully utilised. The same principle applies that, where a transport scheme is not solely required to deliver airport capacity, the Government, along with relevant stakeholders, will consider the need for a public funding contribution alongside an appropriate contribution from the airport on a case by case basis.

Decision making

- 5.21 The applicant's proposals will give rise to impacts on the existing and surrounding transport infrastructure. The Secretary of State will consider whether the applicant has taken all reasonable steps to mitigate these impacts during both the development and construction phase and the operational phase. Where the proposed mitigation measures are insufficient to effectively offset or reduce the impact on the transport network, arising from expansion, of additional passengers, freight operators and airport workers, the Secretary of State will impose requirements on the applicant to accept requirements and / or obligations to fund infrastructure or implement other measures to mitigate the adverse impacts, including air quality.
- 5.22 Provided the applicant is willing to commit to transport planning obligations to satisfactorily mitigate transport impacts identified in the transport assessment (including environment and social impacts), with costs being considered in accordance with the Department for Transport's policy on the funding of surface access schemes, development consent should not be withheld on surface access grounds.

Air quality

Introduction

- 5.23 Increases in emissions of pollutants during the construction or operational phases of the scheme could result in the worsening of local air quality. Increased emissions can contribute to adverse impacts on human health and on the natural environment.

- 5.24 The European Union has established common, health-based and ecosystem based ambient concentration limit values for the main pollutants in the Ambient Air Quality Directive (2008/50/EC) ('the Air Quality Directive'),¹³⁹ which member states are required to meet by specified dates.
- 5.25 Where compliance by those dates has not been achieved, the member state is required to put in place an action plan showing how the period of exceedance in each non-compliant area will be kept as short as possible. In December 2015, the UK submitted its national air quality plan for nitrogen dioxide, including a zonal plan for Greater London and the South East, for the approval of the European Commission.
- 5.26 In November 2016 the High Court ordered the Government to produce a modified air quality plan that delivers compliance in the shortest possible time. The Government published a final, modified air quality plan on 26 July 2017. The European Commission were notified of this plan on 31 July 2017.¹⁴⁰
- 5.27 Other relevant legislation includes the fourth daughter Air Quality Directive (2004/107/EC), which sets targets for levels in outdoor air of certain toxic heavy metals and polycyclic aromatic hydrocarbons, and the National Emission Ceilings Directive (2016/2284/EU),¹⁴¹ which sets national emission limits for a range of atmospheric pollutants.
- 5.28 Air quality impacts are generated by all types of infrastructure development to varying degrees, and the geographical extent and distribution can cover a large area. At Heathrow Airport in 2015, aircraft movements were modelled to have contributed 17% on average to local NO_x concentrations at nearby roadside locations. Road transport, by comparison, accounted for 64% of NO_x concentrations in the same areas. Off-road transport and mobile machinery (a category which would include airside vehicles) contributed 5%¹⁴².
- 5.29 The Airports Commission identified (and in some cases quantified the impact of) a number of measures that would help mitigate any negative impacts on air quality.¹⁴³ In addition, for the Heathrow Northwest Runway scheme, the Airports Commission recommended the following supporting measures:
- That Heathrow Airport should be held to performance targets to increase the percentage of employees and passengers accessing the airport by public transport; and
 - That the introduction of a congestion or access charge for road vehicles should be considered.
- 5.30 The Airports Commission undertook extensive analysis on air quality and concluded that expansion could take place within legal obligations (including in a high demand growth scenario). The Department for Transport conducted a study of the implications of the Government's 2015 national air quality plan on the conclusions of the Airports Commission's air quality assessment.¹⁴⁴
- 5.31 Since this work was completed in June 2016, updated international evidence on vehicle emission forecasts was published at the end of September 2016. The Department for Transport has conducted further analysis to assess the impact that this updated evidence base would have on estimated compliance with EU limit values of

¹³⁹ The Ambient Air Quality Directive (2008/50/EC) was brought into law in England through the Air Quality Standards Regulations 2010

¹⁴⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633270/air-quality-plan-detail.pdf

¹⁴¹ This Directive succeeds an earlier National Emissions Ceilings Directive (2001/81/EC) and contains transitional provisions

¹⁴² Based on 2015 data from the Pollution Climate Mapping Model for roads affected by Heathrow emissions

¹⁴³ <https://www.gov.uk/government/consultations/airports-commission-air-quality-assessment>

¹⁴⁴ <https://www.gov.uk/government/publications/airport-expansion-further-analysis-of-air-quality-data>

expansion options at Heathrow Airport and Gatwick Airport. This analysis has been updated to take account of the revised aviation demand forecasts and the Government's final air quality plan. The result of this analysis helped inform the Government's view that, with a suitable package of policy and mitigation measures, including the Government's modified air quality plan, the Heathrow Northwest Runway scheme would be capable of being delivered without impacting the UK's compliance with air quality limit values.

Applicant's assessment

5.32 The applicant should undertake an assessment of the project, to be included as part of the environmental statement, demonstrating to the Secretary of State that the construction and operation of the Northwest Runway will not affect the UK's ability to comply with legal obligations. Failure to demonstrate this will result in refusal of development consent.

5.33 The environmental statement should assess:

- Existing air quality levels for all relevant pollutants referred to in the Air Quality Standards Regulations 2010 and the National Emission Ceilings Regulations 2002 (as amended) or referred to in any successor regulations;
- Forecasts of levels for all relevant air quality pollutants at the time of opening, (a) assuming that the scheme is not built (the 'future baseline'), and (b) taking account of the impact of the scheme, including when at full capacity; and
- Any likely significant air quality effects of the scheme, their mitigation and any residual likely significant effects, distinguishing between those applicable to the construction and operation of the scheme including any interaction between construction and operational changes and taking account of the impact that the scheme is likely to cause on air quality arising from road and other surface access traffic.

5.34 Defra publishes future national projections of air quality based on evidence of future emissions. Projections may be updated as the evidence base changes. The applicant's assessment should, in so far as practicable, be based on the latest available projections.

Mitigation

5.35 The Secretary of State will need to be satisfied that the mitigation measures put forward by the applicant are acceptable, including at the construction stage. A management / project plan may help record and secure mitigation measures.

5.36 Mitigation measures may affect the project design, layout, construction and operation, and / or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme.

5.37 While the precise package of mitigations should be subject to consultation with local communities and relevant stakeholders to ensure the most effective measures are taken forward, an extensive range of mitigation measures is likely to be required.

5.38 In addition, Heathrow Airport should continue to strive to meet its public pledge to have landside airport-related traffic no greater than today. To achieve this, it should set out and regularly review its plans to meet the mode share targets set at paragraph 5.17 above. Heathrow Airport should also develop and keep under review plans to improve the impact of road freight serving the airport.

5.39 Other mitigation measures which may be put forward by the applicant could include, but are not limited to:

- Landing charges structured to reward airlines for operating cleaner flights (for example NOx emissions charging);
- Zero- or low-emission hybrid or electric vehicle use (ultra-low emission vehicles), charging and fuel facilities;
- Reduced or single engine taxiing (improved taxiing efficiency);
- Reducing emissions from aircraft at the gate (for example installation of fixed electrical ground power and preconditioned air to aircraft stands to reduce the use of auxiliary power unit);
- Modernised heating supplies in airport buildings;
- Changes to the layout of surface access arrangements;
- Traffic restrictions and / or traffic relocation around sensitive areas;
- An emissions-based access charge; and
- Physical means, including barriers to trap or better disperse emissions and speed control on roads.

5.40 Mitigation measures at the construction stage should also be provided and draw on best practice from other major construction schemes, including during the procurement of contractors. Specific measures could include but are not limited to:

- Development of a construction traffic management plan (which may include the possible use of rail and consolidation sites or waterways);
- The use of low emission construction plant / fleet, fitting of diesel particulate filters, and use of cleaner engines;
- The use of freight consolidation sites;
- Active workforce management / a worker transport scheme;
- Construction site connection to grid electricity to avoid use of mobile generation; and
- Selection of construction material to minimise distance of transport and increase recycling percentages of the material where appropriate.

5.41 The implementation of mitigation measures may require working with partners to support their delivery.

Decision making

5.42 The Secretary of State will consider air quality impacts over the wider area likely to be affected, as well as in the vicinity of the scheme. In order to grant development consent, the Secretary of State will need to be satisfied that, with mitigation, the scheme would be compliant with legal obligations that provide for the protection of human health and the environment.

5.43 Air quality considerations are likely to be particularly relevant where the proposed scheme:

- is within or adjacent to Air Quality Management Areas,¹⁴⁵ roads identified as being above limit values, or nature conservation sites (including Natura 2000 sites and Sites of Special Scientific Interest);
- would have effects sufficient to bring about the need for new Air Quality Management Areas or change the size of an existing Air Quality Management Area, or bring about changes to exceedances of the limit values, or have the potential to have an impact on nature conservation sites; and
- after taking into account mitigation, would lead to a significant air quality impact in relation to Environmental Impact Assessment and / or to a deterioration in air quality in a zone or agglomeration.

Noise

Introduction

- 5.44 The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport, although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.
- 5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.
- 5.46 Over recent decades, there have been reductions in aviation noise due to technological and operational improvements, and this trend is expected to continue.¹⁴⁶ New technology is already making aircraft quieter. Newer generation aircraft coming into service have a noise footprint typically 50% smaller on departure than the ones they are replacing, and at least 30% smaller on arrival. In addition, further opportunities for noise reductions are expected in the next decade as part of the UK airspace modernisation programme. One of the key benefits of this programme is expected to be "reduced noise from aircraft overflying communities, with less 'holding' at lower altitudes".¹⁴⁷ However, evidence has shown that people's sensitivity to noise has increased in recent years, and there has been growing evidence that exposure to high levels of aircraft noise can adversely affect people's health.¹⁴⁸ Expansion will lead to a rise in the number of flights in the local area compared to a no expansion scenario.
- 5.47 The Government wants to strike a fair balance between the negative impacts of noise (on health, amenity, quality of life and productivity) and the positive impacts of flights. There is no European or national legislation which sets legally binding limits on aviation noise emissions. Major airports are, however, under a legal obligation¹⁴⁹ to

¹⁴⁵ <https://uk-air.defra.gov.uk/aqma/>

¹⁴⁶ *The Sustainable Aviation Noise Roadmap, A Blueprint for Managing Noise from Aviation Sources to 2050:*

<http://www.sustainableaviation.co.uk/road-maps/>

¹⁴⁷ UK Airspace Policy: A framework for balanced decisions on the design and use of airspace, p21, para 3.9,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588186/uk-airspace-policy-a-framework-for-balanced-decisions-on-the-design-and-use-of-airspace-web-version.pdf

¹⁴⁸ CAP 1164, *Aircraft noise, sleep disturbance and health effects 2014:*

<http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=6275>

CAP 1506, *Survey of noise attitudes 2014: Aircraft*

<http://www.gov.uk/government/publications/survey-of-attitudes-to-aviation-noise>

¹⁴⁹ The EU Environmental Noise Directive 2002/49 which is implemented in England by the Environmental Noise (England) Regulations 2006 (S.I. 2006/2238 as amended)

develop strategic noise maps and produce Noise Action Plans based on those maps, on a five yearly basis. They are also required to review and, if necessary, revise action plans when a major development occurs affecting the existing noise situation. In addition, the Government already expects the noise-designated airports (Heathrow, Gatwick and Stansted) to produce noise exposure maps on an annual basis.

- 5.48 The International Civil Aviation Organisation introduced the concept of a ‘Balanced Approach’ to noise management (resolution A33/7). This is given legal effect in the UK through EU Regulation 598/2014.¹⁵⁰
- 5.49 The Airports Commission undertook a thorough assessment of the noise impacts of the proposed development. The Airports Commission used a “noise scorecard” to assess the noise impacts of the scheme in 2030, 2040 and 2050.¹⁵¹ The noise scorecard included both conventional metrics, which assess noise levels over a period of time (daytime, night time and 24-hour), and more innovative metrics that assess the number of times a location is overflown by aircraft whose noise impacts exceed a specified level.
- 5.50 The Airports Commission’s assessment was based on ‘indicative’ flight path designs, which the Government considers to be a reasonable approach at this stage in the process. Precise flight path designs can only be defined at a later stage after detailed airspace design work has taken place. This work will need to consider the various options available to ensure a safe and efficient airspace which also mitigates the level of noise disturbance. Once the design work has been completed, the airspace proposal will be subject to extensive consultation as part of the separate airspace decision making process established by the Civil Aviation Authority.
- 5.51 The Airports Commission concluded that “expansion at Heathrow must be taken forward with a firm guarantee that the airport and its airlines will be held to the very highest standards of noise performance”. In addition, the Airports Commission stated that “the airport should not be allowed to expand without appropriate conditions being put in place in respect of its noise impacts”.¹⁵²

Applicant’s assessment

- 5.52 Pursuant to the terms of the Environmental Impact Assessment Regulations,¹⁵³ the applicant should undertake a noise assessment for any period of change in air traffic movements prior to opening, for the time of opening, and at the time the airport is forecast to reach full capacity, and (if applicable, being different to either of the other assessment periods) at a point when the airport’s noise impact is forecast to be highest. This should form part of the environmental statement. The noise assessment should include the following:
- A description of the noise sources;
 - An assessment of the likely significant effect of predicted changes in the noise environment on any noise sensitive premises (including schools and hospitals) and noise sensitive areas (including National Parks and Areas of Outstanding Natural Beauty);
 - The characteristics of the existing noise environment, including noise from aircraft, using noise exposure maps, and from surface transport and ground operations

¹⁵⁰ Regulation (EU) No 598/2014 of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC

¹⁵¹ *Airports Commission: Final Report*, p170-171

¹⁵² *Airports Commission: Final Report*, p276

¹⁵³ Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/572)

associated with the project, the latter during both the construction and operational phases of the project;

- A prediction on how the noise environment will change with the proposed project; and
- Measures to be employed in mitigating the effects of noise.

These should take into account construction and operational noise (including from surface access arrangements) and aircraft noise. The applicant's assessment of aircraft noise should be undertaken in accordance with the developing indicative airspace design. This may involve the use of appropriate design parameters and scenarios based on indicative flightpaths.

5.53 Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. For the prediction, assessment and management of construction noise, reference should be made to any British Standards and other guidance which give examples of mitigation strategies. In assessing the likely significant impacts of aircraft noise, the applicant should have regard to the noise assessment principles, including noise metrics, set out in the national policy on airspace.

Mitigation

5.54 Noise management at airports where a noise problem has been identified is subject to the concept of a 'Balanced Approach', referred to above. EU Regulation 598/2014, which adopts the Balanced Approach,¹⁵⁴ also lays down a procedure for the adoption of noise-related operating restrictions, in particular a requirement for prior consultation.

5.55 The Government recognises that aircraft noise is a significant concern to communities affected and that, as a result of additional runway capacity, noise-related action will need to be taken. Such action should strike a fair balance between the negative impacts of noise and positive impacts of flights.

5.56 The Government also recognises that predictable periods of relief from aircraft noise (known as respite) are important for communities affected, and that noise at night is widely regarded as the least acceptable aspect of aviation noise for those communities, with the costs on communities of aircraft noise during the night (particularly the health costs associated with sleep disturbance) being higher.

5.57 While the package and detail of noise mitigation measures should be subject to consultation with local communities and other stakeholders to ensure the most appropriate and effective measures are taken forward, in the context of Government policy on sustainable development, the Government expects the applicant to make particular efforts to avoid significant adverse noise impacts and mitigate other adverse noise impacts as a result of the Northwest Runway scheme and Heathrow Airport as a whole.

5.58 The Secretary of State will consider whether the mitigation measures put forward by the applicant following consultation are acceptable. The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission.¹⁵⁵

¹⁵⁴ For the purposes of EU Regulation 598/2014, an airport means an airport which has more than 50,000 civil aircraft movements per calendar year (a movement being a take-off or landing), on the basis of the average number of movements in the last three calendar years before the noise assessment

¹⁵⁵ With reference to the 2013 baseline for the 54 decibel LAeq, 16h noise contour assessed by the Airports Commission. LAeq,16h indicates the annual average noise levels for the 16-hour period between 0700 – 2300

- 5.59 The applicant should specifically seek to deliver the mitigation measures set out in paragraphs 5.60-5.62 below.
- 5.60 The applicant should put forward plans for a noise envelope. Such an envelope should be tailored to local priorities and include clear noise performance targets. As such, the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise. The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction. Suitable review periods should be set in consultation with the parties mentioned above to ensure the noise envelope's framework remains relevant.
- 5.61 The applicant should put forward plans for a runway alternation scheme that provides communities affected with predictable periods of respite (though the Government acknowledges that the duration of periods of respite that currently apply will be reduced). Predictability should be afforded to the extent that this is within the airport operator's control.¹⁵⁶ The details of any such scheme, including timings, duration and scheduling, should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise.
- 5.62 The Government also expects a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented.¹⁵⁷ The rules around its operation, including the exact timings of such a ban, should be defined in consultation with local communities and relevant stakeholders, in line with EU Regulation 598/2014. In addition, outside the hours of a ban, the Government expects the applicant to make particular efforts to incentivise the use of the quietest aircraft at night.
- 5.63 It is recognised that Heathrow Airport already supports a number of initiatives to mitigate aircraft noise, such as developing quieter operating procedures (like steeper descent approaches) and keeping landing gear up as long as possible. The applicant is expected to continue to do so, and to explore all opportunities to mitigate operational noise in line with best practice. The implementation of such measures may require working with partners to support their delivery.
- 5.64 Noise mitigation measures at the construction stage should also be provided. These should draw on best practice from other major construction schemes, with due regard given to any relevant British Standards and other guidance, and should be taken into account during the procurement of contractors.
- 5.65 Other measures to mitigate noise during the construction and operation of the development may include one or more of the following:
- Reducing noise at point of generation and containment of noise generated;
 - Where possible, optimising the distance between source and noise-sensitive receptors, and incorporating good design to minimise noise transmission through screening by natural barriers or other buildings; and
 - Restricting activities allowed on the site.
- 5.66 The Secretary of State will expect the applicant to put forward proposals as to how these measures may be secured and enforced, including the bodies who may enforce

¹⁵⁶ Examples of circumstances outside of an airport operator's control might be severe weather disruption and similar events

¹⁵⁷ 11pm to 7am is the standard night period used in noise measurement, and is used in World Health Organisation guidelines and the Environmental Noise Directive

the measures. These bodies might include the Secretary of State, local authorities (including those over a wider area), and / or the Civil Aviation Authority.

Decision making

- 5.67 The proposed development must be undertaken in accordance with statutory obligations for noise.¹⁵⁸ Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England,¹⁵⁹ the National Planning Policy Framework,¹⁶⁰ and the Government's associated planning guidance on noise.¹⁶¹ However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.
- 5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:
- Avoid significant adverse impacts on health and quality of life from noise;
 - Mitigate and minimise adverse impacts on health and quality of life from noise; and
 - Where possible, contribute to improvements to health and quality of life.

Carbon emissions

Introduction

- 5.69 The Planning Act 2008 requires that a national policy statement must give reasons for the policy set out in the statement and an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change.¹⁶² The Government has a number of international and domestic obligations to limit carbon emissions. Emissions from both the construction and operational phases of the project will be relevant to meeting these obligations.
- 5.70 The Government's key objective on aviation emissions, as outlined in the Aviation Policy Framework, is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.¹⁶³ This must be achieved while minimising the risk of putting UK businesses at a competitive international disadvantage. The development of the Heathrow Northwest Runway scheme being considered under the Airports NPS does not override this objective.
- 5.71 The UK's obligations on greenhouse gas emissions are set under the 2008 Climate Change Act. Under this framework, the UK has a 2050 target to reduce its greenhouse gas emissions by at least 80% on 1990 levels, and has a series of five year carbon budgets on the way to 2050.

Coverage of aviation emissions under the UK's Climate Change Act

- 5.72 Whilst UK domestic aviation emissions are included in the 2050 target, international aviation emissions are not currently formally included within the UK's 'net carbon account' for greenhouse gas emissions and are therefore not included in the 2050 target as defined by the Climate Change Act, nor within the first five carbon budgets. The Climate Change Act says that the Government must "take into account" the

¹⁵⁸ EU Regulation 598/2014; The Environmental Noise (England) Regulations 2006

¹⁵⁹ Noise policy statement for England, March 2010, <https://www.gov.uk/government/publications/noise-policy-statement-for-england>

¹⁶⁰ National Planning Policy Framework, March 2012, paragraph 123, or any successor document

¹⁶¹ <https://www.gov.uk/guidance/noise--2>

¹⁶² Planning Act 2008, section 5(8)

¹⁶³ Aviation Policy Framework, paragraph 12

“estimated amount of reportable emissions from international aviation for the budgetary period or periods in question” when setting carbon budgets. The Committee on Climate Change has interpreted the requirement to take these emissions into account as requiring the UK to aim to meet a 2050 target which includes these emissions, and has made its recommendations for the levels of the existing carbon budgets on this basis.

- 5.73 The Government has accepted the Committee on Climate Change’s recommendations on the first five carbon budgets. The fifth carbon budget, for the period 2028-2032, was set in July 2016 in line with the Committee on Climate Change’s advice. In effect, this means that carbon budgets for other sectors of the UK economy have been set at a level which the Committee on Climate Change considers is consistent with meeting the overall 2050 target when international aviation emissions are included.

Impacts

- 5.74 The carbon impact of the proposed development falls into four areas: increased emissions from air transport movements (both international and domestic) as a result of increased demand, emissions from airport buildings and ground operations, emissions from surface transport accessing the expanded airport, and emissions caused by construction. The first is by far the largest of these impacts.
- 5.75 The Airports Commission used two sets of carbon scenarios: one in which a cap is imposed on UK aviation emissions in line with the Committee on Climate Change’s planning assumption of 37.5 million tonnes of CO₂ in 2050; and another in which an international trading mechanism allows carbon emissions from aviation to be offset by paying for emissions reductions in other sectors of the global economy. The analysis also assumed certain carbon-limiting developments largely outside the applicant’s control. These include growth in numbers of more fuel-efficient aircraft, increasing use of biofuels, and other airline operational measures.

Applicant’s assessment

- 5.76 Pursuant to the terms of the Environmental Impact Assessment Regulations,¹⁶⁴ the applicant should undertake an assessment of the project as part of the environmental statement, to include an assessment of any likely significant climate factors. The applicant should provide evidence of the carbon impact of the project (including embodied carbon), both from construction and operation, such that it can be assessed against the Government’s carbon obligations, including but not limited to carbon budgets. The applicant should quantify the greenhouse gas impacts before and after mitigation to show the impacts of the proposed mitigation. This will require emissions to be split into traded sector and non-traded sector emissions, and for a distinction to be made between international and domestic aviation emissions.
- 5.77 As far as possible, the applicant’s assessment should also seek to quantify impacts including:
- Emissions from surface access due to airport and construction staff;
 - Emissions from surface access due to freight and retail operations and construction site traffic.
 - Emissions from surface access due to airport passengers / visitors; and
 - Emissions from airport operations including energy and fuel use.

¹⁶⁴ Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/572). Regulation 5(2)(c) refers to the significant effects of the proposed development on, among other factors, climate.

This should be undertaken in both a 'do minimum' and also in the 'do something' scenario for the opening, peak operation, and worst case scenarios.

Mitigation

5.78 The Secretary of State will need to be satisfied that the mitigation measures put forward by the applicant are acceptable, including at the construction stage. A management / project plan may help clarify and secure mitigation at this stage. The applicant is expected to take measures to limit the carbon impact of the project, which may include, but are not limited to:

- Zero or low-emission hybrid or electric vehicle use (ultra-low emission vehicles), charging and fuel facilities;
- Reduced engine taxiing (improved taxiing efficiency);
- Reducing emissions from aircraft at the gate;
- Reduced emissions from airport buildings (for example from lower carbon heating);
- Changes to the layout of surface access arrangements; and
- Encouraging increased use of public transport by staff and passengers.

5.79 Aircraft are expected to become cleaner as technology and standards improve and fleets evolve. It is recognised that the applicant already supports a number of initiatives to reduce the carbon emissions from flights, such as reduced-engine taxiing and ground-towing, and airspace and navigational reform.

5.80 Mitigation measures at the construction stage should also be provided and draw on best practice from other major construction schemes, including during the procurement of contractors. Specific measures could include but are not limited to:

- Development of a construction traffic management plan (which may include the possible use of rail and consolidation sites);
- Transport of materials to site by alternative modes to road (for example by rail or water);
- Increased efficiency in use of construction plant;
- Use of energy efficient site accommodation;
- Reduction of waste, and the transport of waste;
- Construction site connection to grid electricity to avoid use of mobile generation;
- Selection of construction material to utilise low carbon options; and
- Selection of construction material to minimise distance of transport.

5.81 The implementation of mitigation measures may require working with partners to support their delivery.

Decision making

5.82 Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.

5.83 Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented as part of any application for development consent. The Secretary of

State will consider the effectiveness of such mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high. The Secretary of State's view of the adequacy of the mitigation measures relating to design, construction and operational phases will be a material factor in the decision making process.

Biodiversity and ecological conservation

Introduction

- 5.84 Biodiversity is the variety of plant and animal life in the world or in a particular habitat, and encompasses all species of plants and animals and the complex ecosystems of which they are a part. Government policy for the natural environment, including on biodiversity, is set out in the *Natural Environment White Paper*.¹⁶⁵ The biodiversity section in the *Natural Environment White Paper* sets out a vision of moving progressively from new biodiversity loss to net gain, by supporting healthy, well-functioning ecosystems and establishing more coherent ecological networks that are more resilient to current and future pressures. It is also a requirement of the Water Framework Directive to protect and enhance biodiversity associated with the water environment. Geological conservation relates to the sites that are designated for their geology and / or geomorphological importance.¹⁶⁶
- 5.85 The Government's biodiversity strategy is set out in *Biodiversity 2020: A Strategy for England's wildlife and ecosystem services*.¹⁶⁷ Its aim is to halt overall biodiversity loss, support healthy, well-functioning ecosystems, and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. The contribution that the planning system should make to enhancing the local and natural environment, including establishing coherent ecological networks, is set out in the National Planning Policy Framework, to which the applicant should also refer.¹⁶⁸
- 5.86 The National Planning Policy Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. This includes moving from a net loss of biodiversity to achieving net gains for nature.¹⁶⁹
- 5.87 The wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and ecological conservation is set out in the Planning Practice Guidance on biodiversity and ecosystems.¹⁷⁰ This includes a description of the potential impacts on internationally, nationally and locally protected sites which may arise through development, and should therefore be considered through further assessment.
- 5.88 Airport development may require the netting of open watercourses to manage the risk of bird strike, which may have a detrimental impact on water environment and biodiversity.

Applicant's assessment

- 5.89 The applicant should ensure that the environmental statement submitted with its application for development consent clearly sets out any likely significant effects on

¹⁶⁵ <https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature>

¹⁶⁶ A list of designated sites is included in the Geological Conservation Review held by the Joint Nature Conservation Committee

¹⁶⁷ <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

¹⁶⁸ National Planning Policy Framework, March 2012, paragraph 109, or any successor document

¹⁶⁹ National Planning Policy Framework, March 2012, paragraph 9, or any successor document

¹⁷⁰ <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>

internationally, nationally and locally designated sites of ecological or geological importance, protected species, and habitats and other species identified as being of principal importance for the conservation of biodiversity.

- 5.90 The Environmental Impact Assessment should reflect the principles of *Biodiversity 2020* and identify how the effects on the natural environment will be influenced by climate change, and how ecological networks and their physical and biological process will be maintained.
- 5.91 The applicant should show how the project has taken advantage of and maximised opportunities to conserve biodiversity and geological conservation interests.

Mitigation

- 5.92 The Secretary of State will consider what requirements should be attached to any consent and / or in any planning obligations entered into in order to ensure that mitigation measures are delivered and monitored for their effectiveness.
- 5.93 The Secretary of State will take account of any mitigation measures agreed between the applicant and Natural England, and whether Natural England has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.
- 5.94 The applicant's proposal should address the mitigation hierarchy (which supports efforts to conserve and enhance biodiversity), which is set out in the National Planning Policy Framework.¹⁷¹
- 5.95 Compensation ratios relating to the effects of the preferred scheme should be considered in more detail during the design. The application of 2:1 compensation ratio is considered to represent the minimum requirement. However, there are other mechanisms for establishing compensation ratios, such as Defra's biodiversity offsetting metric. Equally, it is important to note that habitat ratios form only one part of potential compensation which should be considered, and the location and quality of any compensation land is of key importance. In this regard, habitat creation, where required, should be focused on areas where the most ecological and ecosystems services benefits can be realised.

Decision making

- 5.96 As a general principle, and subject to the specific policies set out below and the Infrastructure Planning (Decisions) Regulations 2010,¹⁷² development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated.¹⁷³ Where significant harm cannot be avoided or mitigated, as a last resort appropriate compensation measures should be sought. The development consent order, or any associated planning obligations, will need to make provision for the long term management of such measures.
- 5.97 In taking decisions, the Secretary of State will ensure that appropriate weight is attached to designated sites of international, national and local importance, protected

¹⁷¹ National Planning Policy Framework, March 2012, paragraph 118, or any successor document

¹⁷² <http://www.legislation.gov.uk/uksi/2010/305/regulation/7/made>

¹⁷³ <https://www.gov.uk/government/collections/biodiversity-offsetting> Biodiversity offsets are measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from a development after mitigating measures have been taken. The goal of biodiversity offsets is to achieve no net loss and, preferably, a net gain of biodiversity

species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment.

International sites

5.98 The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for European sites and require an assessment of impacts upon such sites.¹⁷⁴ The Government considers that the following wildlife sites should have the same protection as European sites:

- Potential Special Protection Areas and possible Special Areas of Conservation;
- Listed or proposed Ramsar sites;¹⁷⁵ and
- Sites identified or required as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

5.99 At this stage, it is not possible to rule out adverse effects of the Heathrow Northwest Runway scheme, given that more detailed project design information, and detailed proposals for mitigation, are not presently available. However, the applicant will need to demonstrate that Article 6(3) or 6(4) of the Habitats Directive are complied with in order to satisfy the competent authority that development consent can be granted on that basis.

Sites of Special Scientific Interest

5.100 Many Sites of Special Scientific Interest are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of Sites of Special Scientific Interest that are not covered by an international designation, will be given a high degree of protection. All National Nature Reserves are notified as Sites of Special Scientific Interest.

5.101 Where a proposed development on land within or outside a Site of Special Scientific Interest is likely to have an adverse effect on the site (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. The Secretary of State will ensure that the applicant's proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest, are acceptable. Where necessary, requirements and / or planning obligations should be used to ensure these proposals are delivered.

Regional and local sites

5.102 Sites of regional and local biodiversity interest (which include Local Nature Reserves, Local Wildlife Sites and Nature Improvement Areas) have a fundamental role to play in meeting overall national biodiversity targets, contributing to the quality of life and the wellbeing of the community, and supporting research and education. The Secretary of State will give due consideration to such regional or local designations. However,

¹⁷⁴ This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in Regulation 8 of the Conservation of Habitats and Species Regulations 2010

¹⁷⁵ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site

given the need for new infrastructure, these designations should not be used in themselves to refuse development consent, although adequate compensation should always be considered, and ecological corridors and their physical processes should be maintained as a priority to mitigate widespread impacts.

Irreplaceable habitats including ancient woodland and veteran trees

- 5.103 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost, it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided.¹⁷⁶ Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.

Biodiversity within and around developments

- 5.104 The proposed development comprised in the preferred scheme should provide many opportunities for building in beneficial biodiversity as part of good design. When considering proposals, the Secretary of State will consider whether the applicant has maximised such opportunities in and around developments, and particularly to establishing and enhancing green infrastructure. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered.

Protection of other habitats and species

- 5.105 In addition to the habitats and species that are subject to statutory protection or international, regional or local designation, other habitats and species have been identified as being of principal importance for the conservation of biodiversity in England and Wales and therefore requiring conservation action. The Secretary of State will ensure that the applicant has taken measures to ensure that these other habitats and species are protected from the adverse effects of development. Where appropriate, requirements or planning obligations may be used in order to deliver this protection. The Secretary of State will refuse consent where harm to these other habitats, or species and their habitats, would result, unless the benefits of the development (including need) clearly outweigh that harm. In such cases, compensation will generally be expected to be included in the design proposals.

Land use including open space, green infrastructure and Green Belt

Introduction

- 5.106 Access to high quality open spaces and the countryside¹⁷⁷ and opportunities for sport and recreation can be a means of providing necessary mitigation and / or compensation requirements. Green infrastructure can enable developments to provide positive environmental and economic benefits.

¹⁷⁶ This does not prevent the loss of such trees where the decision maker is satisfied that their loss is unavoidable

¹⁷⁷ All open space of public value, including not just land but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity

- 5.107 Green Belts, defined in a development plan,¹⁷⁸ are situated around certain cities and built up areas, including London. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Further information on the purposes and protection of Green Belt is set out in the National Planning Policy Framework.¹⁷⁹
- 5.108 Best and most versatile agricultural land is land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. The National Planning Policy Framework sets out how local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land.¹⁸⁰ Planning practice guidance for the natural environment provides additional guidance on best and most versatile agricultural land and soil issues.
- 5.109 Development of land will affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process.
- 5.110 Construction and operation of airport facilities is a potential source of contaminative substances (for example, through de-icing or leaks and spills of fuel). Where pre-existing land contamination is being considered through development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum.¹⁸¹

Applicant's assessment

- 5.111 The applicant should identify existing and proposed land uses¹⁸² near the project, including any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. The applicant should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors.
- 5.112 Existing open space, sports and recreational buildings and land should not be developed unless the land is no longer needed or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. If the applicant is considering proposals which would involve developing such land, it should have regard to any local authority's assessment of need for such types of land and buildings.
- 5.113 During any pre-application discussions with the applicant, the local planning authority should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is no longer needed. These are also matters that local authorities may wish to include in their Local Impact Report which can be submitted after an application for development consent has been accepted.

¹⁷⁸ Or else so designated under the Green Belt (London and Home Counties) Act 1938

¹⁷⁹ National Planning Policy Framework, March 2012, paragraphs 79-92, or any successor document

¹⁸⁰ National Planning Policy Framework, March 2012, paragraph 112, or any successor document

¹⁸¹ <https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>

¹⁸² For example, where a planning application has been submitted

- 5.114 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances which are already the subject of Government guidance.¹⁸³ The applicant should therefore determine whether the proposal, or any part of it, is within an established Green Belt and, if so, whether its proposal may be considered inappropriate development within the meaning of Green Belt policy. Metropolitan Open Land and land designated a Local Green Space in a local or neighbourhood plan are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.
- 5.115 The applicant should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, the applicant should seek to use areas of poorer quality land in preference to that of a higher quality. The applicant should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed.
- 5.116 For developments where land may be affected by contamination, or existing mitigation is in place in respect of historic contamination, the applicant should have regard to the statutory regime contained in Part IIA of the Environmental Protection Act 1990 and relevant Government guidance relating to or dealing with contaminated land.¹⁸⁴
- 5.117 The applicant should safeguard any mineral resources on the proposed site for the preferred scheme as far as possible.

Mitigation

- 5.118 The applicant can minimise the direct effects of a project on the existing use of the proposed site, or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.¹⁸⁵
- 5.119 Where green infrastructure is affected, the applicant should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to National Trails and other public rights of way.
- 5.120 The Secretary of State must also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of requirements, planning obligations, or any other means, for example to provide exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the Planning Act 2008 apply,¹⁸⁶ any replacement land provided under those sections will need to conform to the requirements of those sections.
- 5.121 Where the preferred scheme has an impact on a mineral safeguarding area, the Secretary of State must ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.

¹⁸³ https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment#paragraph_044

¹⁸⁴ <https://www.gov.uk/government/collections/land-contamination-technical-guidance>

¹⁸⁵ <https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites>

¹⁸⁶ <http://www.legislation.gov.uk/ukpga/2008/29/section/131> and <http://www.legislation.gov.uk/ukpga/2008/29/section/132>

- 5.122 Where a project has a sterilising effect on land use, there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors.
- 5.123 Public rights of way, National Trails and other rights of access to land are important recreational facilities for walkers, cyclists and equestrians. The applicant is expected to take appropriate mitigation measures to address adverse effects on National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way, consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements or other provisions in respect of these measures might be attached to any grant of development consent.

Decision making

- 5.124 The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be no longer needed, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.
- 5.125 Where networks of green infrastructure have been identified in development plans, they should normally be protected from development and, where, possible, strengthened by or integrated within it. The Secretary of State will also have regard to the effect of the development upon and resulting from existing land contamination, as well as the mitigation proposed.
- 5.126 The Secretary of State will take into account the economic and other benefits of the best and most versatile agricultural land, and ensure the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.
- 5.127 When located in the Green Belt, projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development. In exchange for, or so as to ensure the re-provision of, lost Green Belt land,¹⁸⁷ the Secretary of State may require the provision of other land by the applicant, to be declared as Green Belt under the Green Belt (London and the Home Counties) Act 1938. The provision of such land should be in accordance with the National Planning Policy Framework or any successor document, and take into account relevant development plan policies.

¹⁸⁷ The term "Green Belt land" refers to land designated as Green Belt land under a local development plan and/or land declared as Green Belt under the 1938 Act.

Home Office assets

Introduction

- 5.128 There are two Immigration Removal Centres (IRCs) to the north-west of Heathrow Airport, run as one facility, within the land shown inside the red line on the scheme boundary map (at Annex A). Detention at immigration removal centres plays a vital role as part of the infrastructure which allows the Government to maintain effective immigration control and secure the UK's borders. The IRCs are Harmondsworth IRC and the Colnbrook IRC.
- 5.129 Continuous service provision of the IRCs at Heathrow is necessary. This consideration extends to the need to provide appropriate road access to the IRCs.

Assessment

- 5.130 The applicant should show how it has considered the impacts of the project upon the existing IRCs. This should include the process in identifying alternative means of addressing the impact of the project on the IRCs, including the means by which they will be reprovided.
- 5.131 The applicant should discuss the provision to be made in substitution for the existing IRCs with the Home Office and any local authority whose area is likely to be affected by a replacement facility.
- 5.132 The applicant's assessment should also set out how a replacement IRC would function in relation to neighbouring land uses, as well as how it can best be accommodated without adversely affecting such uses. These are also matters which local authorities may wish to address in their local impact report, which can be submitted after an application for development consent has been submitted.

Decision making

- 5.133 The Secretary of State considers that replacement facilities in substitution for the affected IRCs should be provided prior to any works which may significantly interfere with the service and facilities provided by the existing IRCs. The Secretary of State will consider whether the applicant has taken all reasonable steps to mitigate impacts of the project on the existing IRCs. Where necessary, the Secretary of State will impose requirements or obligations upon the applicant to deliver suitable replacement facilities.
- 5.134 Provided that the applicant is willing to commit to appropriate provision of such facilities on a continuous service basis and with constant road access, and to mitigate the effect of the project on the existing and replacement IRCs, development consent should not be withheld on the grounds of its effects on the existing IRCs.

Resource and waste management

Introduction

- 5.135 Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Where this is not possible, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health.
- 5.136 Sustainable waste management is implemented through the waste hierarchy:

- Waste prevention;
- Preparing for reuse;
- Recycling;
- Other recovery, including energy recovery; and
- Disposal.

5.137 The targets for preparation for re-use and recycling of municipal waste (50%), and for construction and demolition waste (70%) set out by the Waste Framework Directive (2008/98/EC)¹⁸⁸ should be considered ‘minimum acceptable practice’ for the construction and operation of any new airport infrastructure. Exceeding these targets if possible by aiming for exemplar performance in resource efficiency and waste management is recommended, to align with the principles of the EU Action Plan for the Circular Economy.¹⁸⁹

5.138 Large airport infrastructure projects may generate hazardous and non-hazardous waste during construction and operation. The Environment Agency’s environmental permitting regime incorporates operational waste management controls for certain activities. When the applicant applies to the Environment Agency for an environmental permit, the Environment Agency will require the application to demonstrate that processes are in place to meet all relevant conditions.

5.139 In addition, the Heathrow Northwest Runway scheme would involve the removal of the Lakeside energy from waste plant.

5.140 Waste generated and sent to landfill during construction and operation will be an ongoing management issue, and will continue to have adverse effects on the environment into and beyond the operational phase. The principal adverse effects of sending waste to landfill include:

- Permanent loss of materials from potential use higher up the waste management hierarchy;
- Reduction of local and regional landfill capacity;
- Visual, noise, health and other nuisance impacts on local communities;
- Environmental degradation and pollution;
- Greenhouse gas emissions; and
- Environmental implications of transporting waste to landfill sites.

Applicant’s assessment

5.141 The applicant should set out the arrangements that are proposed for managing any waste produced in the application for development consent. The arrangements described should include information on the proposed waste recovery and disposal system for all waste generated by the development. The applicant should seek to minimise the volume of waste sent for disposal unless it can be demonstrated that the alternative is the best overall environmental, social and economic outcome when considered over the whole lifetime of the project.

5.142 The effects of removing the Lakeside energy from waste plant upon capacity for treatment of waste will require assessment.

¹⁸⁸ <http://ec.europa.eu/environment/waste/framework/>

¹⁸⁹ http://ec.europa.eu/environment/circular-economy/index_en.htm

Mitigation

- 5.143 The applicant should set out a comprehensive suite of mitigations to eliminate or significantly reduce the risk of adverse impacts associated with resource and waste management.
- 5.144 The Government recognises the role of the Lakeside Energy from Waste plant in local waste management plans. The applicant should make reasonable endeavours to ensure that sufficient provision is made to address the reduction in waste treatment capacity caused by the loss of the Lakeside Energy from Waste plant.

Decision making

- 5.145 The Secretary of State will consider the extent to which the applicant has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from all stages of the lifetime of the development. The Secretary of State should be satisfied that the process set out provides assurance that:
- Waste produced will be properly managed, both onsite and offsite;
 - The waste from the proposed development can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arising should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arising in the area; and
 - Adequate steps have been taken to ensure that all waste arising from the site is subject to the principles of the waste hierarchy¹⁹⁰ and are dealt with at the highest possible level within the hierarchy.
- 5.146 Where necessary, the Secretary of State will require the applicant to develop a resource management plan to ensure that appropriate measures for sustainable resource and waste management are secured.

Flood risk

Introduction

- 5.147 Climate change over future decades is likely to result in milder, wetter winters and hotter, drier summers in the UK, while sea levels will continue to rise. Within the lifetime of the proposed development, these factors will lead to increased flood risk in areas susceptible to flooding, and to an increased risk of flooding in some areas not currently thought of as being at risk. In addition to increasing flood risk, longer term climate change will result in changes to weather-related disruption, most often caused by wind, rain, snow and ice. The applicant, the Examining Authority and the Secretary of State in taking decisions should take account of the policy on climate change adaptation as set out in the National Planning Policy Framework¹⁹¹ and other supporting guidance.¹⁹²
- 5.148 The National Planning Policy Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.¹⁹³ But where development is necessary, it should be made safe without

¹⁹⁰ Article 4 of the revised EU Waste Framework Directive (Directive 2008/98/EC) sets out the 'waste hierarchy' with five steps for dealing with waste, ranked according to environmental impact

¹⁹¹ National Planning Policy Framework, March 2012, paragraph 99, or any successor document

¹⁹² <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> and <https://www.gov.uk/government/publications/adapting-to-climate-change-for-risk-management-authorities>

¹⁹³ National Planning Policy Framework, March 2012, paragraphs 100-104, or any successor document

increasing flood risk elsewhere. Supporting guidance¹⁹⁴ explains that essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk is permissible in areas of high flood risk, subject to the Exception Test. In addition, as set out in the National Planning Policy Framework, new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.¹⁹⁵

5.149 Loss of flood plain storage may increase the overall flood risk for the catchment. The extent of any impact will depend on the ability of the development to manage storage of water on or off-site.

5.150 There is the potential for airport expansion to result in increased risk from climate change effects, particularly to increased surface water runoff rate and pressure on potable water supply. There may also be effects on groundwater.

5.151 Where the Airports NPS mentions the UK Climate Change Risk Assessment, the reader should refer to the most recent version of the document.

Applicant's assessment

5.152 Applications for projects in the following locations should be accompanied by a flood risk assessment:

- Flood Zones 2 and 3 (medium and high probability of river and sea flooding);
- Flood Zone 1 (low probability of river and sea flooding) for projects of 1 hectare or greater, or projects which may be subject to other sources of flooding (local watercourses, surface water, groundwater or reservoirs), or where the Environment Agency has notified the local planning authority that there are critical drainage problems.

5.153 The applicant should identify and assess the risks of all forms of flooding to and from the preferred scheme, and demonstrate how these flood risks will be managed, taking climate change into account.¹⁹⁶

5.154 In preparing a flood risk assessment the applicant should:

- Consider the risk of all forms of flooding arising from the development comprised in the preferred scheme, in addition to the risk of flooding to the project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime;¹⁹⁷
- Take into account the impacts of climate change, clearly stating the development lifetime over which the assessment has been made;
- Consider the need for safe access and exit arrangements;
- Include the assessment of residual risk after risk reduction measures have been taken into account, and demonstrate that this is acceptable for the development;
- Consider if there is a need to remain operational during a worst case flood event over the preferred scheme's lifetime; and
- Provide evidence for the Secretary of State to apply the Sequential Test and Exception Test,¹⁹⁸ as appropriate.

¹⁹⁴ <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

¹⁹⁵ National Planning Policy Framework, March 2012, paragraph 99, or any successor document

¹⁹⁶ <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

¹⁹⁷ Updated flood maps are available on the Environment Agency's website

¹⁹⁸ National Planning Policy Framework, March 2012, paragraphs 100-104, or any successor document

- 5.155 Where the preferred scheme may be affected by, or may add to, flood risk, the applicant is advised to seek early pre-application discussions with the Environment Agency, and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards, sewerage undertakers, highways authorities and reservoir owners and operators. These discussions can be used to identify the likelihood and possible extent and nature of the flood risk, help scope the flood risk assessment, and identify the information that may be required by the Secretary of State to reach a decision on the application. If the Environment Agency has concerns about proposals on flood risk grounds, the applicant is encouraged to discuss these concerns at a sufficiently early stage with the Environment Agency and explore ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency's concerns, before the application for development consent is submitted.
- 5.156 For local flood risk (surface water, groundwater and ordinary watercourse flooding), local flood risk management strategies and surface water management plans provide useful sources of information for consideration in a flood risk assessment. Surface water flood issues need to be understood to allow them to be taken into account, for example by clearly identifying and managing flow routes.
- 5.157 When assessing the potential impacts of climate change on airports which can be wider than flooding impacts, such as implications from heat and water availability and the potential adaptation strategies for them, the applicant should take into account the latest UK Climate Change Risk Assessment, the latest set of UK Climate Projections, and other relevant sources of climate change evidence.

Mitigation

- 5.158 The applicant should ensure that the preferred scheme design takes into account flood risk, and should put forward measures to mitigate the impact of flooding.
- 5.159 Mitigation measures will need to be developed as part of the applicant's application for development consent to ensure that it is safe from flooding, and will not increase flood risk elsewhere for the proposed development's lifetime, taking into account climate change.
- 5.160 To satisfactorily manage flood risk and the impact of the natural water cycle on people, property and ecosystems, good design and infrastructure may need to be secured using requirements or planning obligations. This may include the use of sustainable drainage systems but could also include vegetation to help to slow runoff, hold back peak flows, and make landscapes more able to absorb the impact of severe weather events.
- 5.161 In the Airports NPS, the term sustainable drainage systems is used and taken to cover the whole range of sustainable approaches to surface water drainage management including:
- Source control measures including rainwater recycling and drainage;
 - Infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities;
 - Filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns;
 - Filter drains and porous pavements to allow rainwater and runoff to infiltrate into permeable material below ground and provide storage if needed;

- Basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding; and
 - Flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding.
- 5.162 Site layout and surface water drainage systems should be able to cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.
- 5.163 The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, taking into account climate change, unless specific off-site arrangements are made and result in the same net effect.
- 5.164 It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the main application site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation or a development consent order requirement.
- 5.165 The sequential approach should be applied to the layout and design of the project. Vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. The applicant should seek opportunities where appropriate to use open space for multiple purposes such as amenity, wildlife habitat, and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using sustainable drainage systems.

Decision making

- 5.166 Where flood risk is a factor in determining an application for development consent, the Secretary of State will need to be satisfied that, where relevant:
- The application is supported by an appropriate flood risk assessment; and
 - The Sequential Test¹⁹⁹ has been applied as part of site selection and, if required, the Exception Test.²⁰⁰
- 5.167 When determining an application, the Secretary of State will need to be satisfied that flood risk will not be increased elsewhere, and will only consider development appropriate in areas at risk of flooding where, informed by a flood risk assessment, following the Sequential Test and, if required, the Exception Test, it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Over its lifetime, development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning, and that priority is given to the use of sustainable drainage systems.
- 5.168 The applicant should take into account the potential impacts of climate change using the latest UK Climate Change Risk Assessment, the latest set of UK Climate Projections, and other relevant sources of climate change evidence. The applicant should also ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new

¹⁹⁹ National Planning Policy Framework, March 2012, paragraph 101, or any successor document

²⁰⁰ National Planning Policy Framework, March 2012, paragraph 102, or any successor document

infrastructure. Should a new set of UK Climate Projections become available after the preparation of an environmental statement, the Examining Authority or the Secretary of State will consider whether they need to request additional information from the applicant as part of the development consent application.

- 5.169 When determining an application, the Secretary of State will need to be satisfied that the potential effects of climate change on the development have been considered as part of the design.
- 5.170 For construction work which has drainage implications, approval for the preferred scheme's overall approach to drainage systems will form part of any development consent issued by the Secretary of State.²⁰¹ The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any technical standards issued by the Government²⁰² or to any National Standards²⁰³ issued under Schedule 3 to the Flood and Water Management Act 2010.²⁰⁴ In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any sustainable drainage systems, including any necessary access rights to property. The Secretary of State will need to be satisfied that the most appropriate body would be given the responsibility for maintaining any sustainable drainage systems, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body such as the Internal Drainage Board.
- 5.171 If the Environment Agency continues to have concerns, and therefore objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied that all reasonable steps have been taken by the applicant and the Environment Agency to attempt to resolve the concerns. Similarly, if the lead local flood authority objects to the development consent on the grounds of surface or other local sources of flooding, the Secretary of State can grant consent, but would need to be satisfied that all reasonable steps have been taken by the applicant and the lead local flood authority to attempt to resolve the concerns.

Water quality and resources

Introduction

- 5.172 Airport infrastructure projects can have adverse effects on the water environment, including groundwater, inland surface water and transitional waters.²⁰⁵ During construction and operation, it can lead to increased demand for water, involve discharges to water, and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected and other species and habitats, and could, in

²⁰¹ Drainage implications as defined in Paragraph 7(2) of Schedule 3 to the Flood and Water Management Act 2010
<http://www.legislation.gov.uk/ukpga/2010/29/schedule/3/crossheading/requirement-for-approval>

²⁰² <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

²⁰³ The National Standards set out requirements for the design, construction, operation and maintenance of sustainable drainage systems, and may include guidance to which the Secretary of State will have regard

²⁰⁴ <http://www.legislation.gov.uk/ukpga/2010/29/contents>

²⁰⁵ As defined in the Water Framework Directive (2000/60/EC), transitional waters are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters by which are substantially influenced by freshwater flows

particular, result in surface waters, groundwaters or protected areas²⁰⁶ failing to meet environmental objectives established under the Water Framework Directive.²⁰⁷

5.173 The Government's planning policies make clear that the planning system should contribute to and enhance the natural and local environment by, among other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, water pollution. The Government has issued guidance on water supply, wastewater and water quality considerations in the planning system.²⁰⁸ Where applicable, an application for development consent has to contain a plan with accompanying information identifying water bodies in a river basin management plan.²⁰⁹

5.174 Development may result in an increased potential for impacts on the water environment, especially the quality of the surface and groundwater through the discharge of waters contaminated with de-icer along with hydrocarbons and other pollutants.

Applicant's assessment

5.175 The applicant should make sufficiently early contact with the relevant regulators, including the Environment Agency, for abstraction licensing and environmental permitting, and with the water supply company likely to supply the water. Where the proposed development is subject to an Environmental Impact Assessment and the development is likely to have significant adverse effects on the water environment, the applicant should ascertain the existing status of, and carry out an assessment of, the impacts of the proposed project on water quality, water resources and physical characteristics as part of the environmental statement.

5.176 Any environmental statement should describe:

- The existing quality of water affected by the proposed project;
- Existing water resources affected by the proposed project and the impacts of the proposed project on water resources;
- Existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project, and any impact of physical modifications to these characteristics;
- Any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones around potable groundwater abstractions; and
- Any cumulative effects.

5.177 The applicant should assess the effects on the surrounding water and wastewater treatment network in cooperation with the relevant water and sewerage undertaker(s). It should also address any future water infrastructure needed for the preferred scheme, including for supplies and sewerage treatment, and the effects on the surrounding water and wastewater treatment network. This assessment would be based on the additional wastewater flows which would need to be treated at sewage treatment works and should be developed through liaison with the relevant water and sewerage undertaker(s).

²⁰⁶ Protected areas are areas which have been designated as requiring special protection under specific community legislation for the protection of their surface water and groundwater or for the conservation of habitats and species directly depending on water

²⁰⁷ Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy

²⁰⁸ <http://planningguidance.communities.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/>

²⁰⁹ <http://www.legislation.gov.uk/uksi/2009/2264/made>

Mitigation

- 5.178 The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling.
- 5.179 The Secretary of State will need to consider whether the mitigation measures put forward by the applicant which are needed for operation and construction (and which may be over and above any which may form part of the development consent application) are acceptable.
- 5.180 The project should adhere to any national standards for sustainable drainage systems, which introduce a hierarchical approach to drainage design that promotes the most sustainable approach but recognises the feasibility and use of conventional drainage systems as part of a sustainable solution for any given site given its constraints.
- 5.181 The risk of impacts on the water environment can be reduced through careful design to adhere to good pollution practice.

Decision making

- 5.182 Activities that discharge to the water environment are subject to pollution control, and the considerations set out at paragraphs 4.53-4.59 above covering the interface between planning and environmental permitting therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the environment, and to the control regimes relating to works to, and structures in, on, or under, a controlled water.
- 5.183 The Secretary of State will generally need to give more weight to impacts on the water environment where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive.
- 5.184 The Secretary of State will need to be satisfied that a proposal has had regard to the Thames river basin management plan and the Water Framework Directive and its daughter Directives on priority substances and groundwater. In terms of Water Framework Directive compliance, the overall aim of development should be to prevent deterioration in status of water bodies, to support the achievement of the objectives in the Thames river basin management plan and not to jeopardise the future achievement of good status for any affected water bodies. If the development is considered likely to cause deterioration of water body status or to prevent the achievement of good groundwater status or of good ecological status or potential, compliance with Article 4.7 of the Water Framework Directive must be demonstrated. Any use of Article 4.7 must be reported in the Thames river basin management plan.
- 5.185 The Secretary of State will need to consider the interactions of the preferred scheme with other plans, such as statutory water resources management plans.
- 5.186 The Secretary of State will need to consider proposals put forward by the applicant to mitigate adverse effects on the water environment, taking into account the likely impact of climate change on water availability, and whether appropriate requirements should be attached to any development consent and / or planning obligations. If the Environment Agency continues to have concerns, and objects to the grant of development consent on the grounds of impacts on water quality / resources, the Secretary of State can grant consent, but will need to be satisfied that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns.

Historic environment

Introduction

- 5.187 The construction and operation of airports and associated infrastructure has the potential to result in adverse impacts on the historic environment above and below ground. This could be as a result of the scale, form and function of the development, and the wider impacts it can create in terms of associated infrastructure to connect the airport to existing transport networks, changes in aircraft movement on the ground and in the surrounding airspace, additional noise and light levels, and the need for security and space to ensure the airport's operation.
- 5.188 The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
- 5.189 Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. Heritage assets may be buildings, monuments, sites, places, areas or landscapes, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance. Significance derives not only from a heritage asset's physical presence, but also from its setting.²¹⁰
- 5.190 Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are:
- World Heritage Sites;
 - Scheduled Monuments;
 - Listed Buildings;
 - Protected Wreck Sites;
 - Protected Military Remains;
 - Registered Parks and Gardens;
 - Registered Battlefields; and
 - Conservation Areas.²¹¹
- 5.191 Non-designated heritage assets of archaeological interest that are demonstrably equivalent to Scheduled Monuments should be considered subject to the policies for designated heritage assets.²¹² The absence of designation for such heritage assets does not indicate lower significance.
- 5.192 The Secretary of State will also consider the impacts on other non-designated heritage assets on the basis of clear evidence that the assets have a significance that merits consideration in that decision, even though those assets are of lesser value than designated heritage assets. The non-designated heritage assets would be identified

²¹⁰ Setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed, and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral

²¹¹ The issuing of licences to undertake works on protected wreck sites in English waters is the responsibility of the Secretary of State for Culture, Media and Sport and does not form part of development consent orders. The issuing of licences for protected military remains is the responsibility of the Secretary of State for Defence

²¹² There will be archaeological interest in a heritage asset if it holds, or may potentially hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and the people and cultures that made them

either through the development plan process by local authorities, including through 'local listing', or through the nationally significant infrastructure project examination and decision making process.

Applicant's assessment

- 5.193 As part of the environmental statement, the applicant should provide a description of the significance of the heritage assets affected by the proposed development, and the contribution of their setting to that significance. The level of detail should be proportionate to the asset's importance, and no more than is sufficient to understand the potential impact of the proposal on the significance of the asset. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. At a minimum, the relevant Historic Environment Record²¹³ should be consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation. The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage asset affected can be adequately understood from the application and supporting documents.
- 5.194 Detailed studies will be required on those heritage assets affected by noise, light and indirect impacts based on the guidance provided in *The Setting of Heritage Assets*²¹⁴ and the *Aviation Noise Metric*.²¹⁵ Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to assess the impact.
- 5.195 The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible:
- Enhancing, through a range of measures such as sensitive design, the significance of heritage assets or setting affected;
 - Considering measures that address those heritage assets that are at risk, or which may become at risk, as a result of the scheme; and
 - Considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to or interpretation, understanding and appreciation of the heritage assets affected by the scheme.

Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary or permanent.

Decision making

- 5.196 In determining applications, the Secretary of State will seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise from:

²¹³ Historic Environment Records are information services maintained and updated by (or on behalf of) local authorities and National Park Authorities with a view to providing access to comprehensive and dynamic resources relating to the historic environment of an area for public benefit and use. Details of Historic Environment Records in England are available from the Heritage Gateway website. Historic England should also be consulted where relevant

²¹⁴ <https://www.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

²¹⁵ <https://www.historicengland.org.uk/images-books/publications/aviation-noise-metric/>

- Relevant information provided with the application and, where applicable, relevant information submitted during examination of the application;
- Any designation records included on the National Heritage List for England;
- Historic landscape character records;
- The relevant Historic Environment Record(s) and similar sources of information;
- Representations made by interested parties during the examination; and
- Expert advice, where appropriate and when the need to understand the significance of the heritage asset demands it.

5.197 The Secretary of State must also comply with the regime relating to Listed Buildings, Conservation Areas and Scheduled Monuments set out in The Infrastructure Planning (Decisions) Regulations 2010.²¹⁶

5.198 In considering the impact of a proposed development on any heritage assets, the Secretary of State will take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.

5.199 The Secretary of State will take into account: the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets; the contribution of their settings; and the positive contribution their conservation can make to supporting sustainable communities – including to their quality of life, their economic vitality, and to the public's enjoyment of these assets. The Secretary of State will also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example screen planting).

5.200 When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State will give great weight to the asset's conservation. The more important the asset, the greater the weight should be. The Secretary of State will take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

5.201 Once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

5.202 Substantial harm to or loss of a Grade II Listed Building or a Grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated sites of the highest significance, including World Heritage Sites, Scheduled Monuments, Grade I and II* Listed Buildings, Protected Wreck Sites, Registered Battlefields, and Grade I and II* Registered Parks and Gardens should be wholly exceptional.

5.203 Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the

²¹⁶ <http://www.legislation.gov.uk/uksi/2010/305/regulation/3/made>

harm to the significance of the heritage asset, the greater the justification that will be needed for any loss.

- 5.204 Where the proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, the Secretary of State will refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site;
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.205 Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.206 Not all elements of a World Heritage Site or conservation area will necessarily contribute to its significance. The Secretary of State will treat the loss of a building (or other element) that makes a positive contribution to the significance of a World Heritage Site or conservation area's significance either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the elements affected and their contribution to the significance of the World Heritage Site or conservation area as a whole.
- 5.207 Where the loss of significance of any heritage asset is justified on the merits of the new development, the Secretary of State will consider imposing a requirement on the consent, or require the applicant to enter into an obligation, that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed.
- 5.208 The applicant should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance and better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.²¹⁷

Recording

- 5.209 A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.
- 5.210 Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the nature and level of the asset's significance. The applicant should be required to publish this evidence and to deposit copies of the reports with the relevant Historic Environmental Record. They should

²¹⁷ Further good practice advice on decision making in the historic environment can be found at:
<https://www.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>

also be required to deposit the archive generated in a local museum or other public repository willing to receive it.

- 5.211 Where appropriate, the Secretary of State will impose requirements to the development consent order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy in the Airports NPS and has been agreed in writing with the relevant local authority, and that the completion of the exercise is properly secured.
- 5.212 Where there is a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction.

Landscape and visual impacts

Introduction

- 5.213 For airport development, landscape and visual effects also include tranquillity effects, which would affect people's enjoyment of the natural environment and recreational facilities. In this context, references to landscape should be taken as covering local landscape, waterscape and townscape character and quality, where appropriate.

Applicant's assessment

- 5.214 Where the development is subject to an Environmental Impact Assessment, the applicant should undertake an assessment of any likely significant landscape and visual impacts and describe them in the environmental statement. The landscape and visual assessment should reference any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the preferred scheme. In addition, the applicant's assessment should take account of any relevant policies based on these assessments in local development documents.
- 5.215 The applicant's assessment should include any significant effects during construction of the preferred scheme and / or the significant effects of the completed development and its operation on landscape components and landscape character, including historic characterisation. This should include assessment of any landscape and visual impacts as a result of the development, for example surface access proposals or aviation activity.
- 5.216 The assessment should include the visibility and conspicuousness of the preferred scheme during construction and the presence and operation of the preferred scheme and potential impacts on views and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquillity and nature conservation.

Mitigation

- 5.217 Adverse landscape and visual effects may be minimised through appropriate design (including choice of materials), and landscaping schemes. Materials and designs for the Heathrow Northwest Runway scheme should be given careful consideration.

Decision making

Landscape impact

- 5.218 Landscape effects depend on the nature of the existing landscape likely to be changed and nature of the effect likely to occur. Both these factors need to be considered in judging the impact of the preferred scheme on the landscape. The preferred scheme

needs to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the development should aim to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.

Development proposed within nationally designated areas

- 5.219 Great weight should be given to conserving landscape and scenic beauty in nationally designated areas. National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State has a statutory duty to have regard to in decisions.
- 5.220 The Secretary of State should refuse development consent in these areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Consideration of such applications should include an assessment of:
- The need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;
 - The cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and
 - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 5.221 Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the preferred scheme will be carried out to high environmental standards and, where possible, includes measures to enhance other aspects of the environment. Where necessary, the Secretary of State should consider the imposition of appropriate requirements to ensure these standards are delivered.

Developments outside nationally designated areas which might affect them

- 5.222 The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The development should aim to avoid compromising the purposes of designation, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.

Developments in other areas

- 5.223 Outside nationally designated areas, there are local landscapes and townscapes that are highly valued locally and may be protected by local designation. Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.
- 5.224 In taking decisions, the Secretary of State will consider whether the preferred scheme has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation.

Visual impact

- 5.225 The Secretary of State will judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development.

Land instability

Introduction

- 5.226 The effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. They occur in different circumstances for different reasons and vary in their predictability and in their effect on development.

Applicant's assessment

- 5.227 Where necessary, land stability should be considered in respect of new development, as set out in the National Planning Policy Framework and supporting planning guidance.²¹⁸ Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land instability. If land stability could be an issue, the applicant should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority if necessary.
- 5.228 A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. The applicant should ensure that any necessary investigations are undertaken to confirm that their sites are and will remain stable, or can be made so as part of the development. The site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report.

Mitigation

- 5.229 The applicant has a range of mechanisms available to mitigate and minimise risks of land instability. These include:
- Establishing the principle and layout of new development, for example avoiding mine entries and other hazards;
 - Ensuring proper design of structures to cope with any movement expected and other hazards such as mine and / or ground gases; or
 - Requiring ground improvement techniques, usually involving the removal of poor material and its replacement with suitable inert and stable material. For development on land previously affected by mining activity, this may mean prior extraction of any remaining mineral resource.

Dust, odour, artificial light, smoke and steam

- 5.230 The construction and operation of airports infrastructure has the potential to create a range of emissions such as dust, odour, artificial light, smoke and steam. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990.²¹⁹ These may also be covered by pollution control or other environmental consenting regimes.

²¹⁸ <https://www.gov.uk/guidance/land-stability>

²¹⁹ <http://www.legislation.gov.uk/ukpga/1990/43/part/III>

- 5.231 Because of the potential effects of these emissions and in view of the availability of the defence of statutory authority against nuisance claims described previously, it is important that the potential for these impacts is considered by the applicant in its application, by the Examining Authority in examining applications, and by the Secretary of State in taking decisions on development consent.
- 5.232 For nationally significant infrastructure projects of the type covered by the Airports NPS, some impact on amenity for local communities is likely to be unavoidable. Impacts should be kept to a minimum and should be at a level that is acceptable.

Applicant's assessment

- 5.233 Where the development is subject to an Environmental Impact Assessment, the applicant should assess any likely significant effects on amenity from emissions of dust, odour, artificial light, smoke and steam, and describe these in the environmental statement.
- 5.234 In particular, the assessment provided by the applicant should describe:
- The type and quantity of emissions;
 - Aspects of the development which may give rise to emissions during construction, operation and decommissioning;
 - Premises or locations that may be affected by the emissions;
 - Effects of the emission on identified premises or locations; and
 - Measures to be employed in preventing or mitigating the emissions.
- 5.235 The applicant is advised to consult the relevant local planning authority and, where appropriate, the Environment Agency, about the scope and methodology of the assessment.

Mitigation

- 5.236 The Secretary of State should ensure the applicant has provided sufficient information to show that any necessary mitigation will be put into place. In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning emissions of dust, odour, artificial light, smoke and steam from the development to reduce any loss to amenity which might arise during the construction and operation of the development. A construction management plan may help clarify and secure mitigation.

Decision making

- 5.237 The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of dust, odour, artificial light, smoke and steam. This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 5.238 If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, then the defence should be disappplied, in whole or in part, through a provision in the development consent order.

Community compensation

Introduction

- 5.239 The Secretary of State recognises that, in addition to providing economic growth and employment opportunities, airport expansion will also have negative impacts upon local communities. This will include impacts through land take requiring the compulsory acquisition of houses that fall within the new boundary of the airport, exposure to air quality impacts, and aircraft noise, that is both an annoyance and can have an adverse impact on health and cognitive development.
- 5.240 The Secretary of State expects the applicant to provide an appropriate community compensation package, relevant to planning. This will include financial compensation to residents who will see their homes compulsorily acquired, as well as ongoing financial compensation to the local community. In addition to controlling and reducing aircraft noise impacts, the applicant will be required to commit appropriate resources to mitigate the impacts of aircraft through noise insulation programmes for both private homes and public buildings such as schools.
- 5.241 A number of statutory protections are provided in these areas, and the applicant must fulfil its statutory duties in a timely and efficient manner.
- 5.242 Under planning law, residential and agricultural owners in the area within the red line on the map shown in Annex A will be able to make a claim for statutory blight upon the designation of the Airports NPS.
- 5.243 In addition, compensation can be sought in respect of loss of value of a property arising from the development during construction (under the Compulsory Purchase Act 1965)²²⁰ and for loss of value arising from the operation of an expanded airport (under Part 1 of the Land Compensation Act 1973)²²¹ after one year of operation.
- 5.244 People are entitled to know what steps will be taken to help protect them against aircraft noise and, where appropriate, to help them to move house.
- 5.245 In addition to statutory requirements, Heathrow Airport has publicly committed to a community compensation package comprising a number of more generous offers:
- To pay 125% of market value, plus taxes and reasonable moving costs, for all owner occupied homes within the compulsory acquisition zone;²²²
 - To pay 125% of market value, plus taxes and reasonable moving costs, for all owner occupied homes within an additional voluntary purchase / acquisition zone incorporating the area known as the Heathrow Villages;²²³
 - Following a third party assessment, to provide full acoustic insulation for residential property within the full single mode easterly and westerly 60dB LAeq (16hr)²²⁴ noise contour of an expanded airport;
 - Following a third party assessment, to provide a contribution of up to £3,000 for acoustic insulation for residential properties within the full single mode easterly and

²²⁰ <http://www.legislation.gov.uk/ukpga/1965/56/contents>

²²¹ <http://www.legislation.gov.uk/ukpga/1973/26/contents>

²²² <http://your.heathrow.com/newpropertycompensation/>

²²³ <http://your.heathrow.com/newpropertycompensation/>

²²⁴ Leq is the measure used to describe the average sound level experienced over a period of time (usually sixteen hours for day and eight hours for night) resulting in a single decibel value. Leq is expressed as LAeq when it refers to the A-weighted scale

westerly 57dB LAeq (16hr) or the full 55dB Lden²²⁵ noise contours of an expanded airport, whichever is the bigger; and

- To deliver a programme of noise insulation and ventilation for schools and community buildings within the 60dB LAeq (16hr) contour.²²⁶

5.246 In addition to the statutory requirements and the public commitments made by Heathrow Airport, the Government also supports the Airports Commission's recommendation for an additional component of ongoing community compensation proportionate to environmental impacts.

5.247 The Airports Commission suggested this should take the form of a national noise levy paid for by passengers. The Government does not consider a national levy appropriate, but supports the development of a community compensation fund at an expanded Heathrow Airport. The Government expects that the size of the community compensation fund will be proportionate to the environmental harm caused by expansion of the airport. The Government notes that, in its consideration of a noise levy, the Airports Commission considered that a sum of £50 million per annum could be an appropriate amount at an expanded Heathrow Airport, and that, over a 15 year period, a community compensation fund could therefore distribute £750 million to local communities.

5.248 Expansion at Heathrow Airport is likely to increase the amount of locally collected business rates in the area. The Government will consider how authorities can benefit from this through a business rate retention scheme and the opportunities for authorities to work together to share the benefits. Heathrow Airport is currently the highest single site business rates payer in the UK.²²⁷

Applicant's assessment

5.249 The Government expects to see arrangements being made for the community compensation schemes which Heathrow Airport has publicly stated would be provided, and for a community compensation fund.

5.250 The applicant should seek to minimise impacts on local people, to consult on the details of its works, and to put them in place quickly. The Government also looks to the applicant to consult on the detail of a community compensation fund.

Decision making

5.251 The Secretary of State will consider whether and to what extent the applicant has sought to minimise impacts on local people, has consulted on the details of its works, and has put mitigations in place, at least to the level committed to in Heathrow Airport's public commitments. This includes whether the applicant has set out appropriate eligibility criteria, how delivery will be ensured, and whether the applicant has made reasonable efforts to put the works in place quickly.

5.252 The Secretary of State will also consider whether the applicant has consulted on the details of a community compensation fund, including source of revenue, size and duration of fund, eligibility, and how delivery will be ensured.

5.253 The Secretary of State will expect the applicant to demonstrate how these provisions are secured, and how they will be operated. The applicant will also need to show how these measures will be administered to ensure that they are relevant to planning when in operation. The mechanisms for enforcing these provisions should also be

²²⁵ Lden is the 24 hour LAeq calculated for an annual period, but with a five decibel weighting for evening and a ten decibel weighting for night to reflect people's greater sensitivity to noise within these periods

²²⁶ <http://your.heathrow.com/newpropertycompensation/>

²²⁷ <http://www.cvsuk.com/news-resources/news/draft-list-release>

demonstrated, along with the appropriateness of any identified enforcing body, which may include the Secretary of State.

Community engagement

Introduction

- 5.254 The Government recognises that the planning, construction, and subsequent operation of a Northwest Runway will bring both significant impacts and opportunities to communities living around Heathrow Airport. Communities will wish to participate fully in the development and delivery of expansion, and the Government expects them to be able to do so.
- 5.255 There will be many opportunities for communities to engage as expansion is taken forward. The Government is required to consult on and publicise the Airports NPS, and the applicant is subject to pre-application consultation duties. Additional consultations on issues such as airspace change, overseen by the Civil Aviation Authority, will take place outside of the planning process. Ongoing engagement will also be required as the applicant takes forward its compensation package.
- 5.256 The Government wishes to maximise local stakeholder engagement with the expansion process, and it wishes to encourage any applicant and local stakeholders to strengthen the way in which the airport and local stakeholders work together to make engagement effective. Local stakeholders, including those representing communities around Heathrow Airport, have the experience and expertise to identify solutions tailored to their specific circumstances. A number of engagement forums already exist at Heathrow Airport. These have developed over time in response to emerging needs and are consistent with the Government's view that, in principle, it encourages collaborative local solutions.
- 5.257 A community engagement board will be developed at Heathrow Airport to help to ensure that local communities are able to contribute effectively to the delivery of expansion, including to consultations and evidence gathering during the planning process.

Applicant's assessment

- 5.258 The applicant must engage constructively with the community engagement board throughout the planning process, with its membership (including an independent chair), and with any programme(s) of work the community engagement board agrees to take forward.

Decision making

- 5.259 The Secretary of State will consider whether the applicant has engaged constructively with this community engagement board throughout the planning process.

Skills

Introduction

- 5.260 The Government is committed to helping people into jobs and improving the skills of the UK workforce, with a target of three million new apprenticeships being created in the current Parliament.²²⁸ Continuing to create jobs and new training opportunities will

²²⁸ <https://www.gov.uk/government/news/government-kick-starts-plans-to-reach-3-million-apprenticeships>

help to consolidate the national economic recovery, put the UK on the path to full employment and raise the nation's productivity. Apprenticeships have an essential role to play within this work, helping individuals to develop key skills which will benefit both them and employers.

- 5.261 To help deliver the Government's wider skills agenda, the Department for Transport published *Transport Skills Strategy: building sustainable skills* in January 2016, setting out its skills strategy for transport, including aviation, and an additional 30,000 apprenticeships by 2020 across the road and rail sectors.²²⁹ The Strategic Transport Apprenticeship Taskforce has been created to deliver this work.²³⁰
- 5.262 The Government notes that Heathrow Airport already makes a significant contribution to local employment and already has a number of skills and employment initiatives designed to support the business needs of the airport. The Heathrow Academy, established in 2004, supports recruitment and retention of local residents across the retail, construction, aviation and logistics sectors, and includes apprenticeships as a part of the package.²³¹
- 5.263 The Government notes that, with expansion, Heathrow Airport has publicly committed to ensuring 10,000 apprenticeships before 2030, thereby doubling the number currently available at the airport and in its supply chain and airport-related businesses.²³²
- 5.264 The Heathrow Northwest Runway scheme represents an opportunity to grow the number of jobs and apprenticeships supported by the applicant and its supply chain and airport-related businesses, particularly in neighbouring communities.

Applicant's assessment

- 5.265 Heathrow Airport should put in place arrangements for the delivery of the 5,000 new apprenticeships which it has publicly stated would be created. Heathrow Airport should set out the timetable for delivering the apprenticeships, provide information on the areas and skills to be covered by these apprenticeships, the breakdown between opportunities to be created within the core airport and those being offered by companies within its supply chain and other airport-related businesses, and the qualification level and standards which they will need to achieve. Heathrow Airport should also set out how it will publicly report progress against the target.
- 5.266 The Government expects the applicant to maximise the employment and skills opportunities for local residents, including apprenticeships.
- 5.267 Heathrow Airport will also need to show how these measures will be administered to ensure that they are relevant to planning when in operation. The mechanisms for enforcing these provisions should also be demonstrated, along with the appropriateness of any identified enforcing body, which may include the Secretary of State.

Decision making

- 5.268 The Secretary of State will consider whether Heathrow Airport has set out a credible plan to implement its commitment to deliver a total of 10,000 apprenticeships at an expanded airport.

²²⁹ <https://www.gov.uk/government/publications/transport-infrastructure-skills-strategy-building-sustainable-skills>

²³⁰ <https://www.gov.uk/government/news/strategic-transport-apprenticeship-taskforce-to-boost-apprenticeships>

²³¹ <http://www.heathrow.com/company/heathrow-jobs/heathrow-academy>

²³² <https://www.heathrowexpansion.com/uk-growth-opportunities/job-opportunities/>

- 5.269 The Secretary of State will consider how these provisions are secured, and how they will be operated.

Ruling out a fourth runway

Introduction

- 5.270 As part of its work, the Airports Commission considered the possibility that, in addition to the increased capacity provided by a Northwest Runway at Heathrow Airport, the airport might wish in the future to develop a fourth runway. The Airports Commission found no sound case for such a development.
- 5.271 First, the Airports Commission concluded that the airspace around the airport would be increasingly difficult to manage if a fourth runway was built. It noted that the airport could safely support 800,000 air transport movements per year at a four runway site, only 60,000 more than under the (three runway) Heathrow Northwest Runway scheme, but that the airspace impacts would lead to reduced numbers of air transport movements at the other airports in the London area.
- 5.272 Second, the Airports Commission concluded that it would be increasingly challenging to physically accommodate a fourth runway at the Heathrow Airport site. Taken together, these conclusions mean that building a fourth runway at Heathrow Airport would result in significant costs while providing less overall additional benefit.
- 5.273 Finally, the Airports Commission noted that there would be no guarantee that the potential demand for a further runway would be backed by a strong economic or environmental case. Any project to deliver a fourth runway at Heathrow Airport would be costly and extremely difficult to deliver given all of these considerations.
- 5.274 The Airports Commission also noted the importance of a clear signal from Government on limiting expansion to reassure local communities that Heathrow Airport will not expand any further.

Decision making

- 5.275 The Government agrees with the Airports Commission's recommendation and the analysis that underpins it, and therefore does not see a need for a fourth runway at Heathrow Airport. An application in the vicinity of Heathrow Airport for a fourth runway would not be supported in policy terms, and should be seen as being in conflict with the Airports NPS.

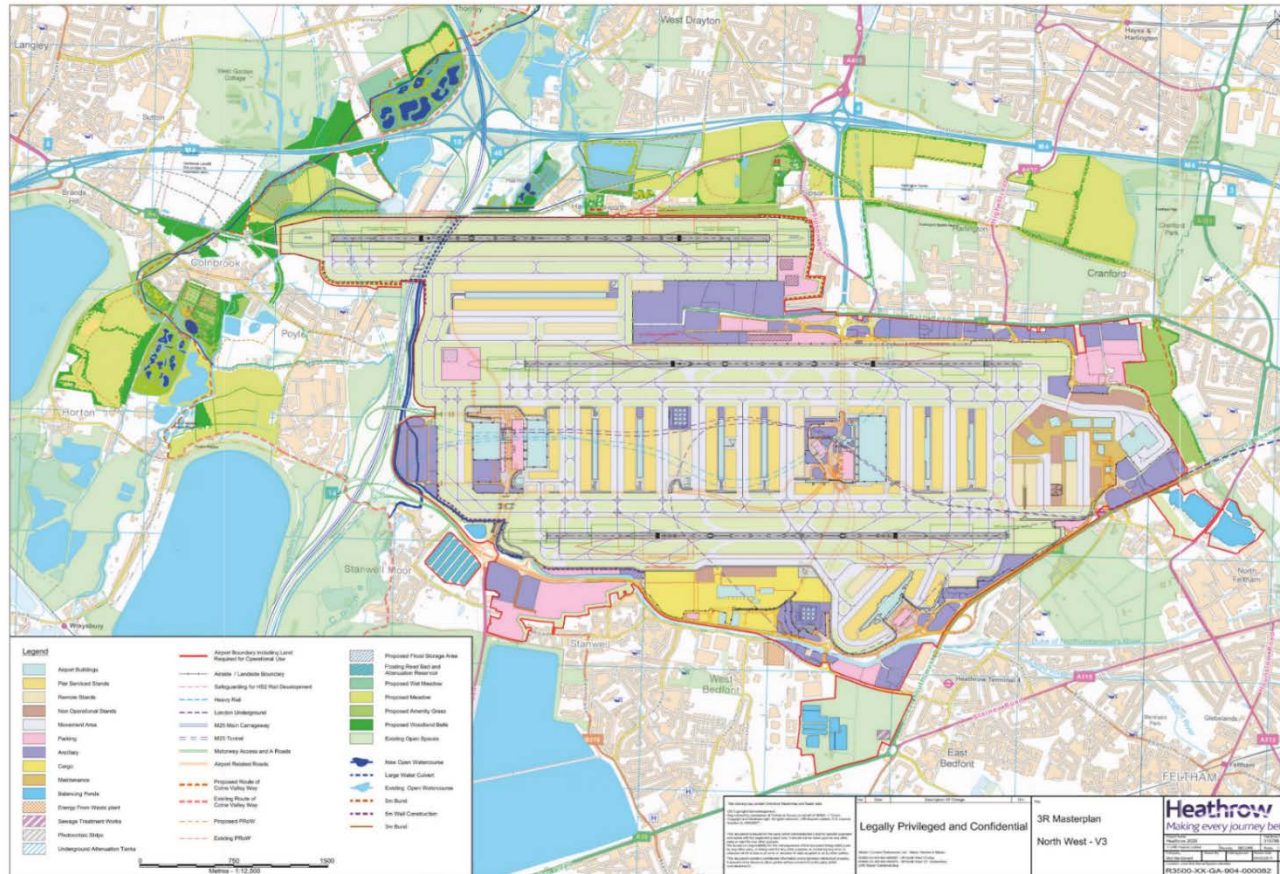
Annex A: Heathrow Northwest Runway scheme boundary map



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Annex B: Illustrative Heathrow Northwest Runway scheme masterplan



NB: This map is for illustrative purposes and is a masterplan of the Heathrow Northwest Runway scheme as submitted by Heathrow Airport to the Airports Commission. It should not be considered as a detailed site plan; the full detail and design of the scheme will be considered as part of Heathrow Airport's development consent application.

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Independent Examination of the Thanet Local Plan

Inspectors' Matters, Issues and Questions for Examination

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Inspectors appointed by the Secretary of State

Date: 15 February 2019

Introduction

Prior to the forthcoming Hearing sessions responses are invited from participants on the following Matters, Issues and Questions ('MIQs') for Examination. The MIQs are based on the Main Issues identified by the Council, the Inspectors' Initial Questions¹ and other relevant issues raised by representors.

Further information about the Examination, Hearings and format of written statements is provided in the accompanying Guidance Note, which should be read alongside the MIQs.

¹ Document L-001

Matter 1 – Compliance with the Act and Regulations, the Habitats Regulations and Strategic Flood Risk Assessment

Issue 1 – Duty to Cooperate

- Q1. What strategic, cross-border matters have arisen through the preparation of the Plan and what cooperation took place to resolve them? Has the cooperation between neighbouring authorities been constructive and proactive?
- Q2. What specific actions were identified as a result of dialogue with neighbouring authorities? What were the outcomes and how did they shape the preparation of the Plan?
- Q3. Have any strategic, cross-border matters arisen through the preparation of the Plan which the draft policies do not seek to address at this stage? If so, what are the reasons for taking this approach?
- Q4. Paragraphs 9.6-9.7 of the *Draft Thanet Local Plan Duty to Cooperate Statement* confirm that discussions have been held with Dover District Council regarding the extent of the housing market area referred to in the Council's *Strategic Housing Market Assessment* ('SHMA') but that no final agreement has yet been reached. What is the current status regarding ongoing discussions with Dover District Council on this issue? What were the outcomes of dialogue with other Kent authorities on the approach to housing market areas?
- Q5. How has the effect of additional growth on the highways network across Kent been considered during the preparation of the Plan? What cooperation has taken place with neighbouring authorities and Kent County Council to consider these impacts? Has this led to any specific actions or policy outcomes?
- Q6. How were issues surrounding economic growth, employment land requirements and retail capacity considered with neighbouring authorities? What actions were identified as necessary, and what were the outcomes?
- Q7. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the 'Framework') and the National Planning Practice Guidance (the 'PPG')?²

Issue 2 – Public Consultation

- Q1. Has public consultation been carried out in accordance with the Council's *Statement of Community Involvement*, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?
- Q2. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations?
- Q3. Were adequate opportunities made available for participants to comment on the Plan in paper, and electronic form?

² Inspectors' Note – Please refer to the Examination Guidance Note for commentary on the changes to national planning policy and guidance, and the implications for the examination of the Thanet Local Plan

- Q4. Were representations adequately taken into account? Where is this set out?

Issue 3 – Local Development Scheme ('LDS')

- Q1. Has the Plan been prepared in accordance with the LDS?
- Q2. The Plan period runs from 2011 to 2031. Is this consistent with paragraph 157 of the Framework, which states that Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon?

Issue 4 – Sustainability Appraisal

- Q1. Have the likely environmental, social and economic effects of the Plan been adequately assessed in the *Sustainability Appraisal – Environmental Report ('SA')*?
- Q2. Does the SA test the Plan against all reasonable alternatives, such as different options for the scale and distribution of growth? Where is this set out?
- Q3. Appendix G1 of the SA ('Justification of Preferred Options – Updated with further iterations of Policy') states that Option 9k (a new settlement) "...would be unsustainable for the same reasons as freestanding countryside sites". Freestanding countryside sites were considered unsustainable due to their access to services, facilities and public transport connections. How does this correlate with paragraph 5.4 of the SA, which states that "...sustainable implementation of a new settlement option could be achieved."? Has the SA considered reasonable alternatives on a consistent basis?
- Q4. How has the provision of a new settlement, as an alternative to the proposed growth strategy, been considered as part of the SA process?
- Q5. In response to the Inspectors' Initial Questions the Council confirmed that the options of locating housing adjoining the urban area and adjoining villages was considered in Appendix G of the SA. However, Appendix G is taken from a report to Cabinet, dated 11 December 2014, and appears to be based on a different housing requirement to the one found in the Local Plan? Please can the Council point to where an assessment of reasonable alternatives has been carried out having regard to the housing requirement in draft Policy SP11?
- Q6. Does the assessment of policies in the SA take into account the findings of the *People Over Wind & Sweetman vs. Coillte Teoranta* judgement? In particular, whether policies are likely to have an adverse effect on site integrity?
- Q7. What is the justification for concluding that proposals for residential development and solar parks on greenfield sites will have a positive effect on the objective of conserving and enhancing biodiversity?
- Q8. How has the SA considered infrastructure proposed in the Infrastructure Delivery Plan ('IDP'), which at this stage is only in draft form and may be subject to change?

Issue 5 - Habitats Regulations

Sandwich Bay Special Area of Conservation ('SAC')

- Q1. How have the potential impacts of recreational disturbance (arising from policies and allocations in the Plan) on the Sandwich Bay SAC been considered?
- Q2. What specific measures does the Plan include to ensure that its policies are not likely to give rise to adverse effects, either alone or in-combination with other plans and projects?
- Q3. How have the potential impacts of atmospheric pollution (arising from policies and allocations in the Plan) on the Sandwich Bay SAC been considered?
- Q4. How are traffic flows predicted to change as a result of the development proposed in the Plan on A or B roads within 200m of any emission-sensitive features of the SAC, both within and outside of Thanet District?
- Q5. Paragraph 5.2 of the *Thanet Local Plan Habitats Regulations Assessment* ('HRA') states that, amongst others, Policy SP26 will mitigate against the in-combination effects of new development. However, Policy SP26 refers specifically to the Thanet Coast SPA and Ramsar Site. How will Policy SP26 benefit the dune features of the SAC?

Thanet Coast and Sandwich Bay Special Protection Area ('SPA') and Ramsar Site

- Q6. How have the potential impacts of recreational disturbance (arising from policies and allocations in the Plan) on the Thanet Coast and Sandwich Bay SPA and Ramsar Site been considered?
- Q7. How has the effect of development on functional habitats in close proximity to, and associated with the SPA, been considered?
- Q8. What specific measures does the Plan include to ensure that its policies are not likely to give rise to adverse effects, either alone or in-combination with other plans and projects?
- Q9. What is the justification for requiring proposals of 10 dwellings or more to include an assessment of the site's functionality as a roosting or feeding resource for the SPA, regardless of location? Is Policy SP12 necessary for all development proposals, including the re-use of previously developed land in urban areas?
- Q10. What is the justification for requiring the assessment (referred to in Question 8 above) to include areas within 400m of the site's boundary?
- Q11. What is the justification for requiring development proposals on land at Manston Court/Haine Road (Policy SP18) to include a survey of ground nesting bird habitats? How does this differ from other site allocations in the Plan?

Strategic Access Management and Monitoring

- Q12. Does Policy SP26 (as referred to by Policy SP12) relate to all proposals for residential development, or just proposals for residential development on

allocated sites? Is this clear to decision-makers, developers and local communities?

- Q13. What is the justification for requiring all proposals for residential development to contribute towards the Strategic Access Management and Monitoring Plan ('SAMM'), regardless of location?
- Q14. What are the tariffs in Table 8 to Policy SP26 based on? Have they been considered as part of the viability evidence which supports the Plan?
- Q15. Is Policy SP26 consistent with paragraph 204 of the Framework which states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind?
- Q16. How will Regulation 123 of the Community Infrastructure Levy Regulations ('CIL') (2010) apply where five or more separate planning applications provide funding towards the projects referred to in Policy SP26? Will Policy SP26 be effective in mitigating the in-combination effects of additional recreational pressure arising from new development in Thanet?
- Q17. Has policy SP25 taken account of Dover District Council's *Thanet Coast SPA Mitigation Strategy (2012)* and ongoing visitor disturbance study at Pegwell Bay and Sandwich Bay? Are there any cross-boundary implications relevant to the policy?
- Q18. Where relevant are the policies in the Plan consistent with the avoid, mitigate and compensate hierarchy in paragraph 118 of the Framework?

Issue 6 – Strategic Flood Risk Assessment ('SFRA')

- Q1. Do any of the sites allocated for development in the Plan fall within Flood Zones 2 or 3? If so, are the allocations and policies consistent with paragraph 100 of the Framework which states that Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change?
- Q2. How has the Council taken a sequential approach to identifying sites for new development?
- Q3. What is the justification for requiring development proposals within 40m of a coastline or clifftop to demonstrate that it will not expose people or property to the risks of coastal erosion and flooding, or accelerate coastal erosion?
- Q4. What affect (if any) has the Environment Agency's latest modelling for the North and East Kent Coast had on the allocations and policies in the Plan?

Issue 7 – Public Sector Equality Duty ('PSED')

- Q1. In what way does the plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

Matter 2 – Objectively Assessed Need and the Housing Requirement (Policy SP11)

Issue 1 – Housing Market Area ('HMA')

- Q1. What is the justification for a Thanet HMA, rather than a wider 'East Kent' HMA?
- Q2. What evidence supports the use of a HMA for Thanet, having particular regard to household migration and travel to work patterns? Is the degree of containment sufficient to justify this approach? Does it accord with national guidance in the PPG?
- Q3. How will housing needs be met across the wider 'East Kent' HMA?

Issue 2 – Population and Household Projections

- Q1. Table 12 in the *Updated Assessment of Objectively Assessed Housing Need* compares household growth in Thanet between 2011 and 2031. Using the 2012-based projections it states that there will be a growth of around 14,297 households, or 715 per year. Assuming a vacant and second home rate of 6.3%, 760 dwellings per annum ('dpa') would be needed to accommodate this level of growth (or **15,200** in total). By comparison, the 2014-based projections identify an increase of 15,397 households. Applying the same vacancy rate would equate to a need for 818 dpa (or **16,360** dwellings in total). What are the reasons for this increase?
- Q2. How does this compare to the latest 2016-based household projections?
- Q3. What is the justification for using a vacant and second home rate of 6.3%? What is this based on?
- Q4. The SHMA Update includes a sensitivity analysis which considers migration trends over 10 and 14-year timeframes. How does this compare to the 2012 and 2014-based household projections? Are 10 and 14-year trends more likely to be representative of what will happen over the plan period than 5-year trends?
- Q5. How have household formation rates changed in Thanet? Is there evidence to suggest that household formation has been suppressed by affordability or constrained supply, especially amongst 25-34 and 35-44 age groups? Does the SHMA apply any adjustments to account for suppressed household formation?
- Q6. What is the justification for the 'rebased' scenario in the SHMA? Using the 2014-based projections it predicts an increase of 15,450 households over the plan period, equating to a need for **16,460** dwellings (or 821 dpa).

Issue 3 – London Migration

- Q1. How has migration between London and Thanet varied prior to, during and after the latest recession? What does this demonstrate?
- Q2. What are the reasons behind migration trends to and from London? What evidence is there to suggest that past-trends will continue over the plan period?

- Q3. Taking into account answers to the questions above, what is the justification for applying an uplift to account for London migration?
- Q4. Is the suggested uplift consistent with other development plans across the wider 'East Kent' HMA?

Issue 4 – Market Signals

- Q1. The PPG³ advises that household projections should be adjusted to reflect appropriate market signals, as well as other market indicators. How does the evidence demonstrate that Thanet is performing with regard to:
- Land prices;
 - House prices;
 - Rents;
 - Affordability;
 - Rates of development; and
 - Overcrowding.
- Q2. How has the position changed since preparation of the SHMA Update? Have factors such as affordability been improving or worsening?
- Q3. Paragraph 2.15 of the SHMA Update states that a further upward adjustment is warranted to improve affordability and support younger households in forming. This has been done by returning household formation rates for those aged 25-34 back to 2001 levels over the period to 2025, which increases the overall housing need from 16,760 dwellings (838 dpa) to **17,140** dwellings (or 857 dpa). Is it appropriate to use adjustments to household formation rates as a mechanism for responding to worsening market signals?
- Q4. What impact will this uplift have on affordability and is it appropriate? If not, what adjustments should be made to account for market signals and why?

Issue 5 - Housing Trajectory

- Q1. What is the justification for the housing trajectory in Policy SP11? What is it based on and why does it propose a significantly higher housing target during the middle-to-end of the plan period?
- Q2. Does the stepped trajectory reflect the type and size of sites proposed for new residential development in the Plan?

Issue 6 – Housing Requirement

- Q1. Is the housing requirement justified and is it based on robust, up-to-date and available evidence? If not, what should the housing requirement be?
- Q2. Policy SP11 states that provision is made for a 'total' of 17,140. Is this consistent with the evidence-base, or should the figure be referred to as a minimum?

³ Paragraph: 019 Reference ID: 2a-019-20140306

Matter 3 – Affordable Housing Need

Issue 1 – Definition of Affordable Housing

- Q1. Does the Plan include a definition of affordable housing? If not, to be effective should one be included?

Issue 2 – Affordable Housing Need

- Q1. What is the annual net need for affordable housing as defined by the SHMA? For clarity to decision-makers, developers and local communities should the need for affordable housing be clearly set out in the Plan?
- Q2. Has the affordable housing need been correctly established, and is it based on up-to-date information?
- Q3. How does it compare to the housing requirement?
- Q4. What is the justification for requiring at least 30% affordable housing on qualifying sites? What is this based on, how was it calculated and what alternatives were considered?
- Q5. Based on the requirements for qualifying developments to provide 30% affordable housing, how many affordable homes is the Plan expected to deliver?
- Q6. How does this compare to the identified need?
- Q7. How does this compare to previous performance? How many affordable homes have been provided as a percentage of total output over the past 5-10 years?
- Q8. The PPG states that an increase to the total housing figures should be considered where it would help deliver the required number of affordable homes. Has an uplift to the housing requirement for this reason been considered? If so, where is this set out?

Issue 3 – Viability

- Q1. The *Thanet District Council Local Plan and CIL Viability Assessment* indicates that for schemes on previously developed land, where development costs are typically higher than greenfield sites, the affordable housing target could be lowered to 20% (paragraph 3.12.3). With this in mind, what is the justification for a 30% target across all development types and locations? Is Policy SP20 justified?
- Q2. How has the evidence-base considered the differences between bringing forward strategic and non-strategic sites? Does it justify a consistent approach to affordable housing across all sites, regardless of size?

Matter 4 – Spatial Strategy (Policies SP12, SP21, HO1, HO10, HO11 and HO18)

Issue 1 – Settlement Hierarchy and Housing Distribution

- Q1. Does the Plan set out a hierarchy of settlements where new development will be directed towards? If so, is it clear to decision-makers, developers and local communities?
- Q2. How have the main urban areas of Margate, Ramsgate, Broadstairs and Westwood been defined? Do they represent a single urban area where the majority of new development is concentrated?
- Q3. Does the Plan seek to direct a certain percentage, or proportion of growth, to particular areas and/or settlements? If so, where is this set out and what is it based on?
- Q4. How did the Council decide on the scale and level of growth attributed to Margate, Ramsgate, Broadstairs, Westwood and the Rural Settlements?
- Q5. How did the Council consider the economic and other benefits of best and most versatile agricultural land in pursuing the growth options in the Plan?
- Q6. Is the distribution of development consistent with the Framework's Core Planning Principles which, amongst other things, seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable?
- Q7. What alternative options were considered as part of the Plan's preparation and why were they discounted?
- Q8. What is the rationale for pursuing growth on larger, strategic sites, rather than smaller site allocations to meet the housing requirement?
- Q9. Is the spatial strategy justified? Does it represent the most appropriate strategy, when considered against the reasonable alternatives?

Issue 2 – Housing Development – Policies HO1 and SP12

- Q1. What is the justification for requiring proposals on allocated housing sites to be consistent with the indicative phasing schedule in Appendix B? How will this be determined, and is it clear to decision-makers, developers and local communities what is expected of proposals for new development?
- Q2. What is the justification for restricting proposals on non-allocated sites to only previously developed land? How would a decision-maker be expected to react to a proposal for residential development on a greenfield site within one of the main towns?
- Q3. What is the justification for specifically referring to residential gardens under Policy HO1(3)? Does this apply to all residential gardens, regardless of location? Is this sufficiently clear to decision-makers, developers and local communities?
- Q4. Is the final requirement of Policy HO1 consistent with the strategic site allocations, some of which seek to promote alternative uses as part of new mixed-use developments? Is the policy effective?

- Q5. What is a housing implementation strategy referred to in paragraph 11.8 of the Plan? Is the purpose of this strategy clear? Who will be responsible for the strategy and what outcomes does it seek to achieve?
- Q6. What is the justification for having separate criteria for housing developments over 10 units in Policy SP12?
- Q7. Does the Plan provide sufficient support for self-build and custom housebuilding? Has a need been identified, and if so, how does the Plan seek to meet this need?
- Q8. How will the Council ensure that developments make every reasonable effort to accommodate self-build needs as required by Policy SP12?
- Q9. What is the justification for requiring a Statement of Social Impacts to be provided on developments of 50 or more dwellings? Is it clear to decision-makers, developers and local communities what is required?

Issue 3 – Cliftonville West and Margate Central – Policy HO10

- Q1. What is the justification for requiring development proposals in Cliftonville West and Margate Central to increase the number of family homes?
- Q2. Is it clear to decision-makers, developers and local communities what is required of proposals for new development? Is the policy effective?

Issue 4 – Housing at Rural Settlements – Policies HO11 and HO18

- Q1. Policy HO11 permits housing development within "*the confines of the rural settlements...*". Are the rural settlements defined in paragraph 11.11 of the Plan? Is this clear to decision-makers, developers and local communities?
- Q2. What is the justification for development proposals in rural settlements to be compatible with the historic scale of growth of the settlement? How would this be determined? Is the policy effective?
- Q3. For the purposes of Policy HO11(2) how will development "*more than minor in scale*" be determined? Is this sufficiently clear to decision-makers, developers and local communities? Is the policy effective?
- Q4. Is the text under Policy HO11 part of the policy, or supporting text? What is the justification for points (1) and (2)?
- Q5. Is Policy HO11 consistent with paragraph 55 of the Framework? Will there be sufficient growth in the Rural Settlements to help support sustainable rural communities?
- Q6. Is it clear to decision-makers, developers and local communities what settlements Policy HO18 applies to?
- Q7. Is Policy HO18 consistent with paragraph 54 of the Framework which states that local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs? Is the policy positively prepared and worded?
- Q8. How often are the detailed parish surveys referred to in Policy HO18 carried out? Are they available for all rural settlements?

Issue 5 – Development in the Countryside – Policy SP21

- Q1. How would a decision-maker determine if the need for a development overrides the need to protect the countryside for the purposes of Policy SP21? Is the policy effective?
- Q2. Is Policy SP21 consistent with paragraph 55 of the Framework which allows for certain forms of development in the countryside, such as the need for rural workers to live at or near their place of work?

Matter 5 – Strategic Sites (Policies SP13-SP18 and HO2)

Issue 1 – Methodology

- Q1. What was the process for identifying the residential site allocations, including their size, location and distribution? How were they chosen?
- Q2. Was the process of allocating sites robust? Did it take into account sufficient factors?
- Q3. How were site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence?
- Q4. For the strategic sites, how was the mix of uses determined?
- Q5. How have the constraints of each site been taken into account and any necessary mitigation been considered as part of the process of allocating land for housing? In particular, how has the Council considered and assessed the impact of development on transport infrastructure, heritage assets and drainage? Where is this set out?
- Q6. Where the delivery of sites is dependent upon new infrastructure is it clear who will make this provision and when? Where applicable have the additional costs been factored into an assessment of viability?
- Q7. How has the Council taken into account the agricultural land classification when considering whether to allocate sites for housing? Has an assessment of each site been carried out?
- Q8. How has the effect of development on the landscape character of the area been considered as part of the allocation process?
- Q9. Are there any factors which indicate that a site(s) should not have been allocated for development? Are all the sites developable within the plan period?

Issue 2 – Manston Green Strategic Housing Site – Policy SP13

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 785 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q5. Is it sufficiently clear to developers, decision-makers and local communities when and how the proposed primary school will be delivered?
- Q6. Have the costs associated with the open space and primary school been taken into account in considering the viability of the site?
- Q7. What is the justification for restricting development to the northern part of the site? Is this justified?

- Q8. How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q9. How will proposals be expected to provide connections with existing public rights of way and cycle networks to promote the use more sustainable modes of transport?
- Q10. What consideration has been given to the standard of living accommodation for potential future occupants, having particular regard to the proximity of the site to Manston Airport?
- Q11. How does the Plan ensure that any necessary infrastructure will be provided as part of proposals for the site?
- Q12. Why, unlike the other strategic allocations, does the site not have an indicative phasing in Appendix B to the Plan?

Issue 3 – Birchington Strategic Housing Site – Policy SP14

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 1,600 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q5. Is it sufficiently clear to developers, decision-makers and local communities when and how the proposed primary school will be delivered?
- Q6. Is it sufficiently clear to decision-makers, developers and local communities what is expected in relation to the provision of additional healthcare?
- Q7. Have the costs associated with the open space, primary school and medical centre expansion been taken into account in considering the viability of the site? Is the site developable within the plan period?
- Q8. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q9. What is the relationship with the Strategic Route safeguarded under Policy SP47? How will the Strategic Route be delivered, and is the delivery of the allocation dependant upon this new infrastructure?
- Q10. How has the effect of the proposed development on air quality been taken into account? What effect will the proposal have, and what mitigation will be necessary?
- Q11. How will proposals be expected to provide connections with existing public rights of way and cycle networks to promote the use more sustainable modes of transport?

- Q12. How does the scale of proposed development relate to the size, role, function and character of Birchington?
- Q13. Appendix B to the Plan estimates that 50 dwellings will be delivered on the site in 2019/20. What is this based on and is it a realistic expectation?

Issue 4 – Westwood Strategic Housing Site – Policy SP16

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 1,450 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 40 dwellings per hectare? Is this policy requirement justified? Why is a higher density justified on this site, compared to other strategic allocations?
- Q4. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q5. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q6. Is it clear to decision-makers, developers or local communities when the access road will be provided, and by who?
- Q7. How will proposals for the site be expected to provide connections with existing public rights of way and cycle networks to promote the use more sustainable modes of transport?
- Q8. How does the scale of proposed development relate to the size, role, function and character of Westwood?
- Q9. What is the justification for requiring development proposals to retain an undeveloped corridor as part of an extension to the Green Wedge to the east of the site? How will this be achieved?
- Q10. Is it clear to decision-makers, developers and local communities what is required in respect of contributions towards education provision? What existing and proposed schools are within the catchment area of the site, and how will they be affected as a result of the development proposed?
- Q11. What is the justification for safeguarding land for the expansion of Margate Cemetery under Policy CM03? Does the cemetery expansion land fall within, or outside the boundary of the strategic site allocation? Is it clear who will deliver the expansion to the cemetery, and when?
- Q12. What consideration has been given to the standard of living accommodation for potential future occupants, having particular regard to the proximity of the site to the CEMEX Margate Concrete Plant and Margate Waste Recycling Centre?
- Q13. What effect will the proposed development have on existing drainage infrastructure? Will additional infrastructure be required to accommodate the proposal, and if so, how will this be provided?

- Q14. What effect will the proposed development have on existing healthcare provision in the area?
- Q15. Appendix B to the Plan estimates that 50 dwellings will be delivered on the site in 2019/20. What is this based on and is it a realistic expectation?

Issue 5 – Westgate-on-Sea Strategic Housing Site – Policy SP15

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 2,000 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q5. Is it clear to decision-makers, developers and local communities what community facilities are required as part of the development?
- Q6. Is it sufficiently clear to developers, decision-makers and local communities when and how the proposed primary school and medical centre will be delivered?
- Q7. Have the costs associated with the open space, primary school and medical centre been taken into account in considering the viability of the site? Is the site developable within the plan period?
- Q8. What is the justification for the provision of a new District Centre as part of proposals for the site?
- Q9. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q10. What is the justification for requiring a Landscape and Visual Impact Assessment, but not for other strategic allocations?
- Q11. How has the effect of the proposed development on air quality been taken into account? What effect will the proposal have, and what mitigation will be necessary?
- Q12. How will proposals be expected to provide connections with existing public rights of way and cycle networks to promote the use more sustainable modes of transport?
- Q13. How does the scale of proposed development relate to the size, role, function and character of Westgate-on-Sea?
- Q14. What effect will the proposed development have on the setting of the Grade II* listed Dent-de-Lion Court?
- Q15. Appendix B to the Plan estimates that 50 dwellings will be delivered on the site in 2019/20. What is this based on and is it a realistic expectation?

Issue 6 – Land fronting Nash and Haine Roads - Policy SP17

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Is it clear to decision-makers, developers and local communities how many dwellings are allocated on the site? Is the policy effective in this regard?
- Q3. What is the justification for not specifying a maximum density, unlike other strategic housing allocations?
- Q4. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q5. Is it sufficiently clear to developers, decision-makers and local communities when and how the proposed school and medical centre will be delivered?
- Q6. Have the costs associated with the open space, primary school and medical centre been taken into account in considering the viability of the site? Is the site developable within the plan period?
- Q7. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q8. How will proposals be expected to provide connections with existing public rights of way and cycle networks to promote the use more sustainable modes of transport?
- Q9. How does the scale of proposed development relate to the size, role, function and character of the area?
- Q10. What is the justification for requiring proposals to provide and maintain air quality information to inform the Council's ongoing air quality review and assessment programme?
- Q11. What consideration has been given to the standard of living accommodation for potential future occupants, having particular regard to the proximity of the site to the MPL Recycling Centre?
- Q12. Does the allocation form part of the sites listed in Appendix B to the Plan?

Issue 7 – Land at Manston Court Road/Haine Road - Policy SP18

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 1,200 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 30 dwellings per hectare? Is this policy requirement justified? Why is a lower density justified on this site, compared to other strategic allocations?
- Q4. Is it clear to decision-makers, developers and local communities what is required of the masterplan and how this will integrate with development at the 'adjoining sites'? Is the policy effective?

- Q5. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q6. Is it sufficiently clear to developers, decision-makers and local communities when and how the proposed school will be delivered?
- Q7. Have the costs associated with the open space and secondary school been taken into account in considering the viability of the site? Is the site developable within the plan period?
- Q8. What is the justification for requiring contributions to an internal spine road laid out in accordance with the requirements of the draft Transport Strategy? Is it clear to decision-makers, developers and local communities what is required? Is the policy justified and effective?
- Q9. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q10. How will proposals for the site be expected to provide connections with existing public rights of way and cycle networks to promote the use more sustainable modes of transport?
- Q11. How does the scale of proposed development relate to the size, role, function and character of the area?
- Q12. What is the justification for requiring ecological surveys of breeding and wintering birds? What effect will the proposed development have on breeding and wintering birds? How has this been considered as part of the allocation process?
- Q13. What is the current status regarding the submitted planning application for the site?
- Q14. What consideration has been given to the standard of living accommodation for potential future occupants, having particular regard to the proximity of the site to Manston Airport?
- Q15. Appendix B to the Plan estimates that 50 dwellings will be delivered on the site in 2019/20. What is this based on and is it a realistic expectation?

Issue 8 – Land North and South of Shottendane Road – Policy HO2

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 300 dwellings at land north of Shottendane Road and up to 250 dwellings on land south of Shottendane Road? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. Is it clear to decision-makers, developers and local communities what is required of the masterplan and development brief? Why will both these documents be required and how will they relate to one another? Is the policy effective?

- Q5. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of? What are the costs of these improvements and have they been taken into account when assessing the viability of the allocation?
- Q6. The masterplan for the northern site is expected to include a link road through the site to link Hartsdown Road and Shottendane Road. What is the justification for this? Has the cost of providing this infrastructure been included in the viability assessment of the site?
- Q7. What is the justification for requiring 6.23 hectares of open space to be provided? Is it clear from the policy how the open space will be expected to be spread across the two sites? Is the policy justified and effective?
- Q8. Is it clear to decision-makers, developers and local communities how off-site mitigation for the loss of ground nesting bird habitats will be identified and delivered? Is this policy effective?
- Q9. Developments are required to incorporate and provide for improvements identified in the Thanet Transport Strategy. Is it clear to decision-makers, developers and local communities what specific improvements have been identified for the allocation and are these justified? Is the delivery of the site dependent on these improvements being delivered?
- Q10. What is the justification for requiring improvements to Margate Cricket Club pitch and facilities? Has the cost of providing these improvements been included in the viability assessment of the site?
- Q11. How has the effect of the proposed development on nearby heritage assets been taken into account? What impact will the allocation have on designated heritage assets? Is the policy justified?
- Q12. What effect will the proposed development have on existing drainage infrastructure? Will additional infrastructure be required to accommodate the proposal, and if so, how will this be provided?
- Q13. Appendix B to the Plan estimates that 30 dwellings will be delivered on the site in 2021/22. What is this based on and is it a realistic expectation?

Matter 6 – Non-Strategic Sites (Policies HO3-HO9)

Issue 1 – Land on west side of Old Haine Road, Ramsgate – Policy HO3

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 250 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. Is it clear to decision-makers, developers and local communities what is required of the masterplan and development brief? Why will both these documents be required and how will they relate to one another? Is the policy effective?
- Q5. How has the effect of the proposed development on the local road network been considered? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of? What are the costs of these improvements and have they been considered when assessing the viability of the allocation?
- Q6. What is the justification for requiring a pre-design archaeological evaluation? How has the effect of the proposed development on nearby heritage assets been considered?
- Q7. What consideration has been given to the standard of living accommodation for potential future occupants, having regard to the proximity of the site to Manston Airport?
- Q8. What is the justification for specifying that proposals should contribute towards provision of a new school, where required? What will be the cumulative impact of the proposed development on the capacity of local schools?
- Q9. Appendix B to the Plan estimates that 20 dwellings will be delivered on the site in 2020/21. What is this based on and is it a realistic expectation?

Issue 2 – Land fronting Nash Road and Manston Road – Policy HO4

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 250 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. Is it clear to decision-makers, developers and local communities what is required of the masterplan and development brief? Why will both these documents be required and how will they relate to one another? Is the policy effective?
- Q5. How has the effect of the proposed development on the local road network been considered? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway

- improvements consist of? What are the costs of these improvements and have they been considered when assessing the viability of the allocation?
- Q6. What is the justification for requiring a pre-design archaeological evaluation? How has the effect of the proposed development on nearby heritage assets been considered?
- Q7. What liaison has taken place with service providers during the preparation of the Plan to inform the allocation? What evidence is available to show that upgrading capacity will be required and that this can be delivered in a timely manner?
- Q8. Is it clear to decision-makers, developers and local communities how development proposals for the site will "*meet the needs of particular groups*"? Is the policy effective?
- Q9. What is the justification for requiring sheltered and extra care housing as part of proposals for the site? What is this based on and is it justified?
- Q10. Appendix B to the Plan estimates that 30 dwellings will be delivered on the site in 2019/20. What is this based on and is it a realistic expectation?

Issue 3 – Land south of Brook Avenue, Garlinge – Policy HO6

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 34 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. What is the justification for requiring development to be informed by a Transport Assessment and Archaeological evaluation? How has the effect of the proposed development on the local road network and heritage assets been considered? Is the policy requirement justified?

Issue 4 – Land at Haine Road and Spratling Street, Ramsgate – Policy HO7

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 85 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. Is it clear to decision-makers, developers and local communities what is required of the masterplan and development brief? Why will both these documents be required and how will they relate to one another? Is the policy effective?
- Q5. How has the effect of the proposed development on the local road network been considered? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of? What are the costs of these improvements and have they been considered when assessing the viability of the allocation?

- Q6. What liaison has taken place with service providers during the preparation of the Plan to inform the allocation? What evidence is available to show that upgrading capacity will be required and that this can be delivered in a timely manner?
- Q7. Appendix B to the Plan estimates that 20 dwellings will be delivered on the site in 2020/21. What is this based on and is it a realistic expectation?

Issue 5 – Land south of Canterbury Road East, Ramsgate - Policy HO8

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 27 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. What is the justification for requiring a development brief to be provided?
- Q5. What is the justification for requiring development to be informed by an archaeological and ecological evaluation? How has the effect of the proposed development on heritage assets and ecology been considered? Is the policy requirement justified?
- Q6. What is the justification for requiring development to retain and enhance trees and hedgerows for their biodiversity interest? Why has this policy requirement not been included in other site allocations in the Plan?
- Q7. Appendix B to the Plan estimates that 10 dwellings will be delivered on the site in 2021/22. What is this based on and is it a realistic expectation?

Issue 6 – Land at Melbourne Avenue, Ramsgate – Policy HO9

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. What is the justification for allocating the site for up to 49 dwellings? What is this based on and is it achievable?
- Q3. What is the justification for specifying a maximum density of 35 dwellings per hectare? Is this policy requirement justified?
- Q4. What is the justification for requiring development to be informed by a transport and ecological evaluation? How has the effect of the proposed development on the local road network and ecology been considered? Is the policy requirement justified?
- Q5. Is it clear to decision-makers, developers and local communities how much, and what type of “amenity space” is required in addition to retaining The Copse?
- Q6. How will the woodland be managed as a community asset? How and by whom will its management be coordinated and funded? Has the viability assessment of the site taken account of this cost?
- Q7. Appendix B to the Plan estimates that 20 dwellings will be delivered on the site in 2021/22. What is this based on and is it a realistic expectation?

Matter 7 – Sites Allocated for Residential Development at Rural Settlements (Policies HO12-HO17)

Issue 1 – Land at Tothill Street, Minster – Policy HO12

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision-makers, developers and local communities what scale of residential development is permitted?
- Q3. What is the justification for requiring development to be informed by a transport assessment and archaeological evaluation? How has the effect of the proposed development on the local road network and heritage assets been considered? Is the policy requirement justified?
- Q4. How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of? What are the costs of these improvements and have they been considered when assessing the viability of the allocation?
- Q5. What is the justification for requiring land to be safeguarded within the site for the expansion of the existing cemetery, and for consultation to be carried out with Minster Parish Council? How will this affect the number of dwellings the site is expected to yield and the deliverability of the site?
- Q6. What is the justification for requiring the provision of open space in accordance with Policy SP31?

Issue 2 – Land at Manor Road, Nicholas St. Wade – Policy HO13

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision-makers, developers and local communities what scale of residential development is permitted?
- Q3. How has the effect of the proposed development on the local road network been considered? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of? What are the costs of these improvements and have they been considered when assessing the viability of the allocation?
- Q4. What is the justification for requiring the provision of open space in accordance with Policy SP31?

Issue 3 – Land at Walter's Hall Farm, Monkton – Policy HO14

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision-

makers, developers and local communities what scale of residential development is permitted?

- Q3. What is the justification for requiring development to be informed by an archaeological evaluation and to respect the setting of the Listed Building? Is it clear to decision-makers, developers and local communities which heritage asset(s) the policy refers to?
- Q4. How has the effect of the proposed development on heritage assets been considered? Is the allocation justified?

Issue 4 – Land south side of A253, Cliffsend – Policy HO15

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision-makers, developers and local communities what scale of residential development is permitted?
- Q3. What is the justification for requiring development to be informed by a pre-design archaeological assessment? How has the effect of the proposed development on heritage assets been considered? Is the policy requirement justified?
- Q4. What is the justification for requiring proposals for new development to explore and provide where possible sustainable connections to the proposed Parkway station? Is it sufficiently clear to decision-makers, developers and local communities what is meant by the term "*sustainable connections*"?
- Q5. What will be the cost of providing these connections and how will they be funded? Has this cost been considered as part of the viability assessment for the site?

Issue 5 – Land north of Cottington Road, Cliffsend – Policy HO16

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision-makers, developers and local communities what scale of residential development is permitted?
- Q3. What is the justification for requiring development to be informed by an archaeological assessment including fieldwork, and include an assessment of development on the setting of St. Augustine's Cross? How has the effect of the proposed development on heritage assets been considered? Is the policy justified?
- Q4. How has the effect of the proposed development on the local road network been considered? How will the site be accessed, and is it clear to decision-makers, developers and local communities what constitutes "*excessive traffic use*"? Is the policy justified and effective?

- Q5. What is the justification for requiring proposals for new development to explore and provide where possible sustainable connections to the proposed Parkway station? Is it sufficiently clear to decision-makers, developers and local communities what is meant by the term "*sustainable connections*"?

Issue 6 – Land south of Cottington Road, Cliffsend – Policy HO17

- Q1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?
- Q2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision-makers, developers and local communities what scale of residential development is permitted?
- Q3. What is the justification for requiring development to be informed by an archaeological assessment including fieldwork, and include an assessment of development on the setting of St. Augustine's Cross? How has the effect of the proposed development on heritage assets been considered? Is the policy justified?
- Q4. What is the justification for requiring proposals for new development to explore and provide where possible sustainable connections to the proposed Parkway station? Is it sufficiently clear to decision-makers, developers and local communities what is meant by the term "*sustainable connections*"?
- Q5. What is the justification for requiring development proposals to include a flood risk assessment? Is it clear to decision-makers, developers and local communities what is required of proposals for new development?

Issue 7 – Additional Information

- Q1. What is the status of the "*additional information*" provided underneath Policy HO17? Is the list intended to represent policy requirements? If so, why have the sites not been included as specific allocations in the Plan? Is the Plan justified and effective in this regard?

Matter 8 – Housing Land Supply

Issue 1 – Five-Year Housing Land Requirement

- Q1. What is the basic five-year housing land requirement, what is it based on and how has it been calculated?
- Q2. How does the five-year housing land requirement compare to previous rates of delivery?

Paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should identify and update annually a deliverable five-year supply of housing, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery this should be increased to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

- Q3. Taking a longer-term view, how has the Council performed against previous annual housing requirements? Does this represent the 'persistent undersupply' defined by the Framework? In this context, should the buffer be 5% or 20%?
- Q4. If a 20% buffer applies, should this be applied to the basic five-year requirement, or the five-year requirement and any undersupply?
- Q5. If there has been an undersupply, should this be addressed within the next five years (the 'Sedgefield' method), or over the remainder of the plan period (the 'Liverpool' method)? Is the Council's approach consistent with the PPG which advises that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible?⁴
- Q6. Taking the above into account, what is the five-year housing land requirement?

Issue 2 – Supply Methodology

The PPG⁵ states that planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide clear evidence to support the deliverability of sites, ensuring that judgements on deliverability are clearly and transparently set out.

The PPG also advises that the size of sites will be an important factor in identifying whether a housing site is deliverable within five years. Plan makers should consider lead-in times and build-out rates to ensure a robust five-year housing land supply. Taking this into account:

Sites with Planning Permission

- Q1. What evidence is there to indicate that the sites with planning permission will come forward as illustrated in the housing trajectory?

⁴ Paragraph: 035 Reference ID: 3-035-20140306

⁵ Paragraph: 031 Reference ID: 3-031-20140306

- Q2. What lead-in times and build-out rates have been applied to sites with planning permission? What are they based on?
- Q3. Have the same lead-in times and build-out rates been used for sites across the District, and for sites with outline and full planning permission? If so, is this appropriate and justified?
- Q4. Are there any sites in the trajectory which have a resolution to grant planning permission subject to the completion of a planning obligation? If so, how has this been considered in determining deliverability?
- Q5. How has the trajectory considered that some sites may not come forward due to unforeseen circumstances? Has a lapse-rate or allowance for non-deliverability been applied? If so, has it been applied to all sites?

Sites without Planning Permission

- Q6. What evidence is there to indicate that the sites without planning permission will come forward as illustrated in the housing trajectory?
- Q7. Have the same lead-in times and build-out rates been applied to sites without planning permission? How do they vary?

Issue 3 – Components of Supply

- Q1. What evidence is there to support the housing trajectory for Birchington (Policy SP14)? Does this adequately reflect the time it will take to bring development forward and the necessary infrastructure requirements for the site?
- Q2. What evidence is there to support the housing trajectory for Westgate-on-Sea (Policy SP15)? Does this adequately reflect the time it will take to bring development forward and the necessary infrastructure requirements for the site?
- Q3. What evidence is there to support the housing trajectory for Westwood (Policy SP16)? Does this adequately reflect the time it will take to bring development forward and the necessary infrastructure requirements for the site?
- Q4. How has the development of land fronting Nash Road and Haine Road (Policy SP17) been considered in the housing trajectory?
- Q5. What evidence is there to support the housing trajectory for land at Manston Court (Policy SP18)? Does this adequately reflect the time it will take to bring development forward and the necessary infrastructure requirements for the site?

Issue 4 – Windfall Allowance

Paragraph 48 of the Framework states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends, and should not include residential gardens. Taking this into account:

- Q1. What allowance has been made for windfall sites coming forward over the first five years, and thereafter throughout the plan period?
- Q2. What is this based on and is it justified on appropriate available evidence?

Issue 5 – Future Supply

Paragraph 47 of the Framework states that local planning authorities should also identify a supply of specific, developable sites or broad locations for growth for years 6-10, and, where possible, years 11-15.

- Q1. How has the Council arrived at the figures in the Housing Trajectory for years 6-10 and 11-15?
- Q2. What factors were considered in arriving at the figures in the Housing Trajectory? Are they justified and based on appropriate available evidence?
- Q3. Is there likely to be a sufficient supply of housing land throughout the lifetime of the Plan?

Issue 6 – Flexibility

- Q1. What flexibility does the plan provide if some of the larger sites do not come forward in the timescales envisaged?
- Q2. Is it necessary to have a review mechanism in the Plan to consider progress against these, and other sites, and to identify any appropriate steps to increase supply if required?

Matter 9 – Meeting Housing Needs (Policies SP19-SP20, QD04-QD05, HO20-HO26)

Issue 1 – Type and Size of Dwellings – Policy SP19

- Q1. How does Plan address the need for different types of housing and the needs of different groups in the community? Is the Plan consistent with paragraph 50 of the Framework?
- Q2. Is it clear to developers, decision-makers and local communities what the "SHMA recommendations" consist of for the purposes of Policy SP19?
- Q3. Is Policy SP19 sufficiently flexible to react to changing circumstances over the plan period, and to reflect the different characteristics of sites, such as smaller, town centre developments?
- Q4. What is the justification for encouraging proposals that incorporate a higher proportion of houses than recommended in the SHMA? Is Policy SP19 justified and consistent with the evidence base in this regard?
- Q5. What is a dwelling house "suited to modern living requirements" for the purposes of Policy SP19? Is this sufficiently clear to decision-makers, developers and local communities? Is the policy effective?
- Q6. In what circumstances might there be conflict between the Local Plan and the Cliftonville DPD as expressed in Policy SP19?

Issue 2 – Provision of Affordable Housing – Policy SP20

- Q1. What is the justification for requiring at least 30% of dwellings to be affordable on all qualifying sites? Is the requirement consistent with, and justified by, the evidence contained in the *Thanet District Council Local Plan and CIL Viability Assessment*?
- Q2. What affect will the requirement for proposals to provide 30% affordable housing have on the deliverability of housing, especially for proposals on previously developed land?
- Q3. Is it clear to decision-makers, developers and local communities under what circumstances a lower amount of affordable housing is acceptable?
- Q4. What is the justification for the proposed affordable housing split in Policy SP20? What is this based on, and will it be appropriate for all qualifying development proposals across the District?

Issue 3 – Housing Standards – Policies QD04 and QD05

- Q1. The PPG⁶ states that local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. In doing so local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans. Has this been carried out? What is the justification for the standards in Policies QD04 and QD05?

⁶ Ref ID 56-002-20160519

- Q2. The PPG⁷ also states that local planning authorities should consider the impact of using optional Building Regulation requirements and the nationally described space standard as part of their Local Plan viability assessment. Has this been carried out? Have the standards in Policies QD04 and QD05 been tested to ensure that new residential development will remain viable?
- Q3. Is it clear to decision-makers, developers and local communities what proportion of affordable dwellings need to be wheelchair accessible? Is the policy effective in this regard?
- Q4. Is Policy QD05 consistent with guidance contained in the PPG, which makes the distinction between wheelchair accessible dwellings (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable dwellings (a home that can be easily adapted to meet the needs of a household including wheelchair users)?

Issue 4 – Accommodation for Gypsy and Travelling Communities – Policy HO22

- Q1. The SHMA (paragraphs 8.75-8.77) refers to the *East Kent Gypsy, Traveller and Showpeople Accommodation Assessment* (2014) which concluded that that there was no need for any residential pitches. Does the assessment provide a robust and up-to-date assessment of need in the District that is consistent with national guidance and policy?
- Q2. How has the situation changed in Thanet since publication of the East Kent Assessment? Has there been any increase in unauthorised developments? If so, what does this demonstrate?
- Q3. Based on the 2014 Assessment, the Plan does not make any specific provision for Gypsy, Traveller or Travelling Showpeople accommodation. Is this appropriate and justified by the evidence? Will the Plan make suitable provision for accommodation to meet the need for gypsy and traveller communities?
- Q4. Are the criteria for determining planning applications in Policy HO22 justified, clear and appropriate? Is the policy effective?

Issue 5 – Care and Supported Housing – Policy HO20

- Q1. Is the reference to "good quality accommodation" in Policy HO20 sufficiently clear to decision-makers, developers and local communities? Is the policy effective?

Issue 6 – Non Self-Contained Residential Accommodation - Policy HO21

- Q1. What is the justification for the thresholds provided in Policy HO21? Is the policy supported by appropriate local evidence?

Issue 7 – Residential Use of Empty Property – Policy HO23

- Q1. What is the justification for Policy HO23?
- Q2. What are the reasons for only supporting the residential re-use of buildings in the urban areas and villages? Is the policy consistent with paragraph 55 of the Framework in this regard?

⁷ Ref ID 56-003-20150327

Issue 8 – Retention of Existing Housing Stock - Policy HO24

- Q1. Does Policy HO24 seek to restrict proposals for the change of use from residential to tourist accommodation? Is this clear to decision-makers, developers and local communities?

Issue 9 – Ancillary Accommodation for a Family Member – Policy HO25

- Q1. What is the justification for requiring ancillary residential accommodation to have a "*functional connection*" with the main dwelling and be in the same ownership?

Issue 10 – Fostering Homes – Policy HO26

- Q1. What is the justification for Policy HO26? Which evidence-based documents support the restriction of foster homes in the Cliftonville West Ward?
- Q2. What are the reasons for restricting foster homes in this location only?
- Q3. Is it clear to decision-makers, developers and local communities what constitutes "*similar facilities*" for the purposes of Policy HO26?

Matter 10 – Economic Development (Policies SP02-SP04 and E01-E03)

Issue 1 – Economic Growth – Policy SP02

- Q1. Is the target of 5,000 additional jobs justified? How has it been calculated, and how much of this will be achieved from development proposals in the Plan?
- Q2. How does this compare to past performance?
- Q3. How does the number of additional jobs planned for correlate to the housing requirement? Are the strategies for housing and economic development aligned?
- Q4. The *Economic Development in Thanet (Employment Land Update and Economic Needs Assessment)* states that the past take-up of employment land averages 10,446 square metres per annum. How is this translated into a forecast for future employment land?
- Q5. Is the use of past take-up rates robust, considering that it covers a post-recession period up to 2016?
- Q6. The *Economic Development in Thanet (Employment Land Update and Economic Needs Assessment)* concludes that based on past trends and labour supply calculations, the land supply to be planned for should be 15 hectares. In contrast, Policy SP02 plans for 53.5 hectares of employment land. What is the justification for this difference?
- Q7. What are the implications of this? If taken up, will there be enough housing to support the development of allocated sites? Will there be an appropriate balance between workers and homes?

Issue 2 – Land Allocated for Economic Development – SP03

- Q1. How were the allocated sites identified? What factors were considered in deciding whether to allocate sites under Policy SP03?
- Q2. Were any other locations considered as suitable alternatives?
- Q3. How much land is available at each of the four allocated sites, and are they developable within the plan period?
- Q4. Paragraph 6.8 of the *Economic Development in Thanet (Employment Land Update and Economic Needs Assessment)* concludes that Thanet Reach South should no longer be allocated for employment purposes. How does it differ from Thanet Reach North?
- Q5. What is the justification for restricting development to Use Classes B1, B2 and B8 at Manston Business Park and Hedgend Industrial Estate, but having a more flexible approach elsewhere?
- Q6. Is it clear to decision-makers, developers and local communities what uses will be permitted at Eurokent and the Thanet Reach Business Park? Is the policy effective in this regard?

Issue 3 – Retention of Existing Employment Sites – Policy E01

- Q1. Is Policy E01 consistent with paragraph 22 of the Framework which states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose?
- Q2. Is it clear to decision-makers, developers and local communities how proposals for alternative uses of land and buildings on the sites listed under Policy E01 will be considered?
- Q3. What is the list of sites under Policy E01(2) based on?
- Q4. How will decision-makers, developers and local communities consider development proposals which involve existing employment land and buildings not listed under Policy E01(2)?
- Q5. What policies support proposals for economic development on non-allocated, windfall sites? Does the Plan include specific criteria for decision-makers, developers and local communities to follow?

Issue 4 – Home Working – Policy E02

- Q1. In what instances might a proposal for home working require planning permission? Is it clear to decision-makers, developers and local communities when Policy E02 might apply?
- Q2. Are the criteria sufficiently clear to decision-makers, developers and local communities? Is the policy effective?

Issue 5 – Digital Infrastructure - Policy E03

- Q1. Is it clear to decision-makers, developers and local communities what is required of Policy E03? Is the policy effective?
- Q2. Is Policy E03 consistent with paragraphs 42-46 which seek to support the expansion of electronic communications networks, including telecommunications and high-speed broadband.

Issue 6 - Manston Business Park – Policy SP04

- Q1. What is the justification for allocating over 40 hectares of land at Manston Business Park? Will there be a demand for the allocated land over the plan period? If so, what evidence supports this?
- Q2. What is the justification for requiring development proposals at Manston Business Park to be accompanied by a Transport Assessment and Travel Plan? Is this appropriate for all development proposals, regardless of size?
- Q3. In deciding to allocate the site for employment uses how have the cumulative effects of additional development on the local and strategic road network been considered?

Issue 7 – Manston Airport

- Q1. What is the justification for including reference to Manston Airport alongside policies related to the allocation of employment land? Are paragraphs 1.38-1.45 intended to represent supporting text to Policy SP04?
- Q2. What is the status regarding the proposed Nationally Significant Infrastructure Project? How does its timescales align with the Local Plan Examination?
- Q3. What are the implications for the Plan should the Development Consent Order be approved?
- Q4. What are the implications for the Plan should the Development Consent Order be refused?
- Q5. If a Local Plan Review is required, is it clear to decision-makers, developers and local communities when this would happen? Is there a clear mechanism to ensure a timely review of the Plan, which currently refers to a 'minimum' period of 2 years?
- Q6. Is it clear how a decision-maker would react to a proposal for new development at Manston Airport prior to a review of the Plan?
- Q7. What is the justification for paragraph 1.44? If a Development Consent Order for aviation use is granted, what "*housing land supply provisions*" would need to be reviewed and why?
- Q8. What are the implications of The Town and Country Planning (Manston Airport) Special Development Order 2019 No. 86 on the soundness of the submitted Local Plan and its strategy for the airport?

Matter 11 – Tourism (Policies E07-E14)

Issue 1 – Serviced Tourism Accommodation – Policy E07

- Q1. How will decision-makers, developers and local communities determine whether proposals for tourist accommodation are "*well related to existing built development*"? Does this apply in the main built-up areas or across the District? Is the policy effective?
- Q2. Is the Plan consistent with paragraph 28 of the Framework which, amongst other things, states that plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas?
- Q3. What impacts does Policy E07(1) seek to avoid? Is the policy sufficiently clear? Is it effective?

Issue 2 – Self-Catering Accommodation – Policy E08

- Q1. What is the justification for requiring proposals for self-catering accommodation to be well related to the primary and secondary road network? Is this requirement clear to decision-makers, developers and local communities? Is it effective?
- Q2. What is the justification for requiring proposals to be capable of being extensively landscaped? Is this necessary for all development proposals, regardless of size or location?
- Q3. What are the reasons for requiring new tourist accommodation to mitigate the impacts of recreational disturbance on nature conservation sites (Policy E07), but not new self-catering accommodation?

Issue 3 – Protecting Existing Tourist Accommodation – Policy E09

- Q1. How has the threshold of 10 or more bedrooms been determined in Policy E09? What is it based on and is it justified?
- Q2. How will decision-makers, developers and local communities determine when Policy E09 applies? What constitutes "*high quality*" tourist accommodation for this policy?
- Q3. What is the justification for requiring evidence of occupancy rates over a period of 3 years, in addition to marketing, to demonstrate that the accommodation is not viable?

Issue 4 – Beaches – Policies E10, E11 and E12

- Q1. What is the rationale and justification for identifying major holiday beaches (Policy E10) separately from intermediate beaches (Policy E11)?
- Q2. Does the Plan provide enough detail to clarify to decision-makers, developers and local communities what type of development is permitted and where? Are Policies E10-E12 effective?
- Q3. What is the justification for restricting new built facilities on undeveloped beaches (Policy E12)? Under what 'exceptional event' may development be considered acceptable? Is this sufficiently clear to decision-makers, developers and local communities?

Issue 5 – Language Schools – Policy E13

- Q1. What is the justification for Policy E13? Will the criteria be effective in seeking to meet its aims and objectives?

Issue 6 – Quex Park – Policy E14

- Q1. What is the justification for requiring development proposals at Quex Park to be accompanied by a transport assessment? Is this appropriate for all development proposals, regardless of size?
- Q2. In considering a proposal for new development how would a decision-maker consider the setting of relevant heritage assets at Quex Park?

Matter 12 – Town and District Centres (Policies SP06-SP10 and E04-E06)

Issue 1 – Thanet's Town Centres - Policy SP06

- Q1. What criteria have been used to determine the hierarchy of centres? Does this relate to the size and existing provision within settlements?
- Q2. Is the hierarchy of centres justified and clear to decision-makers, developers and local communities? Are the town centre boundaries illustrated on the policies maps for Westwood, Margate, Ramsgate and Broadstairs?
- Q3. Is the Plan consistent with paragraph 23 of the Framework which, amongst other things, states that Local Plans should define the extent of town centres and primary shopping areas?
- Q4. Is Westwood identified as a centre at the top of the retail hierarchy? If so, what is the justification for this?
- Q5. Is the retail strategy (set out in paragraph 2.10 of the Plan) to retain Thanet's market share of retail expenditure in the sub region, and not increase it, the most appropriate strategy for the area? Is it justified by appropriate available evidence?
- Q6. What are the figures in Table 1 based on? Are the figures for convenience and comparison goods accurate and robust? Are the figures net or gross?
- Q7. What is the justification for stating that the quantitative level of retail need should be regarded as a 'guide' rather than a 'target'? Does the Plan allocate a range of suitable sites to meet the scale and type of retail needs as required by paragraph 23 of the Framework? How does the Plan ensure that the needs for retail will be met in full and will not be compromised by limited site availability?
- Q8. Does the Plan identify the need for other uses such as leisure, commercial, office, tourism, cultural, community and residential development needed in town centres? How will the need for such uses be met over the plan period, having regard to paragraph 23 of the Framework?

Issue 2 – Westwood - Policy SP07

- Q1. What sites have been identified to meet the need for comparison retail goods at Westwood? How will the identified need be met over the plan period?
- Q2. What is the justification for identifying Primary and Secondary retail frontages at Westwood? Do the frontages reflect the retail role, character and function of the centre at present?
- Q3. What is the justification for requiring development proposals to secure the implementation of the Westwood Area SPD and Westwood Relief Scheme? What progress has been made in developing the SPD and details of the scheme? Should policy SP06 set out more detail as to the content (for example specific objectives or policies) that applications will be expected to comply with to ensure that the policy is clear and effective?
- Q4. Is it clear to decision-makers, developers and local communities what uses will be permitted at Eurokent? Is the policy effective?

- Q5. What is the justification for allocating the site for up to 550 dwellings and 5.45 hectares of land for business uses? What is this based on and is it achievable?
- Q6. What is the justification for requiring development proposals to contribute towards the Local Employment and Training Fund? Is this appropriate for all proposals? Is it clear to decision-makers, developers and local communities what is required of proposals for new development? Is the policy justified and effective?
- Q7. How has the mix of uses and minimum area of open space been established? Are they necessary, appropriate and justified?
- Q8. How has the effect of the proposed development on the local road network been taken into account? How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of?
- Q9. What is the justification for requiring an archaeological assessment? How has the effect of the proposed development on nearby heritage assets been considered?
- Q10. What is the justification for allocating land at Thanet Reach as part of a mixed-use development? Is the site deliverable?
- Q11. Is it clear to decision-makers, developers and local communities how much residential development is permitted on the site? Is the policy effective?

Issue 3 – Margate - Policy SP08

- Q1. What is the justification for resisting the loss of existing commercial premises in Margate Old Town? Is the policy justified, effective and consistent with national planning policy?
- Q2. Is it clear to decision-makers, developers and local communities how the Council would consider whether a proposal for new development reduced the attractiveness of Dreamland or its leisure/tourism potential?
- Q3. Should Policy SP08 refer to resilient design, taking account of Margate's coastal location and the need to consider climate change and flooding? Additionally, would a reference to the need for development essential for public safety in the Margate Seafront and Harbour Arm area be justified?

Issue 4 – Ramsgate - Policy SP09

- Q1. What is the justification for requiring development proposals to have regard to the emerging *Ramsgate Maritime Plan*? What is the current status of the Maritime Plan and is it clear to decision-makers, developers and local communities what is required of proposals for new development? Is the policy effective?
- Q2. Should Policy SP08 refer to resilient design, taking account of Ramsgate's coastal location and the need to consider climate change and flooding?
- Q3. What are the reasons for not referring to heritage considerations in Policy SP09, such as the Heritage Action Zone in partnership with Historic England? Is this referred to elsewhere within the Plan?

Issue 5 – Broadstairs - Policy SP10

- Q1. What is the justification for resisting the loss of existing commercial premises along the Broadstairs Promenade and Beach Front? Is the policy justified, effective and consistent with national planning policy?
- Q2. Should Policy SP08 refer to resilient design, taking account of Broadstairs' coastal location and the need to consider climate change and flooding?

Issue 6- Primary and Secondary Frontages - Policy E04

- Q1. What criteria have been used to determine the primary and secondary frontages? Are they justified and clear to decision-makers, developers and local communities?
- Q2. What is the justification for the extent of the secondary frontages in the coastal town centres?
- Q3. What is the justification for allowing uses falling within Use Classes A1-A5 throughout primary frontages? Is this consistent with national planning policy?
- Q4. What criteria will be used to determine whether a proposal within a secondary frontage would fragment or erode the frontage to a degree that compromises footfall or undermines the function of the centre? Is the policy sufficiently clear to decision-makers, developers and local communities? Is the policy effective?

Issue 7- Sequential and Impact Tests – Policy E05

- Q1. What are the thresholds in Policy E05 based on? Are they justified by appropriate available evidence?
- Q2. Will it be clear to decision-makers, developers and local communities whether a development proposal is within the urban or rural Area?
- Q3. Is Policy E05 consistent with paragraph 26 of the Framework in requiring impact assessments for proposals for main town centre uses?
- Q4. Is it necessary, effective and justified to largely repeat the requirements of paragraph 26 of the Framework within Policy E05?

Issue 8- District and Local Centres - Policy E06

- Q1. Is Policy E06 consistent with national planning policy in requiring development proposals to meet a local need?
- Q2. What is the justification for restricting development proposals to no more than 1,000 square metres?

Matter 13 – Transport (Policies SP41-SP47 and TP01-TP10)

Issue 1 – Safe and Sustainable Transport – Policies SP41-SP44

- Q1. Is Policy SP43 intended to apply to all proposals for new development, regardless of scale or location? Is the policy effective and consistent with national planning policy?
- Q2. What is the justification for not including reference to electric vehicle charging points in Policy SP43? Is the policy consistent with paragraph 35 of the Framework in this regard?
- Q3. What is the rationale for Policy SP44? Is it clear what is expected of decision-makers, developers and local communities?

Issue 2 – New Railway Station – Policy SP45

- Q1. What is the justification for Policy SP45?
- Q2. Is it clear to decision-makers, developers and local communities where the new station will be located?
- Q3. Is the provision of a new railway station on land to the west of Ramsgate deliverable within the plan period?

Issue 3 – Strategic Road Network - Policies SP46-SP47

- Q1. What is the rationale for Policy SP46? Is it clear what is expected of decision-makers, developers and local communities?
- Q2. What is the status of the Thanet Transport Strategy?
- Q3. What is the justification for safeguarding the routes set out in Policy SP47? Are these routes necessary for the implementation of the growth identified in the plan? If so, what evidence has been prepared to demonstrate that the routes are deliverable within the plan period? Who will be responsible for delivering the necessary highways infrastructure, especially where third-party land is required?
- Q4. How have the costs associated with the highway's improvements been considered as part of the Plan's preparation?
- Q5. Are the safeguarded transport routes shown accurately on the submission policies maps?

Issue 4 – Transport Assessments and Travel Plans – Policy TP01

- Q1. What is the justification for Policy TP01?
- Q2. Is it clear to decision-makers, developers and local communities when transport assessments and travel plans will be required? Is the policy effective?

Issue 5 – Walking, Cycling and Public Transport – Policies TP02-TP04

- Q1. What is the justification for having separate policies relating to cycling, walking and public transport? Are they consistent with the Framework's Core Planning Principles which seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling?

Issue 6 – Parking Provision and Traffic Management- Policies TP05-TP10

- Q1. What is the justification for safeguarding land at Vere Road, Broadstairs for use as coach parking?
- Q2. Policy TP06 states that the Council will “refer to” guidance provided in the *Kent Design Review: Interim Guidance Note 3 – Residential Parking* and the *Kent Vehicle Parking Standards 2006 (Appendix C)*. Is it clear to decision-makers, developers and local communities what is required of proposals for new development?
- Q3. Are there circumstances other than those listed in Policy TP06 where a reduced level of provision may be acceptable?
- Q4. Does Policy TP06 take adequate account of the need to provide disabled parking facilities? Is the Plan consistent with paragraph 35 of the Framework in this regard, which, amongst other things, states that Plans should consider the needs of people with disabilities by all modes of transport?
- Q5. What is the justification for Policy TP08? Is the policy effective? How would a proposal for new development within a town centre meet the policy requirements, where opportunities for off-street servicing may be limited?
- Q6. What is the justification for requiring new commercial development proposals to encourage at least 20% of customers at Westwood to arrive by means other than the private car in Policy TP09? What is the figure of 20% based on and how will it be measured? Is the policy effective?

Matter 14 – Community Infrastructure (Policies SP01, SP36-SP40 and CM01-CM04)

Issue 1 – Implementation – Policy SP01

- Q1. What is the justification for requiring development proposals to comply with the provisions of the IDP in Policy SP01?

Issue 2 – Community Infrastructure – Policies SP36-SP40

- Q1. What is the justification for allocating land as an extension to the QEQM Hospital under Policy SP37? What effect will this policy have on the Green Wedge in this location?
- Q2. Is it clear to decision-makers, developers and local communities how proposals under Policy SP37 will "*involve the minimum take of fresh land*"? What is the justification for this policy requirement if the land is allocated for an expansion of the hospital?
- Q3. Is Policy SP37 deliverable within the plan period?
- Q4. Is it clear to decision-makers, developers and local communities where the new medical centre referred to in Policy SP38 will be provided? How will the medical centre be funded, who will provide it and is the centre deliverable within the plan period? Is Policy SP38 justified and effective?
- Q5. Is it clear to decision-makers, developers and local communities where the new secondary school referred to in Policy SP40 will be provided? How will the new school at Westwood be funded, who will provide it and is the school deliverable within the plan period? Is Policy SP40 justified and effective?

Issue 3 – Provision of New Community Facilities – Policy CM01

- Q1. Is Policy CM01 consistent with paragraph 70 of the Framework which, amongst other things, states that planning policies should plan positively for community facilities?

Issue 4 – Protection of Existing Community Facilities – Policy CM02

- Q1. Is Policy CM02 consistent with paragraph 70 of the Framework which, amongst other things, states that planning policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs?
- Q2. What is the justification for requiring proposals for new development to meet criteria 1) to 3) inclusive?
- Q3. What is the justification for providing additional requirements in the supporting text to Policy CM02? Is it clear what will be required of applicants for planning permission?

Issue 5 – Expansion of Margate and Minster Cemeteries – Policies CM03-CM04

- Q1. What is the justification for Policies CM03 and CM04? How will the expansions be funded and who will provide them? Are the policies effective?

Matter 15 – Green Infrastructure and Open Space (Policies SP22-SP24, SP29-SP32 and GI04-GI07)

Issue 1 – Landscape Character – Policies SP22-SP23

- Q1. What is the justification for the green wedges referred to in Policy SP22?
- Q2. How were the green wedges identified on the Policies Map and what process was followed? What evidence-based documents were used to inform this process?
- Q3. Are the green wedges justified, effective and consistent with national policy? Are there any significant factors that indicate that sites should not have been designated?
- Q4. Is the approach in Policy SP22 to "*protect areas of open countryside*" consistent with national planning policy in the Framework?

Issue 2 – Landscaping and Green Infrastructure – Policies SP24 and GI06

- Q1. What is the justification for listing types of Green Infrastructure in paragraph 4.36? Is this a policy requirement that proposals will be expected to provide? If so, should it be a specific policy requirement? Is the policy effective?
- Q2. What is the justification for requiring a landscape survey under Policy GI06 for all development proposals that require a design and access statement?
- Q3. What is the justification for requiring developers to demonstrate that adequate arrangements have been made to ensure the continued maintenance of landscaping? Is this necessary for all development proposals, and how have the costs associated with this requirement been taken into account?

Issue 3 – Protection of Open Space and Playing Fields – Policy SP29 and GI05

- Q1. Are policies SP29 and GI05 consistent with the criteria set out in paragraph 74 of the Framework?

Issue 4 – Local Green Space – SP30

- Q1. How were areas of Local Green Space identified on the Policies Map and what process was followed? What evidence-based documents were used to inform this process?
- Q2. Are the Local Green Spaces consistent with paragraphs 76-77 of the Framework which state that such designations should only be used:
 - Where the green space is in reasonably close proximity to the community it serves;
 - Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - Where the green area concerned is local in character and is not an extensive tract of land.

Issue 5 – Open Space, Parks, Gardens, Recreation Grounds and Allotments – Policies SP31-SP32 and GI04

- Q1. What is the justification for requiring development proposals of 50 dwellings or more to provide natural and semi-natural green spaces in Policy SP31? What is the threshold based on? Will the policy requirement be achievable on all qualifying sites?
- Q2. Policy SP31 requires proposals to meet the requirements in “Table 7” – where is this set out in the Plan?
- Q3. What is the justification for Policy SP32? How will decision-makers determine whether the need to protect the allotments is outweighed by the overriding need for a development?
- Q4. Subject to meeting the first part of Policy SP32, what is the justification for also requiring alternative provision to be made? What criteria would need to be considered in providing alternative provision nearby?
- Q5. What are the standards in Policy GI04 based on? Are they justified and supported by appropriate available evidence?
- Q6. Have the cost implications of Policy GI04 been considered as part of the Plan’s preparation? What impact would the policy requirements have on the viability of new residential development?
- Q7. What is the justification for requiring developers to fund the ongoing maintenance and management of amenity and play areas? Is this appropriate for all development proposals, regardless of type, scale or location?

Issue 6 – Jackey Bakers – Policy GI07

- Q1. What is the justification for requiring ancillary development at Jackey Bakers to be justified, and subsidise the sports use?
- Q2. Is it clear to decision-makers, developers and local communities what the policy expects of proposals for new development? Is the policy effective?

Matter 16 – Design, Heritage and the Rural Economy (Policies QD01-QD03, QD06-QD07, SP33-SP34, HE01-HE05, HO19 and E15-E19)

Issue 1 – Design – Policies QD01-QD03, QD06-QD07 and SP33

- Q1. Is it clear to decision-makers, developers and local communities what constitutes the "*most recent government guidance*" for the purposes of Policy QD01? Is the policy effective?
- Q2. Is it necessary and effective to have a policy requiring development to accord with Building Regulations?
- Q3. What is the justification for requiring residential development on garden land to make a positive visual impact to an area in Policy QD02? Is this consistent with the requirements in Policy HO1?
- Q4. Does Policy QD02 provide an appropriate policy framework to ensure that developments create safe environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion? As submitted is the policy consistent with paragraph 58 of the Framework?
- Q5. Does the Plan make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?
- Q6. Policy QD03(3) requires the provision of private or shared external amenity/play space in new residential development. Is this suitably flexible to take account of circumstances where this may not be possible, such as the conversion of an existing building or where shared amenity space will be provided on site?
- Q7. What is the justification for requiring bin storage facilities within 15 metres from where the collection vehicle will pass in Policy QD03(4)? Is the policy justified and effective?
- Q8. What is the justification for requiring an independent design review for proposals under Policy SP33? Will it be sufficiently clear to decision-makers, developers and local communities when such a review will be required?

Issue 2 – Conservation of the Historic Environment – Policies SP34 and HE01-HE05

- Q1. What does Policy SP34 require of proposals for new development?
- Q2. Is Policy HE03 consistent with paragraph 135 of the Framework which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining planning applications. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset?
- Q3. Is Policy HE04 consistent with national planning policy, having particular regard to its approach to historic parks and gardens, whether or not they are included on the statutory list?

Issue 3 – The Rural Economy – Policies HO19 and E15-E19

- Q1. Is it clear to decision-makers, developers and local communities what is required to demonstrate that agricultural units are 'viable' in Policy HO19? Is the policy effective?
- Q2. Is Policy HO19 consistent with paragraph 55 of the Framework which refers to the essential need for a rural worker to live permanently at or near their place of work in the countryside?
- Q3. What is the justification for requiring development proposals for economic development to be located in "*sustainable locations*" in Policy E15? How will decision-makers, developers and local communities determine what constitutes a sustainable location? Is the policy effective?
- Q4. What is the justification for requiring development proposals to accord with criteria 1-6 in Policy E16?
- Q5. What is the justification for restricting development proposals that would result in the "*irreversible loss*" of best and most versatile agricultural land in Policy E17?
- Q6. Is Policy E17 consistent with paragraph 28 of the Framework which, amongst other things, states that local plans should promote the development and diversification of agricultural and other land-based rural businesses?
- Q7. Is Policy E18 consistent with paragraph 112 of the Framework relating to the use of best and most versatile agricultural land?
- Q8. Is Policy E19 consistent with paragraph 28 of the Framework which, amongst other things, states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings?

Matter 17 – Biodiversity and Geodiversity (Policies SP25-SP28 and GI01-GI03)

Issue 1 – Biodiversity and Geodiversity Policies SP25-SP28 and GI01-GI03

- Q1. Are Policies SP25-SP28 consistent with paragraph 113 of the Framework which states that local planning authorities should set criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged?
- Q2. Do Policies SP25-SP28 make distinctions between the hierarchy of international, national and locally designated so that protection is commensurate with their status and give appropriate weight to their importance and the contribution that they make to wider ecological networks?
- Q3. Does the Plan include policies which plan for biodiversity at a landscape-scale, including across local authority boundaries as required by paragraph 117 of the Framework? Does the Plan identify and map components of ecological networks, including wildlife corridors and stepping stones that connect them?
- Q4. Is it clear to decision-makers, developers and local communities how any habitat loss and/or mitigation will be determined to ensure that proposals for new development secure net gains in biodiversity?
- Q5. Does Policy SP25 reference the correct Regulations?
- Q6. Is it the wording of Policy SP27 clear as to whether the need for ecological surveys applies to all sites? Is the policy effective?
- Q7. Is the information contained in diagram 1 (Chapter 12) regarding designated sites accurate?
- Q8. Will Policy GI01 deliver real gains in biodiversity in the area over the plan period? Is the policy effective and consistent with national policy?
- Q9. Unlike policy GI02, policy GI01 does not contain a specific reference to new developments including measures to enhance and improve connectivity to designated sites. Why is there a different approach to Nationally and Locally Designated Sites in this regard? Is the policy justified?
- Q10. Unlike Policies GI01 and GI02, Policy GI03 does not include a reference to permitting development if the need outweighs the importance of the designated site. Why is the approach different? Is this policy justified?

Matter 18 – The Environment and Climate Change (Policies SP35, CC01-CC07 and SE01-SE08)

Issue 1 – Climate Change – Policy SP35

- Q1. Is it clear to decision-makers, developers and local communities what is required of proposals for new development under Policy SP35? Is the policy effective and how does it relate to the more specific policies on climate change in Chapter 15 of the Plan?

Issue 2 – Flooding – Policies CC01-CC03

- Q1. Is Policy CC01 consistent with paragraphs 100-102 of the Framework regarding when the Sequential and Exception tests should be required? Should the policy also take account of surface/groundwater flooding?
- Q2. How does the Plan consider the multi-functional benefits of Sustainable Urban Drainage Systems ('SUDS'), such as the provision of amenity and biodiversity benefits?
- Q3. What is the justification for the threshold distance of 40m in Policy CC03? Is it clear to decision-makers, developers and local communities when this policy applies? Will it be effective?
- Q4. Does Policy CC03 ensure that new development proposals take account of natural habitats and how they might respond to coastal change?

Issue 3 – Renewable Energy – Policies CC04-CC07

- Q1. What is the justification for requiring major new development proposals to include renewable energy or micro-generation equipment? Is it clear to decision-makers, developers and local communities what is expected of proposals for new development?
- Q2. How does Policy CC04 take account of circumstances where the provision of renewable energy or micro-generation equipment may not be appropriate, feasible or viable?
- Q3. What is the justification for requiring the provision of an Energy Statement in Policy CC05?
- Q4. Is Policy CC06 consistent with national planning policy and guidance, and how will it ensure that new development proposals take account of any effects on the Thanet Coast SPA and Ramsar site in particular?
- Q5. How will development proposals for wind turbines be considered under the policies contained in the Plan? Is the Plan consistent with national planning policy in this regard?
- Q6. What is the justification for Policy CC07? Is clear to decision-makers, developers and local communities where the policy applies to?
- Q7. Does Policy CC07 require applicants to consider impacts other than on sites of nature conservation value, such as heritage assets? Is the policy effective in this regard?

Issue 4 – Contamination and Pollution – SE01-SE08

- Q1. Are policies SE01-SE03 consistent with paragraph 109 of the Framework which, amongst other things, states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate?
- Q2. How will Policy SE04 ensure that development proposals involving piled foundations take account of the risks of ground disturbance that may cause turbidity in the water supply, potentially resulting in contamination reaching groundwater beneath any sites impacted by contamination and/or landfill?
- Q3. Is it necessary for Policy SE04 to refer to the provision of water supply or foul drainage in a timely manner to ensure that it is effective, and that new development is not unduly delayed?
- Q4. Is it sufficiently clear to decision-makers, developers and local communities what is required to meet Policy SE05 with regard to promoting the use of sustainable low emission transport? Is the policy effective?
- Q5. How have the cumulative effects of the development proposed in the Plan on air quality been considered as part of the evidence-base? Where necessary is it clear to decision-makers, developers and local communities what mitigation will be required?
- Q6. Is it clear to decision-makers, developers and local communities where the Important Areas in the Noise Action Plan are located? Is Policy SE07 effective?
- Q7. What constitutes a "*large development*" for the purposes of Policy SE08? As submitted is the policy effective?
- Q8. What is the justification for referring to the Institute of Lighting Professionals Standards in Policy SE08? Is it clear to decision-makers, developers and local communities what is required of proposals for new development? Is the policy effective?

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Strategic Planning
Thanet District Council
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CT9 1XZ

4th October 2018

Dear Sir/Madam,

Draft Local Plan (Regulation 19) Consultation – Land at Manston Green, Ramsgate

On behalf of our client, Cogent Land LLP (CL), Iceni Projects is writing in response to Thanet District Council's Draft Local Plan consultation exercise. This submission relates to the land known as Manston Green located to the east and west of Haine Road, Ramsgate (the 'Site').

In order to inform this submission, please also find enclosed a copy of the site location plan attached as appendix A1.

a. The Site

By way of background, CL were granted outline planning permission on the 'Site', including details of the access, on 13th July 2016, for the erection of 785 dwellings, highways infrastructure works (including single carriageway link road), primary school, small scale retail unit, community hall and public open space on the land to the east and west of Haine Road (Manston Green) (LPA ref: OL/TH/14/0050).

The 'Site', which is 46.83ha in size is located approximately 1km to the east of Manston Airport. A copy of the site location plan and approved masterplan for the Manston Green development is attached at Appendix A1 and A2 respectively.

In line with Conditions 1 and 2 of the planning consent a Reserved Matters Application, for Phase 1, is in the process of being prepared to confirm details relating to outstanding matters such as layout, scale, appearance of any buildings to be erected and landscaping. This Reserved Matters Application is to be submitted to Thanet District Council in advance of the outline planning consent expiration date on the 13th July 2019.

Under Policy SP13 (Strategic Housing Sites) of the Council's Draft Local Plan, the site has also been allocated as a 'site of strategic importance for delivering the quantity and type and variety of homes required to deliver the Council's preferred strategy'. The site has been included as a strategic housing site within the Draft Local Plan for up to 785 dwellings.

The land is allocated for up to 785 new dwellings at a maximum density of 35 dwellings per hectare net at land known as Manston Green (given that planning permission has been granted on site so this figure has not been included within the Draft Local Plan allocation calculation).

b. Draft Local Plan Housing Strategy

The Draft Thanet Local Plan - 2031 is prepared under the National Planning Policy Framework (NPPF) (2012), which sets out the principle to achieve “sustainable development”, defined as “development that meets the need of the present without comprising the ability of future generations to meet their own needs”.

In pursuing sustainable development, the Plan claims to positively seek opportunities to meet the needs of the area, and economic, social and environmental gains are sought jointly and simultaneously. Taking on board the requirements of the NPPF (Para 47), which aims to boost housing supply and expects Local Plans to meet the full objectively assessed needs (OAN) for market and affordable homes.

With this in mind, Policy SP11 of the Draft Local Plan sets out a total housing provision of 17,140 additional homes in the District over the course of the plan period to 2031:

Period	2011-16	2016-2021	2021-2026	2026-2031	Total
Additional Homes	1,555 (already delivered)	4,500	5,500	5,585	17,140 (857p/a)

The housing requirement, as set out in the Draft Local Plan, is based on the 2017 SHMA, which took 2014-based household projections, and then applied an upward adjustment for migration from London and a modest upward adjustment to headship rates to generate an objectively-assessed need for 857 dwellings per annum.

The upward adjustments made from the initial demographic projections of 821 dpa to the OAN of 857 dpa represent an uplift of 4%. This is modest scale of uplift set against:

- A lower quartile house price to earnings ratio of 10.0 in 2017
- The deterioration of this ratio from 7.65 at the start of the plan period
- Adjustments made in Local Plan examinations in other areas. The lower quartile house price to earnings ratio in that area was 10.6, and the Inspector's at the Local Plan examination found that a 13% uplift for market signals was warranted.
- The Government's standard methodology for assessing housing need which would justify an uplift of 41% to the base household projections.

A more substantial uplift should be considered to contribute to achieving the Government's aim of improving affordability. If a market signals adjustment of 12% was applied to the latest household projection data, this would generate a need for 17,870 homes. CL consider that the housing requirement should be amended accordingly.

CL consider that the housing requirement should be increased to 17,870 homes and additional allocations brought forward to meet this increased need.

c. Further Allocation

CL would like to take this opportunity to express that by allowing a slightly higher density and incorporating all developable land included within CL's option agreement, outlined in red on the enclosed Site Location Plan (appendix A1), the 'Site' could accommodate an additional circa 150 units above that which has already been consented under Outline Planning Permission OL/TH/14/0050.

Following the grant of outline planning consent, CL have been exploring opportunities to realign the A256 (Haine Road), which would be more cost effective, and preserve the existing Farmhouse, located

towards the centre of the site, in situ. For reference, please see enclosed plan (drawing number: 37-B) prepared by Icenl and included as Appendix A3 to this letter. The re-routing of this road would create additional space to increase the density provided on site by an additional 150 dwellings.

A revised 'illustrative block' masterplan, prepared by Icenl and enclosed as Appendix A4 demonstrates how such development could come forward. Bearing this revised masterplan in mind, it is proposed that within the Council's emerging Local Plan, the Land at Manston Green should be allocated for a total of circa 935 dwellings.

By allocating the 'Site' for an additional 150 dwellings, the Council will be making efficient use of a site, which is already allocated and known for being suitable, achievable and deliverable for housing as well as meeting the sustainable objectives as outlined within the NPPF.

For the above reason, the 'Site' provides an excellent opportunity for the Council to deliver an additional 150 dwellings towards their increased housing need requirement.

d. Manston Airport

The Draft Local Plan also explains that following the closure of Manston Airport in May 2014, the Council has made significant efforts to support a functioning aviation use on site and has explored its CPO powers in seeking an indemnity partner and carried out soft marketing tests to seek an operator to run the airport.

The Council commissioned an airport viability study, prepared by Avia Solutions, which concluded that the airport operations at Manston are very unlikely to be financially viable in the longer term and almost certainly not possible in the period to 2031.

Having said this, the Council recognises the proposals being put forward by RiverOak Strategic Partners, as set out in the consultation document 2017, for an air cargo operation at the site, and the fact that an application for a Development Consent Order (DCO) is to be submitted to the Planning Inspectorate (PINS) to consider the airport as a National Significant Infrastructure Project (NSIP) in due course. To ensure that this process is not prejudiced, the Council is proposing not to allocate the Airport site for any specific purpose in the Draft Local Plan.

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.

In the event that a DCO 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.

Given the location of the Manston Green site, CL have a particular interest in the future use of Manston Airport, especially should a DCO for continued aviation use be granted.

Whilst CL are not against the principle of re-opening the airport, CL are conscious that any proposal to develop the airport must have due regard to the extant planning permission and are concerned to safeguard the current and any future development plans at Manston Green. The airport expansion plans must also take into consideration future housing development, which is required to meet Thanet's growing population and on-going housing need.

As previously highlighted, if a market signals adjustment of 12% was applied to the latest household projection data, an objectively assessed housing need of 17,870 homes would be required. Given this evidence, Thanet District Council are therefore in a position where additional sites will need to come forward for the delivery of housing to help address the Districts housing shortfall. Given the lack of brownfield land in the region, there will be a need to develop some homes to meet this need on sustainable and suitable Greenfield land.

Given the housing shortfall within the Thanet District, it is imperative that at least 785 dwellings on the Manston Green site is implemented and the authorised development delivered. Any proposed

expansion of Manston Airport must therefore be sympathetic and give respectful consideration to the development plans of the site.

It is also important that future housing development in this area is not hindered in anyway by the proposed airport expansion plans. A strategy must therefore be put in place that ensures the interest of future development sites for housing are reliably protected.

Key matters that need to be considered include:

Noise and Vibration

Having assumed the closure of the airport in the long term, CL's Manston Green outline consent has been designed around a certain noise level, with the expectation that there would be no significant noise disturbance and no need therefore for specific noise attenuation/mitigation measures be designed in. Given that Manston Airport consultation document (2017) prepared by RiverOak Strategic contained no information on noise, it's anticipated that such measures will be required if the airport expansion proposals proceed and the associated costs of these measures will have a material impact on scheme viability.

Transport

Prior to the development of any plans to expand Manston Airport, consideration needs to be given to the transport work methodology approved as part of the Manston Green outline planning application. CL propose that the following matters need to be taken into account before any such decision is made:

Clarification on Multi-Modal Split

An estimate of transport modal split for passengers has been outlined, which equates to 3% by bus and the remaining 97% by car travel (7% taxi, 45% cars parked and 45% car drop off). Whilst it is suggested that travel plan measures will aim to increase sustainable travel, there is some concern that car travel will remain as the predominant method of travel leading to a significant impact on the highway network within the surrounding area.

Clarification on Travel Patterns

In addition to the modal split, confirmation of travel patterns for passengers and employees would be required in order to identify the likely daily/weekly/annually profile for travel, so as to determine how these will impact on the highway network throughout different times and not just the 'normal' peaks.

Traffic Distribution

Details of traffic distribution for the proposed development have not been provided at this stage. A clear understanding as to whether the assignment of traffic has been based on existing traffic movements, NOMIS data or assumptions is imperative. Certain parts of the highway network are subject to congestion and constraints and therefore this is an important factor in capacity assessment across the surrounding area.

Committed Development/Transport Schemes

The report states 'the committed developments and committed transport schemes will be discussed with KCC and Highways England and an agreement will be reached outlining which developments/schemes to include in which future baselines.' As a consequence, confirmation of which committed developments are being considered as well as any associated highway improvement schemes which may be relied upon to support the application is considered critical in determining the available capacity in the surrounding network.

With this in mind, the transport improvements made to the highway network as part of CL's Manston Green development plan or any other proposed future improvement for that matter, must be taken into consideration.

Air Quality

Chapters 1-6 of the Preliminary Environmental Information Report (Volume 1) prepared as part of the Manston Airport DCO consultation documents in June 2017 addressed matters relating to Air Quality and stated that:

‘Thanet generally has good air quality; however there are areas where air quality is poor due to pollution from road transport. The boundary of the proposed airport expansion abuts the boundary of the Thanet Air Quality Management Area (AQMA), which encompasses areas of Thanet where levels of nitrogen dioxide are above the national air quality objective for the protection of human health. In all cases, the main source of pollution is road transport’.

The report confirms that a desktop study into the current concentration of air pollutions has been undertaken to inform the preliminary air quality assessment. The study suggested that the potential effects that may arise as a result of the Manston Airport proposals are:

- Dust generated during construction phase;
- Dust soiling of the local road network due to the transport of dust and dirt from vehicles leaving the site during the construction phase;
- Emissions from the use of equipment and machinery on-site during construction;
- Vehicle emissions during both construction and operation;
- Emissions from aircraft movements on the ground during the land and take-off cycle, and
- Emission from aircraft ground support equipment.

Given the potential air quality effects that may arise as part of any proposal to reopen the airport, CL request that the proposed airport expansion ensures that adequate monitoring on the effects of air quality is undertaken and secured and that controls are put in place to ensure that the forecast emission levels do not exceed the acceptable level.

Biodiversity

CL also request that, should proposal for the reuse of the airport come forward, sufficient monitoring on the effects of biodiversity on the surrounding area is undertaken and secured in order to ensure that no negative impacts arise from the proposed reopening of the airport.

e. Summary

Having reviewed the Regulation 19 consultation document, CL are generally supportive of the principles set out within the Draft Local Plan.

However, CL are conscious that the adopted Local Plan must have due regard to the extant planning permission and that every effort is made to safeguard the development plans at Manston Green, especially given that the site is allocated for residential use and a Reserved Matters Application is in the process of being prepared.

Taking into account the latest householder projections, CL are of the opinion that a more substantial uplift to the Council's OAN (currently set as 17,140) should be considered to contribute to achieving the Government's aim of improving affordability. If a market signals adjustment of 12% was applied to the latest household projection data, this would generate a need for 17,870 homes. CL consider that the housing requirement should be amended accordingly.

In order to meet this increased housing need, the Council should positively seek opportunities to identify and allocate more suitable, deliverable and sustainable sites for the District.

By allowing a slightly higher density and incorporating all developable land included within CL's option agreement, the land at Manston Green could accommodate an additional 150 dwellings (total of 935 dwellings), which would go towards the Council's revised housing need target.

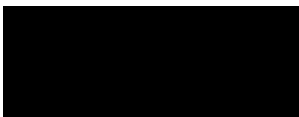
By allocating the site for an additional 150 dwellings, the Council will be making efficient use of a site which is already allocated and has outline planning permission and thus known for being suitable, achievable and deliverable for housing.

CL also stress that any proposal to maintain the aviation use of Manston Airport must respect and have due regard to the extant planning permission for the development of the Manston Green site and any future development opportunities in this location.

Consideration must be given to the potential highways and noise impacts that may occur from the reopening of the Airport on future housing proposals. Other key considerations include reviewing the potential impact that may be caused by a proposal to reopen Manston Airport in regards to air quality and biodiversity. With this in mind, CL request that sufficient monitoring on the effects of technical implications on the surrounding area are undertaken to ensure that no negative impacts arise from future airport plans.

We trust that the above comments can be incorporated as part of the Council's Draft local Plan consultation exercise and we would be grateful for confirmation that these representations have been received. CL also confirm that they would like to be involved in future stages of the plan-making process. We trust that the information provided is sufficient at this stage, however, should any additional information be required then please do not hesitate to contact me on 02034354227/ lscarfe@iceniprojects.com.

Yours faithfully,

A black rectangular box used to redact the signature of Leo Scarfe.

Leo Scarfe MRTPI

Senior Planner

007

Aircraft Accident Report No: 2/2018

This report was published on 21 November 2018 and is available in full on the AAIB Website www.gov.uk

**Report on the serious incident to
Boeing 737-86J, C-FWGH
Belfast International Airport
21 July 2017**

Registered Owner and Operator:	Sunwing Airlines Inc.
Aircraft Type:	Boeing 737-86J
Nationality:	Canadian
Registration:	C-FWGH
Place of Serious Incident:	On takeoff from Belfast International Airport
Date and Time:	21 July 2017 at 1539 hrs (all times in this report are UTC unless stated otherwise)

Introduction

The Air Accidents Investigation Branch (AAIB) became aware of this serious incident during the morning of 24 July 2017. In exercise of his powers, the Chief Inspector of Air Accidents ordered an investigation to be carried out in accordance with the provisions of Regulation EU 996/2010 and the UK Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 and, subsequently, 2018.

The sole objective of the investigation of an accident or incident under these Regulations is the prevention of accidents and incidents. It shall not be the purpose of such an investigation to apportion blame or liability.

In accordance with established international arrangements, both the National Transportation Safety Board (NTSB) of the USA, representing the State of Design and Manufacture of the aircraft, and the Transportation Safety Board (TSB) of Canada, representing the State of Registration and the Operator, appointed Accredited Representatives to the investigation. The aircraft operator, the aircraft manufacturer, the European Aviation Safety Agency (EASA), and the UK Civil Aviation Authority (CAA) also assisted the AAIB.

Summary

At 1539 hrs on 21 July 2017, a Boeing 737-800 took off from Belfast International Airport (BFS) with insufficient power to meet regulated performance requirements. The aircraft struck a supplementary runway approach light, which was 36 cm tall and 29 m beyond the end of the takeoff runway.

An outside air temperature (OAT) of -52°C had been entered into the Flight Management Computer (FMC) instead of the actual OAT of 16°C . This, together with the correctly calculated assumed temperature thrust reduction of 48°C ¹, meant the aircraft engines were delivering only 60% of their maximum rated thrust. The low acceleration of the aircraft was not recognised by the crew until the aircraft was rapidly approaching the end of the runway. The aircraft rotated at the extreme end of the runway and climbed away at a very low rate. The crew did not apply full thrust until the aircraft was approximately 4 km from the end of the runway, at around 800 ft aal.

There was no damage to the aircraft, which continued its flight to Corfu, Greece without further incident. However, it was only the benign nature of the runway clearway and terrain elevation beyond, and the lack of obstacles in the climb-out path which allowed the aircraft to climb away without further collision after it struck the runway light. Had an engine failed at a critical moment during the takeoff, the consequences could have been catastrophic.

The investigation found the following causal factors for this serious incident:

1. An incorrect OAT was entered into the FMC, which caused the FMC to calculate an N_1 ² setting for takeoff which was significantly below that required for the aircraft weight and environmental conditions.
2. The incorrect OAT was not identified subsequently by the operating crew.
3. The abnormal acceleration during the takeoff run was not identified until the aircraft was rapidly approaching the end of the runway, and no action was taken to either reject the takeoff or increase engine thrust.

The investigation found the following contributory factors for this serious incident:

1. The aircraft's FMC did not have the capability to alert the flight crew to the fact that they had entered the incorrect OAT into the FMC, although this capability existed in a later FMC software standard available at the time.
2. The Electronic Flight Bags (EFB) did not display N_1 on their performance application (some applications do), which meant that the crew could not verify the FMC-calculated N_1 against an independently-calculated value.
3. The crew were unlikely to detect the abnormally low acceleration because of normal limitations in human performance.

The investigation identified other examples of accidents or serious incidents where there was a gross failure of an aircraft to achieve its expected takeoff performance, and found that technical solutions to address this serious safety issue are now feasible.

Footnote

¹ See 1.1.3 for further information.

² N_1 : engine fan or low pressure compressor speed.

AAIB Special Bulletin S2/2017³, published on 20 September 2017, provided initial information on the circumstances of this serious incident, clarification about the reporting of accidents and serious incidents, and made two safety recommendations related to FMC software updates. In this report, the AAIB makes four safety recommendations: one supersedes a recommendation made in Special Bulletin S2/2017; one concerns procedures to verify engine takeoff power settings; and two concern the development of Takeoff Acceleration Monitoring Systems.

Findings

1. The crew were properly licensed and qualified to perform the flight.
2. The pilots independently calculated the correct takeoff performance using their EFBs based on the airfield ATIS and the load instruction form.
3. During pre-flight programming of the FMC an incorrect figure (-47°C) was entered into the OAT field of the N1 LIMIT page.
4. The correct figure for the assumed temperature derate (47°C) was entered into the SEL field on the N1 LIMIT page.
5. Following an operational delay and an updated performance calculation, the correct value for the new assumed temperature (48°C) was entered into the FMC, but another incorrect figure (-52°C) was entered into the OAT field of the N1 LIMIT page.
6. Although the commander felt well rested, it was possible that he was suffering from jet lag, which might have had an adverse affect on his performance when programming the FMC.
7. The incorrect value of OAT, when combined with the correct value for the assumed temperature, meant that the FMC calculated a value of N_1 for takeoff which was significantly below the value required for the aircraft weight and environmental conditions.
8. The risk controls in place did not prevent the aircraft from beginning its takeoff run with insufficient power for the aircraft weight and environmental conditions:
 - a. Pre-flight performance calculations were performed correctly twice on the EFB.
 - b. The FMC was programmed incorrectly twice but a crew crosscheck, if carried out, did not highlight the incorrect value of OAT or the abnormally low value of N_1 .

Footnote

³ https://assets.publishing.service.gov.uk/media/59c2302140f0b60d848fd9ad/AAIB_S2-2017_C-FWGH.pdf [accessed September 2018].

9. The FMC software on C-FWGH was at revision U10.8A, which did not include an automated crosscheck of a manually-entered OAT against the OAT sensed by the aircraft.
10. Two manufacturer's service bulletins were available which installed FMC software revision U12.0 and which introduced an OAT crosscheck that would have alerted the crew to their erroneous OAT entry. Service bulletins are not mandatory, but Boeing recommends compliance with these bulletins by January 2019.
11. The risk of this type of error leading to a serious incident or accident would be reduced if the N_1 calculated by the FMC was crosschecked with the N_1 produced by an independently-assured source, such as a performance application on an EFB.
12. There is no requirement for EFB performance applications to display N_1 on the performance calculation output page (EFBs are not regulated), and not all operators use EFBs.
13. The low takeoff thrust meant that the takeoff was abnormal in terms of:
 - a. Low acceleration.
 - b. Distance along the runway to achieve V_1 and V_R .
 - c. Low rotation rate.
 - d. Low climb rate.
 - e. Marginal ability of the aircraft to stop during an RTO from V_1 .
 - f. Inability of the aircraft to continue the takeoff following an engine failure at V_1 without increased thrust.
14. Once the aircraft began its takeoff run with insufficient thrust, the risk controls in place did not alert the crew to act to recover the situation because, in general:
 - a. Pilots are unlikely to recognise that actual acceleration is below a threshold value for a particular runway.
 - b. The use of autothrust de-couples pilots from the thrust levers.
 - c. Pilots are disposed only to reduce thrust to idle during takeoff (in case of RTO).
 - d. Pilots remove their hands from the thrust levers at V_1 .
 - e. Pilots do not have to increase thrust during a takeoff in the event of an engine failure.

15. The takeoff run was significantly longer than expected and the aircraft lifted off at the extreme end of Runway 07.
16. The aircraft struck a Runway 25 supplementary approach light which was in the stopway, 29 m beyond the end of the Runway 07.
17. Thrust was not increased until the aircraft was approximately 4 km from the end of the runway and 800 ft aal.
18. Once the thrust was increased the aircraft climbed away normally and the flight proceeded to CFU without further incident.
19. There was no damage to the aircraft.
20. There were no injuries.
21. The investigation found no faults with the aircraft which could have contributed to this serious incident.
22. Had the crew of C-FWGH been alerted to the abnormally low acceleration while still at low speed, the takeoff could have been rejected and the aircraft brought to a halt well before the end of the runway.
23. Previous attempts to develop technical specifications for TOPMS have failed because the work tended to focus on the more sophisticated options, which were complex in nature.
24. TAMS reduces the complexity of the problem by only considering acceleration during the early stages of a takeoff, and the solution is data-driven.
25. The TAMS trialled in this investigation would have alerted the crew to the abnormally low acceleration during this takeoff.
26. There is currently no technical specification or certification standard for either TOPMS or TAMS.
27. Safety margins built into TODR calculations, which cater for normal variations in operational performance, are rendered unreliable or ineffective when there is a data entry error because of the random (and possibly gross) nature of the effect.
28. It was the benign nature of the runway clearway and terrain elevation beyond, and the lack of obstacles in the climb-out path, which allowed the aircraft to climb away without further collision after it struck the runway light.

29. Staff at BFS ATC attempted to contact the crew through the watch manager at ScACC. The crew were finally contacted by the operator when the aircraft was on the ground in CFU.
30. Although BFS ATC filed an MOR, neither the commander, aircraft operator, nor tour operator informed the AAIB directly as they were required to do for a serious incident of this nature.

Safety Recommendations and Actions

Safety Recommendations

Two Safety Recommendations were made in Special Bulletin S2/2017, published in September 2017, which are reproduced below along with the response from the addressee:

Safety Recommendation 2017-016

It is recommended that the Federal Aviation Administration mandate the use of Flight Management Computer software revision U12.0, or later revision incorporating the outside air temperature crosscheck, for operators of Boeing 737 Next Generation aircraft.

The FAA, in its initial response to this recommendation, stated that there might be hardware and fleet compatibility issues and cost implications for some operators which it would need to understand before responding substantively. It undertook to provide an updated response by December 2018.

The AAIB classified this response as: Superseded.

Safety Recommendation 2017-017

It is recommended that The Boeing Company promulgates to all 737 operators the information contained within this Special Bulletin and reminds them of previous similar occurrences reported in the Boeing 737 Flight Crew Operations Manual Bulletin dated December 2014.

On 13 July 2018, Boeing issued a Multi Operator Message which described the potential for FMC OAT entry errors referring to this, and other serious incidents. The message also reminded operators of the associated service bulletins recommending the installation of revision U12.0 of the FMS OPS software and BP15 update of the CDS⁴. The message reminded operators that the final compliance date for the recommended action was 10 January 2019.

The AAIB classified this response as: Adequate – Closed.

Footnote

⁴ See 1.16.3.2.

The following Safety Recommendation is made in this report, which supersedes Safety Recommendation 2017-016:

Safety Recommendation 2018-012

It is recommended that the Federal Aviation Administration mandate the use of Flight Management Computer OPS software revision U12.0, or later, and the Common Display System Block Point 15 update where this is required, to enable the outside air temperature crosscheck on all applicable Boeing 737 aircraft.

The following additional Safety Recommendations are made in this report:

Safety Recommendation 2018-013

It is recommended that Boeing Commercial Airplanes give guidance to operators of Boeing 737 aircraft on how they might verify the FMC-calculated value of N_1 against an independently calculated value.

Safety Recommendation 2018-014

It is recommended that the European Aviation Safety Agency, in conjunction with the Federal Aviation Administration, sponsor the development of technical specifications and, subsequently, develop certification standards for a Takeoff Acceleration Monitoring System which will alert the crew of an aircraft to abnormally low acceleration during takeoff.

Safety Recommendation 2018-015

It is recommended that the International Civil Aviation Organization note the conclusions of this report and introduce provisions addressing Takeoff Acceleration Monitoring Systems.

Safety Action

This report presents the following safety action:

Safety Action by the aircraft operator

As a result of the initial findings of this investigation into this serious incident the aircraft operator began a programme of upgrading their fleet of B737s to FMC Update 13 and CDU BP15 in order that the OAT alerting function would be available. They also updated their EFB software to display N_1 and included a crosscheck of this figure in their SOPs.

Safety Action by the UK CAA

After this serious incident, the CAA amended MATS Part 1 such that the senior controllers at ATSUs providing air traffic services at an aerodrome are required to notify the AAIB by telephone as part of their initial reporting actions following an aircraft accident or serious incident.

The CAA also amended CAP 797, *Flight Information Service Officer Manual*, to require air traffic services personnel to notify the AAIB by telephone as part of their initial reporting actions following an aircraft accident or serious incident.

In addition to the action above, a link to Regulation (EU) 996/2010 was put into MATS Part 1 and CAP 797 pointing to typical examples of what are likely to be classified as serious incidents.

008



INDY/

LION AIR CRASH: DOOMED JET WAS NOT 'AIRWORTHY', INVESTIGATORS SAY

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Cathy Adams | @Cathman | Wednesday 28 November 2018 15:07 |

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Indonesia’s transport safety committee (KNKT) said that the plane was not “airworthy” and had suffered similar technical issues on previous flights, in a preliminary report into the crash.

“This is the basis of our recommendation to Lion Air. In our view, the plane was not airworthy,” Nurcahyo Utomo, head of Indonesia’s national transport safety committee, told a news conference in Jakarta.

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In a statement released today, aircraft manufacturer Boeing said that safety is a “core value” for everyone at the company, and the safety of “our airplanes, our customers’ passengers and their crews is always our top priority”.

“As our customers and their passengers continue to fly the 737 Max to hundreds of destinations around the world every day, they have our assurance that the 737 Max is as safe as any airplane that has ever flown the skies.”

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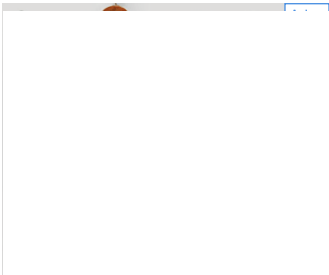
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Your Ref

Our Ref
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Date
16 January 2018

By Email
Urgent

Dear Madam

Extraordinary Council Meeting, 18 January 2018

This letter has been jointly prepared by BDB and RPS who are the legal and planning representatives acting on behalf of RiverOak Strategic Partners (RiverOak) in connection with their proposals to submit a Development Consent Order (DCO) application to reopen Manston Airport as an air-freight hub with some passenger services. It is written further to publication of the officer's report to the 18 January 2018 Extraordinary Council which will consider the Pre-Submission Publication Stage of the new Thanet Local Plan and should be read alongside the letter from RPS to the Head of Strategic Planning at Thanet District Council (TDC) dated 17th March 2017 in connection with the Proposed Revisions to the draft Thanet Local Plan (Preferred Options) (January 2017).

Following our review of the officer's report to the 18th January 2018 Extraordinary Council, it has become necessary to bring several items to your attention. We address these matters below and present them under sub-headings that match those used in the officer's report.

Introduction and Background

The officer's report clearly sets out how important the Local Plan is as a key strategy document that supports the Council's Corporate Plan priorities by seeking to support economic growth and regeneration and seeking opportunities for inward investment and job creation. In its current state, RiverOak do not believe that the Local Plan goes far enough and it is not proactive enough in securing policies that encourage deliver of the corporate priorities – not least in respect of the significant opportunity presented by the possible reopening of Manston Airport site. The 2015 Consultation of the draft Thanet Local Plan rightly acknowledged that "a successful airport has the potential to be a significant catalyst for economic growth" and Policy SP05 supported "retention, development and

expansion of the airport and aviation operations" in full recognition of the opportunity that the airport presented to deliver strategic growth objectives. This policy approach to the airport was widely supported by the general public. To allocate the airport site for anything other than aviation use would be a missed opportunity for the District which should not be lost.

Government Guidance – Key Requirements

Paragraph 2.13 of the officer's report correctly recognises that the new Local Plan should be based on adequate, up-to-date and relevant evidence. RiverOak do not believe that Members of the Extraordinary Council have adequate evidence upon which to make such an important decision on the next stages of the Local Plan.

The officer's report itself identifies examples of where crucial pieces of evidence have not been completed and therefore made available to Members, or the general public. The evidence base to the Local Plan is lacking and incomplete and has not benefited from full scrutiny by way of a full consultation. Members have not seen the following evidence:

- **Avia response to the March 2017 representations** – Avia have already issued a preliminary response to RiverOak's comments from March 2017. However officers indicate that a fuller response, which relates directly to their September 2016 report, will be reported to Members in due course. No date is provided for this response. Additionally, the Avia Report itself has never been subject to scrutiny and comments have never been invited on it. As the principal evidence base for the Council's justification for no longer protecting the airport for aviation use, the Avia Report and any further commentary needs to be fully considered by Members and the subject of proper scrutiny before any definite decision is taken on the future of the airport.
- **Justification for the amount of employment land allocated** – The Council has promised to publish an Economic Development Needs Assessment-style document which will explain the amount of floorspace needed over the Plan period and the employment land supply situation. This is welcomed as the current document is very out of date (2010). The Council's employment strategy and policies are a central part of the Local Plan and in realising corporate priorities. They must be based on the latest information available especially as there are likely to be implications for other elements of the Local Plan if the currently reported land supply situation changes. It is understood that the promised document will be submitted to the Secretary of State alongside the Local Plan, but this will be after Members have made their decision at this week's meeting. RiverOak continue to raise significant concerns about the Council's continued approach and admittance to maintaining a significant oversupply of employment land especially when delivering employment land in Thanet has historically been difficult and failing to properly consider Employment Omission Sites, as doing this may present better options for addressing housing land supply needs thereby reducing the reliance on Manston Airport to meet this supply.
- **Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA)** – the Council acknowledges that these documents are out of date. The SHMA has been revised to provide up to date evidence for the objectively assessed housing need for Thanet and the types and affordability of homes required but it has not been published. This should inform the level, size, type and affordability of housing to be provided for in the Pre-Submission draft Local Plan. The SHLAA will be updated for the Pre-Submission draft Local

Plan. The content of the Pre-Submission draft will be informed by the updated SHMA. Again, this is all crucial evidence which Members will not see before making a decision this week.

- **Housing Omission Sites (which have not be allocated)** – there were numerous objections from landowners and agents whose sites had not been allocated for housing. The Council is considering the sites individually and on their own merits in line with established assessment procedures set out in the evidence base. The Council has previously promised to publish an Environmental Report to update on this process and to explain why sites had not been allocated. This report has not been published. This evidence needs to be considered in full against the Council's proposed list of housing allocations and especially in light of the proposal to deliver a new settlement on Manston Airport (which was once the Council's least preferred housing solution) and which RiverOak state is not required with reference to the January 2018 RPS Report "*Thanet District Local Plan: Review of Future Housing and Employment Growth and Capacity for Development.*"
- **Final versions of the Infrastructure Delivery Plan, Sustainability Appraisal, Viability Assessment and Transport Modelling Work** – objections were received stating that these documents should have been published as part of the 2017 consultation. The Council has responded by saying it has published evidence base documents and information in the past, and is committed to continuing to do so, as and when evidence is available and at the appropriate stage. The Council recognises that these are important elements of evidence for the Examination. The officer's report states that it is the Council's intention to publish the evidence mentioned at the next stage, if available. This is simply not good enough when we are talking about such important evidence documents which underpin the District's future for the next 20 years.
- **Whole Plan Viability Study** – this document is required to ensure that the development identified in the draft Plan is deliverable in the Plan period to 2031. As this document has not yet been completed and therefore published, there is no certainty that the development being proposed (including the new settlement at Manston Airport) is viable and therefore deliverable. This evidence should be made available to Members now.

The above list is sizeable and contains a number of essential evidence documents that could all have significant implications for the Local Plan which the Council itself recognises as a key strategic document. Members have not been properly informed in advance of being asked to make decision on the next steps. This is not only unfair but irresponsible and could have severe repercussions at the Examination stage if an independent Inspector is not satisfied that adequate evidence has been supplied or that it is out-of-date.

Duty to Cooperate

We suggest that, despite the assurances given in the officer's report (paragraph 2.25), all the evidence suggests that there has not been sufficient co-operation with Dover District Council (DDC) on cross-boundary strategic priorities especially in relation to Manston Airport and that DDC is likely to make this point to the Local Plan Inspector at the appropriate time. A failure to demonstrate evidence of having effectively cooperated to plan for cross-boundary issues in accordance with paragraphs 178-181 of the

NPPF before submitting Local Plans for examination is a serious issue for the Inspector that could lead to the Local Plan not being accepted.

Housing Omission Sites

Paragraph 2.106 of the officer's report recognises that at the last consultation, the Council received a number of proposals for new housing sites that had not been allocated in the draft Local Plan. The Council alleges that the new sites have all been subject to assessment and in the same way as those sites that were submitted earlier on in the Local Plan process at the 'call for sites' stage. There has been no information published to date to evidence or justify the Council's decisions. Consequently, the Council's approach to meeting its housing land supply needs is not fully understood and even less so when considering that there needs to be a clear synergy and integration between the Local Plan housing and employment strategies (with reference to paragraph 158 of the NPPF) – where there is evidently none (see earlier section on Government Guidance – Key Requirements and comments made in relation to the Council's employment land supply assessment).

The overprovision of employment land allocations within the Local Plan (see paragraph's 2.131 to 2.135 of the officer's report) needs to be fully considered alongside the new SHLAA to establish if there is further opportunity for employment sites to be given over to housing (and therefore not having to allocate Manston Airport for a new settlement before the airport's future is properly considered). Additionally, there needs to be a proper consideration of the employment land omission sites (paragraph 2.136 and 2.137 of the officer's report) to see if they represent better examples for employment allocations therefore meaning that existing employment sites could be released for housing. Presumably if Manston Airport is retained in employment use, then other employment sites could be released for housing while maintaining the same amount of employment land.

Future of the Airport Site

There are a couple of points that we need to respond to in relation to paragraphs 2.107 to 2.130 of the officer's report. These are separated out under headings below:

Selective and Inaccurate Reporting of the Planning Inspector's decision on Manston Airport (dated July 2017)

The characterisation of the unsuccessful planning appeals relating to the Manston Airport site at paragraphs 2.119 to 2.122 of the officers' report is wholly misleading. The true picture is as follows:

The Council refused, or did not determine, four applications for changes of use of buildings on the site away from airport use. This was appealed by Stone Hill Park Limited. In December 2016, the Council decided that it would not defend the appeals, relying on the Avia Solutions report for its change of heart.

The Council attended, but did not participate at all in the appeals, which were heard in the Council Chamber in March 2017. The Avia Solutions' report was not introduced to evidence and was not therefore subject to any scrutiny and has as yet not been subject to scrutiny in any other way. In contrast, RiverOak's reports by Dr Sally Dixon and Mr Chris Cain were submitted in evidence and were able to be scrutinised, but were not challenged either by Stone Hill Park Limited nor the Council.

The Inspector decided on 13th July 2017 to dismiss the appeals because there was sufficient prospect of the airport site being brought back into airport use, and he concluded that existing national aviation policy framework and adopted Thanet Local Plan Policy EC4 carry 'significant weight', and that the emerging Policy SP05 carries 'little weight'.

Justification to retain the airport designation

It is wholly inappropriate and wrong for the Council to state in paragraph 2.117 that there is insufficient justification to retain the airport designation during the Plan period. The future of the airport has not yet been properly considered or tested through either the Local Plan or development consent processes and to base the new Local Plan on this conclusion would be wholly wrong. In paragraph 2.121 the Council fully recognises that the airport's future is a matter for the Local Plan and DCO process. It is simply too premature to conclude as the Council has on this matter – especially in light of the Planning Inspector's conclusions in July 2017 in connection with the planning appeals by Stone Hill Park Limited (see above).

Paragraph 2.38 says that the Environmental Report (yet to be published by the Council) will make the Council's assessment of the airport site much clearer. This document must be seen by Members and scrutinised before making such an important decision on the airport's future.

Paragraph 2.123 states that there are implications for the Local Plan if the airport site was not allocated for mixed-use development. RiverOak simply does not agree. The implications can be satisfactorily addressed through better consideration of the evidence base. We believe that there are equally implications for the Local Plan (and the Council's Economic Growth Strategy) by not safeguarding the airport for aviation use – this is not something that has been properly considered by the Council.

Prematurity of deciding the airport's future now

Paragraph 2.128 says that DCLG have said that there is no need for the draft Local Plan to be delayed by the DCO. Whilst this is true, it would also be significantly premature for the Council to assume that the DCO will not be successful and that an alternative use for the airport site must be promoted now. The airport should remain protected for aviation uses until such time that the Local Plan review and DCO processes have been completed – a fact that officers themselves acknowledge in the report (paragraph 2.120).

Weight to be given to the draft Local Plan

In paragraphs 2.150 to 2.152, the officer's report suggests that as the draft Local Plan progresses towards Examination, it gradually accrues more weight in development decisions and that when the Local Plan is submitted for Examination, that significant weight can be afforded to the draft policies. Until the Local Plan has been considered by an independent Planning Inspector, little weight can be given to the emerging plan policies and in particular Policy SP05 (Manston Airport) which continues to attract significant outstanding objection.

Consideration by the Overview and Scrutiny Panel

The officer's report also gives a misleading account of the proceedings of the Overview and Scrutiny Panel that took place on 21st November 2017 (paragraphs 1.10 and 2.168). In fact, a motion to

recommend that the Cabinet agree the Local Plan and that it recommend that the Council submit the Local Plan to the Planning Inspectorate for Examination was defeated by nine votes to one. This represents a strong message from elected Members about the concerns surrounding the new Local Plan and the outcome of the vote should be properly reported and accepted.

We have previously expressed concerns about the way that the comments from the Overview and Scrutiny Panel have been recorded. The concerns that they raised at the 21st November 2016 meeting a year earlier, namely the proposed loss of Manston Airport; the shortage of time that the Panel were given to study evidence documents; the lack of considering alternative uses for the airport site other than for housing; and whether the Council was going to look at rejected housing sites before finalising its housing strategy to deal with the need for additional homes, are all matters that are still of concern. The Panel's specific recommendation from that meeting to conduct further reviews in relation to the rejected housing sites to find extra land for housing development in order to minimise the use of greenfield sites still has not been actioned by the Council – over a year on.

Conclusions

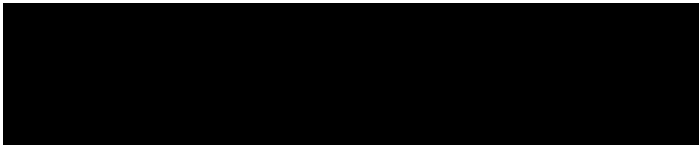
For the reasons set out in this letter, and in the RPS letter to the Head of Strategic Planning at the Council dated 17th March 2017 in connection with the Proposed Revisions to the draft Thanet Local Plan (Preferred Options) and contrary to the requirements of paragraph 182 of the NPPF:

- the draft Local Plan has not been positively prepared;
- it is not justified through adequate and up-to-date evidence;
- there is no evidence available to confirm that it will be effective and deliverable over the Plan period;
- there has not been effective joint working on cross-boundary strategic priorities;
- is not consistent with national planning and aviation policy objectives; and
- it has not been prepared in accordance with the Duty to Cooperate or legal and procedural requirements and therefore fails the 'soundness' test.

Consequently, the Plan should not be submitted for Examination.

RiverOak maintain that there should be no new mixed-use settlement promoted at Manston and that there is a clear need, which needs to be captured in the new Local Plan, to safeguard land at Manston Airport exclusively for aviation related uses – consistent with the national policy context. The airport would deliver much-needed infrastructure which in turn would deliver economic growth on a local, regional and national level in addition to wider growth opportunities fully consistent with national planning policy objectives and the Council's own strategic priorities to grow economically.

Yours faithfully



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cc All Members invited to the 18th January 2018 TDC Extraordinary Council Meeting
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Iain Livingstone, Planning Applications Manager, TDC
RiverOak Strategic Partners
RPS

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**Ministry of Housing,
Communities &
Local Government**

Councillor Robert W. Bayford
Leader, Thanet District Council

The Rt Hon Sajid Javid MP

*Secretary of State for Housing, Communities and
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23rd March 2018

Dear Councillor Bayford

LOCAL PLAN INTERVENTION

Congratulations on becoming Leader of Thanet District Council earlier this month, I was pleased to see your statement that you will prioritise work on the Local Plan. However, I am writing today as a result of the Council's persistent failure over many years and under different administrations, to get a Local Plan in place, following on from the concerns I set out on 16 November 2017 about the lack of progress that had been made in plan-making. The housing White Paper set out that intervention in Local Plans will be prioritised where:

- the least progress in plan-making has been made
- policies in plans had not been kept up to date
- there was higher housing pressure; and
- intervention would have the greatest impact in accelerating Local Plan production

We also made clear that decisions on intervention will be informed by the wider planning context in each area (specifically, the extent to which authorities are working cooperatively to put strategic plans in place, and the potential impact that not having a plan has on neighbourhood planning activity). I gave the District Council the opportunity to put forward any exceptional circumstances by 31 January 2018, which, in the Council's view, justifies the failure to produce a Local Plan under the Planning and Compulsory Purchase Act 2004 regime.

I have considered carefully the Council's letter of 31 January 2018. In summary, in January 2018, the District Council resolved to reject the recommendation of officers to publish the draft Local Plan and is therefore failing to meet its deadline for publication of a Plan, in accordance with your published Local Development Scheme. The Council

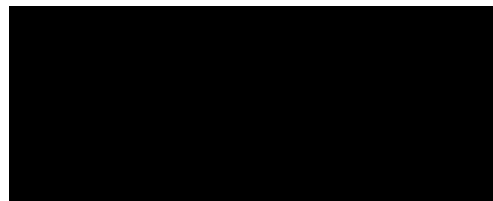
has failed to meet milestones in published Local Development Schemes at least five times since 2004.

The District Council's argument to justify this failure sets out two inter-related circumstances – the local debate over the future of Manston Airport and the need to undertake further work to identify alternative sites after the Plan failed to proceed. I consider that these are not exceptional circumstances – other authorities have dealt with uncertainty about the future of large sites.

In terms of the intervention criteria, Thanet have failed to make progress on plan-making, the policies do not appear to be up to date and there is high housing pressure. At the current time this is an authority where intervention would have the greatest impact by accelerating Local Plan production. The Council does not have an up to date Local Development Scheme, whilst I note the suggestion from your officers that your Council intends to update the scheme.

Having considered the Council's representations and the Government's policy set out in the November 2017 Written Ministerial Statement and the housing White Paper, I have decided to continue with the intervention process. As discussed at our meeting on 6 February 2018 this will involve a team of experts, led by the Chief Planner, providing me with further advice on next steps. My officials will be in contact with your officers to discuss the next steps.

My officials will also begin formal discussions on the options of inviting Kent County Council to prepare a Local Plan for Thanet and with the neighbouring authorities on the possibility of directing a Joint Plan, as part of considering whether to use my statutory powers and if so which ones.



RT HON SAJID JAVID MP

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House of Commons

Housing, Communities and
Local Government Committee

High streets and town centres in 2030

Eleventh Report of Session 2017–19

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons
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Housing, Communities and Local Government Committee

The Housing, Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Housing, Communities and Local Government.

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Summary

The six months over which our inquiry took place appeared to be the most turbulent for the high street so far. Barely a week went by without headlines pronouncing the ‘death of the high street’ or a major retailer announcing a restructuring or a fall in profits.

An enormous change has taken place in retail in recent years. The traditional pattern of making purchases in physical stores, both in and out-of-town, has been profoundly disrupted by the growth of online shopping. The impact of this on our high streets and town centres in the form of store closures, persistently empty shops and declining footfall is clear for all to see.

Against this concerning backdrop, we make a set of recommendations to Government, local government, local communities, retailers and landlords to be acted on now. **Unless this urgent action is taken, we fear that further deterioration, loss of visitors and dereliction may lead to some high streets and town centres disappearing altogether.**

An intervention leading to large-scale structural change

We believe that high streets and town centres can survive, and thrive, by 2030 if they adapt. Our vision is for activity-based community gathering places where retail is a smaller part of a wider range of uses and activities and where green space, leisure, arts and culture and health and social care services combine with housing to create a space based on social and community interactions.

- Achieving the large-scale structural change needed will require an intervention led by the local authority, using all its powers and backed by cross-sector collaboration. However, given the financial pressure faced by local authorities, central government funding will be needed for this, as well as significant private sector investment.
- The Government’s £675 million Future High Streets Fund is aimed at trying to kick-start this intervention and, based on the evidence we received, we believe it reflects the right approach. However, given the scale of the challenge, its funding needs to be enhanced and, for this, we recommend that the Government considers using revenue generated from the reforms to business taxation that we propose.

But the Future High Streets Fund is only one part of the solution. **Local intervention, while essential, needs to be accompanied by further action by central government and at local level, as well as by retailers and landlords,** to create the conditions for high streets and town centres to flourish in the future.

Central government action

High street retailers are paying more than their fair share of tax, while online retailers are not contributing enough: we heard that Amazon UK’s business rates amounted

to approximately 0.7% of their UK turnover,¹ while high street retailers are paying considerably more, with business rates as a proportion of turnover ranging from 1.5% to 6.5%. The Government has announced the introduction of a Digital Services Tax in April 2020 to address issues related to historic avoidance of corporation tax. However, this does not address the imbalance between online and high street retailers. The Government needs to go further and move faster to level the playing field between online and high street retailers.

- **We recommend that the Government urgently assesses the main proposals that we received in evidence, including a sales tax, an increase in VAT, an online sales tax and ‘green taxes’ on deliveries and packaging, and make recommendations for change to provide fast relief to high street retailers.**
- The revenue raised should be used to support the high streets in the following ways:
 - A reduction in business rates for retailers in high streets and town centres;
 - A 12-month holiday for high street retailers from rates increases which result from investments to improvements in property; and
 - An increase in the funding available to local areas through the Future High Streets Fund.

Planning is crucial to high street and town centre transformation. Given this, the Government should ensure that planning powers are fit-for-purpose, sufficiently responsive and up-to-date and undertake a comprehensive review of planning as it pertains to the high street. **In particular, we believe that permitted development rights (PDRs) risk undermining the strategic vision that a community has developed for its high street or town centre.**

- The Government should suspend any further extension of PDRs, pending an evaluation of their impact on the high street. Policies should reflect the wide variety of local circumstances. Councils should be actively encouraged to develop town centre masterplans and use their powers positively to renew their town centres. Where PDRs conflict with particular designations in the Local Plan or other established planning documents, councils should be given greater freedom to suspend PDRs in the affected area.

The Government has announced that the Future High Streets Fund will be accompanied by the creation of a Future High Streets Task Force, which the Minister described as a “national re-source” and “a central knowledge base”. **The Task Force should be much more than a ‘talking shop’ and, in combination with the Fund, must provide real and tangible support directly to local areas.** Among other things, we recommend that it should:

- Be staffed by experts with front line experience, including academics, planners, lawyers and developers;

¹ This is an approximate figure based on the 2017 total revenue figure and 2018 business rates figure given to us by Amazon UK.

- Second experts to provide direct support to local areas on all aspects of high street and town centre transformation, as well as providing advice and support in writing or over the phone;
- Collate data, good practice examples, case studies and guidance for local areas to access, but also proactively disseminate this information and advise local areas on how to interpret and apply it to their own circumstances; and
- Provide advice and support to all stakeholders involved in high street and town centre transformation, including retailers and place management partnerships and Business Improvement Districts (BIDs), and to all areas regardless of whether they have received funding from the Future High Streets Fund.

Local action

We recommend that **action is taken at local level to create visionary strategies for high streets and town centres which have the backing of the local community, to support local traders, to facilitate parking and to develop the role of place partnerships.**

- Local Plans must be living documents, regularly updated to capture and reflect changing trends, and must be forward looking, anticipating what will happen in five years' time. They should be supplemented with dynamic strategies covering specific high streets and town centres. We recommend that all local areas should also develop an overarching vision setting out the direction for the future of their high streets and town centres.
- We were attracted by the idea that BIDs should be replaced with community improvement districts but recognise that legislative changes might be needed to implement this. We encourage the Government to consider how this might be done and, in the interim, recommend the appointment of community representatives to BID panels in order to encourage a more balanced approach in their work.

Retailers

With online shopping only set to grow in the future, we heard that, **to compete and be successful, high street retail needs to carve out a separate role, focusing on providing “experience” and “convenience”.**

- We recommend that retailers make an asset of their physical retail space and their staff by creating opportunities to interact with customers that cannot be found online. In addition to being well-stocked with interesting products, this could include providing personal shopping services, advice and consultations, using social media and investing in staff training and the store itself.
- In many places, store opening hours do not reflect the fact that many people need and want to be able to shop at the end of the day after they have left work. If they cannot shop on the high street at their convenience, they will shop online or at an out-of-town retail centre instead. Retailers should conduct

research with shoppers to find out whether their opening hours are meeting people's needs and adjust them in accordance with the results on a local, shop-by-shop basis.

Landlords

Landlords are often the least visible stakeholders in high streets and town centres but are among the most important. We heard that **disparate property ownership and lack of landlord engagement are key barriers to high street and town centre transformation and that high rents are affecting retailers' profitability.**

- We encourage all landlords to recognise that the retail property market has changed and to take an active approach, providing their tenants with good quality properties on a flexible basis and investing in and reconfiguring properties for new uses. Further, we encourage them to fully engage in local partnerships working on high street and town centre transformation and to consider the potential for further investment to help bring plans to fruition.
- We recommend that, in the next twelve months, the Government task the Law Commission with reviewing the Landlord and Tenant Act 1954, Part II, assessing in particular whether the law as it currently stands is impeding the emergence of a landlord tenant relationship which is more appropriate for the current retail environment.
- Property-owner BID's could play an important role in bringing landlords into local discussions about high street and town centre transformation. We recommend that the Government revives the legislation needed to create such a body at the earliest opportunity.

Conclusion

We firmly believe that our high streets and town centres can have a better and more balanced future ahead of them if our recommendation are followed. This will require a shift from the retail focused activities of high streets and town centres today to new uses and purposes which foster greater social interaction, community spirit and local identity and characteristics. With a properly planned strategic intervention led by the local authority, with the backing of local stakeholders and the wider community, **we can redefine our high streets and town centres and ensure their long-term sustainability for future generations to come.**

Introduction

1. Much time and effort has been spent in recent years considering the declining health of our high streets and town centres and how this might be reversed. Rightly so. These familiar, useful and fondly-regarded places play an important role in bringing citizens together and providing a social and community focal point for people all ages. The sight of unkempt, vacant shops and empty streets understandably arouses concern. Wanting to build on the work already done, we decided that this inquiry should be forward looking in its approach and set out a positive vision for the future of our high streets and town centres and the interventions needed to achieve this.

2. As it turned out, the six months over which the inquiry took place appeared to be the most turbulent so far. Barely a week went by without headlines pronouncing the ‘death of the high street’ or a major retailer announcing a restructuring or a fall in profits. Particularly high profile were the ongoing closures by Marks and Spencer of over 100 stores by 2022 and Debenhams’ plans to close almost a third of its 166 stores. While employment is not part of our remit as a Committee, we were deeply concerned to hear that 70,000 jobs were lost in the retail sector in 2018.

3. Not long after we launched our inquiry in May 2018, the Government also began a programme of work on the future of the high street. An Expert Panel chaired by the retailer Sir John Timpson was appointed in July 2018 to “diagnose issues that currently affect the health of our high streets and advise on the best practical measures to help them thrive now and in the future”.² The Expert Panel proceeded to gather evidence, providing interim recommendations in the Autumn and reporting in full on 20 December 2018.³ The interim recommendations—the creation of a Future High Streets Fund and Future High Streets Task Force—were accepted by the Government and formed part of a package of measures on the high street which were announced in the Budget on 29 October 2018.⁴

4. We recognise the need for swift and substantive action and welcome these announcements as a first step to addressing the challenges faced by the high street. Fortunately, we were able to ask our witnesses about the Future High Streets Fund and the Task Force in our later evidence sessions. Based on what they said and the rest of the evidence we gathered, we have assessed these measures and offer recommendations which we intend should inform their set-up, structure and operation. We urge the Government to take these recommendations, as well as the others we have made, into account and consider and respond both to our report and the Expert Panel’s report in a holistic and joined-up way.

5. In chapter one, we consider the challenges facing high streets and town centres today and explore our vision for what they might look like in 2030 and how that might be achieved in the following two chapters. In chapters four to seven, we consider what further action needs to be taken by central government and at local level, as well as by retailers and landlords, to create the conditions needed for high streets and town centres to flourish in the future. Finally, in chapter eight, we examine the role of the Future High Streets Task Force.

2 [Expert panel appointed to advise on the future of the high street](#), Ministry of Housing, Communities and Local Government (MHCLG) press release, 16 July 2018

3 Expert Panel on the High Street, [The High Street Report](#), 20 December 2018

4 HM Treasury, [Budget 2018](#), October 2018

6. We are grateful to everyone who contributed to our inquiry. We received 90 submissions from local authorities, traders and their representative organisations, place management groups, academics, think tanks and members of the public. The sheer breadth of the issues and the range of stakeholders required eight oral evidence sessions. We are very grateful to the retailers who came to give evidence in December during their very busy Christmas period and to the Treasury Committee with whom we held a joint session with the Financial Secretary to the Treasury.

7. We visited towns tackling the issues, travelling to the North East to visit Stockton-on-Tees and Darlington. These are areas at different stages—Stockton completed its town centre regeneration programme in 2011 although other work continues, while Darlington is at an earlier stage in responding to the challenges faced. We found the discussions we had—as well as the roundtables with local stakeholders—a useful opportunity to put many of the issues we had heard about in evidence in a practical context. We are grateful to Stockton Council and Darlington Borough Council and the Association of Town and City Management for arranging these visits and to the councillors, council officers, traders, landlords, residents and others who took time out of their day to take part in our roundtables.

8. Finally, we thank our specialist advisors, Christine Whitehead, Emeritus Professor of Housing Economics at the London School of Economics and Political Science and Kelvin MacDonald, Senior Fellow at the Department of Land Economy, Cambridge.

1 High streets and town centres today

9. Retail has become the dominant activity in high streets and town centres where in the past civic and community functions would have had a larger role. Roddy Bushell, whose role as Estate Manager at Fitzwilliam Malton Estate followed a career in asset and property management, told us “That was the 20th century [...] Town centres became places where value could be extracted at this retail party that was going on”.⁵ Consequently, consumer and economic trends in the retail sector affect high streets and town centres, for the better and worse.

10. In the 1980s and 1990s, supermarkets, megastores (both in- and out-of-town) and retail parks emerged as the first significant competitors to high streets and town centres and were widely blamed for their decline. Professor Alan Hallsworth, who studied the impact of out-of-town shopping on Waterlooville in Hampshire, said that the building of successive superstores and a retail park had detracted from the high street and led to the town being “over-shopped”.⁶ Although our planning witnesses agreed that out-of-town retail posed less of a threat now than online shopping, Dr Julian Dobson, Director of Urban Pollinators, said “The damage has been done [...] [they] are established centres that have become hubs in their own right”.⁷

11. UK consumers have taken to online shopping with enthusiasm, spending more online (€77.63 billion in 2017) than any other European country.⁸ Since 2006 online sales have been growing each year, reaching 20% of total retail sales in December 2018 and 21.5% around Black Friday.⁹ Andy Mulcahy, Strategy and Insight Director at IMRG, described the attraction of internet shopping and the competition it poses to high street shops: “a small shop could stock perhaps 200 products [...] and then you have the internet, which provides complete and utter choice nationally and even internationally”.¹⁰ Furthermore, goods sold online are often significantly discounted.¹¹ The way people shop has changed, with some visiting a “showrooming shop” to look at an item and then buying it online either at home or on the move, often at a discount.¹² Many retailers have become ‘multichannel’, combining physical stores and an online offer.

12. Tony Ginty, Head of Public Affairs at Marks and Spencer, described the growth of online shopping and the accompanying change in people’s shopping habits as a “major structural transformation” in retail and “by far the biggest” challenge faced by the sector.¹³ This view was shared by Tom Ironside, Director of Business and Regulation at the British Retail Consortium, who called it a “radical transformation”.¹⁴ Of course, this has led to major changes in our high streets and town centres, the most visible effects of which are stores closing, empty shops and fewer shoppers. The Local Data Company, which regularly surveys high streets, retail parks and shopping centres, reported in November 2018 that:

5 [Q155](#)

6 Professor emeritus Alan Hallsworth ([HST0005](#))

7 [Q178](#)

8 Centre for Retail Research, [Online Retailing: Britain, Europe, US and Canada](#), 2017

9 Office for National Statistics, [Internet sales as a percentage of total retail sales \(ratio\) \(%\)](#), release date 18 January 2019

10 [Q433](#)

11 [Q433](#)

12 [Q9](#)

13 [Q306](#)

14 [Q41](#)

- The number of store closures increased by 16.9% in the first half of 2018 compared to the same period in 2017, while the number of store openings dropped by 2.1%, equating to a net loss of 4,402 units across Great Britain;
- The vacancy rate on high streets across Great Britain for the first half of 2018 was 11.1%;
- The vacancy rate was 10.4% in the South East and 16.1% in the North East in the same period; and
- For the first nine months of 2018, footfall on the high street was down by 8.1%.¹⁵

13. The Centre for Retail Research monitors the numbers of medium and large retailers going into legal administration. They report that, since 2008, 34 medium and large retailers have gone into administration—8 of which were in 2018—affecting 12,997 stores and 178,576 employees.¹⁶ Among these are well-known national chains, such as HMV, House of Fraser, Maplin, Poundworld and Toys ‘R’ Us. As noted, Marks and Spencer and Debenhams, two major and long-established retailers have announced that they will be restructuring and closing 100 and 50 of their stores respectively.¹⁷ And profits at the John Lewis Partnership, despite an increase in sales, may well not be sufficient to pay a staff bonus in 2019, the first time since 1953.

14. Furthermore, several retailers—including New Look and Carpetright—have agreed Company Voluntary Arrangements (CVAs) this year. A CVA enables a company in financial difficulties, while continuing to trade, to enter into a legally binding agreement with its unsecured creditors in which the company’s debts are compromised.¹⁸ This may involve delaying or reducing payments of debt, capital restructuring or an orderly disposal of assets. Richard Collyer, Chief Financial Officer at New Look, explained why they agreed a CVA: “The simple fact is that New Look would have run out of money [...] The CVA [...] enabled us to address [our] fixed cost base”.¹⁹ The landlords we heard from voiced strong concerns about the misuse of CVAs by retailers who they believed were seeking to reduce rents and end leases.²⁰ They also told us that CVAs were causing nervousness among international investors in the retail property market in the UK which was probably the “worst-performing sector in the market at the moment”.²¹

15. The type of shops that make up high streets and town centres has also changed, with those offering services that cannot be obtained online faring better. According to The Local Data Company, the only retail category growing in the first six months of 2018 were independent service retailers, including barbers (net increase of 349 units, building on 624 store net increase in 2017), beauty salons (a net increase of 160), shoe repairs (122), tobacconists (vaping) (94) and mobile phones (77).²² Conversely, the declining retail categories in the first six months of 2018 included pubs (a net loss of 692 units), electrical goods (a net loss of 223 units), estate agents (211), women’s clothing (171) and newsagents (160).

15 Local Data Company, [Retail and Leisure Market Update: H1 2018](#), November 2018

16 Centre for Retail Research, [Who’s Gone Bust in Retailing 2010–19?](#), updated January 2019

17 [Q308](#); [Q442](#)

18 [Company Voluntary Arrangements \(CVAs\)](#), House of Commons Library Briefing Paper, May 2018

19 [Q338](#)

20 Revo ([HST0065](#)); [Q128](#)

21 [Q124](#)

22 Local Data Company, [Retail and Leisure Market Update: H1 2018](#), November 2018

16. Mike Ashley, Chief Executive of Sports Direct Group and owner of several town centre chains, gave us a very bleak assessment: “the biggest thing that has killed the high street is not the high street itself but the web. Be absolutely crystal clear: the web has killed the high street”.²³ And William Grimsey, Chair of The Grimsey Review and The Grimsey Review 2, two independent reviews of the high street, told us in nearly as stark terms:

The tipping point has arrived. It kicked off the year. We have seen the worst performance in many years for high street retailers, and we have reached that tipping point [...] It is quite clear that we are faced with the biggest challenge that we have ever had.²⁴

17. **We do not believe that the high street is dead—indeed we outline our vision for the future in the next chapter—but we do agree that a tipping point has been reached. An enormous change has taken place in retail. The traditional pattern of making purchases in physical stores, both in and out-of-town, has been profoundly disrupted by the growth of online shopping. *High streets and town centres need urgently to adapt, transform and find a new focus in order to survive.*** We consider how high street and town centre transformation might be achieved in chapters two and three.

Four systemic issues

18. The structural change in retail has brought to the fore several systemic issues which were less evident when high street retail was enjoying success. Now the market has evolved, these systemic issues appear to be acting as barriers to change. We have identified four main issues which we outline in the remaining part of this chapter, returning to them in the later chapters of this report to consider how they might be overcome.

Too much retail space

19. We were often told, including by retailers, that there was too much retail. There are several different aspects to this. Firstly, high streets and town centres are retail-focused, with retail acting as the “main anchor” in most places.²⁵ Secondly, there is “too much retail space”²⁶—for example, Richard Roe, Corporate Director of Place at Trafford Council, said that Altrincham’s centre had “expanded over time”, resulting in peripheral areas with reduced footfall and empty shops.²⁷ We also heard that some individual shops were now too large; Mike Ashley, Chief Executive of Sports Direct Group and owner of House of Fraser, told us that the 500,000 square foot House of Fraser in Birmingham was “too much and too big”, suggesting that the upper parts could be converted to residential.²⁸ Thirdly, high streets and town centres across local authority areas are in competition, as explained by Mr Roe:

23 [Q300](#)

24 [Q2](#)

25 [Q13](#)

26 British Retail Consortium ([HST0029](#)); Savills ([HST0025](#))

27 [Q187](#)

28 [Q298](#)

Altrincham is one of four town centres we have. Not only are those town centres competing with Manchester city centre, the Trafford Centre and other town centres within Greater Manchester; they are also competing with each other.²⁹

'Fragmented ownership'

20. The second issue relates to the complexities of high street and town centre property ownership. Mark Williams, Director of the Hark Group, an asset management company, described the pattern:

In terms of scale, pension funds, insurance companies, private equity owned by pension funds typically own large assets, so shopping centres or part of a town [...] Institutions traditionally own single-let high street shops but, over the last 10 to 15 years, they have been reducing that holding in most places, shrinking down to what we would call cathedral towns and cities. The majority of smaller towns and medium towns—probably 75% of the market—are migrating on individual shops with individual owners. It could be in their SIPP—its pension funds—or individuals such as the local dentist who has bought it [...] Large assets, though, are held by what are called professional commercial owners.³⁰

According to the Property Industry Alliance, overseas investors owned 29% of UK commercial properties held as investments in 2016.³¹ The British Property Federation said that this disparate ownership—often referred to as 'fragmented ownership'—created "a barrier to a coordinated response" to the challenges faced by high streets and town centres.³² We heard that this was particularly the case in smaller towns where ownership was more diverse: Roddy Bushell, former Estate Manager at Fitzwilliam Malton Estate, said that "finding something that speaks to them all is almost impossible [...] It is really difficult to work with them in any sort of cohesive way."³³ In contrast, Mr Williams said "when you have single ownership, you can take long views and views in the interest of estate management".³⁴

21. This situation is exacerbated by the varying interest and involvement of individual landlords in what is happening in the area. Richard Roe of Trafford Council told us:

Whether they are local or national is not necessarily the issue. There are just some landlords that are more interested and engaged and there are some landlords who are less so. We work with landlords who have portfolios across the country but are very active, very engaged and work closely with us. We have other landlords who have smaller portfolios and are less active.³⁵

29 [Q182](#)

30 [Q122](#)

31 Property Industry Alliance, [Property Data Report 2017](#)

32 British Property Federation ([HST0059](#))

33 [Q135](#)

34 [Q135](#)

35 [Q209](#)

We also heard that contacting landlords, necessary for example where a property needed to be acquired for redevelopment, could be very difficult.³⁶ The Government's announcement of a public beneficial ownership register by 2021 is therefore very welcome.³⁷

Retailers' high fixed costs: business rates and rent

22. We received a very significant amount of evidence from retailers, large and small, about the burden of business rates. We heard that they were “a very significant cost”,³⁸ “very burdensome”³⁹ and, for pubs, “punishing”⁴⁰ and “crippling”.⁴¹ In terms of the proportion of business rates paid by retailers, we were given the following figures:

- The retail sector accounts for 5% of Gross Domestic Product (GDP) and pays 25% of business rates;⁴²
- The hospitality sector pays 10% of the total business rates bill and represents 3% of economic activity;⁴³ and
- Pubs account for 0.5% of total rateable turnover and pay 2.8% of total business rates.⁴⁴

Kate Nicholls, the Chief Executive of UKHospitality, made the following point:

If we are talking about who is investing in our high street and who is bringing those empty shops back into usage, who is making sure you have well invested night-time economies, they need the headroom to be able to invest. While you hammer them with business rates, they simply cannot do that.⁴⁵

23. Rents were also reported to be very high. Clayton Hirst, Group Head of Corporate Affairs at John Lewis Partnership, said that they had “a very large rent bill”,⁴⁶ for Debenhams rent was “very burdensome”,⁴⁷ and, for Marks and Spencer, it was a “significant cost”.⁴⁸ For the hospitality sector, rents were “out of kilter with commercial reality [...] leading to exorbitant costs”.⁴⁹ We heard that long leases with ‘upward-only rent reviews’ had caused rents to rise to a level that no longer reflected the market; Kevin Frost, Property Director at Cineworld, explained the “trap”:

36 Thame Town Council ([HST0037](#))

37 [Q628](#)

38 [Q323](#)

39 [Q442](#)

40 British Beer and Pub Association ([HST0007](#))

41 [Q351](#)

42 [Q73](#)

43 UKHospitality ([HST0075](#))

44 [Q101](#)

45 [Q102](#)

46 [Q414](#)

47 [Q442](#)

48 [Q332](#)

49 UKHospitality ([HST0075](#))

It exists at a number of our cinemas where rents have been set at the very latest record rent in the marketplace, but that is not the marketplace tone. If rents fall away, as they have done over the last two to three years, we are then stuck at an artificially high rent level.⁵⁰

As a result of upward-only rent reviews, two-thirds of Debenhams' stores had above market rents which we were told was a "big problem".⁵¹ We also heard that very long leases were common to department stores.⁵² We consider lease structures in more detail in chapter seven.

24. We asked the retailers who gave evidence for their business rates and rent as a proportion of their turnover. These are set out in the table below:

	Business rates as proportion of turnover (%)	Rent as a proportion of turnover (%)
Amazon UK ⁵³	0.7	—
John Lewis	1.5	—
Marks and Spencer	2	—
Nando's	2.5	6
Sports Direct Group	"2.5 or 3"	"If business rates are 3%, rent is 6%"
Debenhams	3	8
Lakeland Leathers ⁵⁴	5	10
Fuller's	5	—
Cineworld	6	14
New Look	6.5	10
Some pubs	7 or 8	—
Vue International	21 (combined rent, rates and service charges)	

Andrew Goodacre, Chief Executive of Bira, pointed out that, when margins were tight, "you cannot vary fixed costs such as a pre-agreed rent or business rates".⁵⁵ Katharine Wynne, Director of Investor Relations at Debenhams, said that the implications of this for the company were that:

If we do not achieve improved terms on what is a very burdensome rent and rates cost base for our stores, which, like every other retailer, are seeing pressure on footfall, up to 50 stores will eventually become unprofitable.⁵⁶

In the context of our later recommendations on business rates and rents, we note the relationship between the two and that fluctuations in one will influence the other.

25. Mid-way through the inquiry, the Chancellor announced that business rates bills would be cut by one-third for retail properties with a rateable value below £51,000 for two

50 [Q449](#)

51 [Q447](#)

52 [Q129](#)

53 See paragraph 28 for further details.

54 A 15-store independent retail business located in the Lake District.

55 [Q51](#)

56 [Q442](#)

years from April 2019.⁵⁷ This will benefit up to 90% of retail properties. We welcome this announcement, which follows moves by the Government in 2017 to reduce the impact of rates through Small Business Rate Relief and the switch from RPI to CPI. However, we note the muted response to it by Martin Foster, the Chief Executive of Lakeland Leathers, a 15-store independent retail business:

It saves us £40,000 against the last rateable value increase. In reality, it is about £32,000 so somewhere in the region, against our current rates bill, of about 8%. It is nice to have. It does not change my view as to whether I would open a new store at the moment because it is only hanging around for two years and, to be frank, the cost base of opening a store is high.⁵⁸

And, as noted by Katherine Wynne, larger retailers like Debenhams “will not benefit at all”.⁵⁹

Business taxation

26. The fourth issue related to business taxation. Business rates are a property tax, levied on business properties on the basis of their rateable value and the national multiplier.⁶⁰ Mel Stride, the Financial Secretary to the Treasury, explained that the advantages of the tax were that it was very stable, that because it was linked to property it was “difficult to avoid” and that it has a “very important link between raising revenue from a business in a particular locality and local authority and the purposes to which that tax is being put to use”.⁶¹

27. However, we heard from many witnesses that a property-based tax was no longer fit-for-purpose; for example, Tony Ginty of Marks and Spencer said “It [...] was designed and developed in the past. You now have a quite different future and [it] is going to be much more digital-orientated”.⁶² Indeed, in this new ‘digital’ era, business rates are widely seen as giving a competitive advantage to online retailers which tend to have less property at lower rent per square foot and hence at lower rateable value in comparison to high street retailers but, in some cases, much higher turnover.⁶³ This is often also the case for properties in out-of-town retail parks.

28. We asked Lesley Smith, Director Public Policy, UK & Ireland at Amazon UK, to write to us with figures for Amazon UK’s total UK sales and business rates, among other things. Her letter dated 7 January 2019 stated:

Amazon breaks out its total revenue for the UK in its SEC10-K report. For 2017 this figure was \$11,372 million (£8.77 billion). This figure includes Amazon’s net sales through our UK website and aggregate revenues from other activities in the UK (such as fees charged to third party seller for listing and fulfilment) before expenses [...]

57 HM Treasury, [Budget 2018](#), October 2018

58 [Q327](#)

59 [Q452](#)

60 The rateable value of a property reflects the annual rent that it could have been let for on the open market. The multiplier is set by the Government for England. The basic business rate liability for a property is calculated by multiplying the rateable value of a property by the multiplier.

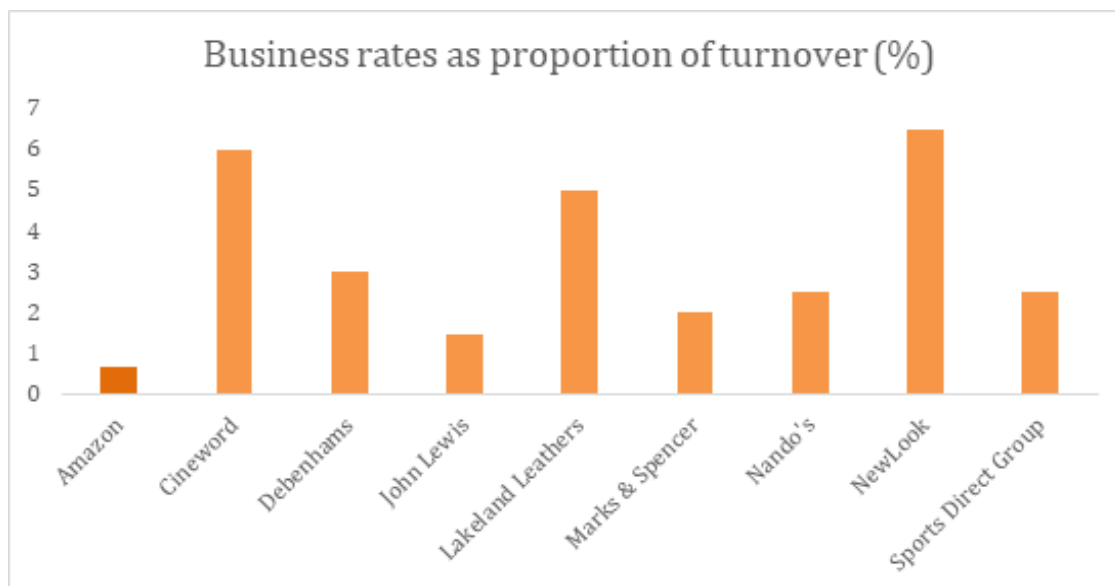
61 [Q471](#)

62 [Q326](#)

63 New West End Company ([HST0033](#)); [Q101](#)

We pay business rates on some 94 buildings and on our locker sites across the country. For 2018 year to date this amounts to £63.4 million.⁶⁴

Based on these figures, Amazon UK's business rates amount to approximately 0.7% of their UK turnover.⁶⁵ The graph below compares Amazon UK's business rates as a proportion of turnover with the high street retailers who gave evidence to our inquiry.



When we asked Jake Berry, the Minister for the Northern Powerhouse and Local Growth at the Ministry for Housing, Communities and Local Government (MHCLG), whether Amazon UK paid a fair share of business rates in relation to its turnover, he said “it does not seem that that is creating a level playing field to me”.⁶⁶ We agree. The Government must take steps to level the playing field between online and high street retailers and we set out our recommendations in relation to this in paragraphs 72 to 79.

⁶⁴ [Amazon UK to Chair regarding high streets and town centres in 2030](#), 7 January 2019

⁶⁵ This is an approximate figure based on the 2017 total revenue figure and 2018 business rates figure given to us by Amazon UK.

⁶⁶ [Q650](#)

2 High streets and town centres in 2030

29. William Grimsey, Chair of The Grimsey Review and The Grimsey Review 2, told us that “the 21st century town is about an activity-based community gathering place”.⁶⁷ This description reflects much of the evidence we heard and we consider that it offers some broad principles for high streets and town centres to follow for the future. We also received a great deal of evidence about the need for high streets and town centres to create their own identity, based on local characteristics—for example, “heritage, history and culture”—and to “develop in line with the DNA or personality of the area and the community”.⁶⁸ Again, Mr Grimsey summed things up well: “There is no silver bullet and there is no single solution [...] There are some guidelines, but the solutions are local”.⁶⁹

Activity-based

30. As we have discussed, one of the systemic issues is that our high streets and town centres are too retail-focused and have ‘too much retail’. We heard that this needed to be “unpicked”.⁷⁰ Mr Grimsey said “retail is not the main anchor any more for the 21st century, and it needs to be replaced with other activities”.⁷¹ Trafford Council was doing this by “keep[ing] the retail core to a reasonable size” and “encourag[ing] a more compact town centre, so that footfall does not have as far to go, to encourage that spend”.⁷² Even retailers agreed, Tony Ginty of Marks and Spencer said that:

Town centres cannot rely on retailing as they have done in the past. They will only succeed in the future if they get the right balance between retailing, leisure, hospitality, health, social care, services and indeed the residential links.⁷³

The activities outlined by Mr Ginty reflect much of the evidence we heard. For example, Wiltshire Council said that what brings people into towns is “mainly employment, cinemas, parks, libraries, events, festivals, leisure activities and other services”. They said they were investing £80 million in locating public services closer to the town centre.⁷⁴ Professor Cathy Parker, Chair of the Institute of Place Management, told us that “anything that generates footfall and is congruent with the overall offer is a good thing to have”.⁷⁵

31. The representatives of the two cinema chains from whom we took evidence saw their cinemas as the hubs of town centres in the future. Tim Richards, Chief Executive of Vue International, said this was because “We are a safe harbour. We create jobs. We create a safe destination hub for families and others”.⁷⁶ We heard that pubs have a similar potential; Simon Emeny, Chief Executive of Fuller’s, said he wanted to see areas “filled with community interest” and the pub at the “hub of social community”.⁷⁷

67 [Q4](#)

68 [Q20](#)

69 [Q20](#)

70 [Q20](#)

71 [Q13](#)

72 [Q187](#)

73 [Q312](#). See also British Retail Consortium ([HST0029](#))

74 Wiltshire Council ([HST0054](#))

75 [Q19](#)

76 [Q436](#)

77 [Q355](#)

32. We heard that investing in the arts and culture and events would create opportunities for interaction, as would other “cultural anchors”, such as theatres, libraries and museums.⁷⁸ We learnt that Stockton Council had devised a year-round programme of events to keep bringing local people and those from further afield into the town.

33. Reference was often made to the need to create more residential accommodation in town centres. Richard Roe of Trafford Council said this could be of real benefit to a place as you “bring in potential spend and activity”.⁷⁹ And the Royal Town Planning Institute said it was “well documented” that this could “increas[e] footfall and improv[e] vitality”.⁸⁰ Others, however, were concerned that increasing residential occupancy could have the opposite effect; for example, the Federation of Small Businesses who were concerned about the impact on local economic activity: “fewer commercial units puts pressure on those remaining, in terms of demand for commercial space, the affordability of space and also reduced footfall”.⁸¹ In 2015, the Government introduced a Permitted Development Right, allowing for change of use without planning permission from retail and office to residential. We discuss the impact of this on high streets and town centres in chapter four.

Community

34. High streets and town centres are at the heart of the community and, as Jake Berry, the MHCLG Minister for the Northern Powerhouse and Local Growth, put it, are our “original social network”.⁸² London Councils described how they fulfil this role:

[They] provide a space in which communities are able to mix freely. This is especially important for more vulnerable or isolated groups, such the elderly, young people and recent immigrants, who are all more likely to rely on the ‘informal offer’ that social infrastructure and shops on the high streets provide. This can be moments as simple as sharing a conversation or as impactful as being made aware of job opportunities in the area [...] High streets and town centres act as a focal point for community activity, and are part of how areas perceive and understand themselves.⁸³

35. We were told that high streets and town centres needed to become “the intersection of human life and activity”,⁸⁴ particularly when, as identified by Sir John Timpson, Chairman of the Expert Panel, “in an internet age [...] there is going to be less and less face-to-face communication [and] humans want places to meet.”⁸⁵ Mr Grimsey expanded on this, saying that they could be “community and public health assets”:

Providing public space that is inclusive of people of all backgrounds and ages, and is accessible to people of all levels of mobility. They can provide a centre for people to gather, to feel relaxed and to connect with others socially. They are therefore important both for physical and mental wellbeing.⁸⁶

78 Association of Town & City Management ([HST0060](#))

79 [Q187](#)

80 Royal Town Planning Institution ([HST0046](#))

81 The Federation of Small Businesses ([HST0063](#))

82 [Q635](#)

83 London Councils ([HST0071](#))

84 Association of Town & City Management ([HST0060](#))

85 [Q591](#)

86 [Q39](#)

Many of the arts, cultural and other activities described above promote social interaction and foster a sense of community. In addition, Joe Harrison, Chief Executive at NMTF, told us that “markets have “tremendous community value. There is buy-in [for them] from the community and people wanting to uphold community values within the places where they live”.⁸⁷

Gathering places

36. Quite simply, the activities and community interaction described above will need a central place in which to happen: “public spaces for gathering and socialising, and parks and green spaces for recreation and wellbeing”.⁸⁸ We saw this first-hand on our visit to Stockton-on-Tees where the high street had been redesigned to create a flexible ‘amphitheatre-style’ performance space with sound and lighting for staging events but which also served as a central focal and meeting point for people to gather or relax. Altrincham, winner of the 2018 Great British High Street ‘town centre’ award, has also invested in the public realm—with “landscaping, street furniture and planting [...], ‘Enhanced/Pedestrian Prioritised Streets’”⁸⁹—which we heard had proven very beneficial.⁹⁰

Future proofing

37. While we can respond to the current challenges and create a new role for high streets and town centres, as the Association of Town and City Management pointed out, potentially “radical and far-reaching change” still lies ahead:

Through the growth of the Internet of Things, Artificial Intelligence, robotics, digital traceability, augmented and virtual reality. By 2030, there will be significant development in autonomous vehicles and drones, 3D printing, and Blockchain. Each development on its own is significant, together they will be revolutionary.⁹¹

Given this, any plans made now must build in flexibility to respond to changes still to come and ensure that places are “future proof”.⁹² Professor Cathy Parker of the Institute of Place Management summed up the necessary approach as being “like gardening [...] it is constant”.⁹³

Conclusion

38. **We are convinced that high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities. Green space, leisure, arts and culture and health and social care services must combine with housing to create a space that is the “intersection of human life and activity” based primarily on social interactions rather than financial transactions. Individual areas will need to identify**

87 [Q95](#)

88 Urban Pollinators Ltd ([HST0022](#))

89 Great British High Street 2018, [High Street of the Year Awards](#), accessed 7 February 2019

90 [Q183](#). See also Royal Town Planning Institute ([HST0046](#))

91 Association of Town & City Management ([HST0060](#))

92 [Q312](#)

93 [Q27](#)

the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030.

3 How we get there

39. As we have highlighted in the preceding chapters, it is clear that high streets and town centres need to adapt, transform and find a new focus beyond retail in order to survive. To achieve this transformation, most will need to undergo large scale structural change. In the first part of this chapter, we consider how to bring this about. Against this, we assess the Future High Streets Fund, which the Government states will co-fund “transformative, structural changes” in local areas, and the sufficiency of the £675 million of funding that accompanies it.

Strong local leadership and collaboration

40. There was a consensus that strong local leadership was needed to drive high street and town centre transformation.⁹⁴ We heard very often that local authorities should provide that leadership and be the “catalyst” for change.⁹⁵ Mark Williams, Director of the Hark Group, an asset management business which works with councils on town centre regeneration, said:

We are transient owners. We are there for a period of time, whereas the local authority represents people who are there forever [...] Leadership must come from the local authority [...] it is their town and it should give very clear direction as to what it wants.⁹⁶

Sometimes this leadership came from a particular individual within the local authority—the Leader of the Council, another councillor or an officer—who “takes hold of the issue [...] and really drives forward a vision that can inspire others to get behind it”.⁹⁷ Drawing an analogy with business, Mr Grimsey emphasised the role of the chief executive: “It is clearly [their] job to drive the strategy for the company, to present [it] to the board and have it scrutinised by the non-executive directors, who prod, poke, question, analyse and add to it”.⁹⁸

41. Most importantly, local authorities possess significant powers, including planning and compulsory purchase, which can be deployed to drive transformation in high streets and town centres.⁹⁹ They also have other levers, like parking policy and provision of business rates discounts, which can be used to promote economic growth.

42. We heard that strong leadership needed to act in partnership with local stakeholders and that “partnerships and collaboration [were] essential components of any town centre or high street rejuvenation”.¹⁰⁰ Professor Cathy Parker of the Institute of Place Management explained that insights from a wide range of people who understood the town were needed to ensure that the “right decisions get taken”,¹⁰¹ and Ed Cooke, Chief Executive of Revo, said that “the third sector, the private sector, the public sector and the community” all

94 [Q91](#); [Q142](#); [Q232](#); [Q313](#)

95 [Q7](#)

96 [Q143](#)

97 [Q232](#)

98 [Q31](#)

99 [Q601](#)

100 Institute of Place Management ([HST0061](#))

101 [Q27](#)

needed to be involved.¹⁰² Ojay McDonald, Chief Executive of the Association of Town and City Management, explained why a broad range of actors was so important in the high street and town centre context:

[Its] a very different location to most others, because you have this mix of activity and mix of uses. Lots of different stakeholders all have a vested interest [...] whether it is different departments within a local authority, transport operators, police, the businesses, property owners, educational establishments or leisure operators. A whole range of different people have a vested interest in the town centre, but no one actually has control over that town centre.¹⁰³

An intervention

43. Achieving large-scale structural change will require an intervention normally led by the local authority, backed by cross-sector collaboration. Mark Williams, Director of the Hark Group, said he would strongly advocate local authority intervention, particularly in the case of economically deprived places.¹⁰⁴

44. Such work will involve acquisition and assembly of land usually through compulsory and voluntary purchase, work on the public realm and supporting changes of use, all undertaken with a strategic vision for the future developed in partnership with the local community. In addition, use of compulsory and private purchase will allow local authorities to reduce the problem of fragmented ownership, which as we identified in chapter one, is a significant barrier to high street and town centre regeneration. As Mr Williams explained:

Where you have a failing town [...] in fragmented ownership the reality is the private sector system has broken. Therefore, some form of intervention will be needed [...] Ultimately, it may well need compulsory purchase to bring these assets into public ownership and to regenerate them.¹⁰⁵

45. We heard that such interventions were often being funded by a combination of public and private investment. Richard Roe of Trafford Council said that, in Altrincham, which is noted for its successful regeneration:

We have been successful in working with the private sector and other parts of the public and community sectors in the regeneration of Altrincham [...] Where we can use our investment to leverage greater private sector investment, that is the approach we are trying to take. The public sector cannot do it on its own.¹⁰⁶

102 [Q142](#)

103 [Q215](#)

104 [Q136](#)

105 [Q136](#)

106 [Q182](#)

Similarly, we heard that the private sector alone could not be relied upon to kick-start regeneration. From a private investor's point of view, Mark Williams told us that "The reality of delivering this is not that the public sector has to pay for all of it, but there has to be some form of intervention".¹⁰⁷

46. Recently, we have seen several examples of local authorities purchasing shopping centres. Concerns have been raised at the use of public funds in this way given the current retail climate and whether local authorities have skills, knowledge and awareness of trends to make the most of this kind of investment.¹⁰⁸ We note the Government is considering this issue.¹⁰⁹ However, Mr Roe explained that, in the case of Altrincham, purchasing the shopping centre was an important intervention for two reasons:

We bought it as part of our investment strategy, so we make a financial return from it, but it was [...] in the part of Altrincham that is in the greatest need of regeneration at this point, so we bought it deliberately. Whilst it provides an investment return to us, we would look to redevelop it on the basis that it is underutilised at the moment and is a poor part of the offer.¹¹⁰

He also emphasised the importance of investing in the public realm, saying that it had been "really beneficial" to the regeneration of Altrincham, but highlighted the fact that there was no direct investment return on this, unlike investing in commercial property where the returns cover the costs of borrowing from the Public Works Loan Board.¹¹¹

Resources

47. As many of our inquiries in this and the preceding Parliament have highlighted, local authorities' budgets are under significant pressure. The Local Government Association (LGA) said:

Local authority services face a funding gap in excess of £5 billion by 2019–20. Between 2010 and 2020, local authorities will have seen reductions of £16 billion to core Government funding. In the face of such financial pressures, the ability of councils to proactively support their town centres is constrained as they prioritise their resources on vital and statutory services.

Our local authority witnesses echoed this, saying that spending on high streets had to be balanced against "the investment, both revenue and capital, that we are putting into other front-line services".¹¹² We heard that staffing for this type of work was minimal: Trafford Council has two full-time staff members working across four town centres¹¹³ and East Riding of Yorkshire Council has seven staff covering six towns and other areas.¹¹⁴

48. We heard that local authorities' planning departments had been particularly affected by the spending reductions with the result that tasks involving national metrics, such as development control and speed of decision-making, were being prioritised over the

107 [Q136](#)

108 Institute of Place Management ([HST0061](#))

109 [Q607](#)

110 [Q210](#)

111 [Q183](#)

112 [Q182](#)

113 [Q183](#)

114 [Q184](#)

“place-based intervention, partnership-building and land-assembly function”, integral to high street and town centre regeneration work.¹¹⁵ Peter Geraghty, Chair of the Planning, Housing and Regeneration Board at ADEPT, said that planning teams had reduced in size and the “specialist skills of regeneration, heritage and urban design expertise that would support the delivery of regeneration have tended to be lost, in numbers, quality and experience”.¹¹⁶ As discussed, compulsory purchase powers are an essential tool for local authorities to use in high street and town centre transformation. However, we were told that local authorities had neither the funds nor the staffing capacity to use them.¹¹⁷

The Future High Streets Fund

49. On 29 October 2018, on the recommendation of the Expert Panel on the High Street, the Government announced a £675 million Future High Streets Fund (the ‘Fund’). Although they had not seen the detail of the proposal, our witnesses welcomed the Fund, saying it was a “very positive step forward”,¹¹⁸ and “potentially exciting”,¹¹⁹ drawing favourable comparisons with the Coastal Communities Fund.¹²⁰

50. The call for proposals, published on 26 December 2018, gave us a clear sense of the aims of the Fund and the kind of work it is intended to support.¹²¹ It states that the Fund is aimed at helping places make “transformative, structural changes”, making it clear that “light touch interventions” or “surface level projects” were not envisaged and that the following types of structural work were expected:

- Investment in physical infrastructure;
- Acquisition and assembly of land including to support new housing, workspaces and public realm;
- Improvements to transport access, traffic flow and circulation in the area;
- Supporting change of use including (where appropriate) housing delivery and densification; and
- Supporting adaptation of the high street in response to changing technology.

51. Projects are expected to be co-funded by the public and private sector and the Fund will contribute up to a maximum of £25 million. Our witnesses raised doubts about the size of the Fund; for example, Richard Roe of Trafford Council said:

It is the scale of the funding against the scale of the challenge, so £675 million is a lot of money, but it is a maximum of £25 million per town centre. If everyone goes for the maximum, 27 town centres will get the financial benefit from it.¹²²

115 [Q160](#)

116 [Q184](#)

117 [Q137](#)

118 [Q185](#)

119 [Q229](#)

120 [Q191](#)

121 MHCLG, [Future High Streets Fund: Call for proposals](#), December 2018

122 [Q185](#)

Ojay McDonald of the Association of Town and City Management said that it was “no alternative to adequately resourced local planning authorities that can help drive forward change in town centres”.¹²³ When we asked Jake Berry, the MHCLG Minister, whether he was confident that the Fund would make a meaningful difference, he said that he hoped it would and that “obviously [it] cannot do everything everywhere at the same time, but it would be impossible for any Government to set that out as an ambition”.¹²⁴ Sir John Timpson, the Chair of the Expert Panel said that the funding should be spent “much more on the planning stage, supporting [areas] to get it moving”.¹²⁵ The Expert Panel’s report had stated that local authorities “do not have the resources to produce and finance a professional comprehensive plan that would achieve a step change and future-proof their town centres”.¹²⁶

52. The call for proposals is very clear that bids must cover town centre areas facing “significant challenges” and that, although local authorities are felt to be best-placed to bid for funding, proof of engagement with and support of community stakeholders is required.

53. We consider the Future High Streets Task Force, the second key part of the Government’s Our Plan for the High Street, in chapter eight. We consider the evidence explored in chapters four to seven to be relevant to the Future High Streets Task Force and therefore we have decided to cover it at the end of this report.

Conclusion

54. *Achieving the large-scale structural change needed for our high streets and town centres to survive will require an intervention led by the local authority, using all its powers and backed by cross-sector collaboration. However, given the financial pressure faced by local authorities, central government funding will be needed for this, as well as significant private sector investment.*

55. The Future High Streets Fund aims to kick-start this sort of intervention and, although the results have not yet been evaluated, based on the evidence we received, we believe it reflects the right approach. The requirement for bids to demonstrate local stakeholder support, strategic vision and, above all, transformative, structural change, as well as its focus on high streets and town centres that are facing the most significant challenges, are to be commended. *We recommend that strong local leadership should be one of the key criteria by which bids are assessed.*

56. However, given the scale of the challenge and the fact that local authorities are unlikely to be able to contribute much of their own resources to this work, a total of £675 million with a maximum grant of £25 million per applicant will inevitably mean that the vast majority of high streets and town centres will miss out on the funding they need to adapt for the future. *Funding for the next round of the Fund needs therefore to be enhanced and we recommend that the Government considers using revenue generated from the reforms that we recommend to business taxation for this purpose.* We consider options for how this funding could be raised in chapter four.

123 [Q229](#)

124 [Q603](#)

125 [Q572](#)

126 Expert Panel on the High Street, [The High Street Report](#), 20 December 2018

57. *Further, given that planning teams have been particularly affected by local authority spending reductions, we recommend that the funding is made available to resource the planning stages of the project which may require additional staff and expert help.*

58. *Successful applicants should be supported by the Future High Streets Task Force in bringing their vision to fruition. We recommend that the Task Force takes on a more proactive, 'enabling' role than is currently envisaged and set this out in more detail in chapter eight.*

59. *But the Future High Streets Fund is only one part of the solution. Local intervention, while essential, needs to be accompanied by further action by central government and at local level, as well as by retailers and landlords, to create the conditions for high streets and town centres to flourish in the future.* We consider what action is needed in the remaining chapters of this report.

4 Central government action

60. At the 2018 Budget, the Government announced *Our Plan for the High Street*, comprising a welcome and timely acknowledgement of the significant challenges faced and a set of measures aimed at helping high streets and town centres to meet them.¹²⁷ As previously noted in chapter one, the measures included a two-year long cut in business rates by a third for up to 90% of retail properties and a consultation proposing reforms to high street planning,¹²⁸ as well as the Future High Streets Fund and Future High Streets Task Force. While this action by the Government is welcome, the evidence we received strongly suggested that more fundamental changes to the business rates system, to business taxation and to planning are required if local areas are to successfully effect structural transformation and the long-term vitality of high streets and town centres is to be ensured.

Business taxation

The business rates system

61. In addition to the burden of business rates on retailers, which we considered in chapter one, our witnesses identified other problems with the business rates system, often emphasising their dissatisfaction in very strong terms. We heard, for example, that the system was “broken [...] It needs binning straightaway”¹²⁹ and, highlighting the wide disparity in the rates payable across his different stores, Martin Foster of Lakeland Leathers said “it does not work”.¹³⁰ The main issues raised were the complexity of the system, its failure to incentivise investment in property and issues arising from business rates retention.

Complexity

62. Over the years, the Government has introduced various permanent and temporary rate reliefs to ease the burden on ratepayers; the retail property relief announced in the 2018 Budget being the latest example. Tom Ironside of the British Retail Consortium said that the result of this was that:

These have layered on top of one another, almost like sediment, until you end up with a very complex system that is not transparent and where no one feels that they have a responsive feel for what they are paying and why.¹³¹

Andrew Goodacre of Bira, the independent retailers’ association, suggested that the reliefs, and the administrative burden they create for retailers, should be “stripped out [...] and replace[d] with a straightforward and simple allowance”, similar to an income tax allowance for individuals.¹³² In addition, we heard the reliefs described as “sticking plasters” and “short-term fixes” to a system that needed to be completely reviewed.¹³³ We

127 HM Treasury, [Budget 2018: Our Plan for the High Street](#), October 2018

128 MHCLG, [Planning Reform: Supporting the high street and increasing the delivery of new homes](#), October 2018

129 [Q10](#)

130 [Q323](#)

131 [Q73](#)

132 [Q74](#)

133 [Q323](#)

note that, of the two million rateable hereditaments on the Valuation Office Agency's (VOA) rateable list, over 50% of these were in receipt of mandatory, discretionary or small business rate relief (or a combination of all three) as at 31 December 2017.¹³⁴

Incentivising investment in property

63. Another issue raised was the fact that the system does not encourage businesses to invest in their property to the extent that improvements lead to a rates rise. Brigid Simmonds, Chief Executive of the British Beer and Pub Association, said "If you make a capital investment in a pub, you immediately have a ratings officer standing on your doorstep wanting to put up your business rates".¹³⁵ This was described as "penalising success",¹³⁶ and was acknowledged by the Rt Hon Mel Stride MP, the Financial Secretary to the Treasury, who admitted there was "an inherent disincentive to improve business property".¹³⁷ Simon Emeny, Chief Executive of Fuller's, pointed out: "If you were looking for areas to be regenerated, some sort of longer-term relief on capital developments on business rates would be a good idea".¹³⁸ We note with interest that the Scottish Government has recently introduced a 'Growth Accelerator' that enables businesses to delay increases in business rates bills for 12 months to help businesses to recoup their investments.¹³⁹

Business rates retention and the high street

64. Business rates are an important source of income for local authorities. Since 2013, they have retained 50% of business rates revenue, as well as up to 50% of business rates growth raised during the retention period (2013–20) and, from 2020–21, this will increase to 75%. The system is intended to encourage local authorities to use local policy to grow their local economies and to be rewarded for doing so with extra revenue. However, significant growth in business rates can only be generated by constructing new buildings or increasing net floor space, which, as the Federation of Small Businesses explained, has implications for high streets and town centres:

The move towards increased local retention of business rates has somewhat altered the incentives for local authorities to protect small businesses in their high streets. There is a danger that local authorities will have a perverse incentive to support new large out of town developments, as the business rates generated [...] is far greater compared to most small businesses located on high streets.¹⁴⁰

Conversely, the system may also discourage local authorities from reconfiguring their high streets and town centres in a way that would encourage footfall and vitality but might reduce rateable value as a result of reductions in retail space. However, we were reassured to hear Richard Roe of Trafford Council say:

It is the type of debate we have [...] all the time. We deal with it by ensuring that our colleagues in finance and in the business rates team are part of the

134 [Letter from the Financial Secretary to the Chairs of the HCLG and Treasury Committees on business rates and high streets](#), dated 8 January 2019

135 [Q101](#)

136 [Q102](#)

137 [Q471](#)

138 [Q371](#)

139 Association of Convenience Stores ([HST0039](#))

140 The Federation of Small Businesses ([HST0063](#))

team that is looking at regeneration and place-shaped activities so they are taking decisions in the round, so we understand if there is a business rates impact of a decision that we take, and we factor that into the business case. We also look at the upsides. There may be a business rates impact but you might have a council tax increase impact, because you are converting retail and office space into residential units.¹⁴¹

Tax reform

65. In chapter one we identified the differential impact of business rates on online and high street retailers as a systemic issue in need of a solution. Sir John Timpson, Chair of the Expert Panel and Chief Executive of the nationwide retailer Timpsons, reflected what we heard from many others when he said “It is quite clearly the right thing [...] to do, to level the playing field between bricks-and-mortar retailers and internet retailers. There is far too much of an advantage for internet shopping”.¹⁴² As previously noted, when presented with the fact that Amazon UK’s business rates amount to 0.7% of its turnover, Jake Berry, the MHCLG Minister agreed that there was not a level playing field.¹⁴³ “We received many suggestions for how this might be achieved.

66. The Association of Convenience Stores (ACS) suggested that a solution could be found through reform to the existing business rates system, saying that the Government should explore:

How the business rates system could recognise businesses which predominately trade online by applying a different rating methodology to the property they use, for example distribution centres delivering direct to consumers. The use of different rating methodologies to establish market rental value is common in other important sectors where the economic value of the business is not reflected in property values as traditionally determined in the rating system, such as pubs, restaurants and petrol forecourts, which are based on the receipts and expenditure model.¹⁴⁴

And Matthew Griffiths, a retail chartered surveyor, suggested that the business rates of online distribution warehouses should be doubled.¹⁴⁵

67. However, most often we received proposals for alternative taxes to business rates, including a 1%¹⁴⁶ or 2% sales tax¹⁴⁷ and an increase in VAT,¹⁴⁸ or for measures which would supplement business rates, including a revenue-based tax for online retailers where 80% of turnover is generated online,¹⁴⁹ a digital sales tax¹⁵⁰ and “green taxes”, charges on deliveries and packaging.¹⁵¹ In addition, acknowledging that his own business would be

141 [Q191](#)

142 [Q581](#)

143 [Q650](#)

144 Association of Convenience Stores ([HST0039](#)). See also [Q102](#)

145 Matthew Griffiths ([HST0017](#))

146 Westminster City Council ([HST0085](#))

147 [Q10](#)

148 [Q583](#)

149 New West End Company ([HST0033](#))

150 [Q102](#)

151 Westminster City Council ([HST0085](#)); Abbotts DIY ([HST0006](#))

affected, Mike Ashley of Sports Direct Group proposed a 20% tax on retailers which made more than 20% of their sales online, saying that this would encourage retailers to keep high street stores open or to open stores in the first place.¹⁵²

68. The other retailers we spoke were less keen on a digital sales tax. Tom Ironside of the British Retail Consortium, whose members include both high street and online retailers, said:

Retail accounts for 5% of the economy, so 5% of GDP; we account for 10% of business taxation and we account for 25% of business rates. We fail to see how adding additional new taxes to the industry is really going to resolve the challenges we currently face.¹⁵³

Clayton Hirst, Group Head of Corporate Affairs at the John Lewis Partnership, wrote to us to express concerns about an online sales tax, saying “Rather than helping the high street, this would actually have a detrimental effect. Our high streets need successful retailers with both a physical and online presence to meet consumer demand”.¹⁵⁴ Further to this, we note the point made by Martin Foster of Lakeland Leathers that, for many independent retailers like himself, online trading widened the customer base and that care was needed to ensure it was not curbed as a result of taxation.¹⁵⁵ We also note that Amazon’s marketplace (and others such as eBay) enables many small independent retailers to trade online and grow their businesses.¹⁵⁶

69. We asked the Financial Secretary to the Treasury for his assessment of the proposal we had received from Mr Ashley for a digital sales tax and he wrote to us after the session with more information, saying that there was a “high risk” that it would breach EU State aid rules but that legal and factual analysis was required for a definitive assessment.¹⁵⁷ After writing again to ask for more detail about the State aid implications of similar taxes, he replied saying “State aid assessments are dependent on the tax framework in that country and the facts and impacts at play with that particular tax”.¹⁵⁸ We note that, upon the UK leaving the EU, the Government intends to introduce a domestic state aid regime and, at the end of the implementation period, EU State aid rules will no longer apply.¹⁵⁹

70. In the 2018 Budget, the Government announced that a Digital Services Tax (DST) would be introduced in April 2020.¹⁶⁰ Jake Berry, the MHCLG Minister, told us that the DST was “in some way, to try to ensure that we can level that playing field”. However, we note that the Treasury consultation on the DST states it is “not a tax on online sales” and that we understand it is a narrowly-targeted 2% tax on the UK revenues of digital businesses that are considered to derive significant value from the participation of their

152 [Q273](#)

153 [Q73](#)

154 [Letter from Partner & Group Head of Corporate Affairs at John Lewis to the Chair of HCLG regarding high streets](#), dated 14 January 2019

155 [Q325](#)

156 [Q359](#)

157 [Letter from the Financial Secretary to the Treasury to the Chairs of the HCLG and Treasury Committees on business rates and high streets](#), dated 8 January 2019

158 [Letter from the Financial Secretary to the Treasury to Chair regarding Business Rates and the High Street](#), dated 28 January 2019

159 [Letter from the Minister for Small Businesses, Consumers and Corporate Responsibility to Chair](#), dated 4 February 2019

160 HM Treasury, [Budget 2018](#), October 2018

users, for example online marketplaces, social media platforms and search engines.¹⁶¹ The Financial Secretary to the Treasury explained that State aid compliance had been considered in the process of designing the DST and that the Government was confident that it was compliant.¹⁶²

71. We heard many calls for a fundamental review of business rates and the wider business taxation system.¹⁶³ For example, the opinion expressed by Clayton Hirst of John Lewis Partnership reflected the views of many: “there is a need to look at business taxation in the round [...]. It is fair to say that the UK business taxation system is probably designed for an analogue era and we are now very much in a digital area”.¹⁶⁴ However, the Government undertook such a review in 2015–16, finding that the majority of respondents were “in favour of retaining a property-based tax [...] agree[ing] with the Government’s view that property-based taxes were easy to collect, difficult to avoid and that they had a clear link with local authority spending”.¹⁶⁵ We note that the Treasury Committee recently launched an inquiry into the impact of business rates on businesses and will consider, among other things, alternatives to property-based business taxes.¹⁶⁶ Furthermore, when we asked him whether a fundamental review was needed to look at alternatives tax bases, the Financial Secretary to the Treasury said:

We did have a fundamental review of business rates back in 2015–16. The conclusion from that was that there was no ideal way of taxing businesses. There are pros and cons to the current rates system [...] In the short term, the likelihood that the Treasury is going to be looking at doing something radical of that nature [of a land value tax] is quite slim.¹⁶⁷

Conclusion

72. **Business rates, a property tax in a digital world, as currently designed are increasingly outdated and far from ideal, and we heard many calls for complete review and reform of the system. We note that the Government undertook a fundamental review of the business rates system in 2015–16, concluding that business rates should remain. However, given the rapid changing retail environment, we welcome the Treasury Committee’s timely inquiry into the impact of business rates on businesses.**

73. *Notwithstanding the forthcoming findings of the Treasury Committee’s inquiry and the Government’s response to it, we recommend that the complexity surrounding rate reliefs and the administrative burden they create for retailers should be addressed and the suggestion we received for an allowance, similar to an income tax allowance, should be considered.*

161 HM Treasury and Her Majesty’s Revenue and Customs, [Digital Services Tax: Consultation](#), November 2018

162 [Letter from the Financial Secretary to the Treasury to Chair regarding Business Rates and the High Street](#), dated 28 January 2019

163 [Q76](#); [Q102](#); [Q238](#)

164 [Q416](#)

165 HM Treasury, [Business Rates Review: Summary of responses](#), March 2016

166 [New inquiry launched into the impact of Business Rates on business](#), Treasury Select Committee, 1 February 2019

167 [Q471](#)

74. The burden of business rates falls unfairly. High street retailers are paying more than their fair share of tax, while online retailers are not contributing enough. We welcome the fact the Government has attempted to reduce the burden with rates discounts for retailers and the move from RPI to CPI but more needs to be done.

75. The Government announced the introduction of a Digital Services Tax in April 2020 to address issues related to historic avoidance of corporation tax. However, this does not address the imbalance between online and high street retailers. The Government needs to go further and move faster to level the playing field between online and high street retailers. This is essential to securing the future of the high street and the retailers which will always be an important part of it.

76. *We believe that a change in the current tax system is needed to do this and recommend that the Government conducts an assessment of the main proposals that we received in evidence:*

- *Introducing a specific ratings methodology for the warehouses of online retailers which is based on turnover above a certain threshold;*
- *Replacing business rates for retailers with a sales tax or an increase in VAT;*
- *Introducing an online sales tax that would supplement the existing business rates system; and*
- *'Green taxes' on deliveries and packaging.*

In conducting this assessment, the Government should have particular regard to the connection between business rates and local areas and the Government's wider devolution agenda. In addition, we note that each of these proposals would have the benefit of building on the existing business rates system, as opposed to requiring the wholesale reform of business taxation. We request that the Government reports to us with its findings by October 2019.

77. *We recommend that the Government explores how an online sales tax could be designed, including undertaking the full legal and factual analysis needed, to ensure compliance with State Aid rules. Whatever tax solution is found, it is imperative that it is implemented at speed to provide fast relief to high street retailers.*

78. *We recommend that the revenue raised should be used to support the high streets in the following ways:*

- *A reduction in business rates for retailers in high streets and town centres, which would have the additional effect of balancing competition from out-of-town shopping centres;*
- *A 12-month holiday for high street retailers from rates increases which result from investments to improvements in property; and*
- *An increase in the funding available to local areas through the Future High Streets Fund.*

79. **In due course, there may be a need for the Government to undertake a wider review of business rates and business taxation, which should consider complete alternatives to business rates.**

Planning

80. As discussed at the beginning of this chapter, as part of *Our Plan for the High Street*, the Government published a consultation on planning reform setting out some specific proposals on permitted development rights and use classes in the high street and town centre context.¹⁶⁸ The evidence we received, which we consider in this section, suggested that a more comprehensive government-led review of local authorities' planning powers is needed.

Compulsory Purchase Orders

81. The Government has made it clear that funding from the Future High Streets Fund will be awarded to local areas planning “transformative, structural changes” to their high streets and town centres, involving among other things the acquisition and assembly of land. Key to this is the ability of local authorities to purchase sites compulsorily which are integral to transformation with ease and efficiency. As Jake Berry, the MHCLG Minister, noted Compulsory Purchase Orders (CPOs) are “the ultimate local tool to take control of estates”.¹⁶⁹ As discussed in chapter one, such powers will be essential in many high streets and smaller towns where the fragmented nature of property ownership impedes regeneration.

82. However, much of the evidence we received suggested that the CPO process as it is currently operating is often hindering local authorities' efforts to regenerate high streets and town centres. We were told that CPOs were “very cumbersome, expensive and time consuming”¹⁷⁰ and “difficult, controversial and expensive”.¹⁷¹ Having recently considered this issue in our inquiry on land value capture, these criticisms were familiar to us.¹⁷² Given that the retail environment for high streets and town centres is changing so rapidly, the length of time needed to complete the process is of particular concern. Stockton Council told us that it took 2.5 years to CPO a property key to a wider redevelopment, and the Royal Town Planning Institute said that “embarking on a CPO-led city regeneration [is] a 10-year programme”.¹⁷³ Given the shortcomings of the process, we were not surprised to be told by the Association of Town and City Management that local authorities use CPO powers sparingly.¹⁷⁴

83. We were pleased to hear the Minister say the Government intended to review the CPO process¹⁷⁵ and that it would look at whether it was “fit for purpose”,¹⁷⁶ particularly as

168 MHCLG, [Planning Reform: Supporting the high street and increasing the delivery of new homes](#), October 2018

169 [Q631](#)

170 [Q199](#)

171 Local Government Association ([HST0056](#))

172 House of Commons Housing, Communities and Local Government Committee, Tenth Report of Session 2017–19, [Land Value Capture](#), HC 776

173 Royal Town Planning Institute ([HST0046](#))

174 Association of Town & City Management ([HST0060](#))

175 [Q626](#)

176 [Q631](#)

in our September 2018 land value capture report we recommended that the Government should consider ways in which the process can be further simplified to make it faster and less expensive for local authorities.¹⁷⁷

‘Town centre first’

84. The National Planning Policy Framework (NPPF) sets out measures aimed at protecting town centres from the threat of out-of-town development.¹⁷⁸ Known as ‘town centre first’, local authorities are required to apply two tests—a sequential test, and an impact assessment test—to planning applications for main town centre uses located out-of-town. Under the sequential test, local authorities should require such applications to be located first in town centres, then on the edge of centres. Only if suitable sites are not available (or expected to become available within a reasonable period) in these locations, should out-of-centre development be permitted. Under the impact assessment test, local authorities should require an impact assessment if a proposed development is over a locally-set floor space threshold.

85. While we heard broad support for the aims of the policy, for example, from Julian Dobson of Urban Pollinators who told us it was “right [...] helpful and should stay”,¹⁷⁹ criticisms were levelled at how effectively it was operating. For example, the Association of Convenience Stores referred to their research from 2014 which found that 76% of retail floor space was allocated out of town during the first two years of the NPPF.¹⁸⁰ The Institute of Place Management said local authorities needed to do “much more” to make the policy work.¹⁸¹ Richard Roe of Trafford Council said he thought the policy’s original intention had been “watered down through case law”.¹⁸²

86. The policy was first developed in the 1980s and 1990s in response to the growing trend for out-of-town retail development. We heard that there was potential for it to be updated to reflect more recent retail trends. The Institute of Place Management suggested that it should be applied to store rationalisation so that, as major retailers merge or consolidate, “the more peripheral store is closed and a more central one is kept trading”.¹⁸³ In the same vein, Julian Dobson of Urban Pollinators, said that, as retail space in town centres shrinks:

The question then [...] is about what other uses we need within the town centre to make it a viable place [...] we should be thinking about the public facilities and public services that should be in town centres, what should be there in terms of health and education facilities, [...] public space, and what other things that make up the town centre would give it viability and vitality in the future.¹⁸⁴

177 House of Commons Housing, Communities and Local Government Committee, Tenth Report of Session 2017–19, [Land Value Capture](#), HC 776

178 MHCLG, [National Planning Policy Framework](#), July 2018

179 [Q178](#)

180 Association of Convenience Stores ([HST0039](#))

181 Institute of Place Management ([HST0061](#))

182 [Q212](#)

183 Institute of Place Management ([HST0061](#))

184 [Q178](#)

We note the caution expressed by Craig Rowbottom of Birmingham City Council who pointed out that these new uses can be “land-hungry”, requiring playing fields, parking and drop-off, and therefore finding a suitable town centre site could potentially pose a challenge.¹⁸⁵

87. Jake Berry, the MHCLG Minister, told us that town centre first was “quite a good protection” and local authorities were “best placed to determine, against their local plan, what appropriate development is in their area”.¹⁸⁶ However, we were told by Richard Roe of Trafford Council that it was “quite difficult to defend [...] against interested developers”¹⁸⁷ and we note that the Minister himself said, when discussing resourcing in planning departments, “they may not have dealt with an application for a supermarket for five, 10, 15 or even 20 years. They then come up against a planning lawyer and barrister who were doing one a month on behalf of major supermarket chains”.¹⁸⁸

The Use Class Order

88. The Government’s consultation, *Planning Reform: Supporting the high street and increasing the delivery of new homes*, is gathering views on how the use classes “could better support the high street in a changing retail environment” and “greater flexibility”, in particular whether the traditional high street A use class should be changed, simplified or merged.¹⁸⁹ The consultation closed on 15 January 2019 and, at the time of writing, the response has not been published.

89. The evidence we received certainly revealed a desire for use classes to be updated and made more flexible. Tom Ironside of the British Retail Consortium explained why:

Bookshops want to be able to offer coffee at the back of the store and [...] a yoga studio upstairs. In order to get to that stage, theoretically [...] you need to satisfy the requirements of three use classes rather than a single one, and this is one of the areas where the planning system or regulatory framework is lacking what is required. You need greater flexibility.¹⁹⁰

The Federation of Small Businesses said that “current planning conditions seek to regulate every type of floor space, from sale space to a gym floor [...] drastically reduc[ing] businesses flexibility and adaptability, reducing their ability to compete”.¹⁹¹ We note that the desire for more flexibility was also shared by local authorities, including London Councils who said use classes should “reflect the increasing multi-uses of high street premises”.¹⁹²

90. However, Craig Rowbottom of Birmingham City Council made the important point that flexibility needed to be balanced against local authorities’ ability to control uses in line with the plans they had developed for their high streets and town centres:

Use classes are there to serve a purpose and there are different impacts from different uses [...] like local amenity impacts or where you have over-

185 [Q179](#)

186 [Q637](#)

187 [Q199](#)

188 [Q616](#)

189 MHCLG, [Planning Reform: Supporting the high street and increasing the delivery of new homes](#), October 2018

190 [Q80](#)

191 The Federation of Small Businesses ([HST0063](#))

192 London Councils ([HST0071](#))

concentrations of various uses. Those are the sorts of things that planning needs to make sure are being considered in appropriate ways. You would not want them grouped too widely; they have to have a focus where necessary.¹⁹³

We were not confident that the Government fully appreciated this: Jake Berry, the MHCLG Minister, told us that, while he would not want to pre-judge the results of the consultation, “deregulation and merging of the use class orders seems to be the most appealing”.¹⁹⁴ We note, however, that he confirmed that hot food takeaways “will always require planning applications”.¹⁹⁵

91. Some of the planning experts we took evidence from expressed a desire for a more fundamental review of use classes than the approach taken in the consultation. Peter Geraghty, Chair of the Planning, Housing and Regeneration Board, ADEPT, said:

Use class orders have been in place since 1987 and have been amended slightly since then [...] My personal view is that the use class order is due an overhaul, because the nature of the uses that we now find in the town centre is much different from what was originally intended. Therefore, it is right that we look at that again, to understand it in the modern context.¹⁹⁶

He also noted that the complexity introduced to the system by permitted development rights and general permitted development orders further underlined the need for a broad review. Going further, Julian Dobson of Urban Pollinators suggested that the way to achieve the flexibility needed may in fact require “rewrite[ing] the use classes order from scratch”.¹⁹⁷

Permitted development rights

92. Permitted development rights (PDRs) allow certain types of development, notably changes between the different use classes, to take place without the need for planning permission. The PDRs which feature in the high street and town centre context, and on which we received a substantial amount of evidence, allow a change of use from retail to residential and a change of use from offices to residential.

93. The Government consultation, *Planning Reform: Supporting the high street and increasing the delivery of new homes*, has proposed the introduction of three new PDRs and the extension of an existing PDR as follows:

- To allow shops (A1) financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shops and launderettes to change to office use (B1);
- To allow hot food takeaways (A5) to change to residential use (C3);
- To allow development of additional self-contained homes by extending certain premises upwards;

193 [Q174](#)

194 [Q622](#)

195 [Q623](#)

196 [Q189](#)

197 [Q173](#)

- To extend the existing PDR for temporary change of use from two to three years and for it to permit changes to community uses, such as a public library, exhibition hall, museum, clinic or health centre; and
- To demolish and redevelop existing commercial sites as residential accommodation.

The consultation highlights that PDRs have the dual role of “helping the high street adapt and meeting our housing aspiration”.¹⁹⁸ Jake Berry, the MHCLG Minister, told us that PDRs had made a “significant contribution: 42,000 homes since April 2015”.¹⁹⁹

94. The evidence we received revealed little support for PDRs, save for Richard Roe of Trafford Council who said that, in his local authority area, the conversion of offices to residential was “very positive”.²⁰⁰ Far more common were strongly worded submissions expressing concern about the impact of the existing PDRs on high streets and town centres, leading to recommendations that they should be “deleted”,²⁰¹ “removed”²⁰² or “amended immediately”.²⁰³ The LGA summed up the unintended consequences of PDRs:

Reduction in availability of commercial premises in town centres and no contributions towards infrastructure, housing that does not meet local need, housing in unsustainable locations, and reduced levels of affordable housing. Permitted development rights undermine communities’ trust in the planning system and can put communities off new development. This also has the effect of depopulating town centres during the day, which impacts on retail and service sector businesses.²⁰⁴

In addition, with particular reference to the high street and town centre setting, ADEPT said they had resulted in “loss of retail, community uses and employment that is harmful to the character and vitality of areas”.²⁰⁵ Although outside the scope of this inquiry, we note with concern the evidence we received relating to the poor quality of the housing being brought forward.²⁰⁶

95. We were often told that PDRs undermined the plans developed by the local authority in consultation with the community, that they did “not always have reference to the spatial element and what we are trying to achieve in these town centres”.²⁰⁷ In addition, Peter Geraghy of ADEPT said:

If you have a planning process, a planning team and a planning service [...] that is where the matter should be considered [...] The impacts of those changes are not adequately considered in terms of the permitted development process, understanding what residents or local citizens’ views may be, the impacts of car parking and perhaps environmental impacts [...] Why not just consider an application as it comes forward? Look at it in its

198 MHCLG, [Planning Reform: Supporting the high street and increasing the delivery of new homes](#), October 2018

199 [Q653](#)

200 [Q187](#)

201 ADEPT ([HST0057](#))

202 Local Government Association ([HST0056](#))

203 Love Wimbledon BID ([HST0038](#))

204 Local Government Association ([HST0056](#))

205 ADEPT ([HST0057](#))

206 Royal Town Planning Institute ([HST0046](#)); [Q175](#)

207 [Q175](#)

entirety [...] What we should be doing is properly resourcing local planning departments with the right people with the right skills, and making it clear that they need to deliver in terms of making the decisions that the community wants to see.²⁰⁸

Jake Berry, the MHCLG Minister, would not accept our suggestion that permitted development risked undermining the ability of local areas to implement their community-led vision for a place,²⁰⁹ saying that they enabled the planning system to follow the dynamism of the market and vacant units to be filled.²¹⁰

96. It is possible for local authorities to remove PDRs across an area of any size on a temporary or permanent basis by making an Article 4 Direction. Approval of the Secretary of State is not required, but he must be informed and can cancel or modify Directions at any time, and, for a period of 12 months, compensation is payable by the local authority to the developer for refusals of planning permission which would otherwise have been permitted development (unless 12 months' notice of the impending Direction is given).

97. Wimbledon Business Improvement District said that their local authority, Merton Council, had protected its commercial space by very promptly making a Direction in the town centre.²¹¹ However, the evidence we received from local authorities suggested that the process was less efficient. London Councils said that it was “cumbersome” and that the requirement to give notice to avoid claims for compensation meant most boroughs had implemented Article 4 Directions “with a year’s delay, during which time more office space and more potential affordable housing contributions were lost”.²¹²

Conclusion

98. **Planning is crucial to high street and town centre transformation. Given this, the Government should ensure that planning powers are fit-for-purpose, sufficiently responsive and up-to-date. To this end, we recommend that the Government undertake a comprehensive review of planning as it pertains to the high street, focusing in particular on the following elements: Compulsory purchase orders, the ‘town centre first’ policy, use classes and permitted development rights.**

- **Compulsory purchase is an essential tool for local authorities acquiring and assembling land as part of high street and town centre regeneration. However, the process is cumbersome, expensive and time-consuming, making it too slow to be of real use in a retail environment that is changing so rapidly. *The review of the Compulsory Purchase Order process promised by the Government is welcome, but we recommend the review begins immediately and focuses in particular on how the process could be speeded up.***
- **The ‘town centre first’ policy was first developed in the 1980s and is little changed since then. *We recommend that the Government consider whether the policy should be updated to reflect better the non-retail uses, for example health, education and leisure services, that will become increasingly important***

208 [Q211](#)

209 [Q655](#)

210 [Q654](#)

211 Love Wimbledon BID ([HST0038](#))

212 London Councils ([HST0071](#))

in the future. Notwithstanding the outcome of the review, we believe that, where appropriate sites are available, public bodies should take the lead and locate health, education, leisure, administrative office and other services in town centres first.

- High street and town centre activities are becoming increasingly diverse and it is therefore right for the Government to consider in its current consultation whether use classes need to be updated and made more flexible. *However, we believe that the approach taken needs to be much bolder and we recommend a complete overhaul and rewrite of the Use Class Order, which dates from 1987, with the needs of the modern high street, and the need for flexibility and building a more coherent and sustainable mix of uses, in mind.*
- We believe that permitted development rights (PDRs) risk undermining the strategic vision that a community has developed for its high street or town centre. While we understand that PDRs provide much needed housing—which we see as a key aspect of high street and town centre sustainability—a planned approach, with Local Plans identifying where housing should be situated, is far preferable.
- *The Government should suspend any further extension of PDRs, pending an evaluation of their impact on the high street. Policies should reflect the wide variety of local circumstances. Councils should be actively encouraged to develop town centre masterplans and use their powers positively to renew their town centres. Where PDRs conflict with particular designations in the Local Plan or other established planning documents, councils should be given greater freedom to suspend PDRs in the affected area. As they currently operate, Article 4 Directions do not give councils adequate ability to remove PDRs quickly and without liability to pay developers compensation.*

We hope that the Government will take into account this report, the evidence we received and our recommendations in both its current planning reform consultation and the future review of the Compulsory Purchase Order process.

5 Local action

Creating a plan for the future

99. High streets and town centres need to be curated, and their regeneration planned, in accordance with a strategy. This should be formed around the broad principles we considered in chapter two: activities; community; places to gather and future proofing. The Local Plan, the local authority's overarching planning document, which sets the "long-term, overall, strategic direction" for an area over a 15-year period²¹³ and is produced in consultation with the community is a key vehicle for this. In addition, it has an important, related role in attracting private sector development and "getting them interested in why that place is low-risk but high-potential".²¹⁴

100. We heard, however, that the lengthy plan-making process meant that Local Plans were often "geared to the market as it was five years ago".²¹⁵ This poses a problem in the context of high streets and town centres where rapid changes are underway, with the practical implications being that the plan may no longer meet the challenges faced. East Riding of Yorkshire Council said it was having to fully review the retail policies in its Local Plan which needed updating in line with the market and lifestyles.²¹⁶ To guard against this, we were told that Local Plans needed "continuous review and adjustment"²¹⁷ and be constructed in such a way as to have "flexibility to take these different changes into account".²¹⁸

101. Supplementary planning documents (SPDs) sit alongside the Local Plan and focus on small geographical areas or specific issues. Craig Rowbottom of Birmingham City Council suggested that these documents should contain the detail of high street and town centre strategies, and said that this was the approach taken by his council.²¹⁹ Although he supported the use of the Local Plan, Peter Geraghty of ADEPT suggested taking a "particular approach to town centres, if there is an added degree of flexibility to allow policies to flex and change".²²⁰ Julian Dobson of Urban Pollinators suggested that an overarching strategy, sitting above Local Plans and SPDs, was needed:

You need something that is much more punchy and visionary for your towns and communities as a whole, that says, "This is the direction we aspire to go in. We realise that all sorts of things might happen on the way that will derail that vision and it will need to flex and accommodate those." You need something that sets a goal and an aspiration, and the local plans, because they are trying to do so many things in such detail, are not able to do that.²²¹

213 [Q166](#)

214 [Q172](#)

215 [Q163](#)

216 East Riding of Yorkshire Council ([HST0077](#))

217 Urban Pollinators Ltd ([HST0022](#))

218 [Q199](#)

219 [Q166](#)

220 [Q199](#)

221 [Q172](#)

‘Place branding’

102. Whatever form it takes, the plan, strategy or vision for a high street or town centre should be “embedded [...] in the place”²²² and formed around the “local narrative”.²²³ Although often referred to as “place branding”, we were told that it was much more than a “just a branding exercise”, requiring “authenticity” and input and backing from the public, private and community sectors, without which it risked being a “cynical exercise”.²²⁴ We heard that “place branding can be right, but you have to have something that you can brand”.²²⁵

103. Altrincham, which has had a market since 1290, decided to brand itself as “a modern market town” and, because this was a brand that “everyone understood”, it had proven very successful.²²⁶ However, as Richard Roe of Trafford Council cautioned, “you cannot just lift it, shift it and say the model that worked there can just be put down somewhere else [...]. The hook will be something different”.²²⁷ For Malton in North Yorkshire, the hook was food. Because of its significant holding in the town centre, the Fitzwilliam Malton Estate had played a key role in leading the regeneration of the town which had included developing a reputation for good food. Roddy Bushell, the former Estate Manager said:

Towns need [...] to perk up, work out what they can do well, do it and wave a flag. Malton chose food, because it had credibility in food production and food retail, and that has been incredibly helpful for people to understand what is going on; otherwise, it is very difficult to focus people on doing that.²²⁸

104. Meanwhile, we heard that towns needed to “understand what function [they] [are] playing, not just in [their] local catchment but also how [they] relate to other locations”.²²⁹ This is an important point: if, for example, too many nearby towns chose food as a theme, they would be in direct competition with one another. It is also relevant to the retail offer; as Edward Woodall of the Association of Convenience Stores explained in the future a “hierarchy” would develop:

Big retailers are going to consolidate [...] stores, and probably push them into centres and those top hierarchy towns. Smaller, secondary towns are going to offer more opportunities for independent businesses to offer something a bit more different and diverse, which has a different convenience or experience overall.²³⁰

This also applies to other events and activities designed to attract people into towns from a wider regional area.

105. It was not evident, however, that these strategic, regional-level discussions were consistently taking place. Tony Ginty of Marks and Spencer said that “a greater level of

222 [Q195](#)

223 [Q191](#)

224 [Q195](#)

225 [Q194](#)

226 [Q194](#)

227 [Q194](#)

228 [Q156](#)

229 [Q19](#)

230 [Q62](#)

co-operation between individual local authorities would be massively helpful. There is a tendency to look after your own patch [...] but [...] some things [...] transcend those patches”.²³¹ The evidence from Thame Town Council is a good example of this:

Our neighbouring planning authority’s evidence base, including their Settlement Hierarchy report declares that 1,200 homes, committed, allocated or under construction, will be reliant on Thame’s retail, service, education and health infrastructure yet no conversation has been sought by neighbouring planning authorities about whether Thame can meet their needs [...] The retail studies that underpin each authority’s evidence do not reflect the other authority’s housing allocations, significantly under reporting the impact on Thame’s retail and service sector.²³²

Aided by the merging of council boundaries, Cambridgeshire and Peterborough Combined Authority said they planned to produce an industrial strategy which would consider “how their towns were connected with each other, as well as being economic hubs in their own right”.²³³

Conclusion

106. **Change is happening at a rapid rate in high streets and town centres and, as currently formulated, Local Plans cannot keep up. We note that if online sales continue to grow at their current rate, they could account for around 30% of all retail sales by 2030. A Local Plan created five years ago will therefore be completely out-of-date and, quite simply, useless. *Local Plans, which we urge all local authorities to adopt, must be living documents, regularly updated to capture and reflect changing trends, and must be forward looking, anticipating what will happen in five years’ time. We recommend that they should also be supplemented with dynamic strategies covering specific high streets and town centres. In addition, we recommend that all local areas develop an overarching vision setting out the direction for the future of their high streets and town centres. Successful applicants to the Future High Streets Fund bids must have a bold, visionary strategy prepared in consultation with the community.***

107. ***Whatever form it takes, the strategy for the high street should be formed around local characteristics, strengths, culture and heritage and, most importantly, it should have the backing of the public, private and community sectors. In addition, local areas should develop their plans in consultation with the areas around them and consider how high streets and town centres can complement one other within a wider spatial hierarchy.***

Supporting local traders

108. Many local authorities are active in supporting local businesses as part of promoting local economic growth. Stockton Council has an array of such schemes devised to enhance and support retail and further the council’s long-term vision for the town centre. These

231 [Q347](#)

232 Thame Town Council ([HST0037](#))

233 Cambridgeshire and Peterborough Combined Authority ([HST0066](#))

include grants and business rates discounts for new or expanding businesses occupying vacant space within the town centre, a mentoring and start-up scheme and an ‘Enterprise Arcade’ for fledgling retail businesses.

109. All local authorities may grant business rates discounts in accordance with their own criteria as Stockton Council has done but, unlike the reliefs granted by the Government which are fully reimbursed, local authorities bear 50% of the costs. Accordingly, the LGA said that “most councils will need to consider the affordability of providing such targeted support”,²³⁴ and Newcastle-under-Lyme Business Improvement District said that, for its local authority, provision of such a discount would have a consequent impact on spending on services.²³⁵

110. We were particularly impressed with Stockton’s Enterprise Arcade which we visited on our tour around the town. It provides an ‘incubating’ space for up to 16 retailers who are new in business, allowing them to test trading in a supportive, low-cost, low-risk environment. We heard that it had played a role in establishing several independent local retailers which had gone on to diversify the retail offer in the town centre and were encouraging footfall.

111. ***Local authorities should consider the long-term benefits for their high streets and town centres of providing targeted support to local traders with business rates discounts and other schemes.*** We were particularly impressed with Stockton’s Enterprise Arcade which supports fledgling retail businesses with a view to them diversifying town centre retail once established. We believe that a similar scheme could be successful in many towns. However, we recognise that for many local authorities such spending may not be a priority given the financial pressures under which they are operating and the necessity of prioritising statutory services.

Parking

112. For many, particularly in rural areas where people are more reliant on their cars, visiting the high street or town centre entails finding a space and paying a fee. A comparison was often made with out-of-town retail parks which invariably have ample, free parking, thus increasing the competition they pose.²³⁶ Roddy Bushell of Fitzwilliam Malton Estate said that introducing two-hours free parking in the main car park in Malton town centre had been very effective:

It is a signal both to the people who use the town that things have changed—“We want your custom”—and for us it was a signal to the retailers and service providers in the town that the estate was business-like, on their side, and understood the things that impacted on them.²³⁷

We were told by Kevin Frost of Cineworld that parking was one of the factors his company looked at when opening new cinemas²³⁸ and by retailers that, as well bringing shoppers onto the high street, it encouraged the use of footfall-promoting click and collect.²³⁹

234 Local Government Association ([HST0056](#))

235 Newcastle-under-Lyme BID Ltd ([HST0064](#))

236 [Q13](#); [Q131](#)

237 [Q131](#)

238 [Q436](#)

239 [Q309](#)

113. However, we also heard that “two hours of free parking is not the solution in all locations” and that local authorities needed to experiment and collect data to determine whether it was the right intervention for that particular place.²⁴⁰ The local authorities we heard from were clearly experimenting with different parking charges, assessing their impact on footfall in the town and “try[ing] to strike a balance”.²⁴¹ However, we heard it is “difficult to work out that balance [...] we do not have the answer”.²⁴² Furthermore, we note that parking revenue is an important source of income for local authorities: Peter Geraghty of ADEPT said “there is absolutely no doubt about that, and we have to maintain, monitor and enforce proper use of car parks”.²⁴³

114. Jake Berry, the MHCLG Minister, said that this was an issue for local authorities to determine in consultation with their business community, but that it seemed like “good sense to provide some element of free parking in town centres”.²⁴⁴ **We agree with the Minister that some free parking is bound to have a positive effect on high street footfall. It would also enable towns to compete more effectively with out-of-town retail centres. However, parking is very place specific, depending also on the public transport available. We believe that local authorities should test the impact of different levels of parking charges on footfall and collect data, as well as consulting with local businesses, to understand which interventions will be most effective for that particular place.**

Place partnerships

115. As discussed in chapter two, wide community collaboration is essential to high street and town centre regeneration. In many places the vehicle for this will be a place partnership. These can take many forms, from informal associations of residents, traders and local government officials to formal organisations such as Business Improvement Districts (BIDs),²⁴⁵ with successful partnerships combining public, private and voluntary interests.²⁴⁶

116. We heard that some areas did not have a partnership, perhaps because they were too small for one to be sustainable or they were just “relying on the goodwill of community activists”.²⁴⁷ Consequently, in such places it is difficult to achieve the “collective vision and that energy that allows the town centre to evolve”.²⁴⁸ The Institute of Place Management said that local and national understanding of partnerships was poor, recommending that a national register of BIDs be drawn up and a census of partnerships regularly conducted.²⁴⁹ We note that the £500,000 Business Improvement Districts Loan Fund, the 11th tranche of which was announced by the Government on 24 January 2019, will have a role in enabling BIDs in new locations to develop.²⁵⁰

117. The Institute of Place Management also recommended that more training and support should be provided for place partnerships, highlighting that there were “no standards or

240 [Q14](#)

241 [Q202](#)

242 [Q202](#)

243 [Q202](#)

244 [Q611](#)

245 Institute of Place Management ([HST0061](#))

246 [Q216](#)

247 [Q218](#)

248 [Q218](#)

249 Institute of Place Management ([HST0061](#))

250 MHCLG, [The Business Improvement Districts Loan Fund](#), 24 January 2019

requirements for place leaders to join a professional body, undertake training or regular development”.²⁵¹ Ojay McDonald, Chief Executive of the Association of Town and City Management, explained why more support was crucial:

Place management is a very challenging industry [...] think about the number of things you need to be able to understand to drive forward change within a town centre. You need to understand the retail economy. You need to understand how local government works. You need to have a decent understanding of planning policy, safety and security. Maybe it is things like tourism and how the local economy works, but also how that sits within the broader national economy. When you start putting all these various skillsets together, not least things like stakeholder management as well, there is a lot to understand.²⁵²

118. In practice, most partnerships take the form of a BID, a partnership between the local authority and local businesses funded by a levy on business ratepayers in the BID area. There are some 300 BIDs in towns and cities across the UK.²⁵³ The funding is ring-fenced for use in that area and can be spent on improvements to the public sphere, including safety measures, cleaning, greenery, transport incentives, marketing and promotions.²⁵⁴ British BIDs, a membership organisation for BIDs, said that they had moved beyond “crime and grime and street beautifying” and were now working on wider, strategic issues such as curating the high street, engaging in planning issues and developing a cultural offer.²⁵⁵

119. The representatives of two BIDs that we spoke to said that their work was orientated to their members’ needs. Christina Rowe, Director of Operations at Bedford BID, said that the BID was “predominantly about generating footfall in the businesses that we have in the town centre”²⁵⁶ and Jonathan Newman, Town Centre Manager at Great Yarmouth Town Centre Partnership (GYTCP) said that it “exists primarily for the [...] business members [...] Much of our delivery is based around a uniform presence within the town centre, crime reduction schemes and a radio link for retailers to use”.²⁵⁷

120. William Grimsey, Chairman of The Grimsey Review, told us that “by definition [BIDs] are there to improve business and not necessarily to look at the long-term development of the place”²⁵⁸ and that they should be replaced by “community improvement districts”, more in line with the evolution of high streets and town centres.²⁵⁹ We were interested to hear that GYTCP, now a BID for funding reasons, decided to retain the original town centre partnership entity as it was more community facing, running projects and workshops with local groups.²⁶⁰

251 Institute of Place Management ([HST0061](#))

252 [Q233](#)

253 British BIDs ([HST0050](#))

254 Savills ([HST0025](#))

255 British BIDs ([HST0050](#))

256 [Q220](#); [Q240](#)

257 [Q223](#)

258 [Q37](#)

259 [Q30](#)

260 [Q243](#)

121. The BID member retailers that we spoke to were generally supportive of BIDs,²⁶¹ although we heard that their remit should be “extended”²⁶² and that there should be more sharing of best practice, knowledge and skills between them; Martin Foster of Lakeland Leathers said:

They seem to work in isolation. In Cumbria, there are four different BIDs in operation. [...] I know that the BID that they have in Chester seems to be a wee bit more proactive than the one in Northallerton; those are two areas I have seen. I do not see them sharing ideas, sharing resource and working across platforms.²⁶³

In addition, he said “Financially, they make no sense to me. Take York and its budget; it is £800,000 from its BID. For Kendal, it is £140,000 from its BID. Which of those two cities needs the most help?”²⁶⁴

122. Wide community collaboration is essential to high street and town centre regeneration and, in many local areas, place partnerships will be a key vehicle for this. We are concerned that a truly collective vision will be hard to achieve in areas where they do not exist. While we welcome the recently announced 11th tranche of the Business Improvement District (BID) Loan Fund which could have an important role in enabling BIDs to develop in new locations, we believe the Government should take further steps to encourage wider coverage of place partnerships. To start with, we recommend that the Government creates a register of BIDs and undertakes a census of place partnerships to identify areas without one in place. The Future High Streets Task Force should then play a role in helping areas to establish such a structure.

123. In addition, we recommend that the Task Force facilitates the creation of a local authority-wide network of BIDs and encourages them to share resources, knowledge and expertise with each other. Particular effort should be made to encourage well-funded BIDs to share resources with less well-funded BIDs nearby.

124. We were attracted by the idea that BIDs should be replaced with community improvement districts but recognise that legislative changes might be needed to implement this. We encourage the Government to consider how this might be done and, in the interim, recommend the appointment of community representatives to BID panels in order to encourage a wider, more balanced approach in their work.

261 [Q346](#); [Q468](#);

262 [Q300](#); [Q346](#); [Q468](#)

263 [Q347](#)

264 [Q346](#)

6 Retail

125. As we have noted, a significant structural change has taken place in retail in recent years. In this chapter we consider the consequences for high streets and town centres in terms of store closures, as well as the future of retail; while there will always be a role for retail on our high streets and town centres, this will inevitably be reduced and will require a focus on providing experience and convenience. We have already highlighted some of the most prominent closures and the impact on jobs in earlier chapters.

Store closures

126. The most visible consequence of the structural transformation in retail is, of course, store closures; with a net loss of 4,402 units in the first half of 2018, most high streets and town centres will have already been affected and, unfortunately, the trend is likely to continue.

127. We know from our experience that the loss of a shop—particularly a long-established ‘anchor’ store—can be crushing for a place; the impact was described to us as “massive”²⁶⁵ and the empty space that remained a “scar”.²⁶⁶ The surrounding shops are also affected by the loss of a “pull” into the town centre.²⁶⁷

128. William Grimsey, Chair of The Grimsey Review and The Grimsey Review 2, spoke forcefully about the ongoing closures of Marks and Spencer stores:

If you look at the closures on the Marks & Spencer list, they are town-centre-based, most of those buildings were built specifically for Marks & Spencer 70, 80 or 90 years ago. When you drill for oil, you have to restore the environment once you have finished. For a company like Marks & Spencer just to up sticks and leave a gaping big hole in a community and walk away puts into perspective what corporate social responsibility should be. We need to be asking certain questions about how this is able to happen.²⁶⁸

129. The retailers we spoke were clear that the decision to close a store was not taken lightly and that their primary responsibility was to their employees. Richard Collyer, Chief Financial Officer at New Look, said it was “never the first choice” and an “incredibly difficult decision”.²⁶⁹ Tony Ginty of Marks and Spencer said that, after redeploying staff, his company’s second priority was to ensure that the store remained vacant for as little a time as possible, both for financial reasons and for the “look and feel of the town itself”. He described working closely with the local authority on this.²⁷⁰

130. During our visit to Stockton and Darlington we were told that Marks and Spencer had chosen to close its stores in the town centres and open a new store nearby out-of-town. When we asked Mr Ginty why, he said:

265 [Q22](#)

266 [Q24](#)

267 [Q311](#)

268 [Q22](#)

269 [Q310](#)

270 [Q317](#)

Do we put stores elsewhere and do they sometimes have an impact upon others? Absolutely, but that is part and parcel of building an estate for the future. If you did not do that, you would end up keeping the estate that you currently have. That, frankly, is guaranteed disaster in the current economic climate that you actually face. It is the same with Warrington. People say, “You have built Gemini”, which actually is not very far from Warrington, but it was absolutely the right commercial decision.²⁷¹

131. However, we heard of cases where stores earmarked for closure had been saved as a result of collaboration between the stakeholders involved. Darlington Council told us how they had worked with Sports Direct Group to keep the House of Fraser in the town centre open, and Katharine Wynne of Debenhams said, with regards to a particular store earmarked for closure: “The local authority and the landlord have got together and put together a regeneration plan [...]. They are prepared to invest behind our store in that location to anchor it”.²⁷² In other instances, creative solutions had been found, for example, converting the upper parts of the House of Fraser store in Bath to residential accommodation to ensure the retail part beneath stayed viable.²⁷³

132. The closure of a shop, particularly a long-established ‘anchor’ store, can be crushing for the community and blight the wider high street or town in which it is situated. Such effects are particularly stark in smaller towns where large chains often decide to make closures first. We believe that such smaller towns, which lose stores to neighbouring large towns, cities and out-of-town retail parks, are particularly affected yet less well placed to respond in terms of their resources, capacity and their ability to attract redevelopment.

133. Retailers clearly need the flexibility to respond to the significant changes in the industry by closing and restructuring stores and, from what we heard, these decisions are never taken lightly. *While a focus on redeploying staff is absolutely correct, we encourage retailers to consider that their corporate social responsibility extends beyond this to helping to find a future for the empty property they have left behind.*

134. *We believe that retailers considering closing a large long-established ‘anchor’ store should contact the local authority as soon as possible and explore with them, the landlord and the Business Improvement District or place management partnership whether a creative solution can be found for its future.* This might include finding a new use for the empty property or putting together a plan to save the store which might require reducing its size or converting it partly to residential accommodation.

271 [Q317](#)

272 [Q456](#)

273 [Q298](#)

Focus on empty properties

As discussed in chapter one, there has been a wave of high street and town centre store closures in recent years. The Local Data Company, which gathers data on “persistent vacancy”, reports that 3.5% of high street units across Great Britain are staying vacant for more than three years,²⁷⁴ and that there is a “clear north/south divide” with the North East and North West having the largest percentage of long-term vacant units. London Councils described the impact of empty shops on the high street:

[They] are not only a symptom of a struggling high street, they are also a cause. Empty shops can cause a ‘negative feedback loop’, which means they discourage investment, decrease the ‘offer’ on the high street, keep consumers from visiting and contribute to a general sense of decline and neglect.²⁷⁵

The reasons why units stay empty are complex and we could not delve deeply into the specifics in this inquiry. It is clear that there is now too much retail space on most of our high streets and town centres compared to demand. But Jonathan Newman of Great Yarmouth Town Centre Partnership, a town particularly affected by vacant units, said that it was also because landlords had not appreciated that the retail environment had changed and were “holding out for the next big retailer to come along”.²⁷⁶

A core issue raised by Professor Cathy Parker of the Institute of Place Management concerned the inflexible nature of many properties. She said the fact that “half of the BHS stores are still empty after two years, so that tells you that there is an issue with adaptability”.²⁷⁷ We note that, as at March 2018, 71% of BHS stores were still empty (102 properties). Wanting to explore how empty properties could be brought back into use, we asked Kevin Frost of Cineworld whether it might be possible to open a cinema in a department store. He told us that “there is a real structural challenge around getting the auditoria right [...] It can be done, but it is very expensive. Therein lies the problem”.²⁷⁸ Richard Roe of Trafford Council said that he was currently considering how to use empty shops to “get community uses into the town centre”.²⁷⁹ We note that the Government is also working on this issue and has launched the Open Doors Pilot, which will match landlords struggling to find tenants for their empty properties with community groups looking for space. The launch by the Government of a pilot register of empty properties, collated by local authorities, is also welcome.

274 Local Data Company, [Retail and Leisure Market Update: H1 2018](#), November 2018

275 London Councils ([HST0071](#))

276 [Q239](#)

277 [Q24](#)

278 [Q464](#)

279 [Q197](#)

Another issue raised was the treatment of empty property in terms of business rates. Further, as discussed in chapter seven, the wider financial context in which landlords operate is also relevant. On the one hand, speaking from a landlord's perspective, Mark Williams of the Hark Group said:

We are penalised when a shop is empty. We are picking up the rates. We are paying a tax for leaving it empty, so we are already contributing and we are doing the best we can in terms of investment, trying to remodel or bring in different uses. We have a big financial interest in trying to do something.²⁸⁰

However, Mel Stride, the Financial Secretary to the Treasury, told us that he thought that empty property rates were “slightly perverse” and a “disincentive to the landlord to get [the property] occupied as quickly as possible”.²⁸¹ Owners of empty property are afforded a three-month exemption from business rates from the date the property become empty, and the empty property must only be occupied for six weeks before a further three-month exemption can begin.

The Greater London Authority (GLA) and London Councils recommended that empty property relief should be made discretionary, so local authorities could decide how best to apply it according to local circumstances, and should also be supplemented with “retail reoccupation relief”. According to the GLA, reintroducing the retail reoccupation relief scheme, which operated in England in 2014–15 and 2015–16, would provide “a direct incentive for businesses to reoccupy vacant or derelict former retail premises”.²⁸² As discussed in chapter five, Stockton Council provides a range of business rates-linked incentives for retailers opening in the town centre.

The reasons why some high street properties remain empty for extended periods of time appear to be complex. This is an issue which merits further investigation. We recommend that the Government commission research into why some high street properties remain vacant for long periods of time or have rapid turnover of occupants while some are refilled quite quickly. This should include an assessment of the impact of empty property rates and exploration of other measures which would encourage landlords to find new tenants, such as retail reoccupation relief. The Government should report its findings to us by October 2019.

The Future

135. With online shopping only set to grow in the future, it is clear to us that, to compete and be successful, high street retail needed to carve out a separate role, focusing on providing “experience” and “convenience”.²⁸³ We envisage that this would be complemented by changes to the public realm and the ‘place branding’ activities discussed in chapters two and five which would improve the wider area.

280 [Q150](#)

281 [Q479](#)

282 Greater London Authority/Mayor of London ([HST0053](#))

283 [Q42](#); [Q332](#)

Experience

136. We heard that there were two main ways that retailers could create an experience, through a unique and interesting offer in store and making an asset of their physical retail space and staff by creating opportunities to interact with customers that could not be replicated online. For example, Clayton Hirst of the John Lewis Partnership said that, in addition to trialling new services across 15 stores, one of which was personal styling,²⁸⁴ they had trained 300 of their partners in theatre skills, recognising that the “human element when you go into a store really helps to drive sales and drive the experience for our customers”.²⁸⁵ Debenhams were making their stores as “strong and attractive [...] as they possible can be”,²⁸⁶ including making beauty a focus of their new Watford store and alongside this providing advice, consultations and treatments.²⁸⁷

137. We believe that department stores are well-placed to offer this kind of expanded experience. Despite the financial difficulties faced by some, Mike Ashley of Sports Direct Group told us that the “concept of the department store was actually correct” and that they needed to “evolve”.²⁸⁸ Clayton Hirst of the John Lewis Partnership told us that his company was “the process of trying to reinvent the department store for this century”.²⁸⁹

138. Lakeland Leathers, a much smaller, independent chain store, was also moving into personal shopping and was planning fashion shows in store broadcast via Facebook Live and Instagram Live and linked to their online offer. However, as Martin Foster, the Chief Executive, noted, “we need a level of profitability to be able to invest in those [opportunities] and access them”.²⁹⁰ We note the evidence we heard that independent retailers were particularly able to adjust to the market, be “nimble and agile” with their stock and “add a character to any high street, any town centre”.²⁹¹ For this reason, Stockton Council is encouraging growth of independent retail in the town centre with a range of support schemes and business rates discounts.

139. We also heard that tailoring the store’s offer to the characteristics and needs of the local area was an important part of providing an experience. While often inherent to the business model of an independent retailer, we heard that this was often neglected by larger chain stores. Professor Cathy Parker of the Institute of Place Management explained:

We have had a very concentrated retail sector in this country, which means we have a lot of multiple retailers in most of our locations. They are controlled by head office as to the merchandise they offer, how their store fronts look and what type of retailers they are. They are not very good at adapting locally. It goes back to understanding your local data and your local catchment, and then making sure that your offer is absolutely right.²⁹²

284 [Q396](#)

285 [Q405](#)

286 [Q433](#)

287 [Q444](#)

288 [Q275](#)

289 [Q405](#)

290 [Q322](#)

291 [Q63](#)

292 [Q19](#)

Convenience

140. We were told that high street retailers also needed to try and match the convenience offered by online shopping.²⁹³ Opening hours are clearly key to this; Mike Ashley of Sports Direct Group said:

Say a store used to open at 9 o'clock. There are no customers on the high street at 9 o'clock anymore. Say stores need to open at 12 o'clock now. That person's contract would have to move. Maybe shoppers want to come in and pick up their internet parcels after work, so whereas a store used to shut at 6 o'clock or 5.30, maybe it needs to stay open later.²⁹⁴

Responses to our questioning on this suggested that, while opening hours are more flexible than they used to be, retailers need to explore this opportunity more fully.²⁹⁵ We heard that Stockton Council were having to encourage local retailers to stay open late while events were on in the town centre which could potentially bring in customers. Jake Berry, the MHCLG Minister, told us that retailers should base these decisions on customer data and this was "the sort of new expertise that we could see embedded in the task force".²⁹⁶

141. Click and collect has a dual role of providing convenience for the shopper, namely avoiding the irritation of not being in to receive a delivery, while increasing footfall on the high street. Clayton Hirst of the John Lewis Partnership, explained:

More than 50% of online sales through John Lewis & Partners is actually collected in one of our estates, which is either one of the John Lewis stores or one of the Waitrose & Partners stores. We find that our customers really like that service because there is a convenience of going into a Waitrose store, picking up your groceries and collecting the goods you have bought online.²⁹⁷

We heard that one in three online sales for a multichannel retailer uses click and collect and were told that "if people have that option, they will go and use it".²⁹⁸ We note that large online-only retailers often provide customers with a range of click and collect locations, which in Amazon's case include Amazon Lockers.²⁹⁹ Kate Nicholls of UKHospitality said that, in the future, there would be "more hybrid operations" suggesting, for example, that a hotel could provide space for picking up parcels out of hours.³⁰⁰ When we asked representatives of Fuller's and Nando's whether they might consider accommodating this in their pubs and restaurants, they were not keen.³⁰¹

142. Yet, click and collect is a key way of supporting the high street. Andy Mulcahy of IMRG described its potential:

If you think of a small high street where you have 30 shops or something, it is very difficult for that to be competitive today because it does not have

293 [Q42](#)

294 [Q262](#)

295 [Q466](#); [Q589](#)

296 [Q598](#)

297 [Q428](#)

298 [Q404](#)

299 [Q405](#)

300 [Q95](#)

301 [Q358](#)

the choice or availability. If you could engineer a scenario where anybody living anywhere could get access to anything, that would be the kind of high street that makes quite a lot of sense. That infrastructure just is not there at the moment, but there are a lot of empty shops.³⁰²

He suggested that empty shops could be used as “inventory hubs” where people could collect their parcels and try on or test purchases at the same time.³⁰³

143. Hive is example of an online retailer whose business model has been developed to support independent high street book shops via click and collect. Interested to hear more, we invited Julie Howkins, eCommerce Development Manager of Hive, to give evidence. She explained that, in addition to giving book shops a percentage of sales made on their website:

One of Hive’s USPs is the fact that we offer the option of free collection in store, which is driving footfall to independent bookshops. We have a small network, compared to Amazon, of just under 300 bookshops. The customer can choose to collect their order from a bookshop, increasing footfall to the store. The bookshops quite like the fact they are engaging with customers they would not normally have access to.³⁰⁴

Conclusion

144. **Retail will always be a part of high streets and town centres in the future. But to remain competitive, attract custom and add to the vibrancy of a place, we encourage retailers to consider how they could update their practices.**

145. **Retailers should make an asset of their physical retail space and their staff by creating opportunities to interact with customers that cannot be found online. In addition to being well-stocked with interesting products, this could include providing personal shopping services, advice and consultations, using social media and investing in staff training and the store itself.** Of course, we recognise that this is only possible if retailers have some headroom to invest which is why we have recommended that business rates for high street retailers be reduced.

146. **In many places, store opening hours do not reflect the fact that many people need and want to be able to shop at the end of the day after they have left work. If they cannot shop on the high street at their convenience, they will shop online or at an out-of-town retail centre instead. Retailers should conduct research with shoppers to find out whether their opening hours are meeting people’s needs and adjust them in accordance with the results on a local, shop-by-shop basis.**

147. **In addition, we encourage more retailers to offer and host click and collect, providing their customers with convenience while supporting high streets and town centres through increased footfall. We were attracted to the idea of turning empty shops into an ‘inventory hubs’ where people could collect parcels at their convenience and we encourage local stakeholders looking for new uses for such properties to consider whether this might be appropriate for their local area.**

302 [Q391](#)

303 [Q430](#)

304 [Q405](#)

7 Landlords

148. Landlords are perhaps the least visible stakeholders in high streets and town centres but are nevertheless extremely important. As discussed in chapter one, disparate property ownership, and lack of landlord engagement, are key barriers to high street and town centre transformation and high rents are affecting retailers' profitability. In this chapter, we consider the relationship between landlords and tenants, before turning to consider the formal, contractual basis of that relationship, leases.

149. At the outset, it is helpful to bear in mind that there are huge variations between landlords, which range from pension funds down to individual owners, more common in high streets and small towns. They can be based in the UK or overseas with the property managed by a UK-based asset manager.³⁰⁵ Naturally, we heard that landlord-tenant relationships varied just as widely. Matthew Griffiths, a retail chartered surveyor said:

The affordability of the retail operation in a High Street shop is of no relevance and no interest to a property owner until a lease comes to an end and a retailer walks away, or unless a retailer enters into Administration or a CVA (Creditors Voluntary Arrangement).³⁰⁶

However, Ed Cooke, Chief Executive of Revo, which supports businesses in the retail property and placemaking sector, said that landlords were “very interested” in their tenants' trading performance and were “motivated to try to support [them] in their operations”.³⁰⁷ Similarly, Roddy Bushell of Fitzwilliam Malton Estate, which has a large holding in Malton in North Yorkshire, said:

In smaller towns, the tenants have a lot less resilience if things are not going well. A landlord now has to be interested in helping, because if he is not, he will end up without a business paying rent in the property, and he may not have many options for somebody to take it on. He knows his real position is that he needs to be helpful to that tenant.³⁰⁸

150. He went on to say:

Landlord and tenant is a partnership by any other name, trammelled by a lot of historic terminology that is unhelpful. One of the parties is called a “land lord”. That is not helpful. When the tenancy comes to an end, it is “surrendered”. It is a partnership. That stuff needs to be consigned to history. People need to understand that it is just a business partnership, and if one of your partners is struggling you need to get involved and help.³⁰⁹

That “historic terminology” has its origins in Part II of the Landlord and Tenant Act 1954, which as Matthew Griffiths noted was “devised pre-internet and bears no resemblance to the retail market on the High Street” and was “not fit for purpose”.³¹⁰ We were also told it was an “extremely outdated Act unfit for modern retail”.³¹¹

305 [Q123](#)

306 Matthew Griffiths ([HST0017](#))

307 [Q126](#)

308 [Q126](#)

309 [Q1266](#)

310 Matthew Griffiths ([HST0017](#))

311 NewRiver ([HST0087](#))

151. Ultimately, the landlord-tenant relationship is put to the test when the tenant is experiencing financial difficulties and consequently seeks to renegotiate their lease. We took evidence from four large retailers, with long leases and upwards-only rents, who were facing that situation; Katharine Wynne of Debenhams, for example, said the company was “looking to negotiate with our landlords in order to ensure that we have a viable store proposition going forward”.³¹² The extent to which landlords were open to this seemed to vary. Tony Ginty of Marks and Spencer said:

We continue to have the conversations in terms of trying to get landlords to recognise the changing shape of the high street and the changing demands and challenges that are faced there, and in some cases they are prepared to have that conversation and think about it; in some cases, they are not prepared to do that.³¹³

Mike Ashley of Sports Direct Group said:

Everybody wants to say, “Greedy landlords”. I accept some landlords are being greedy, but the vast majority of landlords want to sit down and work something out. They do, but then we get into timeframes, investments and how we are going to do it.³¹⁴

We also heard that, because of the changing retail climate, parties were increasingly likely to be having an “open dialogue” and a “grown-up conversation”.³¹⁵

152. However, in the case of investor landlords, their own financial arrangements often limited their ability to re-negotiate existing leases with upwards-only rent reviews. Kevin Frost, Property Director at Cineworld, explained:

The upwards-only rent review machinery is a key ingredient for any landlord investor. They would struggle, probably, with the amount of capital investment that goes into property if their income was no longer guaranteed in the way it is. The challenge with that model, though, is that it does not react to the economic challenges that a tenant may face.³¹⁶

[...]

The upwards-only rent review debate is not a new debate. It has been raised by other tenants for some time. There is a huge vested interest among the landlord community to prevent anything happening to upwards-only rent reviews. As a 30-year veteran and chartered surveyor, I have no doubt that, if upwards-only rent reviews were somehow controlled or even banned in the leisure market, landlord behaviour would change overnight.³¹⁷

Upwards-only rent reviews were banned in Ireland in 2010 and, in 2004, the then Government consulted on banning upwards-only rent reviews but, in the end, decided

312 [Q442](#)

313 [Q332](#)

314 [Q267](#)

315 [Q335](#)

316 [Q453](#)

317 [Q452](#)

not to do so.³¹⁸ We note that the wider financial context in which publicly listed landlords operate, in particular the impact of reducing rents on investor confidence and share price, is also relevant.

153. From now on, Tony Ginty of Marks and Spencer said that new leases would better reflect the realities of the retail environment: “it is an entirely different scenario. There will be no long leases signed, and there will be lease breaks built in”.³¹⁹ We heard from Mark Williams of the Hark Group that most leases were now ten years long with a break clause at five years, with the effect that upwards-only rent reviews are no longer relevant.³²⁰ Mike Ashley of Sports Direct Group suggested that a mechanism on which to base a lease could be “a percentage of turnover with a base rent”,³²¹ Kevin Frost of Cineworld said, where possible, his company would seek CPI geared rent reviews,³²² and Mr Griffiths advocated rent based on profits not turnover.³²³

154. Martin Foster, Chief Executive of Lakeland Leathers, told us that when a lease was no longer affordable and risked creating losses, there were only a couple of options: “You either do a CVA [Company Voluntary Arrangement], an administration, or you go to the landlord with a pot of cash and try to buy yourself out of the lease. In reality, if you are making losses you probably cannot do the latter”.³²⁴ Several retailers have agreed CVAs this year and, as referred to in paragraph 14, we heard evidence from both retailers and landlords about the relative merits of the use of CVAs and the CVA process.

155. On a separate but related point, the Local Government Finance Bill, which fell at the 2017 general election, would have allowed for property owners to set up and manage BIDs across the country. Currently, they can only be established in areas where a Business Rate Supplement is in force, which is in London in relation to Crossrail. We heard strong support for the introduction of property owner BIDs,³²⁵ which we were told would assist in places where there was fragmented ownership and landlords needed to be identified and brought into discussions about high street and town centre regeneration.³²⁶

Conclusion

156. Landlords are often the least visible stakeholders in high streets and town centres but are among the most important. While there are many active and engaged landlords who take an interest in their tenants’ businesses and are involved in high street and town centre transformation, there are equally many who do not. We encourage all landlords to recognise that the retail property market has changed and to take an active approach, providing their tenants with good quality properties on a flexible basis and investing in and reconfiguring properties for new uses. Further, we encourage them to fully engage in local partnerships working on high street and town centre transformation and to consider the potential for further investment to help bring plans to fruition.

318 Office of the Deputy Prime Minister, [Commercial property leases: options for deterring or outlawing the use of upward only rent review clauses](#), May 2004

319 [Q332](#)

320 [Q129](#)

321 [Q294](#)

322 [Q449](#)

323 Matthew Griffiths ([HST0017](#))

324 [Q345](#)

325 [Q113](#); [Q135](#); [Q346](#)

326 [Q84](#); [Q135](#)

157. *We recommend that, in the next twelve months, the Government task the Law Commission with reviewing the Landlord and Tenant Act 1954, Part II, assessing in particular whether the law as it currently stands is impeding the emergence of a landlord tenant relationship which is more appropriate for the current retail environment.*

158. Many retailers are burdened by high rents which, in addition to business rates, are causing them significant financial distress. Upwards-only rent review clauses in long leases have artificially increased rents to a level that no longer reflects commercial reality. *We recommend that, given the change in the retail sector, the Government should consult again (as it did in 2004) on outlawing the use of upwards-only rent reviews. While new leases are likely to reflect the current market better, it is important that consideration is given to whether the practice should be curtailed. In the meantime, we recommend that the Government sets up a conciliation service, similar to that provided by ACAS, to facilitate negotiations between retailers in financial distress and landlords who are proving reluctant to engage in discussions or compromise on reducing rent.*

159. We heard competing evidence from both retailers and landlords about the use of Company Voluntary Arrangements (CVA) and the CVA process. While we were not able to delve deeply into the issue during the course of this inquiry, we believe that it warrants further consideration by the Government. We ask the Government to provide us with its assessment of the effect CVAs are having on the high street and any consequential reforms that may be necessary.

160. The Government's announcement that property-owner Business Improvement Districts would be legislated for in the Local Government Finance Bill, which fell as a result of the 2017 general election, was met with enthusiasm. Such a body could play an important role in bringing landlords into local discussions about high street and town centre transformation. *We recommend that the Government revives the legislation relevant to this at the earliest opportunity.*

8 The Future High Streets Task Force

161. In the very first evidence session of this inquiry, we were told by William Grimsey, Chair of The Grimsey Review and The Grimsey Review 2, that Government should immediately do two things:

Endorse a project to have a central data hub that we can populate with statistics and best practice for people to access, and to put in place a proper education and training model that enables us to get the right leaders into these local authorities, the right business plans in place and to help them drive forward a collective solution.³²⁷

Therefore, the announcement in the Budget 2018 that the Future High Streets Fund would be accompanied by the creation of a Future High Streets Task Force was of interest to us. Little detail was provided beyond the statement that it would “provide hands-on support to local areas to develop innovative strategies to help high streets evolve, connect local areas to relevant experts and share best practice”.³²⁸

162. Two months later, Sir John Timpson, Chair of the Expert Panel on the High Street, set out his aspirations for such a body; in brief, that it should provide cross-sector support to encourage collaborative place-making; share data; facilitate networks and build skills; share information and stories; provide expert help; boost local authority planning capacity; and find and support a Town Centre Champion. He explained when he gave evidence to the inquiry that the Task Force was an example of “upside down government [...] allow[ing] the people close to the problem to go on and solve it for themselves”.³²⁹ These aspirations reflected the evidence we received. For example, Mark Williams of the Hark Group told us that there needed to be:

Some form of central resource from Government that allows local authorities to tap into expertise that they need for specific areas and, once it is done, they do not need that resource again.³³⁰

When we asked what form central support should take, Julian Dobson of Urban Pollinators said:

Face-to-face dialogue, meetings, discussions and visits are hugely important in terms of people’s learning and understanding about how to apply evidence, and that that is what is needed much more than the provision of another website, another compendium or another set of policy guidelines.³³¹

In addition, we note that Ojay McDonald of the Association of Town and City Management said that the Task Force needed to do more than simply “advise the industry [...] about what town centres should look like going forward [...]”:

327 [Q37](#)

328 HM Treasury, [Budget 2018: Our Plan for the High Street](#), October 2018

329 [Q569](#)

330 [Q155](#)

331 [Q162](#)

They were talking about the need for town centres to find their USPs [at the turn of the century]. I do not think the creation of a taskforce to tell BIDs and town centre managers what they knew 20 years ago will go down particularly well.³³²

163. While we appreciate that plans for the Task Force are still being developed, we felt that the High Streets Minister's answers to our questions did not match the aspirations of the Expert Panel or align with the type of support that we had heard was needed. Referring to it as a "national resource", "a central knowledge base",³³³ a "Wikipedia style open source repository of information",³³⁴ he appeared to be describing a web-based database, rather than the proactive body providing bespoke expert support that our witnesses thought was necessary. When we asked him how the Task Force differed from the Future High Streets Forum, a group of industry experts which meets regularly to advise the Government on the formation and delivery of high street policy, he said "there will certainly be a big difference in scale [...] It is of course a national resource, rather than such a narrowly focused resource like the Future High Streets Forum".³³⁵ He also said, with regards to the Future High Streets Fund, that it was not "a Portas 2.0 that had lots of good ideas but not hundreds of millions of pounds behind it".³³⁶

164. We recall that our predecessor committee considered a 2013–15 task force on the private rented sector, which we believe provides an instructive example of how the Future High Streets Task Force could operate.³³⁷ Created by the Government on the recommendation in 2012 of Sir Adrian Montague, the task force acted as an "enabler", providing expertise and support to stakeholders to overcome barriers to securing institutional investment in the private rented sector.³³⁸ Its role was to be highly pro-active; not only did it work to develop better data and understanding of the financial barriers to investment, it brought together specialists with front line experience who identified potential new actors and investment opportunities and then helped bring them to fruition. Although it only existed for two years, as was the initial intention, in that time it brought about a step change in terms of investment in the private rented sector.

165. We welcome the creation of the Future High Streets Task Force but we have serious reservations about the scale of the Government's ambition for it. It must be much more than a forum for discussion and avoid becoming a 'talking shop' and, in combination with the Future High Streets Fund, must provide real and tangible support directly to local areas on a much greater scale than the Portas pilots. While centrally collated data, best practice and case studies will certainly be needed, given the enormity of the challenge they face, there is a clear need for local areas to have access to proactive expert support.

332 [Q229](#)

333 [Q602](#)

334 [Q600](#)

335 [Q600](#)

336 [Q603](#). In February 2012, the Government announced that it would support 12 'Portas Pilots' and 15 more were announced subsequently. Pilots received funding of up to £100,000; a contact point in government to provide advice and support on local business growth; support from retail industry leaders and access to sector experts; and opportunities to share experiences and lessons learned with fellow pilots.

337 House of Commons Communities and Local Government Committee, First Report of Session 2013–14, [The Private Rented Sector](#), HC 50

338 DCLG, [Review of the barriers to institutional investment in private rented homes](#), August 2012

166. *Believing the Private Rented Sector Task Force to be an instructive model to follow, we recommend that, in terms of its set up and operation, the Future High Streets Task Force should:*

- *Be staffed by experts with front line experience, including academics, planners, lawyers and developers;*
- *Second experts to provide direct support to local areas on all aspects of high street and town centre transformation, as well as providing advice and support in writing or over the phone;*
- *Collate data, good practice examples, case studies and guidance for local areas to access, but also proactively disseminate this information and advise local areas on how to interpret and apply it to their own circumstances;*
- *Provide help to local areas to attract private sector investment, including by maintaining a database of interested private sector developers and investors, facilitating meetings, and providing transactional support to local authorities once a deal has been reached;*
- *Help local areas to apply to the Future High Streets Fund, including developing a business case; and*
- *Provide advice and support to all stakeholders involved in high street and town centre transformation, including retailers and place management partnerships and Business Improvement Districts, and to all areas regardless of whether they have received funding from the Future High Streets Fund.*

167. *The Task Force should be equally wide-ranging in terms of its scope, providing support to local areas on the full range of issues pertaining to high streets and town centre transformation. Based on the evidence we received, we have identified some specific things that the Task Force should do:*

- *Second planners to local authority planning teams to provide extra resource for local areas developing their high street and town centre strategies and vision for the future, and executing compulsory purchase;*
- *Support independent retailers to develop an offer based more on individuality and ‘experience’, including, for example, how to use social media to promote their store and assess whether their opening hours should change to meet local needs;*
- *Help local authorities to collect data on parking and understand how their parking policies affect high street footfall;*
- *Provide financial advice to local authorities considering purchasing commercial property; and*
- *Provide access to training and support for place partnerships and to individuals who wish to establish such a partnership.*

9 Conclusion

168. Without a crystal ball, we cannot predict what changes lie ahead. But, with online sales having nearly doubled in the last five years, it is almost certain that online shopping will continue to grow, all the while undermining physical retailers and our high streets and town centres.

169. However, we firmly believe that our high streets and town centres can have a better and more balanced future ahead of them. This will require a shift from the retail focused activities of high streets and town centres today to new uses and purposes which foster greater social interaction, community spirit and local identity and characteristics.

170. Achieving this will require significant structural change and concerted effort. But, with a properly planned strategic intervention led by the local authority, with the backing of local stakeholders and the wider community, we can redefine our high streets and town centres and make them sustainable and future proof.

171. We see the possibility of a bright future for our high streets and town centres if our recommendations are followed. The Future High Streets Fund and Future High Streets Task Force have the potential to kick-start transformation but are just a first step and must be accompanied by the more wide-reaching reforms that we have outlined in this report.

172. If action is not taken now we strongly believe that the future will see high streets and town centres with an increasing prevalence of empty shops, dereliction, deteriorating infrastructure and a loss of customers who will take their trade elsewhere. We are concerned that this will lead to some towns centres and high streets effectively closing down altogether, most likely disproportionately affecting people on lower incomes who have less opportunity to shop elsewhere. We therefore urge the Government, local government, retailers, landlords and the local community to act on our conclusions and recommendations now in order to save the high street and ensure its long-term sustainability for future generations to come.

Conclusions and recommendations

High streets and town centres today

1. We do not believe that the high street is dead but we do agree that a tipping point has been reached. An enormous change has taken place in retail. The traditional pattern of making purchases in physical stores, both in and out-of-town, has been profoundly disrupted by the growth of online shopping. *High streets and town centres need urgently to adapt, transform and find a new focus in order to survive* (Paragraph 17)

High streets and town centres in 2030

2. We are convinced that high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities. *Green space, leisure, arts and culture and health and social care services must combine with housing to create a space that is the “intersection of human life and activity” based primarily on social interactions rather than financial transactions. Individual areas will need to identify the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030.* (Paragraph 38)

How we get there

3. *Achieving the large-scale structural change needed for our high streets and town centres to survive will require an intervention led by the local authority, using all its powers and backed by cross-sector collaboration. However, given the financial pressure faced by local authorities, central government funding will be needed for this, as well as significant private sector investment.* (Paragraph 54)
4. The Future High Streets Fund aims to kick-start this sort of intervention and, although the results have not yet been evaluated, based on the evidence we received, we believe it reflects the right approach. The requirement for bids to demonstrate local stakeholder support, strategic vision and, above all, transformative, structural change, as well as its focus on high streets and town centres that are facing the most significant challenges, are to be commended. *We recommend that strong local leadership should be one of the key criteria by which bids are assessed.* (Paragraph 55)
5. However, given the scale of the challenge and the fact that local authorities are unlikely to be able to contribute much of their own resources to this work, a total of £675 million with a maximum grant of £25 million per applicant will inevitably mean that the vast majority of high streets and town centres will miss out on the funding they need to adapt for the future. *Funding for the next round of the Fund needs therefore to be enhanced and we recommend that the Government considers using revenue generated from the reforms that we recommend to business taxation for this purpose.* (Paragraph 56)

6. *Further, given that planning teams have been particularly affected by local authority spending reductions, we recommend that the funding is made available to resource the planning stages of the project which may require additional staff and expert help. (Paragraph 57)*
7. *Successful applicants should be supported by the Future High Streets Task Force in bringing their vision to fruition. We recommend that the Task Force takes on a more proactive, 'enabling' role than is currently envisaged and set this out in more detail in chapter eight. (Paragraph 58)*
8. *But the Future High Streets Fund is only one part of the solution. Local intervention, while essential, needs to be accompanied by further action by central government and at local level, as well as by retailers and landlords, to create the conditions for high streets and town centres to flourish in the future. (Paragraph 59)*

Central government action

9. *Business rates, a property tax in a digital world, as currently designed are increasingly outdated and far from ideal, and we heard many calls for complete review and reform of the system. We note that the Government undertook a fundamental review of the business rates system in 2015–16, concluding that business rates should remain. However, given the rapid changing retail environment, we welcome the Treasury Committee's timely inquiry into the impact of business rates on businesses. (Paragraph 72)*
10. *Notwithstanding the forthcoming findings of the Treasury Committee's inquiry and the Government's response to it, we recommend that the complexity surrounding rate reliefs and the administrative burden they create for retailers should be addressed and the suggestion we received for an allowance, similar to an income tax allowance, should be considered. (Paragraph 73)*
11. *The burden of business rates falls unfairly. High street retailers are paying more than their fair share of tax, while online retailers are not contributing enough. We welcome the fact the Government has attempted to reduce the burden with rates discounts for retailers and the move from RPI to CPI but more needs to be done. (Paragraph 74)*
12. *The Government announced the introduction of a Digital Services Tax in April 2020 to address issues related to historic avoidance of corporation tax. However, this does not address the imbalance between online and high street retailers. The Government needs to go further and move faster to level the playing field between online and high street retailers. This is essential to securing the future of the high street and the retailers which will always be an important part of it. (Paragraph 75)*
13. *We believe that a change in the current tax system is needed to do this and recommend that the Government conducts an assessment of the main proposals that we received in evidence:*
 - *Introducing a specific ratings methodology for the warehouses of online retailers which is based on turnover above a certain threshold;*

- *Replacing business rates for retailers with a sales tax or an increase in VAT;*
 - *Introducing an online sales tax that would supplement the existing business rates system; and*
 - *'Green taxes' on deliveries and packaging. (Paragraph 76)*
14. *In conducting this assessment, the Government should have particular regard to the connection between business rates and local areas and the Government's wider devolution agenda. In addition, we note that each of these proposals would have the benefit of building on the existing business rates system, as opposed to requiring the wholesale reform of business taxation. We request that the Government reports to us with its findings by October 2019. (Paragraph 76)*
 15. *We recommend that the Government explores how an online sales tax could be designed, including undertaking the full legal and factual analysis needed, to ensure compliance with State Aid rules. Whatever tax solution is found, it is imperative that it is implemented at speed to provide fast relief to high street retailers. (Paragraph 77)*
 16. *We recommend that the revenue raised should be used to support the high streets in the following ways:*
 - *A reduction in business rates for retailers in high streets and town centres, which would have the additional effect of balancing competition from out-of-town shopping centres;*
 - *A 12-month holiday for high street retailers from rates increases which result from investments to improvements in property; and*
 - *An increase in the funding available to local areas through the Future High Streets Fund. (Paragraph 78)*
 17. *In due course, there may be a need for the Government to undertake a wider review of business rates and business taxation, which should consider complete alternatives to business rates. (Paragraph 79)*

Planning

18. *Planning is crucial to high street and town centre transformation. Given this, the Government should ensure that planning powers are fit-for-purpose, sufficiently responsive and up-to-date. To this end, we recommend that the Government undertake a comprehensive review of planning as it pertains to the high street, focusing in particular on the following elements: Compulsory purchase orders, the 'town centre first' policy, use classes and permitted development rights.*
 - *Compulsory purchase is an essential tool for local authorities acquiring and assembling land as part of high street and town centre regeneration. However, the process is cumbersome, expensive and time-consuming, making it too slow to be of real use in a retail environment that is changing so rapidly. The review of*

the Compulsory Purchase Order process promised by the Government is welcome, but we recommend the review begins immediately and focuses in particular on how the process could be speeded up.

- *The ‘town centre first’ policy was first developed in the 1980s and is little changed since then. We recommend that the Government consider whether the policy should be updated to reflect better the non-retail uses, for example health, education and leisure services, that will become increasingly important in the future. Notwithstanding the outcome of the review, we believe that, where appropriate sites are available, public bodies should take the lead and locate health, education, leisure, administrative office and other services in town centres first.*
- *High street and town centre activities are becomingly increasingly diverse and it is therefore right for the Government to consider in its current consultation whether use classes need to be updated and made more flexible. However, we believe that the approach taken needs to be much bolder and we recommend a complete overhaul and rewrite of the Use Class Order, which dates from 1987, with the needs of the modern high street, and the need for flexibility and building a more coherent and sustainable mix of uses, in mind.*
- *We believe that permitted development rights (PDRs) risk undermining the strategic vision that a community has developed for its high street or town centre. While we understand that PDRs provide much needed housing—which we see as a key aspect of high street and town centre sustainability—a planned approach, with Local Plans identifying where housing should be situated, is far preferable.*
- *The Government should suspend any further extension of PDRs, pending an evaluation of their impact on the high street. Policies should reflect the wide variety of local circumstances. Councils should be actively encouraged to develop town centre masterplans and use their powers positively to renew their town centres. Where PDRs conflict with particular designations in the Local Plan or other established planning documents, councils should be given greater freedom to suspend PDRs in the affected area. As they currently operate, Article 4 Directions do not give councils adequate ability to remove PDRs quickly and without liability to pay developers compensation.*
- *We hope that the Government will take into account this report, the evidence we received and our recommendations in both its current planning reform consultation and the future review of the Compulsory Purchase Order process. (Paragraph 98)*

Local action

19. *Change is happening at a rapid rate in high streets and town centres and, as currently formulated, Local Plans cannot keep up. We note that if online sales continue to grow at their current rate, they could account for around 30% of all retail sales by 2030. A Local Plan created five years ago will therefore be completely out-of-date and, quite simply, useless. (Paragraph 106)*

20. *Local Plans, which we urge all local authorities to adopt, must be living documents, regularly updated to capture and reflect changing trends, and must be forward looking, anticipating what will happen in five years' time. We recommend that they should also be supplemented with dynamic strategies covering specific high streets and town centres. In addition, we recommend that all local areas develop an overarching vision setting out the direction for the future of their high streets and town centres. Successful applicants to the Future High Streets Fund bids must have a bold, visionary strategy prepared in consultation with the community. (Paragraph 106)*
21. *Whatever form it takes, the strategy for the high street should be formed around local characteristics, strengths, culture and heritage and, most importantly, it should have the backing of the public, private and community sectors. In addition, local areas should develop their plans in consultation with the areas around them and consider how high streets and town centres can complement one other within a wider spatial hierarchy. (Paragraph 107)*
22. *Local authorities should consider the long-term benefits for their high streets and town centres of providing targeted support to local traders with business rates discounts and other schemes. We were particularly impressed with Stockton's Enterprise Arcade which supports fledging retail businesses with a view to them diversifying town centre retail once established. We believe that a similar scheme could be successful in many towns. However, we recognise that for many local authorities such spending may not be a priority given the financial pressures under which they are operating and the necessity of prioritising statutory services. (Paragraph 111)*
23. *We agree with the MHCLG Minister that some free parking is bound to have a positive effect on high street footfall. It would also enable towns to compete more effectively with out-of-town retail centres. However, parking is very place specific, depending also on the public transport available. We believe that local authorities should test the impact of different levels of parking charges on footfall and collect data, as well as consulting with local businesses, to understand which interventions will be most effective for that particular place. (Paragraph 114)*
24. *Wide community collaboration is essential to high street and town centre regeneration and, in many local areas, place partnerships will be a key vehicle for this. We are concerned that a truly collective vision will be hard to achieve in areas where they do not exist. While we welcome the recently announced 11th tranche of the Business Improvement District (BID) Loan Fund which could have an important role in enabling BIDs to develop in new locations, we believe the Government should take further steps to encourage wider coverage of place partnerships. To start with, we recommend that the Government creates a register of BIDs and undertakes a census of place partnerships to identify areas without one in place. The Future High Streets Task Force should then play a role in helping areas to establish such a structure. (Paragraph 122)*
25. *In addition, we recommend that the Task Force facilitates the creation of a local authority-wide network of BIDs and encourages them to share resources, knowledge and expertise with each other. Particular effort should be made to encourage well-funded BIDs to share resources with less well-funded BIDs nearby. (Paragraph 123)*

26. We were attracted by the idea that BIDs should be replaced with community improvement districts but recognise that legislative changes might be needed to implement this. *We encourage the Government to consider how this might be done and, in the interim, recommend the appointment of community representatives to BID panels in order to encourage a wider, more balanced approach in their work.* (Paragraph 124)

Retail

27. The closure of a shop, particularly a long-established ‘anchor’ store, can be crushing for the community and blight the wider high street or town in which it is situated. Such effects are particularly stark in smaller towns where large chains often decide to make closures first. We believe that such smaller towns, which lose stores to neighbouring large towns, cities and out-of-town retail parks, are particularly affected yet less well placed to respond in terms of their resources, capacity and their ability to attract redevelopment. (Paragraph 132)
28. Retailers clearly need the flexibility to respond to the significant changes in the industry by closing and restructuring stores and, from what we heard, these decisions are never taken lightly. *While a focus on redeploying staff is absolutely correct, we encourage retailers to consider that their corporate social responsibility extends beyond this to helping to find a future for the empty property they have left behind.* (Paragraph 133)
29. *We believe that retailers considering closing a large long-established ‘anchor’ store should contact the local authority as soon as possible and explore with them, the landlord and the Business Improvement District or place management partnership whether a creative solution can be found for its future.* This might include finding a new use for the empty property or putting together a plan to save the store which might require reducing its size or converting it partly to residential accommodation. (Paragraph 134)
30. Retail will always be a part of high streets and town centres in the future. *But to remain competitive, attract custom and add to the vibrancy of a place, we encourage retailers to consider how they could update their practices.* (Paragraph 144)
31. *Retailers should make an asset of their physical retail space and their staff by creating opportunities to interact with customers that cannot be found online. In addition to being well-stocked with interesting products, this could include providing personal shopping services, advice and consultations, using social media and investing in staff training and the store itself.* Of course, we recognise that this is only possible if retailers have some headroom to invest which is why we have recommended that business rates for high street retailers be reduced. (Paragraph 145)
32. In many places, store opening hours do not reflect the fact that many people need and want to be able to shop at the end of the day after they have left work. If they cannot shop on the high street at their convenience, they will shop online or at an out-of-town retail centre instead. *Retailers should conduct research with shoppers to find out whether their opening hours are meeting people’s needs and adjust them in accordance with the results on a local, shop-by-shop basis.* (Paragraph 146)

33. In addition, we encourage more retailers to offer and host click and collect, providing their customers with convenience while supporting high streets and town centres through increased footfall. *We were attracted to the idea of turning empty shops into an ‘inventory hubs’ where people could collect parcels at their convenience and we encourage local stakeholders looking for new uses for such properties to consider whether this might be appropriate for their local area.* (Paragraph 147)

Empty properties

34. The reasons why some high street properties remain empty for extended periods of time appear to be complex. This is an issue which merits further investigation. *We recommend that the Government commission research into why some high street properties remain vacant for long periods of time or have rapid turnover of occupants while some are refilled quite quickly. This should include an assessment of the impact of empty property rates and exploration of other measures which would encourage landlords to find new tenants, such as retail reoccupation relief. The Government should report its findings to us by October 2019.*

Landlords

35. Landlords are often the least visible stakeholders in high streets and town centres but are among the most important. While there are many active and engaged landlords who take an interest in their tenants’ businesses and are involved in high street and town centre transformation, there are equally many who do not. *We encourage all landlords to recognise that the retail property market has changed and to take an active approach, providing their tenants with good quality properties on a flexible basis and investing in and reconfiguring properties for new uses. Further, we encourage them to fully engage in local partnerships working on high street and town centre transformation and to consider the potential for further investment to help bring plans to fruition.* (Paragraph 156)
36. *We recommend that, in the next twelve months, the Government task the Law Commission with reviewing the Landlord and Tenant Act 1954, Part II, assessing in particular whether the law as it currently stands is impeding the emergence of a landlord tenant relationship which is more appropriate for the current retail environment.* (Paragraph 157)
37. Many retailers are burdened by high rents which, in addition to business rates, are causing them significant financial distress. Upwards-only rent review clauses in long leases have artificially increased rents to a level that no longer reflects commercial reality. *We recommend that, given the change in the retail sector, the Government should consult again (as it did in 2004) on outlawing the use of upwards-only rent reviews. While new leases are likely to reflect the current market better, it is important that consideration is given to whether the practice should be curtailed. In the meantime, we recommend that the Government sets up a conciliation service, similar to that provided by ACAS, to facilitate negotiations between retailers in financial distress and landlords who are proving reluctant to engage in discussions or compromise on reducing rent.* (Paragraph 158)

38. We heard competing evidence from both retailers and landlords about the use of Company Voluntary Arrangements (CVA) and the CVA process. While we were not able to delve deeply into the issue during the course of this inquiry, we believe that it warrants further consideration by the Government. We ask the Government to provide us with its assessment of the effect CVAs are having on the high street and any consequential reforms that may be necessary. (Paragraph 159)
39. The Government's announcement that property-owner Business Improvement Districts would be legislated for in the Local Government Finance Bill, which fell as a result of the 2017 general election, was met with enthusiasm. Such a body could play an important role in bringing landlords into local discussions about high street and town centre transformation. *We recommend that the Government revives the legislation relevant to this at the earliest opportunity.* (Paragraph 160)

The Future High Streets Task Force

40. We welcome the creation of the Future High Streets Task Force but we have serious reservations about the scale of the Government's ambition for it. It must be much more than a forum for discussion and avoid becoming a 'talking shop' and, in combination with the Future High Streets Fund, must provide real and tangible support directly to local areas on a much greater scale than the Portas pilots. While centrally collated data, best practice and case studies will certainly be needed, given the enormity of the challenge they face, there is a clear need for local areas to have access to proactive expert support. (Paragraph 165)
41. *Believing the Private Rented Sector Task Force to be an instructive model to follow, we recommend that, in terms of its set up and operation, the Future High Streets Task Force should:*
 - *Be staffed by experts with front line experience, including academics, planners, lawyers and developers;*
 - *Second experts to provide direct support to local areas on all aspects of high street and town centre transformation, as well as providing advice and support in writing or over the phone;*
 - *Collate data, good practice examples, case studies and guidance for local areas to access, but also proactively disseminate this information and advise local areas on how to interpret and apply it to their own circumstances;*
 - *Provide help to local areas to attract private sector investment, including by maintaining a database of interested private sector developers and investors, facilitating meetings, and providing transactional support to local authorities once a deal has been reached;*
 - *Help local areas to apply to the Future High Streets Fund, including developing a business case; and*

- *Provide advice and support to all stakeholders involved in high street and town centre transformation, including retailers and place management partnerships and Business Improvement Districts, and to all areas regardless of whether they have received funding from the Future High Streets Fund. (Paragraph 166)*
42. *The Task Force should be equally wide-ranging in terms of its scope, providing support to local areas on the full range of issues pertaining to high streets and town centre transformation. Based on the evidence we received, we have identified some specific things that the Task Force should do:*
- *Second planners to local authority planning teams to provide extra resource for local areas developing their high street and town centre strategies and vision for the future, and executing compulsory purchase;*
 - *Support independent retailers to develop an offer based more on individuality and ‘experience’, including, for example, how to use social media to promote their store and assess whether their opening hours should change to meet local needs;*
 - *Help local authorities to collect data on parking and understand how their parking policies affect high street footfall;*
 - *Provide financial advice to local authorities considering purchasing commercial property; and*
 - *Provide access to training and support for place partnerships and to individuals who wish to establish such a partnership. (Paragraph 166)*

Conclusion

43. Without a crystal ball, we cannot predict what changes lie ahead. But, with online sales having nearly doubled in the last five years, it is almost certain that online shopping will continue to grow, all the while undermining physical retailers and our high streets and town centres. (Paragraph 168)
44. However, we firmly believe that our high streets and town centres can have a better and more balanced future ahead of them. This will require a shift from the retail focused activities of high streets and town centres today to new uses and purposes which foster greater social interaction, community spirit and local identity and characteristics. (Paragraph 169)
45. Achieving this will require significant structural change and concerted effort. But, with a properly planned strategic intervention led by the local authority, with the backing of local stakeholders and the wider community, we can redefine our high streets and town centres and make them sustainable and future proof. (Paragraph 170)
46. We see the possibility of a bright future for our high streets and town centres if our recommendations are followed. The Future High Streets Fund and Future High Streets Task Force have the potential to kick-start transformation but are just a first step and must be accompanied by the more wide-reaching reforms that we have outlined in this report. (Paragraph 171)

47. If action is not taken now we strongly believe that the future will see high streets and town centres with an increasing prevalence of empty shops, dereliction, deteriorating infrastructure and a loss of customers who will take their trade elsewhere. We are concerned that this will lead to some towns centres and high streets effectively closing down altogether, most likely disproportionately affecting people on lower incomes who have less opportunity to shop elsewhere. We therefore urge the Government, local government, retailers, landlords and the local community to act on our conclusions and recommendations now in order to save the high street and ensure its long-term sustainability for future generations to come. (Paragraph 172)

Formal minutes

Wednesday 13 February 2019

Members present:

Mr Clive Betts, in the Chair

Bob Blackman

Andrew Lewer

Mr Tanmanjeet Singh Dhesi

Mr Mark Prisk

Helen Hayes

Mary Robinson

Kevin Hollinrake

Liz Twist

Draft Report (*High streets and town centres in 2030*) proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 172 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Monday 25 February at 3.30 p.m.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 10 September 2018

Professor Cathy Parker, Professor of Marketing and Retail Enterprise, Manchester Metropolitan University, Chair, Institute of Place Management, **William Grimsey**, Chairman, The Grimsey Review and The Grimsey Review 2, and **Dr Andres Coca-Stefaniak**, Associate Professor, Department of Marketing, Events and Tourism, University of Greenwich

[Q1–39](#)

Tuesday 9 October 2018

Tom Ironside, Director of Business and Regulation, British Retail Consortium, **Edward Woodall**, Head of Policy and Public Affairs, Association of Convenience Stores, and **Andrew Goodacre**, Chief Executive, Bira

[Q40–89](#)

Brigid Simmonds, Chief Executive, British Beer and Pub Association, **Tony Sophoclidis**, Strategic Affairs Director, UK Hospitality, and **Joe Harrison**, Chief Executive, NMTF

[Q90–120](#)

Monday 22 October 2018

Edward Cooke, Chief Executive, REVO, **Mark Williams**, Director, Hark Group, **Roddy Bushell**, Estate Director, Fitzwilliam Malton Estate, and **Dominic Williams**, Director, Hewdon Consulting

[Q121–156](#)

Harry Burchill, Planning Policy Officer, Royal Town Planning Institute, **Craig Rowbottom**, Development and Planning Manager North West, Birmingham City Council, and **Dr Julian Dobson**, Director, Urban Pollinators

[Q157–180](#)

Monday 12 November 2018

Peter Geraghty, Chair of the Planning, Housing and Regeneration Board, ADEPT, **Richard Roe**, Corporate Director of Place, Trafford Council, and **Liz Philpot**, Growth Programmes and Policy Manager, East Riding of Yorkshire Council

[Q181–213](#)

Ojay McDonald, Chief Executive, Association of Town and City Management, **Christina Rowe**, Director of Operations, Bedford BID, and **Jonathan Newman**, Town Centre Manager, Great Yarmouth Town Centre Partnership

[Q214–244](#)

Monday 3 December 2018

Mike Ashley, Chief Executive, Sports Direct Group

[Q245–305](#)

Tony Ginty, Head of Public Affairs, Marks and Spencer, **Richard Collyer**, Chief Financial Officer, New Look and **Martin Foster**, Managing Director, Lakeland Leathers Limited

[Q306–347](#)

Maria Horn, Chief Operating Officer, Nando's and **Simon Emeny**, Chief Executive, Fuller's

[Q348–376](#)

Monday 17 December 2018

Lesley Smith, Director Public Policy, UK & Ireland, Amazon UK, **Andy Mulcahy**, Strategy and Insight Director, IMRG, **Julie Howkins**, eCommerce Development Manager, Hive.co.uk, and **Clayton Hirst**, Group Head of Corporate Affairs, John Lewis Partnership

[Q377–434](#)

Katharine Wynne, Director of Investor Relations, Debenhams, **Kevin Frost**, UK Property Director, Cineworld, and **Tim Richards**, Founder and Chief Executive Officer, Vue International

[Q435–468](#)

Wednesday 19 December 2018

The Rt Hon Mel Stride MP, Financial Secretary to the Treasury, and **Mike Williams**, Director of Business and International Tax, HM Treasury

[Q469–556](#)

Tuesday 8 January 2019

Sir John Timpson, Chair, Expert Advisory Panel on High Streets

[Q557–591](#)

Jake Berry MP, Parliamentary Under-Secretary of State for the Northern Powerhouse and Local Growth, Ministry of Housing, Communities and Local Government

[Q592–667](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

HST numbers are generated by the evidence processing system and so may not be complete.

- 1 Abbots DIY ([HST0006](#))
- 2 ADEPT ([HST0057](#))
- 3 Amble Coastal Community Team ([HST0015](#))
- 4 Arun Estate Agencies Limited ([HST0076](#))
- 5 Association of Convenience Stores ([HST0039](#))
- 6 Association of Directors of Public Health ([HST0067](#))
- 7 Association of Town & City Management ([HST0060](#))
- 8 Bacta ([HST0045](#))
- 9 Becker, Mrs Penelope ([HST0048](#))
- 10 BeemCar Ltd ([HST0079](#))
- 11 bira ([HST0036](#))
- 12 Boddington, Councillor Andy ([HST0062](#))
- 13 The Booksellers Association ([HST0028](#))
- 14 British Beer and Pub Association ([HST0007](#))
- 15 British BIDs ([HST0050](#))
- 16 British Property Federation ([HST0059](#))
- 17 British Retail Consortium ([HST0029](#))
- 18 Brown, Mr Paul ([HST0001](#))
- 19 Buckhurst Hill Residents' Society ([HST0030](#))
- 20 Buy Rent Commercial ([HST0084](#))
- 21 Calimport, Dr Stuart ([HST0082](#))
- 22 Calimport, Dr Stuart ([HST0083](#))
- 23 Cambridgeshire and Peterborough Combined Authority ([HST0066](#))
- 24 Carmona, Professor Matthew ([HST0086](#))
- 25 Centre for Cities ([HST0021](#))
- 26 Charity Retail Association ([HST0018](#))
- 27 Child, James ([HST0080](#))
- 28 Churchill Retirement PLC ([HST0078](#))
- 29 Citizens Advice ([HST0032](#))
- 30 Coca-Stefaniak, Dr Andres ([HST0008](#))
- 31 Cornwall Council ([HST0073](#))
- 32 East Riding of Yorkshire Council ([HST0077](#))
- 33 Farnham Place Group ([HST0047](#))

- 34 The Federation of Small Businesses ([HST0063](#))
- 35 Future High Streets ([HST0011](#))
- 36 GFirst LEP ([HST0019](#))
- 37 Greater London Authority/Mayor of London ([HST0053](#))
- 38 Griffiths, Matthew ([HST0017](#))
- 39 Grimsey Review 2 ([HST0026](#))
- 40 Haggard, Mr Philip ([HST0002](#))
- 41 Hair Council ([HST0070](#))
- 42 Hallsworth, Professor emeritus Alan ([HST0005](#))
- 43 Hallsworth, Univ Portsmouth Alan ([HST0014](#))
- 44 Heartflood Ltd ([HST0013](#))
- 45 Hedley, Susan ([HST0035](#))
- 46 Hewitt, Mrs Jane ([HST0003](#))
- 47 Howlett, Neil ([HST0034](#))
- 48 Institute of Place Management ([HST0061](#))
- 49 itim Limited ([HST0040](#))
- 50 Leeds City Council ([HST0074](#))
- 51 Lesniak, David ([HST0042](#))
- 52 Local Government Association ([HST0056](#))
- 53 London Councils ([HST0071](#))
- 54 Love Wimbledon BID ([HST0038](#))
- 55 Marketplace Sellers Association ([HST0089](#))
- 56 Maybe* ([HST0041](#))
- 57 Meaney, Mr Joseph ([HST0004](#))
- 58 MHCLG ([HST0072](#))
- 59 National Business Crime Solution (NBCS) ([HST0043](#))
- 60 National Hairdressers' Federation ([HST0031](#))
- 61 National Pharmacy Association ([HST0081](#))
- 62 New West End Company ([HST0033](#))
- 63 Newcastle-under-lyme BID Ltd ([HST0064](#))
- 64 NewRiver ([HST0087](#))
- 65 NFRN ([HST0052](#))
- 66 NMTF Ltd ([HST0020](#))
- 67 Post Office ([HST0044](#))
- 68 R3intelligence ([HST0090](#))
- 69 Retailers Against VAT Abuse Schemes (RAVAS) ([HST0069](#))
- 70 Revo ([HST0065](#))
- 71 Royal Society for Public Health ([HST0024](#))

- 72 Royal Town Planning Institution ([HST0046](#))
- 73 SaveTheHighStreet.org ([HST0058](#))
- 74 Savills ([HST0025](#))
- 75 Sidmouth Chamber of Commerce ([HST0010](#))
- 76 Square ([HST0055](#))
- 77 Sunderland City Council ([HST0027](#))
- 78 Ten-Holter, Mr Louis ([HST0023](#))
- 79 Test Valley Borough Council ([HST0016](#))
- 80 Thame Town Council ([HST0037](#))
- 81 Tribes Research Ltd ([HST0012](#))
- 82 UKHospitality ([HST0075](#))
- 83 Urban Pollinators Ltd ([HST0022](#))
- 84 Wandsworth Green Party ([HST0049](#))
- 85 Westminster City Council ([HST0085](#))
- 86 Wiltshire Council ([HST0054](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Effectiveness of local authority overview and scrutiny committees	HC 369 (Cm 9569)
Second Report	Housing for older people	HC 370 (Cm 9692)
Third Report	Pre-legislative scrutiny of the draft Tenant Fees Bill version	HC 583 (Cm 9610)
Fourth Report	Private rented sector	HC 440 (Cm 9639)
Fifth Report	Business rates retention	HC 552 (Cm 9686)
Sixth Report	Pre-legislative scrutiny of the draft Non-Domestic Rating (Property in Common Occupation) Bill	HC 583 (Cm 9633)
Seventh Report	Long-term funding of adult social care: First Joint Report of the Hleath and Social Care and Housing, Communities and Local Government Committees	HC 768
Eighth Report	Planning guidance on fracking	HC 767
Ninth Report	Independent review of building regulations and fire safety: next steps	HC 555 (Cm 9706)
Tenth Report	Land Value Capture	HC 766 (Cm 9734)

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Historic England **Urban Panel**

Ramsgate Visit 28-29 September 2016

Final Report

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- 9. Epilogue**

1. Executive Summary

The Urban Panel visited Ramsgate on 28-9 September 2016 at the request of the District Council and was supported in its examination of both Ramsgate and the recent successes of regeneration in Margate by the Council's staff.

Ramsgate's heritage provides a tangible and valuable resource for regeneration of the town – a town which, in spite of areas of wealth and success, also has a concentration of wards that fall within the top 10% of indices of deprivation. The Panel was invited to consider a number of related issues centring on the Harbour and its uses but also the neighbouring port and the adjoining parts of the town centre.

The Panel was able to meet representatives of several community organisations over dinner, providing an opportunity to discuss the issues and opportunities facing the town in an informal atmosphere. In addition to a bus tour of the east and west cliff areas, the Panel undertook walking tours of the Royal Harbour and Harbour Street and environs to assess the current performance of the town centre and recent planning issues.

The compact town centre and harbour, the Panel felt, provide an initial focus for visitors to explore which can act as a springboard to the heritage assets of the east and west cliffs. The activity of fishing and a working historic harbour is Ramsgate's key selling point as an attraction for visitors. Ramsgate clearly has strength of expertise within the community, as shown by the support for various projects including the Motor House Project, but poor relationships between these groups and with the Council is making concerted action more difficult and is frustrating for local people wanting to influence decision-making.

The Panel was impressed by the independent enterprise of Ramsgate's community organisations in taking forward a number of regeneration initiatives. However, Ramsgate needs an agreed strategy for regeneration not only to guide decision-making within the Council but also as a common plan of action for disparate community groups, landowners and investors to understand how their actions will contribute to the town's renaissance. The strategy needs to involve local residents, businesses and landowners in making the decisions that will determine the town's future, including making the best use of their heritage assets.

Amongst the recommendations of the Panel were:

- The Council should aim to facilitate a process of community planning that capitalises on Ramsgate's strong tradition of independent-minded and entrepreneurial businesses and residents.
- The plan needs to set out a positive vision for the future that builds on the Harbour and town centre's many strengths and starts to address negative self-image, perhaps injecting fresh perspectives rather than recycling previous ideas.
- The implementation strategy needs to show how responsibility for management of the Harbour and town centre's heritage assets will be shared with the community, including businesses and the voluntary sector; improved

relationships with community groups is an essential precursor if this is to succeed.

- Regeneration of the Harbour area needs to build on the positive work of bringing activity to the arches.
- Supporting the fishing industry is a priority to secure the attraction this provides for the visitor economy.
- The Council needs to consider how using its extensive estate of property in the town, including numerous historic buildings, can contribute to regeneration, including addressing deprivation.
- The Council should raise its aspirations for design quality in new developments, making use of Design South East's design review service where appropriate.
- Where transgression of regulations is negatively affecting regeneration objectives, the Council needs to show strong leadership through enforcement.

2. About the Urban Panel

The Urban Panel is made up of volunteers who provide expertise to help local authorities, development agencies and others engaged in major regeneration of historic towns and cities. Panel members are appointed by the Chairman of Historic England. Each has considerable experience in either the public or private sector and is considered a national expert in their field. At any one time the Panel has between 12 and 20 members each serving for a period of three years. The membership includes expertise in conservation, property, development economics, design and development – including architecture and other built environment professionals: archaeology, gardens and landscape, retail, history and regeneration.

The Panel's remit is to engage with Government policy and best practice as it relates to urban regeneration and the historic environment; to guide Historic England on related urban issues; and to provide useful strategic advice to public and private bodies with an interest in places where significant changes to the built environment are being planned.

For the Ramsgate visit the panel comprised:

Peter Studdert – Architecture, Town Planning (Acting Chair)

Dr Nigel Baker – Archaeology

Ms Johanna Gibbons – Landscape Design

Mike Hayes CBE – Urban Planning, Economic Regeneration and Public Sector Management

John Lord – Economic Development and Regeneration

John Pringle – Architecture

Ms Sophia de Sousa – History, Architectural History, Community-led design

Ms Ziona Strelitz – Town Planning, Social Anthropology

Chris Twinn – Engineering, Environmental Sustainability

They were supported in their visit by Historic England Staff including:

Chris Smith, Director of Planning

Ms Lyndsay Summerfield, Executive Assistant to Director of Planning

Dr Andy Brown, Planning Director, South East

Martin Small, Principal Historic Environment Planning Advisor, South East

Robert Lloyd-Sweet, Historic Places Adviser, South East

3. Background to the Ramsgate Visit

The Urban Panel was invited to visit Ramsgate and Margate by Thanet District Council following an initial offer of support by Historic England's South East Office. The Panel had previously visited Margate in 2009. This visit provided an opportunity to review developments in Margate since the 2009 visit, including the success of several major public-funded interventions, and to consider whether a similar approach to regeneration in Ramsgate would be suitable.

Ramsgate enjoys an extraordinary inheritance of historic buildings and places reflecting the dual but at times separate developments of the town and Royal Harbour. This heritage now provides a tangible and valuable resource for regeneration of the town which, in spite of a rich environment and areas of wealth and success, also has a concentration of wards that fall within the top 10% of indices of deprivation.

Thanet District Council is concerned to play an active role in promoting and managing the process of regeneration to benefit all of Ramsgate's communities. They are seeking advice on a strategy for both the regeneration of the harbour area and the town centre, including its immediate environs.

Key areas the Panel was asked to consider included:

- The environmental impact of the adjacent Port and its effect on the setting of historic structures (including the Grade I listed Pugin complex);
- Safeguarding of traditional harbour businesses, the Slipways, marine engineering and chandlery;
- Viability of the fishing fleet;
- Currently unused floor space in historic buildings – the Ice factory, Gunpowder Store, etc.
- The future of Pier Yard and Clock House

- The Maritime Museum and interpretation of the historic environment
- Backlog of repairs to historic structures
- The 'Pleasurama' site

4. Ramsgate's Historic Environment

Ramsgate provides a surprisingly rich historic environment within a relatively small area. Whilst the area has some notable prehistoric, Roman and Anglo-Saxon archaeological remains and evidence of origins as a medieval settlement, the town grew to prominence following the establishment of the Royal Harbour as a port of refuge for the Royal Navy in 1749. Three conservation areas cover the main areas of historic interest: the Ramsgate Conservation Area (mainly focused on the Royal Harbour, Old Town, East Cliff and West Cliff), the Ramsgate Royal Esplanade Conservation Area (the focus of which is the cliff top bowling greens, croquet lawns and Lido) and the Ramsgate Montefiore Conservation Area, which includes part of the former Montefiore Park estate (although another part of this landscape is now the George VI Memorial Park). In addition to the commercial buildings of the town centre (shops, warehouses and inns) and the military and maritime structures of the harbour, the town retains numerous structures related to the leisure pursuits of holiday makers who historically contributed so much to the town's prosperity, as well as a remarkable focus of buildings designed by members of the Pugin dynasty of architects who made Ramsgate their home.

The map below shows the density of listed buildings within the town centre and around the Royal Harbour and adjoining areas, providing an indication of the quality of the historic environment as a whole and the multiple foci of heritage assets.

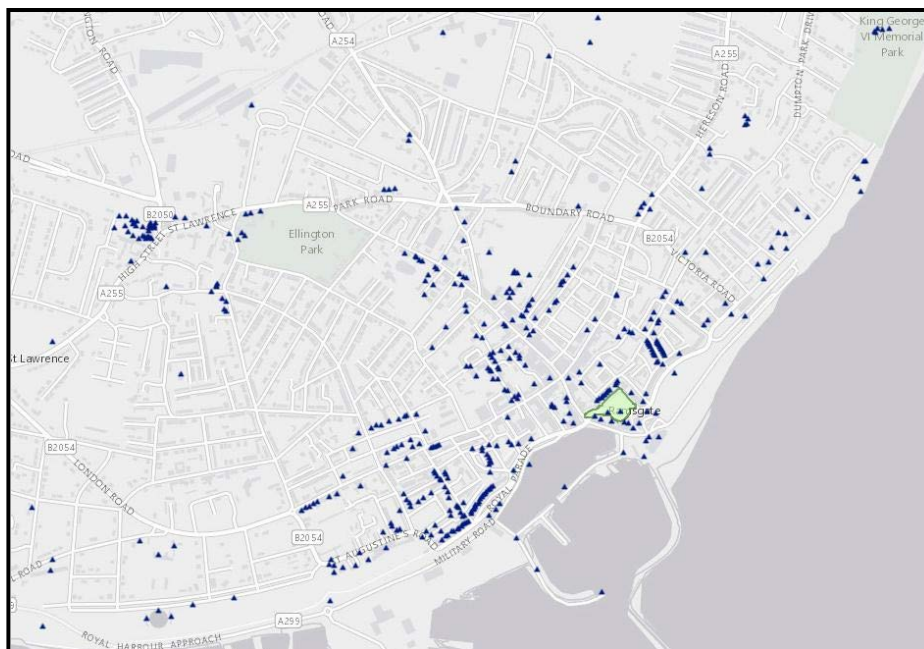


Figure 1: Map of Central Ramsgate's listed buildings

5. Background to Planning for Ramsgate

Supported by Thanet District Council and Ramsgate Town Council, the Ramsgate Coastal Community Team published an Economic Plan for Ramsgate in April 2016, which provides a helpful background to issues facing the town:

“Ramsgate conforms to the common pattern of seaside towns in the UK with high unemployment, low skills base, poor educational attainment, poor health, an ageing population, and a higher proportion of lone parents on income support and claimants in receipt of disability benefit. It is made up of seven electoral wards: Cliffsend and Pegwell, Central Harbour, Eastcliff, Sir Moses Montefiore, Nethercourt, Newington, and Northwood.

The population of around 40,500 is predominantly white British. The demographic profile is similar to Thanet overall with a relatively low BME population and an increasing number of Eastern Europeans as well as inward migration of both home-owners and benefit claimants from London.

Ramsgate has always attracted retirees, but there is a trend for mature people and families to relocate to Ramsgate from London and its surrounding areas attracted by the relatively low house prices and the ‘seaside life style’. These people often have the skills to work from home. However as in the past, the area does continue to attract those reliant on the state for support.

Ramsgate was ranked fourth behind Blackpool, Clacton and Hastings in the ONS rankings for Coastal Community Deprivation (2014). The town has high levels of deprivation within four of its seven wards each containing LSOAs within the bottom decile. Severe income deprivation is found in five of the seven wards and it affects both children and older people. The town is struggling with low education and skills, affecting adults, children and young people. Educational development and attainment is poor, particularly in Newington, Northwood and Eastcliff where there are also a higher percentage of children with special educational needs.

Residents of Ramsgate have a high incidence of poor health and an average life expectancy significantly lower than the figures for Kent as a whole. Adult obesity levels are high with obesity in children increasing between reception and year six. The prevalence of mental health issues is greater in Ramsgate than the Thanet area as a whole.

Crime is exacerbated by drug and alcohol abuse, particularly assaults on the person and property theft. Death from chronic liver disease is almost double the regional average for both men and women. Thanet has more licensed premises than any other area of Kent and, within Thanet, Ramsgate has the highest number of public houses.

Some of the positive aspects of the town are highlighted in the ONS data on barriers to housing and services, and living environment in particular outdoor environment.”

In addition to this information it is worth noting that whilst Ramsgate's BME population forms a lower proportion of the population than in Kent as an average, the East Cliff and Central Harbour Wards have a higher proportion of BME residents than other Ramsgate localities (see Kent Public Health Observatory Report, 2015, Thanet CCG Locality Profile: Ramsgate, http://www.kpho.org.uk/data/assets/pdf_file/0013/51061/Ramsgate-Locality-Profile.pdf).

6. The Panel's visit

6.1 Orientation Tour

Arriving by train, the Panel was introduced to Ramsgate through a bus tour with an informative commentary on the area's history and planning challenges by the District's long-standing conservation architect, Nick Dermott. This included a review of the approach to the town centre from Ramsgate Station, The Montefiore Estate, including both the conservation area and entrance to King George VI Memorial Park, The East Cliff, including Winterstoke Gardens (the legacy of Dame Janet Stancomb Wills), Victoria Parade and Albion Place Gardens (Ramsgate's only Registered Park and Garden, including a notable Pulhamite ravine), as well as the West Cliff area, including the a second Pulhamite ravine, West Cliff Concert Hall (now 'Project Motor House'), the complex of 'Pugin Architecture' at The Grange and the Edwardian and Early 20th century 'leisure landscape' of the Royal Esplanade beyond.

6.2 Introduction: Thanet District Council and Ramsgate's Regeneration

Following their initial tour the Panel met with representatives of the District Council at the Royal Temple Yacht Club and received presentations on Ramsgate's heritage and the current planning context. Director of Community Services, Rob Kenyon, described the present condition of Thanet as an area with high potential for tourism due to its quality of light, and its beaches, as well as its heritage assets, ease of access (especially since the introduction of high-speed train services from London) with low land values proving attractive for outside investors (although these are now starting to rise). The Council's ability to influence change in the area is affected by falling grant-in-aid from central government and the Council is therefore looking at other sources of funding as well as ways to do 'more for less'. The Council has been challenged to raise its ambition for the area but is also faced with balancing the needs of vocal stakeholder groups with very varied attitudes both for and against change. Nevertheless a recent reorganisation of the District Council means it is now rated by the Local Government Association to have improved significantly, with 'strong and capable senior management', 'respected political leadership' and 'improved cross-party relationships'. The area has also seen a significant recent fall in unemployment and a growth in new businesses.

The Council is establishing an economic development and growth team and is keen to promote opportunities for advanced manufacturing (building on the success of Discovery Park just outside the district boundary), off-site manufacturing to support other local industry, as well as arts and creative industries. Local gallery and studio space is already in high demand. Research on the potential opportunities for the arts and creative industries has been commissioned. The Council also expects growth in 'green' industry and agri-industry and Thanet is well placed to service these through the port. A key element of promoting the area's tourism industry will be to attract further hoteliers.

Key challenges identified as affecting regeneration of Ramsgate included the absence of a formal 'plan' for the area that could be used to assess proposed schemes. At present the desire is to both protect and realise the value of heritage for Thanet and to structure decisions to gain long-lasting (even if slow to deliver) benefits for the area as a whole.

Nick Dermott provided further information on the development of the harbour and town, including the development of Ramsgate as a holiday resort. One particular element of this story noted by the Panel was the now lost Ramsgate Harbour station (lost to fire in 1998), accessed by a long tunnel, which is still present and is in part used as a visitor attraction.

6.3 Managing the harbour

The Council's Technical Services Manager gave a presentation on the recent history of development and operation of the 'new' port, developed in 1979 and owned and managed by the District Council. The adjacent Royal Harbour provides approximately 700 leisure berths and is home to the South East's largest fishing fleet. The Port provides four roll-on roll-off berths and is Britain's second closest port to the continent after Dover. Passenger ferry services ceased in 2013, in spite of investment in a tunnel providing an alternative route from the M20/M2 that bypassed the town centre. Recent development has included considerable growth in use by car importers (it now has capacity for 4,500 cars to be delivered at any one time), development of aggregates shipping and the development of the London Array offshore wind farm, which is installed and serviced from Ramsgate. The latter includes a dedicated training centre. Recent investments in the port and harbour have included the replacement of a breakwater, development of pontoons for small boat owners and several large boat moorings (partly facilitating the use of the harbour for servicing the wind farm).

The Council also manages the Royal Harbour and recently undertook the enhancement of the Military Road Arches including the insertion of mezzanine floors and servicing. This has resulted in a rise from 50% to 100% occupancy including a mixture of retail and café businesses with higher rental yields, whilst maintaining more traditional chandlery businesses that support the harbour function. The port's maintenance includes significant annual dredging whilst future investment to promote it is expected to include an improved 'along-side' loading quay, which will also provide facilities for boat servicing. An additional roll-on roll-off berth may also be needed.

6.4 Ramsgate's recent planning history

Thanet District Council's Planning Manager provided a review of recent applications around the harbour area, which has seen a recent surge in activity. The existing planning policy framework has been very flexible allowing the Council some leeway in decision-making. Key recent permissions described included:

- The 2004 permission for major redevelopment at Eastern Undercliff (known officially as Royal Sands Development and popularly as the Pleasurama site) for a mixed-use scheme including flats, hotel, restaurants, shopping and a children's play area. The development will mask the existing cliff face 'embankment' and create a new focus of activity on the seafront. The height of development was limited to the height of the existing cliff, reducing potential impact to views from Wellington Crescent. This covers the former Ramsgate Harbour station site, which had been derelict for several years. Unfortunately, the land having been sold by the council to a developer and work having commenced some years ago, the development has stalled. Owing to several rounds of legal and financial difficulties, work on the site has still not recommenced. The hoardings which surround the site are known locally as the 'Great Wall of Ramsgate' and have been decorated by the local community in an effort to reduce their visual impact, as well as drawing attention to the unsatisfactory situation of the site's plight.
- The Royal Victoria Pavilion at Harbour Parade was granted listed building consent for major restoration by public house company J D Wetherspoon plc in 2016. Work is now well underway and the building will soon be restored to active use as another key positive historic building in this focal area of the harbour.
- Permission was granted for a Hornby visitor centre to replace the facility currently at Westwood Industrial Estate. This replaces a boat repair business at the slipways to the harbour, between the Clock House and Royal Victoria Pavilion and requires the loss of one of the slipways, although the listed slipway will remain. *[Post visit note – Hornby is understood to have decided against proceeding with the development]*
- The recent permission for redevelopment of a former flour mill designed by E.W. Pugin was highlighted as positive reuse of an historic building elsewhere in the town.
- The Undercliff Car Park (east of the Royal Sands Development) has been identified as a potential site for future development and may be needed to contribute to the 17,140 homes that are expected to be delivered across Thanet as part of the new Local Plan.

The Council is currently progressing the Local Plan, including commissioning a heritage evidence base, and aim to submit the plan for examination in September 2017. The Coastal Community team has, however, been moving forward with an economic plan for Ramsgate as one of three teams in the District (Margate, Broadstairs and Ramsgate).

The Westwood Cross retail park has been blamed for creating competition for town centres, resulting in decline of the High Street, but is principally designed to compete with Canterbury as a centre for out of town/department store and 'big box' retail that is not otherwise catered for on Thanet. It now needs a sizeable housing component to make it function as a town centre.

6.5 Walking Tour Part 1: The Royal Harbour

The Panel's first walking tour took in Harbour Parade, where the public open space was considered to be poorly organised and failed to provide a suitable foil to the focal role of the area and its surrounding historic buildings. In addition to issues of pedestrian routes, it was considered that use of space failed to exploit the potential of this area to act as a 'front door' to visitors arriving by bus or taxi from the railway station. Issues of parking enforcement and development control were also observed as affecting the quality and functionality of this space, although the colonisation of the pavement area by businesses was considered favourably when properly managed.

The Panel explored the eastern pier with its dramatic views back across the harbour to the waterfront buildings, which provide a very special and distinctive selling point of the town. The current Travelodge Hotel building stands out as incongruous in these views, which are otherwise of consistently high quality architecture, landscape and waterscape. The Panel also visited the Ramsgate Maritime Museum housed in the Clock House, which elicited mixed responses from members. On the one hand it demonstrates considerable community engagement with the history of the harbour, including dedicated volunteers, and helps to ensure the historic building is maintained and open to the public. Its displays have a personal flavour and create a 'cabinet of curiosities' that may be more engaging than a more 'polished' professional display. On the other hand the building appears to be in need of more rigorous maintenance – there is evidence of water ingress for example – whilst the displays are somewhat haphazard and of varying quality and opening is seasonal and dependent on volunteers' availability. The museum, at present, does not fulfil the potential to provide a gateway for tourists to explore and learn about the Royal Harbour and does not set a clear tone for future regeneration and use of the harbour as a destination. The display could be housed in another, purpose-built building, freeing up the Clock House for other activities, although there was concern that this may upset supporters of the museum at present and result in conflict with a dedicated local community group.

From the museum the Panel followed the cross wall separating the inner and outer harbours. The former hovercraft pad was noted for its decayed condition but potential, with enhancement, to act as more of a focus for waterside activity. The storage cages used by fishermen were noted as necessary to support this important feature of the area's economy but also as reducing the area available for other related activity that could provide outlets for produce of fishing or that could raise the visibility of fishing. It was noted that they are not ideal for the fishermen's uses at present but that other storage facilities that are available are on short term and unreliable leases, reducing confidence in the industry. Alternative solutions for storing fishing gear and providing other facilities for fishermen were considered a

priority, alongside using this sheltered area within the harbour as a focus for activity such as markets and restaurants allied to the industry. The Panel was non-committal about the scale of potential additional development, such as the construction of a new museum or visitor-centre on the dock adjacent to the RNLI building. However, members were interested in the potential of revealing the historic cobbled surface that had been insensitively covered with non-descript 'blacktop'. The historic paving was considered a distinctive element of public realm that is already present, whereas it would be a major investment to provide new paving of similar quality as part of the area's enhancement.

At the western side of the harbour, the Panel viewed the Powder Magazine (built 1828) as a structure with potential to provide a counterpoint to the clock house on the east side but currently disused, before moving onto the area of Jacob's Ladder, the ice factory, Sailors' Church and Smack Boys' Home. This group of buildings and structures should form a cluster of interest that would provide a halting point for visitors. However, the ice factory building is unused and not well maintained. The relatively unprepossessing exterior does not indicate the extent of the building behind which extends into the cliff. One option suggested was to use this building to provide facilities for the fishing community, including both the storage and training space needed as well as public use such as exhibition or restaurant space to strengthen the link between fishing and non-fishing communities, including visitors. Similarly the joint interest of the Church and Smack Boys' Home was also under-developed. A contributing factor to the failure of this area to inspire interest was the extensive space taken up by Military Road. This could now be reduced following the completion of the tunnel as the main approach to the harbour. Here extensive roadside space could provide other uses or as car parking to support harbour uses or tourism.

The improved arches of Military Road were admired as an imaginative and successful scheme making good use of historic structures whilst maintaining traditional harbour-side activity. The public realm at the east end of Military Road, however, was noted as being particularly underwhelming. Before completing the tour, the Panel travelled to the eastern Undercliff Car Park and housing at Marine Esplanade. The Panel was impressed by the potential of the Ramsgate tunnels as an attraction, and intrigued to explore its potential to provide an alternative access route to the beach and harbour.

The Panel also viewed Addington Street, Vale Square and Marlborough Road where investment by residents and new business has brought about some significant improvements, largely through sensitive restoration of historic buildings and spaces.

6.6 Dinner with Invited Community and Council Representatives

Dinner with invited guests is an important part of the Urban Panel visit in that it allows members to discuss the issues and opportunities affecting the area with a range of informed stakeholders in an informal setting. Guests included representatives of the District Council (Officers and Senior Members), Ramsgate Town Council, Coastal Communities Team, Thanet Fishermen's Association, Project Motor House, Vattenfall UK, the Ramsgate Society, Civic Voice, Design South East, St. Augustine's RCC and the Pugin Society.

6.7 Walking Tour 2: Ramsgate Old Town

The Panel's tour of the Ramsgate Old Town included areas of the historic commercial core around Harbour Street, as well as the quieter residential areas, which are considered 'up and coming'.

The tour started at the southern end of Harbour Street. This has been a focus of anti-social behaviour inspired by late night revellers using the taxi office, which has become a hotspot for trouble. Options to move this to an area with a better provision for a taxi rank were considered briefly by the Panel with Harbour Parade suggested as an area that might move revellers away from the core of the town centre. Options for further excluding cars from lower Harbour Street were suggested by the Panel.

Although the town centre is reported as having a high level of vacant shop units, it appears this trend may have seen some improvement and several recently refurbished units were noted along the street. Nevertheless a row of empty units at the southern end of Harbour Street were noted by the Panel as making a strong impression on the rest of the street. It was considered whether this might relate to a single landowner with issues the Council might be able to address and assist with in order to bring these back into beneficial use.

Turning into King Street the variable quality of the townscape was very notable. Whilst the street retains numerous historic buildings that contribute to the interest of the area, it was notable that several buildings constructed in the later 20th century were both of poor quality and apparently more likely to be unoccupied. This left some potential for urban renewal. Rapid mapping to identify buildings and sites that present redevelopment opportunities for town centre housing was suggested. The restored building at the corner of King Street and Plains of Waterloo was pointed out as a positive example of the Council repurposing a historic building for well-appointed social housing now managed by a local housing association.

Returning to Harbour Street, the Panel entered the courtyard space of Albert Court, which includes small areas of public garden, a Petanque Court and a more hard landscape square. This area was not considered to be successful and served the few surviving businesses in the small alley at its north end poorly. Whilst the idea of the Petanque Court, promoting community exercise and interaction, is positive, this took up a large part of the site with a use that is only infrequent and that could be better used for commercial activity to build passing trade for existing businesses. The court might even be moved to the even less inspiring southern end of the enclosed space, or (as a more traditional location for the sport) to a beach front location such as the underused Eastern Undercliff. Considering how well different areas of the Town Centre are used and how they might be developed could also form a spatial element of the regeneration strategy.

The Panel commented on the poor surroundings of York Street and Leopold Street, which are blighted by the bland exteriors of the Travelodge, Wilkinson's Supermarket and Leopold Street car park and then used the West Cliff Arcade, a popular area of

cafés, restaurants and holiday apartments overlooking the harbour, to reach Liverpool Lawn. The recently constructed miniature 'castle' at 40 Liverpool Lawn was commented on as quirky but respectful of the scale of surrounding buildings whilst the vacant Foy Boat public house was noted as being in a key location to encourage activity and reuse. Liverpool Lawn was admired as an extremely attractive residential crescent, although some loss of historic window furniture was also spotted, suggesting that even here the Council may need to consider some additional control and enforcement to ensure the quality of the historic environment is maintained.

The Panel made its way to Addington Street, where the intimate scale of development and survival of numerous historic shopfronts was noted in spite of a general move from commercial to residential use of the ground floor of property, before using the narrow Spencer Street to make their way to Spencer Square where they noted the fine quality of the surrounding buildings, although the quality of the paving and landscaping of the garden square were criticised. The tennis club was identified as a highly successful community facility.

The Panel returned to Addington Street and completed its tour at the recently refurbished Falstaff Hotel to discuss what they had seen and heard over the previous 24 hours.

6.8 Exploring the Challenges

Reflections on the walking tour and dinner highlighted the strength of entrepreneurship within the local community but also the sense of failure of past council leadership that has left a legacy of poor public space, unfinished development, struggling local industry (notably fishing) and community groups feeling unsupported in their efforts to achieve the regeneration the town needs. On the other hand, without an agreed strategy for the town, the Council remains in a position of perpetual 'fire-fighting'. The recent reorganisation of the Council and influx of new staff provides an opportunity for a fresh start, although both officers and members may still be finding their feet and in turn deserve support. A future strategy will need to be developed with the community to stand a chance of succeeding and will be reliant on local good will and the participation of community stakeholders for its delivery.

The Panel was impressed by the richness of Ramsgate's history and the numerous stories of merit, as well as links to on-going traditions (RNLI-rescue, sailing and tall ships and other historic craft, fishing, art, leisure pursuits, etc.) that the town offers. However, in spite of a number of recent schemes, there was a feeling that, in the past, regeneration has happened in spite of rather than with the assistance of the District Council, whilst the rich history isn't always visible or 'readable' for visitors (e.g. caves, fishing or Ramsgate's role for the Royal Navy and as a port for embarking and receiving troops). The need to enhance the public realm stands out as an area where an organisation with a wider remit, i.e. the District Council working with the County Council, should be making a difference that supports the community's smaller-scale interventions.

Past Council intervention is also criticised locally for focusing on 'hopeless' projects rather than supporting local initiatives. This is exacerbated by the lack of an overview or strategic vision for the area, allowing single issues, such as the future of the Port, to dominate thinking.

Members were pleased to note that the District Council appeared to be getting to grips with its own estate of heritage assets. This emergent understanding needs to be harnessed both to ensure the Council is getting a good economic return from its estate (and tackling maintenance needs) but also to consider how it can be put to work in addressing the town's issues of deprivation, such as providing opportunities for SMEs. The Panel was concerned, however, that there might be a knee-jerk reaction of seeking to sell off elements of the estate for a quick financial win, or to avoid maintenance costs, that otherwise have potential to provide longer-term benefits with the right investment. The Panel considered that commissioning of work within any strategy for regeneration would need to ensure that it covered multiple aspects of regeneration rather than, for example, having a purely conservation or economic/growth aspect. Tackling the issues of deprivation should be the focus of a regeneration strategy and this should mean working with communities rather than focussing on statistics when developing strategy proposals. Elements of this lie outside land-use planning and might include low-cost 'town wellness' initiatives working with the Clinical Commissioning Group and both traditional and non-traditional healthcare providers. Ideally the strategy would include both '3 year turnaround' and longer-term measures. The Panel considered the community support provided by Vattenfall UK to be an important resource that the Town Council and Coastal Community Team need to harness. This might require providing a more visible space for the company in the town.

Elements of strategy that were identified as lacking by the Panel that will be key to successfully unlocking the value of Ramsgate's historic environment for its people included environment (green infrastructure), car parking and transport (including multi-mode transport e.g. park and ride), and tourism. However a community empowerment approach is also needed, both to ensure the strategy works for the community but also to ensure the community take some of the responsibility for delivering it. The Panel noted that, despite recent evidence of good progress, rifts remain not only between the District Council and community but also affect relationships between several community groups and Ramsgate Town Council. A process of mending relationships will be an important part of the strategy.

Other options the Council should consider in seeking to 'do more with less' include making use of Design South East as a design review service (paid for by developers) from which both developers and the council can benefit. Low-cost initiatives the Council could seek to support include the promotion of existing town trails through small-scale grant-aid or development of new routes that showcase the town's history and businesses. Potential material for trails might include the town's international connections (it is now the home of 1000 residents of Polish origin for example), as well as exploring connections with famous people who landed at or visited Ramsgate. The current successful promotion of the Pugin legacy stands out as a good early example of this. The Panel was impressed with the change in management by the District Council, including the time being taken by the Director of

Community Services to understand and reflect on issues rather than chasing 'quick win solutions'.

There was support from the Panel for making better provision for the fishing community within the harbour as a priority. The fishermen provide activity that can attract tourists with opportunities to upsell – nearly all of Ramsgate's catch currently goes to markets outside the local area. The harbour includes potential areas for storage and training space, as well as other opportunities related to the fishing trade. These need to be considered and, if appropriate, allocated for this purpose as soon as possible to build confidence.

Ramsgate Town Centre

The Panel was impressed with the quality of much of the town centre but could see that there is clear potential for improvement, some of which might be achieved through redevelopment but in some cases would need careful management of public space and quality through more minor changes. Ramsgate Town Centre also continues to serve its local community very much as a traditional market town centre with a traditional mixture of independent grocery and comparison goods retail alongside cafés, public houses and services, which provided a contrast with the specialist retro-shopping and restaurants offer that has developed in Margate. Protecting this traditional town centre mix of uses will be important in ensuring it continues to contribute to the sustainability of Ramsgate as a residential community, which is part of its attraction for visitors.

The Panel also identified the compact character of the town centre as a key element that contributes to this strength.

Contrast with Margate

Margate's change in fortune has required considerable investment by the District Council as well as a number of major external funders focused on a small number of substantial regeneration projects. The Panel observed that it had also required considerable persistence by the Council's conservation staff to protect buildings that were not seen as going concerns prior to the uplift in the area's economy. Given present economic circumstances, investment of the scale seen in Margate cannot be expected in Ramsgate. The considerable involvement of local community groups in Ramsgate also requires a different approach. The Panel also saw a contrast in the historic offer of each town, where Margate catered for mass 'working class' tourism, providing spectacle and noise and excitement, Ramsgate historically provided for a more genteel and exclusive experience that is better suited to the smaller and more intimate scale of its townscape.

For all of these reasons the Panel concluded that the imposition of big 'magic bullet' solutions designed to attract large numbers of visitors would risk alienating local stakeholders and fail to achieve the best value from Ramsgate's assets, which require a more subtle approach. This approach should include a clear strategy and supporting appropriate community initiatives through guidance and joint working, although the Council needs to manage expectations and avoid abortive work on clearly unviable projects. The Council could play an important supportive role by identifying common stepping stones that community groups will need to take to

access funding or gain permissions to undertake works. In some cases this might require sharing expertise such as conservation architecture or preparing a robust business model. However, the approach of protecting heritage assets until the right funding and perception of the value is in place should also be supported in Ramsgate to avoid the pursuit of quick wins resulting in unnecessary harm.

7. Analysis

7.1 Key Resources (Strengths)

Ramsgate is known within Thanet for having a particular entrepreneurial spirit of independence with business people who are willing to push the boundaries (including planning and other controls). Whilst this is challenging for the Council and in some cases needs concerted effort to demonstrate leadership for the benefit of the wider community, the Panel also recognised this could lead to innovative grass roots solutions for the area's regeneration, which the Council can encourage and build on.

The compact town centre and harbour provide an initial focus for visitors to explore, including a 'living' town centre with much charm (although also with room for improvement to undo the harm of lax planning control in recent decades). This central area can act as a springboard to the heritage assets of the east and west cliffs.

The activity of fishing and a working historic harbour is Ramsgate's key selling point as an attraction for visitors.

Unique heritage – The town is particularly notable for both its Roman Catholic and Jewish heritage, which is particularly unusual in South East England. These, along with many other aspects of the town's history and landscape, such as the Ramsgate tunnels, history of the fishing industry, history of the British Navy and wrecks, as well as marine rescue and the embarkation of troops for foreign conflicts just across the English Channel, provide opportunities for story collecting and celebration, which could be a positive means for engaging with the community and building a positive image.

Incomers – Ramsgate has always been a focus for new settlers who bring skills and ideas that create new opportunities (including the Montefiores and Pugins); this might be a story worth telling.

Natural Assets – the coastline and the sea are clearly important natural assets that have shaped the area's development and have their own heritage that can be explored from and within Ramsgate.

Educational institutions, including East Kent College – The Panel considered the opportunity to develop links between community organisations and educational institutions an important means to start providing alternative learning opportunities. These could focus on the history and modern story of innovation, represented in the harbour and use of marine resources and renewable energy, as well as the high tech businesses occupying the developing Discovery Park.

The area surrounding the town centre has extensive green spaces that provide an important resource for the health (both physical and mental) of Ramsgate's population and that make it an attractive place to live and visit.

The restructured Council is now looking at the community, planning and regeneration as intertwined.

Ramsgate has a different, but complementary offer to Margate – more 'up-market', smaller-scale and focused on the sea and interaction with it and on the town centre and its architecture and surrounding green spaces.

Walkability – It is just 1 mile from the station to the seafront.

Ramsgate clearly has strength of expertise within the community, as shown by the support for various projects including the Motor House Project.

7.2 Suggestions (Opportunities)

Perception

- Develop a 'big vision' for Ramsgate, including improving the town's self-image. Liverpool needed to go through this in the 1980s and develop a 'strap-line' that summed up its uniqueness – this might need the injection of fresh perspectives on what Ramsgate could be.
- Develop community investment organisation/arm's length company to take forward regeneration of a range of assets and achieving regeneration benefits for the community (more focused on wider regeneration than a building preservation trust).
- Develop a 'shared assets' approach to ensure wider community benefit from site-specific investments.

Funding, Resources and Infrastructure

- Mapping of assets and review of risks, maintenance/repair needs should be a priority to understand liabilities and start realising values.
- For match funding – consider borrowing against the value of one or more heritage assets, given the Council's considerable estate and currently rising property values. Rule out proposals that just aren't going to work – either for viability reasons or for planning reasons.
- Identify quick wins that meet a wide range of requirements

Working with community groups – addressing deprivation

- Walking workshops can be more participative and less confrontational than meeting in a room.
- Not all initiatives need to involve planning or physical works
- Working with the community to collect 'Ramsgate stories' may provide a means of engaging the community as well as providing material for town trails or other heritage and community initiatives.
- Working with GP Commissioning Group/Mental Health Trust to consider opportunities for community engagement to contribute to health (body and mind).

- Consider opportunities for green infrastructure projects in particular to contribute to better mental health and wellbeing.
- The Council need a group of town centre businesses, including a mix of local enterprises and 'Down From London' investors with whom to work, alongside other interest groups
- The Coastal Communities Team is providing a number of key positive initiatives but need to demonstrate accountability and representation of the community. The District Council could contribute to this by engaging more with them, alongside other stakeholders and providing support.

7.3 Issues (Weaknesses)

As part of their analysis the Panel considered areas where the management of Ramsgate's historic environment and promotion of its regenerative potential present particular key issues that should be considered in the formulation of a strategy. These included:

Strategic Direction and Infrastructure

- There are no strategies for several factors that should contribute to regeneration, such as tourism, transport and parking, green space/infrastructure, job creation and education. However, there is an opportunity to develop a 'joined-up' strategy covering these areas.
- Dedicated car parking is considered to be in the wrong locations, and either over-exploited in some places (e.g. Harbour Parade) or underused in other (Eastern Undercliff). The District Council sold the multi-storey car park under a previous administration.
- The town's main late-night taxi office is located on Harbour Street in a 'pinch-point' and has been a focus of unruly behaviour involving revellers leaving pubs and clubs late at night.
- Other areas of public realm, such as the planning of Harbour Parade, are poor and focused on motorists rather than pedestrians.

Finance and Council Resources

- The new harbour is a major cost centre for the Council requiring additional investment to secure its use as a port for bulky goods and roll-on roll-off services;
- Big heritage assets, such as the Royal Harbour, Town Centre, WWII tunnel system require significant resources to manage. The District Council need to pass some of this management burden to the community, possibly including commercial interests.
- The Council has been slow to enforce parking and planning regulations in the area and some negative behaviour, such as double-parking at Royal Parade, has become entrenched.
- The Council do not currently have a clear understanding of opportunities afforded by the heritage assets and other resources within their ownership – they own a considerable estate of heritage properties in Ramsgate, which could be an important resource.

The role of the Royal Harbour in the town's economy

- The town's fishermen are struggling to maintain their businesses as a result of a lack of storage facilities, opportunities to upsell their catch and availability of junior staff.
- The harbour area's potential as an attraction for tourists is underexploited, partly due to lack of investment in public realm, as well as lack of facilities and activity – several historic buildings in this area are unoccupied or under maintained.
- Ironically, the town now has a shortage of hotel accommodation. Whilst there are several very successful 'boutique hotels' the town needs a larger offer to support overnight stays. The Travelodge development at Royal Parade/York Street is not considered to be a good example of this type of development.
- The tourism offer for the town also needs to be extended to prevent development of a negative seasonal economy.
- There is a shortage of qualified sailing crew to support the functioning of the marina.

Perception and relationships

- The town is described as being in a collective 'mourning for the past' resulting in a lack of confidence in investment.
- The town is perceived as having a failing town centre with high vacancy rates, although this may be over-emphasised or empty units may be clustered in particular areas. It is notable that the town supports both high-end and budget shopping offers.
- Failure to support the community or effectively manage the town's heritage assets in the past has resulted in poor relationships between the District Council and local community, including suspicion of corruption. Some meetings have descended into unruly and aggressive confrontation, resulting in lost opportunities for collaboration and entrenching hostility. However, this is not unique to Ramsgate and Panel members shared their own experience of having to overcome such obstacles.
- Numerous other stakeholders are now involved in promoting the regeneration of the Town, including Town Council, Care Commissioning Group, Coastal Community Team and Town Team, in addition to private land owners, residents and businesses. There are some poor relationships between these groups making collective action more difficult and creating frustration for local people wanting to influence decision-making.
- The relationship between the District Council and County Council with regard to Transport infrastructure could be improved to secure a more 'joined-up' approach that improves potential for regeneration.

7.4 Risks (Threats)

The Panel felt there were a number of areas where a direction or area of action by the Council or other agencies could have a negative impact on the potential for Ramsgate's regeneration and the management of its historic environment. These included:

- Heritage value could be lost as a result of poorly designed schemes rushed through to achieve 'quick wins' where more time would allow better consideration of detail;
- The potential that investment in the area, including purchase and restoration of property by incomers and regeneration agencies, fails to provide benefits for the local community or contribute to tackling deprivation;
- An uncoordinated approach to regeneration results in 'pepper-potting' of funding that fails to achieve wider benefits or tackle key priorities for the conservation or enhancement of heritage assets;
- Focus on 'One big opportunity' by the District Council results in failure to support a wider number of community led initiatives, resulting in community feeling unsupported or missed opportunities to develop a more diverse and resilient economy (and community);
- In enforcing planning and parking regulations the Council is seen as being heavy-handed and preventing local entrepreneurial activity.

8. Recommendations

8.1 Summary

Ramsgate needs an agreed strategy for regeneration to guide decision-making within the Council but also as a common plan of action for disparate community groups, landowners and investors to understand how their actions will contribute to the town's renaissance. The strategy needs to involve local residents, businesses and landowners in making the decisions that will determine the town's future, including making the best use of their heritage assets.

8.2 Key Recommendations

- Develop a regeneration strategy for Ramsgate that co-ordinates activities to address themes of deprivation (health, education, worklessness) identified as affecting the focal areas of the Harbour and town centre, as well as integrating strategies for traffic, public transport and parking, green infrastructure and walking/cycling routes, tourism and heritage management.
 - o The Council to provide a strategic lead for the community in developing the strategy but to facilitate a process of community planning that capitalises on Ramsgate's strong tradition of independent-minded and entrepreneurial businesses and residents.
 - o The plan needs to set out a positive vision for the future that builds on the Harbour and town centre's many strengths and starts to address negative self-image, perhaps injecting fresh perspectives rather than recycling previous ideas.
 - o The implementation strategy should guide Council support for key projects initiated by the community rather than imposing a single 'big project/magic bullet' approach to the town's regeneration.
 - o The strategy, due to financial necessity, needs to show how responsibility for management of the Harbour and town centre's heritage assets will be shared with the community, including businesses and the voluntary sector. This also requires demonstrating how the Council will support community groups as a facilitator of

regeneration, rather than always being the active promoter. This may include providing guidance to groups on 'stepping stones' to getting projects in motion, providing assistance in accessing funding and providing more detailed technical expertise when necessary.

Improved relationships with community groups is an essential precursor if this is to succeed.

- The Council needs to consider how using its extensive estate of property in the town, including numerous historic buildings, can contribute to regeneration, including addressing deprivation.
- Regeneration of the Harbour area needs to build on the positive work of bringing activity to the arches. Reuse of the historic buildings should promote a natural tour of the Harbour area as well as activities for visitors, alongside the development of activity that supports local fishing and marine activity. Supporting the fishing industry is a priority to secure the attraction this provides for the visitor economy.
- Public realm enhancement needs to demonstrate a 'place-making' approach as well as improving pedestrian connectivity around Royal Parade, Harbour Street and Harbour Parade and the pedestrian route from the station to the High Street and Harbour Parade as a critical route to contribute to visitors' perception of Ramsgate. This might also include providing public transport hubs to support the developing visitor economy.
- The Council should raise its aspirations for design quality in new developments, making use of Design South East's design review service where appropriate.
- Where transgression of regulations is negatively affecting regeneration objectives, the TDC in conjunction with Kent County Council, need to show strong leadership through enforcement.

9. Epilogue: Tour of Margate and Review of Successes and Failures

The Panel took the opportunity briefly to revisit Margate some seven years after its main visit in 2009. The Panel observed considerable success in the past seven years, transforming the town centre from a crumbling seaside resort in retreat to a growing centre for investment with a reputation for providing 'retro-fashion' shopping and independent shopping, pubs, restaurants and cafes. The town's narrow lanes and cobbled squares are particularly notable, following investments in the public realm. They provide a positive contrast with the modern Turner Contemporary Gallery. The Panel was impressed by small-scale interventions to provide affordable housing at Love Lane, whilst the quality of maintenance or restoration of shopfronts provides a particularly important ambience to the Old Town. Margate Old Town is once again an attractive and distinctive destination for day trips from London and has a growing overnight economy with substantial investment in hotels. High Speed 1, and the presence of a destination in the Turner have encouraged strong growth in the visitor economy.

The regeneration of Dreamland, notwithstanding early difficulties over the opening of the Scenic Railway and the administration of the management company, was also seen by the Panel as a major achievement that has provided a second major

attraction. The beginning of expected take up of property by house buyers or investors from London is also already being seen with potential to contribute to lifting areas such as Cliftonville.

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NOISE ACTION PLAN 2019-2023

DETAILED PLAN

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FOREWORD

This is the third Noise Action Plan for East Midlands Airport. This is an exciting time for East Midlands Airport. It is 53 years since East Midlands Airport first opened for commercial flights and since that time the airport has grown to become an airport of national importance serving 4.9 million customers and establishing itself as the largest airport for all-cargo operations in the UK.



We are ambitious for the development of the airport and the region we serve. Our 4.9 million customers currently fly to around 100 destinations across Europe and North America. The airport provides jobs for 8,000 people, and the airport and its on-site partners annually contribute £440 million of total GVA (direct, indirect and induced) to the East Midlands economy.

Our aim is to deepen the role that we play in the Midlands: driving growth through better connectivity; creating jobs, attracting investment and enabling people from across the East Midlands to do business, visit friends and family and enjoy travel to their favourite destinations from their local airport.

In our 2015 Sustainable Development Plan we set out our ambition and capability to grow to handle up to 10 million passengers and 1.2 million tonnes of freight and to set East Midlands Airport as an economic powerhouse at the centre of the three cities of Nottingham, Derby and Leicester in the heart of the UK.

But we are committed to growing the airport in a responsible and sustainable way. As we grow, we know that our operation and future development brings challenges, particularly in relation to night flights, which although a vital part of the UK's express freight and mail economy, can also be intrusive and disruptive for those who live close to the airport.

Although the framework and the guidance for airport Noise Action Plans are set at a national level, many of the measures in our plan are agreed and set at a local level. The Noise Action Plan supplements our 2015 Sustainable Development

Plan which has already set a maximum night noise limit, which, has also been agreed by our local planning authority, within which we will deliver our anticipated growth.

Our Noise Action Plan was published as a draft for consultation with a wide range of stakeholders. We have worked with the airport's Independent Consultative Committee, local authorities, airlines and local community representatives. We are grateful to everyone, including local residents, who took the time to review our plan and let us have views and comments. We have made changes to our plan in the light of the comments we have received, and we believe that we have an effective strategy for controlling aircraft noise. Our policies include restrictions on the use of the noisiest aircraft, targets and incentives for the introduction of newer quieter aircraft, financial penalties and a range of measures that encourage the operation of aircraft in the quietest way possible. This will include the opportunity to review our aircraft operational procedures and departure routes within the plan period as part of a wider UK Airspace modernisation programme.

This Noise Action Plan runs for the next five years. Over that time, we will continue to develop our policies and targets, and it is likely that some of our operating procedures will change. Our approach will continue to be focussed on limiting and reducing, where possible, the number of people affected by aircraft noise whilst we continue to work to grow the overall prosperity of the East Midlands region.




KAREN SMART
Managing Director, East Midlands Airport

1. NOISE ACTION PLAN

WHAT IS A NOISE ACTION PLAN?

A Noise Action Plan is a five-year plan to assess, consider and manage aircraft noise at the airport. It is a key part of delivering broader UK Government noise objectives that are to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

Noise Action Plans are a legal requirement under European Union Directive 2002/49/EC relating to the Assessment and Management of Environmental Noise. This Directive is commonly referred to as the Environmental Noise Directive or END¹. The requirements of the END are transposed by the UK Government in the Environmental Noise (England) Regulations 2006² as amended ("the Regulations").



The EU Directive (known as Environmental Noise Directive – END) sets the objectives of Noise Action Plans:-

‘...to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. To that end the following actions shall be implemented progressively:

- (a) the determination of exposure to environmental noise, through noise mapping, by methods of assessment common to the Member States;
- (b) ensuring that information on environmental noise and its effects is made available to the public;
- (c) adoption of action plans by the Member States, based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and to preserving environmental noise quality where it is good.’

Quoted from the EU Environmental Noise Directive 2002, Objectives, Article 1³.

WHO IS THE ‘COMPETENT AUTHORITY’?

Under the Environmental Noise (England) Regulations 2006 the airport operator is the competent authority for non-designated⁴ major airports. Consequently, East Midlands International Airport Limited is the competent authority for this Noise Action Plan.

WHO IS REQUIRED TO PRODUCE A NOISE ACTION PLAN?

The requirements for producing Noise Action Plans are specified in the Environmental Noise (England) Regulations

2006 and apply to four areas:

- Agglomerations, large towns or cities, with more than 100,000 people and a population density equal to or greater than 500 people per km²;
- Roads with over 3 million vehicle movements a year;
- Railways which have more than 30,000 train movements per year;
- Civil airports which have more than 50,000 movements per year (a movement being a take-off or a landing), excluding those purely for training purposes on light aircraft.

WHAT ARE THE BROAD AIMS OF A NOISE ACTION PLAN?

The primary aim of our airport Noise Action Plan is to limit and where possible reduce the number of people significantly affected by aircraft noise. To do this, it needs to consider the noise impact experienced by communities living near the airport and explore how this can be better managed in the future. This will include consideration of the anticipated growth at the airport and potential benefits of new aircraft technology and operating procedures, as well as noise controls where necessary. The plan needs to be developed in consultation with those affected by the noise. Some specific aims are:

- to quantify the current number of people and dwellings exposed to noise levels above 50 decibels at night and 55 decibels during the day⁵
- to identify any noise problems and situations that need to be improved
- to consider the noise effects of any current noise reduction measures or future projects

Third round
Noise Action
Plan
2019-2023

Second round
Noise Action
Plan
2013-2018

Initial Noise
Action Plan
2010-2015

Aim is to build and improve on existing progress

¹ See http://ec.europa.eu/environment/noise/directive_en.htm

² See <http://www.legislation.gov.uk/ukxi/2006/2238/contents/made>

³ See http://ec.europa.eu/environment/noise/directive_en.htm

⁴ “non-designated” when used in relation to an airport means not designated under section 80 for the purposes of section 78 of the Civil Aviation Act 1982. Only Heathrow, Gatwick and Stansted airports are designated under this act.

⁵ This relates to the DEFRA noise mapping results and specifically the noise exposure at 50dB(A) L_{night} or more and 55dB(A) L_{den} or more

NOISE ACTION PLAN 2019-2023

- to consider any new evidence regarding the effects of noise disturbance on people
- to consider any new Government regulations or policies relating to aircraft noise or operations
- to consult with local communities, business partners and authorities on new and continued actions to manage noise disturbance
- to collectively agree a new Noise Action Plan and review its effectiveness over the period of the plan.

REVIEW PERIOD

The Noise Action planning process operates in five-yearly cycles. The aim is for each subsequent Noise Action Plan to build on existing progress to manage the effects of aircraft noise on people. This is the third Noise Action Plan for East Midlands Airport and is based on noise maps prepared by the Department for Environment, Food and Rural Affairs (DEFRA) showing the situation at the airport in 2016.

Following our consultation on this plan in summer 2018, it was presented to the UK Government for formal adoption in autumn 2018.

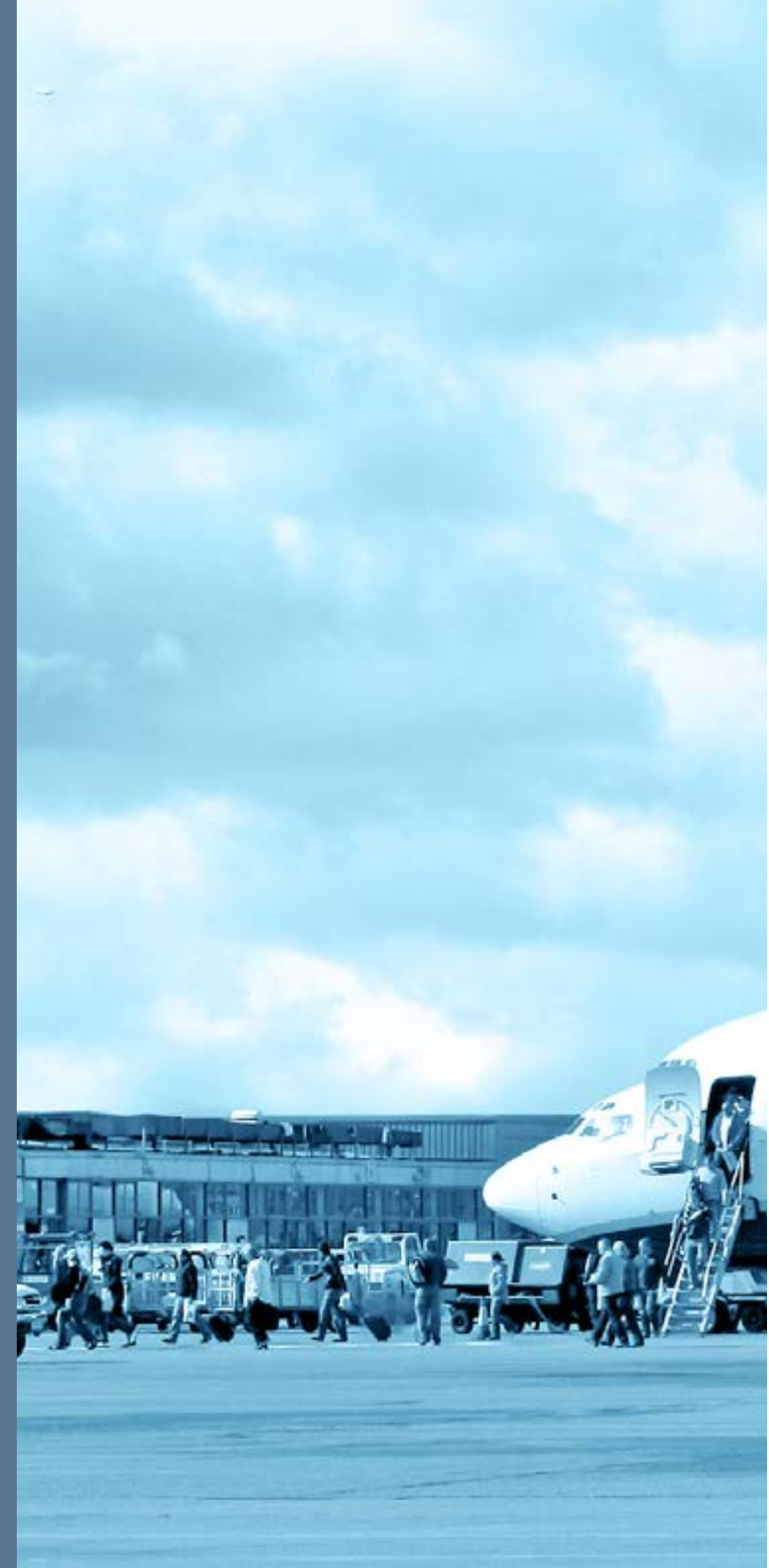


“ A Noise Action Plan is a five-year plan to assess, consider and manage aircraft noise at the airport. ”

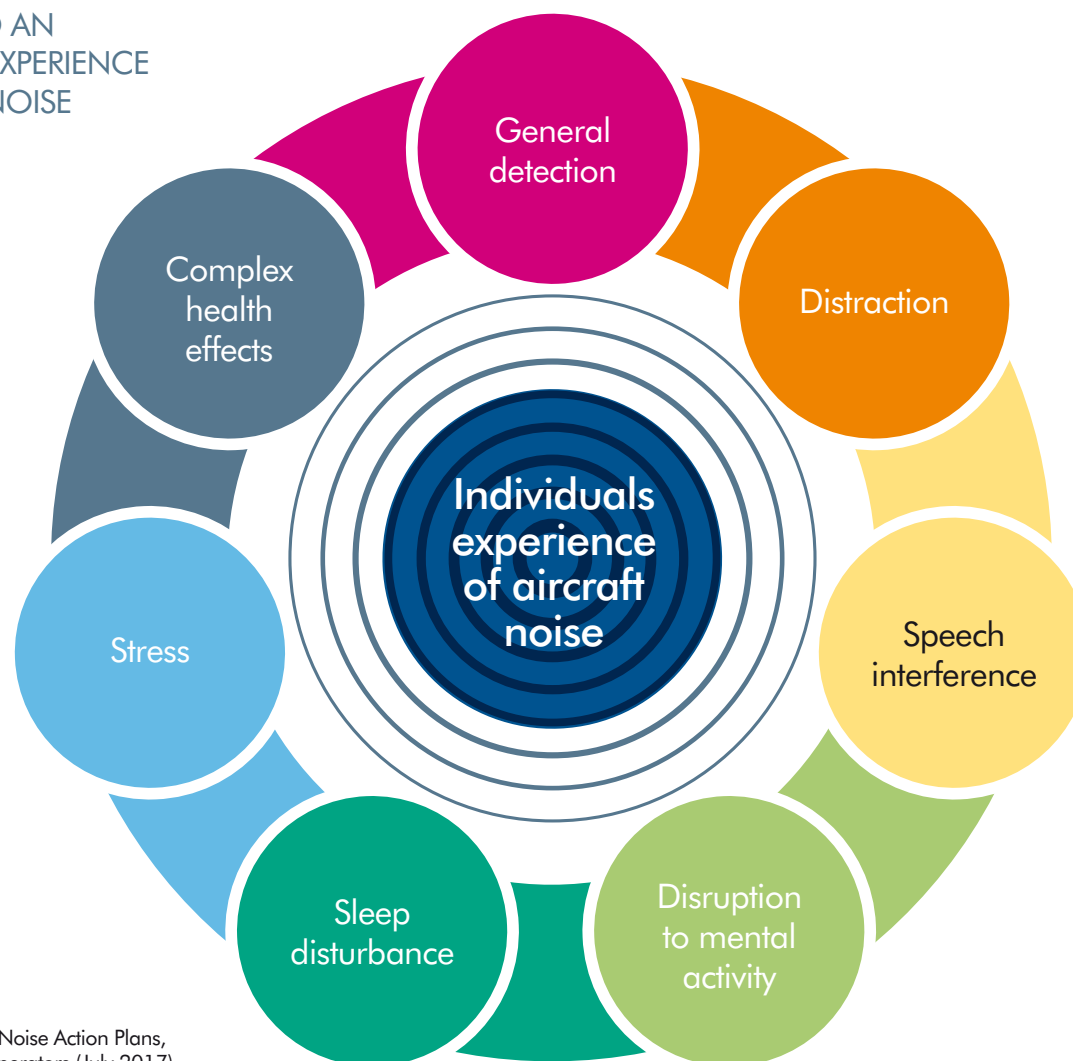


2. PUBLIC CONSULTATION

To help us develop the new Noise Action Plan (NAP) views on our draft plan were sought through a public consultation. This took place over 12 weeks between 8th May 2018 and 30th July 2018.



RESPONSES TO AN INDIVIDUAL'S EXPERIENCE TO AIRCRAFT NOISE



Source: DEFRA Airport Noise Action Plans,
Guidance for Airport Operators (July 2017)

The objective of the consultation was to give people an early and effective opportunity to participate in the preparation and review of the Plan. To ensure the draft plan was accessible for public consultation, we were careful to explain technical concepts and to provide a glossary of terms. We also published a separate supplementary document so that technical information within the body of the main draft plan was minimised.

The airport designed this consultation to comply with the EU Environmental Noise Directive (END) requirements which specify that in preparing and reviewing NAP's:

- The public are consulted about proposals in the NAP
- The public are given early and effective opportunities to participate in the preparation and review of the NAP
- The results of public participation are taken into account
- The public are informed of the decisions that have been taken
- Reasonable time-frames are provided allowing sufficient time for public participation

There are many different stakeholders, including airlines and their customers, regional and national businesses that rely on the services that they provide and local communities. People living around the airport experience noise in different ways and to different degrees. Current Government guidance has summarised these effects as shown.

NOISE ACTION PLAN 2019-2023

2.1 APPROACH TO THE PUBLIC CONSULTATION

East Midlands Airport has a well-established community engagement and outreach programme, strong relationships with external stakeholders and is familiar with undertaking public consultation on its strategic plans, including previous Noise Action Plans and the Sustainable Development plan (SDP). Public consultation played an important part of the NAP process and stakeholder comments were welcomed, encouraged and taken into account. The airport regularly discusses noise matters through the long-standing Airport Independent Consultative Committee (ICC). The ICC is the formal body in charge of liaison between East Midlands Airport and our neighbouring communities and is independently chaired. Representatives from the airport and operators, local authorities, amenity and user groups meet three times a year. The ICC is further supported by two sub-committees which the airport and operators take part in; MENT (Monitoring, Environment, Noise and Track) and TEP (Transport, Economic Development and Passenger Service). These regular forums enable ongoing opportunities to review noise performance at the airport and explore ways to address any concerns.

The public consultation process included:

- Engagement and discussions with key stakeholders including airlines, regulators and the ICC during the drafting of the NAP
- Communication with stakeholders when the draft NAP was published for consultation. This communication went out via email on Tuesday 8th May notifying all consultees that consultation closed on 30th July 2018.
- A full 12 weeks public consultation to enable stakeholder comments to be made, running from 8th May to 30th July 2018

- An offer of meetings and briefings with key local stakeholders was made as part of this communication to key local stakeholders including County Councils, District Councils, Parish Councils, Airlines, MP's and the ICC
- Existing community communication channels were used to promote the consultation on the NAP. This included publication of information on the Airport web site as well as within the 'Summer 2018' edition of the Community Flyer, which was delivered to over 35,000 homes under our flight paths through our Royal Mail door drop contract in the week commencing 2nd July 2018.
- Provision of information about the NAP consultation at outreach events including Castle Donington Medieval Market on 7th May, Kegworth 'One Weekend' on the 2nd June, Breedon on the Hill Family Day on the 24th June, and Aston Well Dressing on the 8th July.
- Parish councils including Kegworth and Castle Donington supported the process by promoting the consultation process on their web sites and social media pages.
- On request a workshop was held with South Derbyshire parishes and other representatives on 25th June at Sharpe's Potteries. On request a presentation with question and answer session was given to a Neighbourhood Forum in Littleover on 27th June. On request a meeting was held with 'Packington Communications Group' on 29th June.
- On request, hard copies of the NAP consultation documentation were provided to the Kegworth Library and Village Hall.
- Pre-consultation with the airport's Pilot Liaison Group on 11th April.

- Pre-consultation the airport attended meetings at Weston-on-Trent and Melbourne at the request of both the District and Parish Councils to discuss the imminent NAP consultation
- Consultation workshop for Airline partners on 25th June
- Consultation with ICC MENT on 18th May and with the ICC General on 15th June

2.1.1 FORMAL CONSULTEES

Formal consultees were agreed as part of a pre-consultation process with the ICC:

County Councils

- Leicestershire
- Nottinghamshire
- Derbyshire

District Councils

- Rushcliffe Borough Council
- North West Leicestershire District Council
- South Derbyshire District Council
- Erewash Borough Council
- Charnwood Borough Council
- East Midlands Councils

Parish Councils

- Aston on Trent (South Derbyshire District Council, Derbyshire)
- Weston upon Trent (South Derbyshire District Council, Derbyshire)
- Melbourne (South Derbyshire District Council, Derbyshire)

- Kegworth (North West Leicestershire District Council, Leicestershire)
- Diseworth and Long Whatton (North West Leicestershire District Council, Leicestershire)
- Breedon on the Hill (North West Leicestershire District Council, Leicestershire)
- Hemington and Lockington (North West Leicestershire District Council, Leicestershire)
- Castle Donington (North West Leicestershire District Council, Leicestershire)
- Isley Walton (North West Leicestershire District Council, Leicestershire)
- Sutton Bonnington (Rushcliffe Borough Council, Nottinghamshire)

The East Midlands Airport Independent Consultative Committee (ICC), and the Monitoring, Environment, Noise and Track Sub-Committee of the ICC

East Midlands Airport's Pilot Liaison Group

LOCAL MEMBERS OF PARLIAMENT

- Andrew Bridgen (North West Leicestershire)
- Heather Wheeler (South Derbyshire)
- Ken Clark (Rushcliffe)
- Maggie Throup (Erewash)
- Ed Argar (Charnwood)

2.1.2 CONSULTATION PROCESS

The UK Government provided guidance information and a data pack for East Midlands Airport in July 2017. This information was used to support the preparation of the draft

NAP. Additionally, the airport discussed the development of the plan and sought views on aircraft noise from the ICC MENT sub-group and the General ICC on 19th January and 16th February 2018 respectively. Finally, information on best practice and emerging noise reduction work was gathered by EMA through MAG's involvement in Sustainable Aviation, a coalition of UK aviation companies. This includes information shared through Sustainable Aviation's noise group and the 2013 Noise Road-Map plus the 2017 Progress Report.

A copy of the draft Noise Action Plan was published on the EMA web site with details of how to respond and a dedicated email address was set up for people to share their views with us.

The airport developed a questionnaire in order to help structure responses, which we encouraged people to use where possible, however responses were encouraged and welcomed in any format. Printed versions of the draft NAP were available for meetings and on request by any interested party.

2.2 LESSONS LEARNED FROM THE CONSULTATION

Whilst the airport welcomed responses from consultees in any format, the majority of consultees used either the questionnaire provided or sent an email to our dedicated email address. The questionnaire was designed as an editable PDF, which could be completed, saved and then emailed to us using the dedicated email address, and whilst most used this method, some chose to print the blank form, complete it and post it to us.

Despite the majority of consultees successfully using the editable PDF, a few local residents reported difficulty with it. The principal concern expressed to us was that in order

to create an unlimited text box for each question in the questionnaire, then this prevented printing of the form once it was filled out. We had not anticipated that some consultees would wish to print the completed on-line form and post it to us, rather had planned that the completed forms would be saved and emailed. Whilst this did not prevent any consultees from making their view known to us, we have noted the comments we received and will ensure they are carefully considered when we undertake future consultations.

Some consultees also reported that they found the draft NAP document itself difficult to read and understand, and many commented that it was too long. Whilst we had already minimised the length of the document by publishing a separate supplementary report containing much of the necessary technical information, we are mindful of these comments and we have produced an abridged summary document, which we will publish alongside the final NAP.

3. THE AIRPORT

East Midlands Airport is in a strategic location in the centre of the UK, roughly equidistant from the cities of Nottingham, Leicester and Derby. The area around the airport is relatively sparsely populated and as a result, the noise from aircraft operations affects fewer people than airports located in or near large conurbations.



Flying operations began at what is now known as East Midlands Airport in 1916 and a more substantial aerodrome, RAF Castle Donington, was developed during the Second World War.

East Midlands Airport was developed by the County Councils of Leicestershire, Derbyshire and Nottinghamshire and the City Councils of Derby and Nottingham.

The airport opened in 1965, and in its first year handled over 118,000 passengers. The airport has also grown to become a strategic logistic hub for express air freight and mail. More recently, since a dip in activity in 2009 due to the

global recession, the airport has grown strongly with both passenger numbers and cargo (express air freight and mail) activity increasing steadily to around 5 million passengers and 350,000 tonnes of cargo.

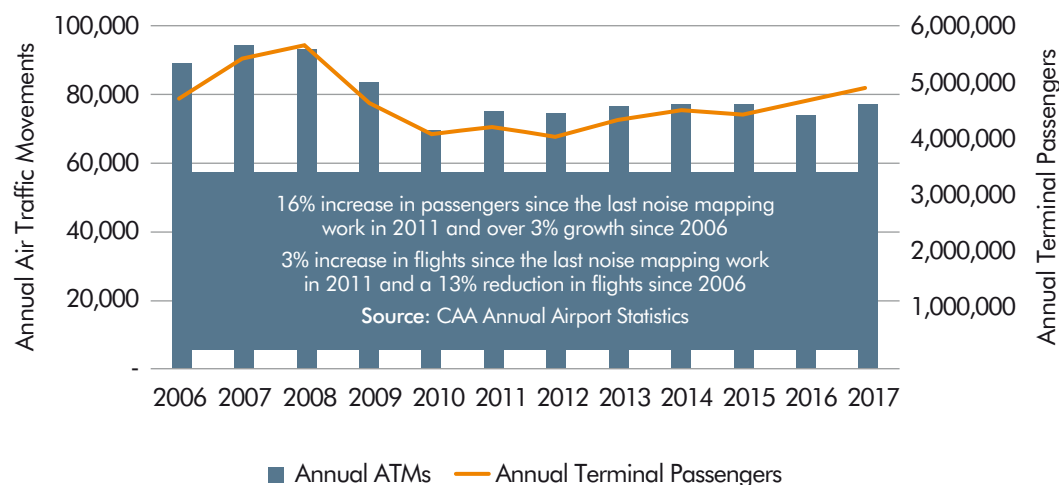
TODAY EAST MIDLANDS AIRPORT IS:

- A significant UK regional airport, in 2017 handling 4,880,405 passengers
- The UK's largest pure cargo airport, handling 324,216 tonnes of freight in 2017
- A major UK air mail hub, handling 21,963 tonnes of mail in 2017

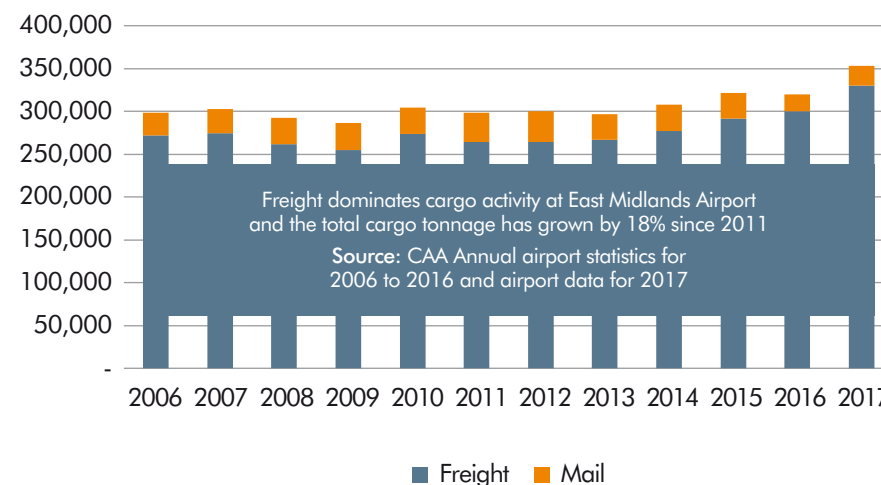
- The UK's leading express freight airport, with all of the major global integrated freight airlines based at the airport
- The largest single employment site in Leicestershire with some 8,000 people working on-site.

The airport's location in the centre of the UK, with direct access to the national motorway system is a major benefit to the development of the airport's passenger and cargo business. It is estimated that there are over 11 million people that live within a 90 minute drive of East Midlands Airport and 90% of England and Wales is within a four hour drive. The airport and its transport links support the continuing activity of globally significant manufacturers in the region

ANNUAL CHANGES IN FLIGHT AND PASSENGER NUMBERS AT EAST MIDLANDS AIRPORT



ANNUAL CARGO TONNAGE AT EAST MIDLANDS AIRPORT



NOISE ACTION PLAN 2019-2023

such as Rolls-Royce, JCB and Toyota and provide the potential to attract or develop more. The freight activity at East Midlands Airport is significant at a national, European and inter-continental level and the airport is a major base for DHL, UPS, TNT and Royal Mail.

Aviation and the transport by air of goods, as well as passengers, are of national significance and economic importance. The value of non-EU trade annually passing through East Midlands Airport equates to some £10bn that is split 50% import and 50% export. Easy access to global air freight connectivity is critical to ensure the Midlands benefits from the Government's objectives of re-balancing the economy and promoting export-led growth.

The activities at East Midlands Airport make a significant contribution to the regional economy, particularly to the three cities of Nottingham, Leicester and Derby and to the district of North West Leicestershire. These economic benefits are in the form of passenger and cargo connectivity, economic activity (GVA – the value of goods and services produced in an economy) and in direct and indirect employment. East Midlands Airport is estimated to generate £440 million of direct, indirect and induced regional GVA each year. The Airport is the largest single employment site in Leicestershire and the most recent employment survey (2017) showed that there are 7,954 people employed on the site in 87 companies. Most airport employees live in the local area with 41% living in Derbyshire, 27% in Leicestershire and 24% in Nottinghamshire.

AIRPORT DEVELOPMENTS

Since the publication of the last Noise Action Plan, a number of developments have been undertaken on the Airport site. These have included the completion of a significant upgrade of the passenger terminal providing an improved and

extended security area and new facilities in the departure lounge, and the development of new car parks and new car park products including a Meet and Greet service.

The airport's cargo operators have also made significant investments in their facilities. DHL have spent some £90m on a major extension to their freight hub, making it one of their larger global operations. UPS are investing £114m in the development of a new cargo hub that is scheduled to open in 2019. In addition, investments have been made in the Airport's core infrastructure, which in 2016 included the full re-surfacing of the runway and the installation of a new airfield lighting system.

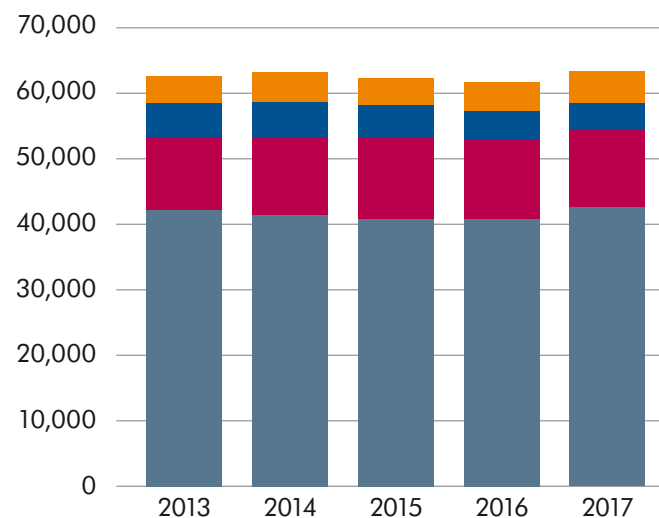
In future East Midlands Airport has significant capacity, capability and the flexibility to grow. The airport prepares forecasts of future passenger, cargo and aircraft activity. Our forecasts show that the airport has the potential to double its activity, achieving a throughput of up to 10 million passengers a year, in the period 2030 to 2040 and a forecast cargo throughput of some 700,000 tonnes by 2040.

Aircraft movements are forecast to increase in line with passenger throughput and an airport of 10 million passengers is forecast to generate 70,000 annual passenger air transport movements. Air cargo movements are also expected to grow and a cargo throughput of 700,000 tonnes a year could generate around 42,600 cargo aircraft movements. This is a total forecast of 112,600 air transport movements compared with a total of 75,777 annual movements in 2017-18. It is anticipated that the average cargo payload per aircraft will increase. This means that the growth in cargo movements will be at a slower rate than the growth in annual cargo tonnage. The airport's long-term development plans, along with future forecasts are detailed in the Land Use Plan, part of the Sustainable Development Plan that was published following public consultation in 2015 (www.eastmidlandsairport.com/developmentplan).

The Government are carrying out a review of national aviation policy that is expected to be published in 2019. Following this we intend to undertake a review of our Sustainable Development Plan including the forecasts of airport growth.

ANNUAL COMMERCIAL AIR TRAFFIC MOVEMENTS

- Night-time Passenger Aircraft Movements
- Night-time Mail Aircraft Movements
- Night-time Freight Aircraft Movements
- Daytime Aircraft Movements (total ATMs)



Source: Published Airport Data

AIRPORT OPERATIONS

The airport operates 24-hours a day, 365 days a year using a single runway aligned in an east-west direction. Aircraft movements comprise of commercial passenger flights (scheduled and charter), air freight and mail flights plus training and general aviation flights. Most of aircraft movements take place during the daytime and at night they are a mixture of passenger, freight and mail flights.

Departing aircraft normally take off into the wind. This means that given the prevailing winds are westerly then the usual mode of operation is for departures to the west and arrivals from the east. All departing aircraft must follow noise preferential routes (NPR's) shown in Appendix B. How the departures are split at the airport and the wider areas overflowed by aircraft are shown in Appendix C. This also shows the areas overflowed by arriving aircraft.

SOURCES OF NOISE

Noise is primarily generated by aircraft as they arrive, depart and move around the airport. Other sources of noise at the airport come from activities involved in getting the passengers and cargo to and from the aircraft, from aircraft maintenance and engine tests, from construction activities at the airport and from vehicles coming to and from the airport. Over two thirds of aircraft movements at the airport occur during the day with the remaining third occurring at night time between 23:00-07:00.

APPROACH TO MANAGING NOISE

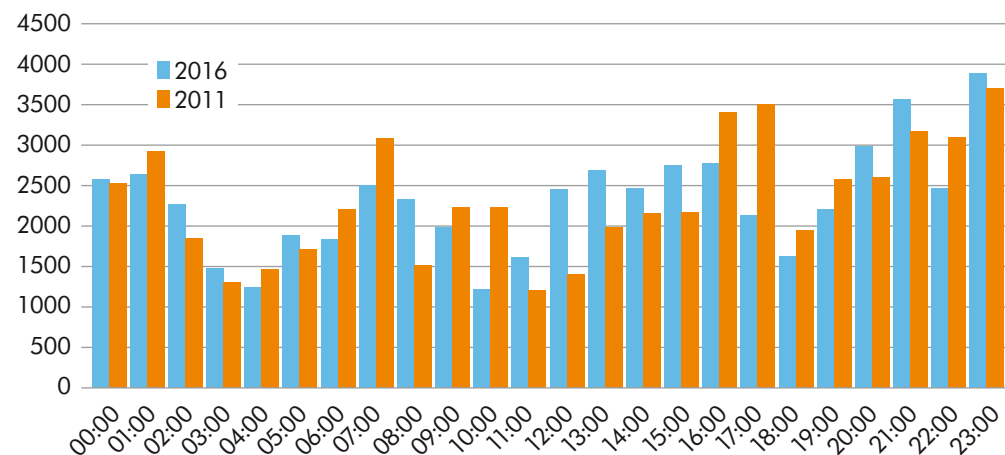
Information on historic, current and future noise levels at the airport are presented in this plan, along with existing, modified and new actions the airport proposes to implement.

Managing these current noise effects and those arising from future growth is a key focus for the airport. Our long-term aim

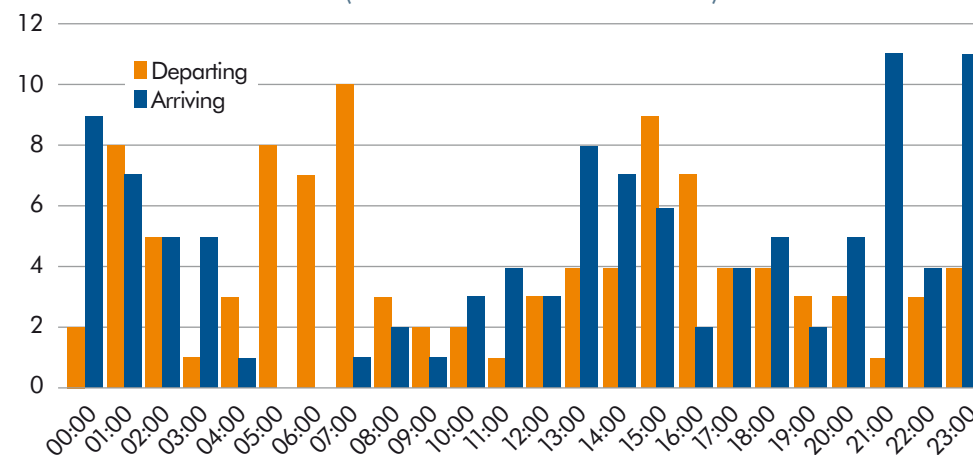
is to '...limit and reduce where possible, the number of people affected by noise as a result of the airport's operation and development'. We are committed to minimising the number of people affected by aircraft noise by routinely reviewing our noise-related targets and policies. We will also continue to support local communities, with a particular focus on those most affected by aircraft operations. This will include continuing our community-relations programme, noise mitigation schemes and Community Fund, which has now donated over £900,000 to local good causes.

We will continue to measure our performance against other airports and to contribute to the sustainable development of the air transport industry at a national, regional and local level. We will also support and contribute to the noise-related commitments contained within the UK's Aviation Policy Framework and emerging national aviation policy.

ANNUAL AIRCRAFT MOVEMENTS BY HOUR 2016 vs 2011



2016 BUSY DAY AIRCRAFT MOVEMENTS BY HOUR (ARRIVING OR DEPARTING)



4. NOISE MAPPING

WHAT ARE NOISE MAPS?

In the same way that geographical maps use contours to distinguish between high ground and low ground, noise maps use contours to identify those areas that are relatively louder or quieter.

Although noise maps provide information on noise levels and the number of people affected, their main purpose is to help authorities show the areas and populations affected and to inform plans designed to manage noise.



HOW WERE THE MAPS CREATED?

The noise contour maps have been produced for the airport by the Department for Environment, Food and Rural Affairs (DEFRA) using the Integrated Noise Model (INM). INM is a computer model that takes account of things such as the number and types of aircraft departing and landing, where the aircraft are flying, and the time of day or night, to estimate the noise on the ground around an airport. They were provided to the airport in an 'Action Planning Data Pack'. The contents of the Action Planning Data Pack were developed to meet the requirements of the Environmental Noise (England) Regulations 2006 (as amended). This draft plan includes the details of the 2016 data pack and maps⁶.

The noise contours and associated data are intended to provide a description of the current noise impact of the Airport on its surroundings and how it has changed throughout the lifetime of the Noise Action planning process.

ARE THE NOISE MAPS DIFFERENT FROM THE NOISE CONTOUR MAPPING SEEN PREVIOUSLY?

If you compare the noise maps with the noise contour maps previously produced for us or other UK airports, you may notice some differences. The noise maps in this document have been prepared specifically to inform our Noise Action Plan. Noise contour maps are usually produced using aircraft movements for an average summer's day (mid-June to mid-September), and it has been usual to produce separate maps for the 16-hour day (07:00 to 23:00) and 8-hour night (23:00 to 07:00). The contours are presented in terms of the 'A-weighted equivalent continuous noise level' (L_{Aeq}). The A-weighting is designed to represent the human ear's response to sound.

Under the Environmental Noise (England) Regulations 2006, as amended, noise mapping is carried out every five years – most recently in 2016 – for an annual average day (January to December) rather than just the busy summer period. Maps are produced for each of the following time periods.

- L_{day} – the level in the day, 07:00 to 19:00
- $L_{evening}$ – the level in the evening, 19:00 to 23:00
- L_{night} – the level at night, 23:00 to 07:00
- L_{den} – the level over 24-hours

The L_{den} figures are produced by combining those for L_{day} , $L_{evening}$ and L_{night} . To take account of the fact that noise is more intrusive at night time, before the L_{day} , $L_{evening}$ and L_{night} values are combined to produce the L_{den} level, a weighting of 5dB is added to the evening values and 10dB is added to the night values.

Because of these differences, the noise maps that inform this Noise Action Plan are not directly comparable with other published noise contours.

As set out in the 'Responses to an individual's experience to aircraft noise' diagram, on page 11, we recognise that different factors affect the way noise is experienced and that people respond differently to noise. This makes it difficult to quantify the relationship between noise and annoyance. Government policy requires extra support to be provided to those living in homes which are exposed to high levels of aircraft noise (more than 69dB L_{Aeq}). The 2016 noise maps show that there are no properties at East Midlands Airport exposed to this level of noise.

⁶ The noise data maps are produced subject to Crown Copyright 2017 – Ordnance Survey 100024198 and Environment Agency copyright and/or existing database rights 2017.

5. NOISE MAPPING RESULTS

The full results of the DEFRA noise mapping for East Midlands Airport are presented in Appendix D. This section summarises the results.



SUMMARY RESULTS

The chart shows the result of the key noise levels from 2006 to 2016 for each noise metric. The results are taken from the DEFRA noise mapping results. The chart shows the 2016 result for the key noise levels for each noise metric.

Despite significant growth in aircraft activity between 2011 and 2016, the data indicates noise impacts have remained broadly unchanged.

Using the lowest noise indicator (54dB 16-hour L_{Aeq})⁷, which is consistent with the Government's latest advice, the results show a small reduction in the number of people affected by aircraft operations in 2016 compared to previous years.

Using the 54dB night noise contour, that is closest to the agreed night-time noise limit (55dB L_{Aeq} 8-hour), the results show

that there has been no change in the number of people affected in the last five years.

During the evening, mapping results indicate fewer people are now affected by aircraft noise above 54dB than in 2011.

The shape and population within each noise contour for specific noise metrics has been briefly summarised below with fuller details of the changes provided in Appendix D. In considering the results it is important to recognise that as well as the number and type of aircraft operations, how the weather changes the direction of aircraft arrivals and departures also affects the shape and therefore area of the noise contours. For this reason, the results have been interpreted as being unchanged compared to previous years if the results indicate a change in the number of people of 100 or fewer.

WEIGHTED 24-HOUR CONTOUR (L_{den})

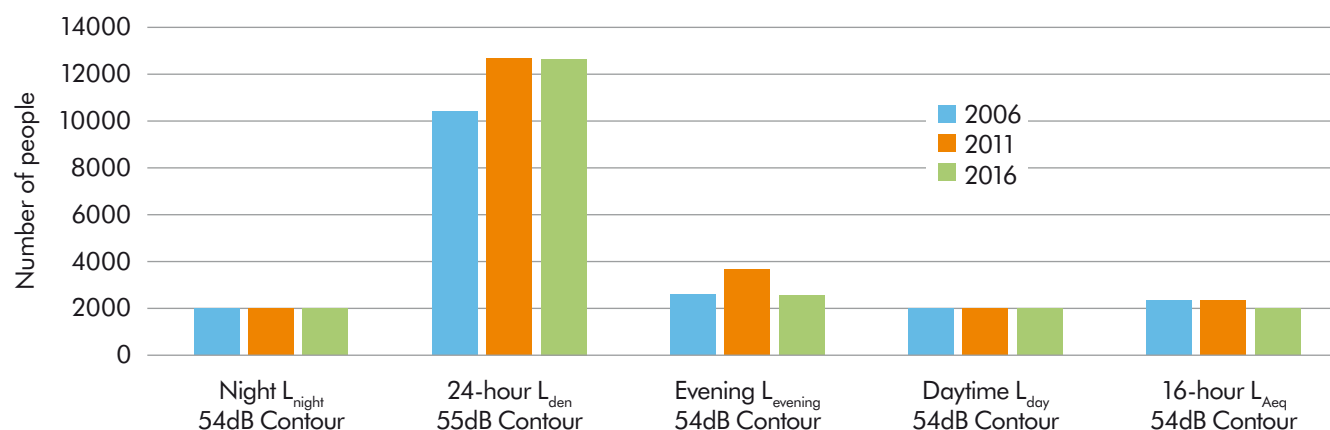
The latest (2016) 55 decibel contour extends over eight kilometres to the west, reaching the west side of Melbourne. To the east, the contour extends approximately twelve kilometres from the airport and includes parts of Sutton Bonington, East Leake and the majority of Kegworth. To the north, the southern part of Castle Donington is included. The 60 decibel contour extends as far as Kings Newton to the west and includes part of the village of West Leake to the east, extending as far as the southerly edge of Castle Donington and Kegworth to the east. The 65 decibel contour takes in the Donington Park circuit to the west of the airport, whilst clipping the southern-most tip of Kegworth village to the east and the number of people exposed to noise has increased by 100 since 2011, although this remains the same number as 2006. Other than to the immediate east and west of the airport, where it extends over mainly rural areas, the 70 decibel contour largely follows the boundary of the operational area of the airport. The innermost 75 decibel contour remains almost entirely within the perimeter of the airfield. Data showing how the number of houses and people within the contour areas has changed in the last 5 years is detailed in Appendix D.

Since 2011, the 55 decibels or above L_{den} contour has reduced by just under one square kilometre. Despite this reduction, there has been a small increase of 100 people included within the contour. This is due to the change in shape of the contour.

DAYTIME (07:00 TO 19:00) CONTOUR (L_{day})

The L_{day} lowest 54 decibel contour has changed shape slightly in 2016 compared to 2011. It reaches the same distance east over parts of Kegworth and Sutton Bonington and extends slightly further to the west, ending about half a kilometre from

DEFRA NOISE CONTOUR MAPPING – PEOPLE AFFECTED SUMMARY RESULTS



⁷ This is based on the Noise Research information in Section 6 of this plan written from the UK Government Airspace Policy 2017 – <https://www.gov.uk/government/publications/uk-airspace-policy-a-framework-for-the-design-and-use-of-airspace>

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Melbourne. It has narrowed to the north, now avoiding the southerly edge of Castle Donington. The southern edge has remained unchanged. The 57dB and 60dB contours have resulted in an additional 100 people exposed to these noise levels since 2011. The population exposed to noise above 63dB has not changed since 2006.

Data showing how the number of properties and people within the contour areas has changed in the last 5 years is detailed in Appendix D.

EVENING TIME CONTOUR (L_{evening})

The L_{evening} lowest 54 decibel contour has changed shape slightly in 2016 compared to 2011, resulting in 1,100 fewer people being exposed to this noise level. The eastern tail now does not reach East Leake but includes the same areas of Kegworth and Sutton Bonington. To the west it extends to Kings Newton and has slightly narrowed to the north, now avoiding the majority of Castle Donington. The southern edge has remained unchanged. Noise exposure above 57dB has not significantly changed since 2006 with a reduction in people exposed to noise above 60dB by 200 compared to 2011.

Data showing how the number of properties and people within the contour areas has changed in the last 5 years is detailed in Appendix D.

NIGHT TIME CONTOUR (L_{night})

The lowest 48 decibel (dB) or above L_{night} contour has grown by under one square kilometre since 2011. This growth has resulted in an additional 400 people within the contour between 2011 and 2016. For the 54dB or above contour, which most closely matches the agreed airport noise envelope⁸, there has not been any significant change to the

contour and there has been no increase in people included within the contour.

Data showing how the number of properties and people within the contour areas has changed in the last 5 years is detailed in Appendix D.

AVERAGED DAYTIME CONTOUR (16-HOUR L_{Aeq})

The area of the 54 decibel (dB) 16-hour L_{Aeq} contour is one square kilometre larger in 2016 than it was in 2011, however there are 200 fewer people within it. This is due to the contour area narrowing to the north and now avoiding all but the southern tip of Castle Donington. Since 2011, the western tip has extended slightly further towards King's Newton whilst it has shortened to the east, now ending just before West Leake. The shape of the 57dB contour which extends over the Donington Park race circuit to the west and Sutton Bonington to the east, has grown by 0.7 kilometres and there has been a modest increase in the number of people now included by this of 200 since 2011. The 60dB contour has grown by 0.4 kilometres since 2011, extending slightly further east over Kegworth, with an additional 100 people now included. There has been no change in noise exposure above 63dB.

Data showing how the number of properties and people within the contour areas has changed in the last 5 years is detailed in Appendix D.

INTERPRETATION OF RESULTS

Considering the results of the noise mapping from 2006 to 2016, a few key observations can be made:

- There has been a small reduction in the 54dB to 60dB noise exposure levels during the day with higher noise level exposure remaining unchanged;

- There has been a significant reduction in the 54dB to 57dB noise exposure level in the evening period since 2011, despite similar or slightly higher levels of activity at the airport;
- Noise exposure during the night time remained the same in the 54dB contour area, with a small increase in the number of people within the lowest 48dB to 54dB noise bands since 2011.

These results show that whilst the airport has continued to grow with passenger numbers and freight volumes increasing significantly, the noise impact has remained broadly unchanged. The airport is committed to sustaining this performance and will continue to focus its efforts on limiting and reducing noise from night flights. This is the principal objective of this Noise Action Plan.

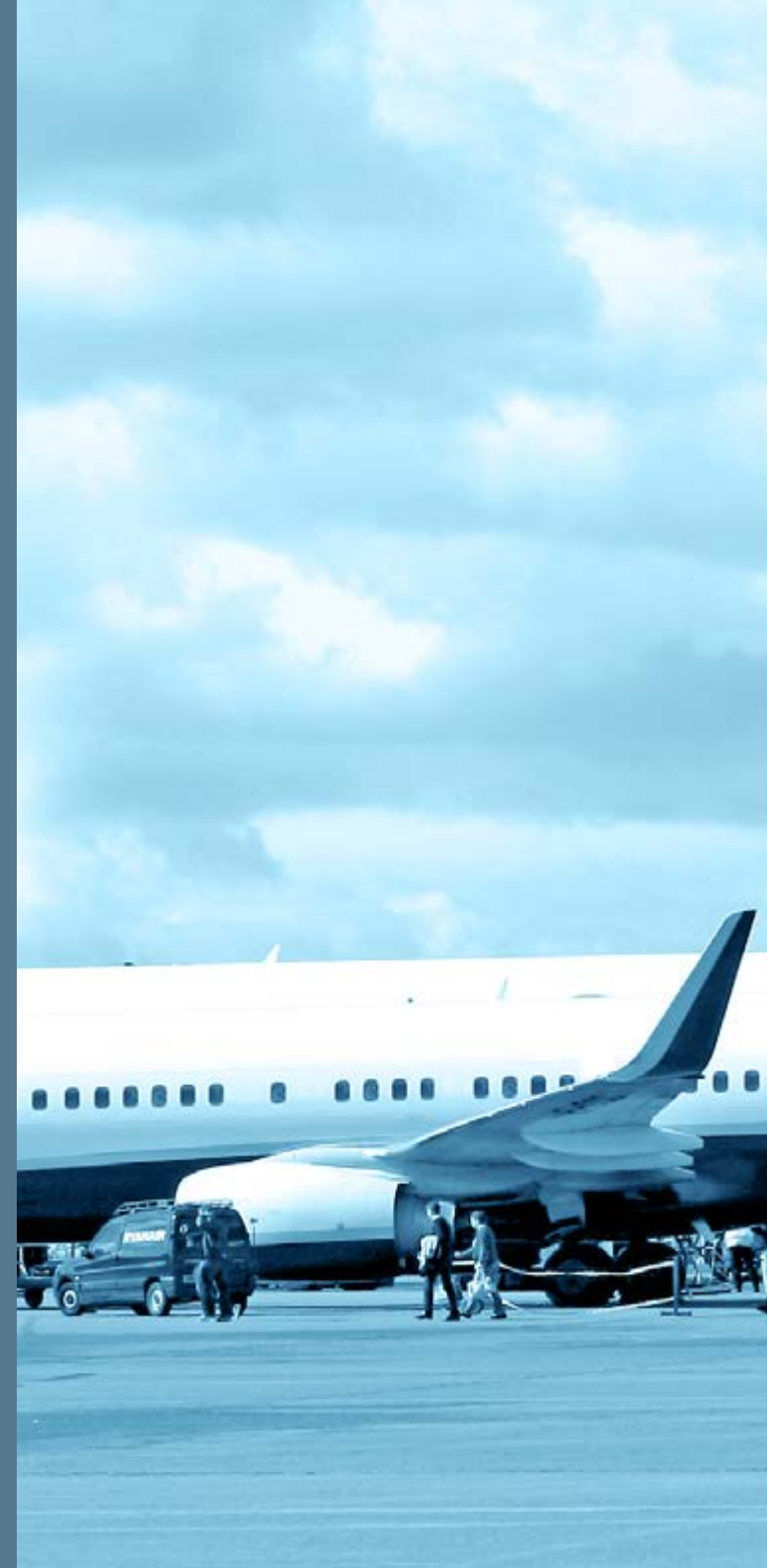
Considering the results presented we believe our noise management process is effective. Noise generated from night flights however remains our priority and this plan sets out additional measures we plan to take to further improve how this is managed.

⁸ This is the noise planning envelop for East Midlands Airport which is explained further in Section 6: Laws and Policies

“There has been a significant reduction in the 54dB to 57dB noise exposure level in the evening period since 2011.”

6. LAWS AND POLICIES

There are four main tiers of regulation which govern aircraft noise in the UK: International, European, National and local. The diagram summarises the tiers of aircraft noise regulation affecting operations at airports which are discussed in more detail in the rest of this section.

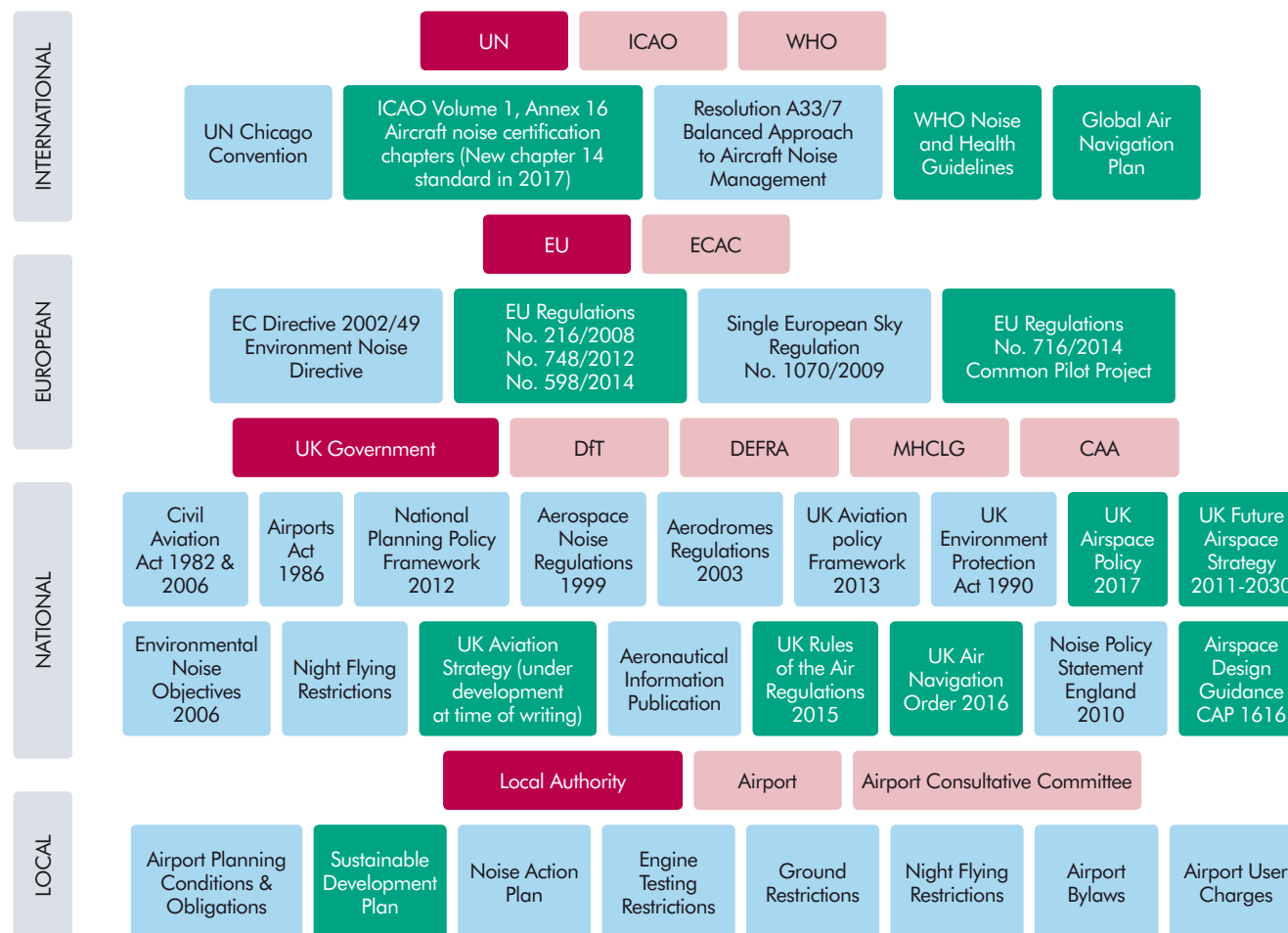
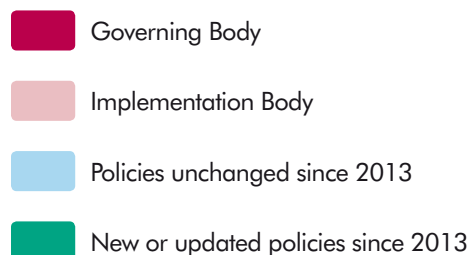


INTERNATIONAL

As aviation activities occur across the globe, many policies to address the effect of aircraft noise have been developed at an international level.

International Civil Aviation Organisation (ICAO) Aircraft Noise Policy

The International Civil Aviation Organisation, (ICAO), is a specialised agency of the United Nations, created with the signing in Chicago, on 7 December 1944, of the Convention on International Civil Aviation. It aims to develop the principles and techniques of international civil air navigation and foster the planning and development of international air transport. They established a balanced approach for managing aircraft noise with four priorities⁹.



⁹ For more information on the noise standards agreed by the ICAO balanced approach see – <https://www.icao.int/environmental-protection/Pages/noise.aspx>

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One of ICAO's chief activities is the establishment of international standards, recommended practices and procedures regarding the technical fields of aviation, including aircraft noise. After a standard is adopted, it is put into effect by each ICAO member state in its country.

To reduce noise at source ICAO has set progressively tighter certification standards for noise emissions from civil aircraft, known as chapters. The chapters set maximum acceptable noise levels for different aircraft during landing and take-off. For example, aircraft falling within Chapter 2 have been banned from operating within the EU since 1st April 2002, unless they are granted specific exemptions. Most civil aircraft, currently operating, fall within Chapters 3 and 4, which are quieter than the previous Chapter 2 aircraft.

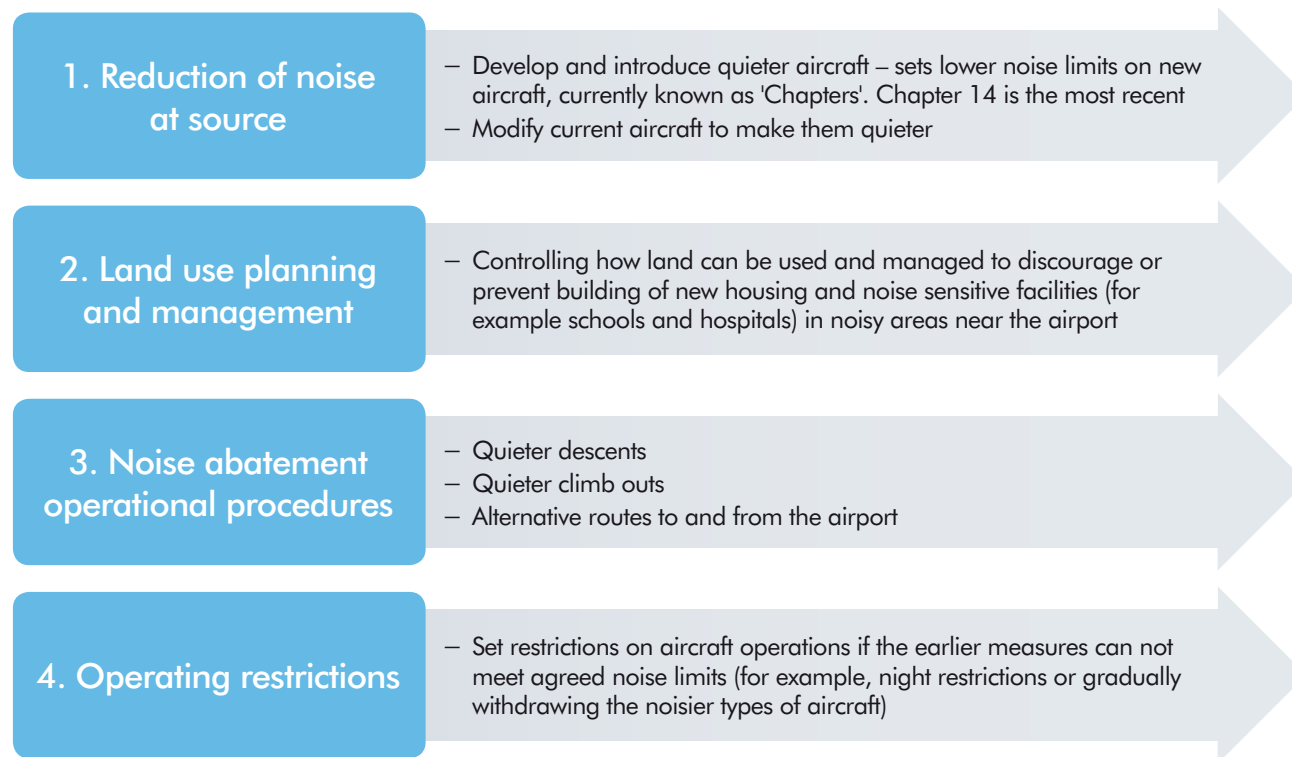
All new aircraft manufactured from 31st December 2017 onwards must now meet the requirements of Chapter 14. The standard for Chapter 14 has been set at 7dB cumulative margin below that of Chapter 4. Further details regarding these standards can be found at www.icao.int/environmental-protection/Pages/noise.aspx

As these new aircraft are brought into service by the airlines, and the older ones phased out, the ICAO standards have consistently reduced the noise each new aircraft type make, since it started in the early 1970's.

Additionally, airlines regularly also make modifications to original aircraft to make them quieter. This makes the aircraft meet the noise requirements of later ICAO noise standards. This is the case with some of the cargo operators at East Midlands who's aircraft comply with the Chapter 14 standard, despite the aircraft originally being certified as Chapter 4 aircraft.

The main elements of the 'balanced approach' were incorporated into UK law as part of the Aerodrome (Noise Restrictions) (Rules and Procedures) Regulations 2003 and the principles are followed in the development of this Noise Action Plan.

ICAO BALANCED APPROACH TO AIRCRAFT NOISE MANAGEMENT



Global Air Navigation Plan¹⁰

The ICAO Global Air Navigation Plan (GANP) is an overarching framework that includes key civil aviation policy principles to assist ICAO Regions, sub regions and States with increasing capacity and improving efficiency of the global air traffic management system.

World Health Organisation Noise and Health Guidelines¹¹

The World Health Organisation published night noise guidelines for Europe in 2009. These guidelines collated research into the health effects of noise disturbance at night, including from aircraft and made recommendations to governments on managing night noise levels. It is anticipated that an update to these guidelines will be published before the end of 2018 and we will take these into account as we implement this plan.

EUROPEAN AIRCRAFT NOISE POLICY

The European Union (EU), through the European Civil Aviation Conference (ECAC), has issued various directives relating to the management and control of aircraft noise standards. Member States apply the requirements of the directives by incorporating them into national legislation.

The relevant directive and regulations for aircraft noise management are:

Environmental Noise Directive (2002/49/EC)

The Environmental Noise Directive has two main aims.

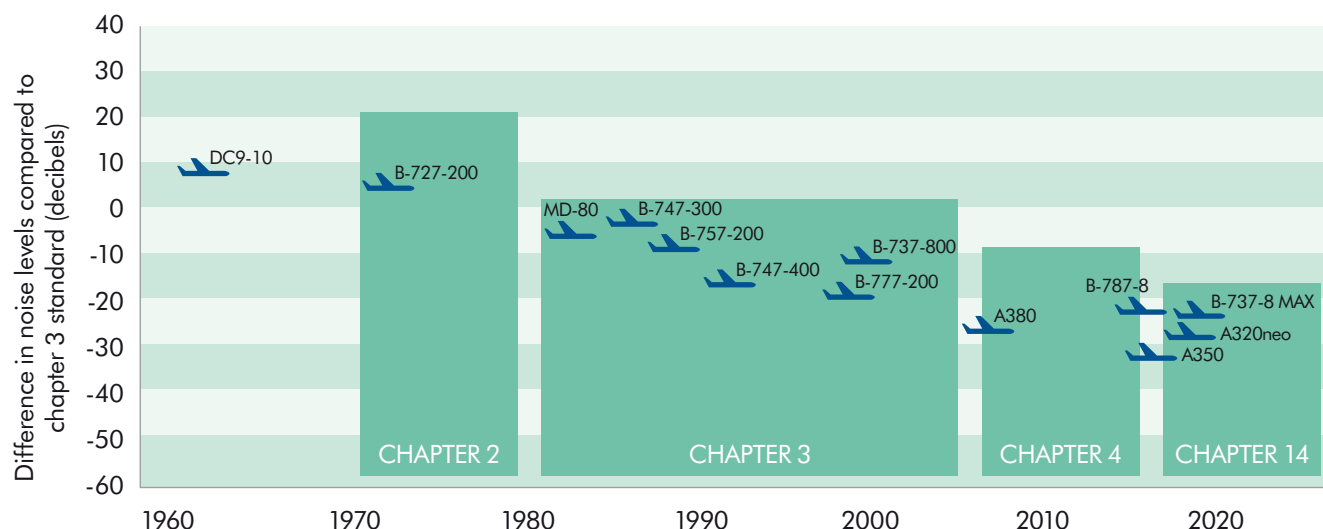
- To define a common approach to avoiding, preventing or reducing the harmful effects, including annoyance, of being exposed to environmental noise.

¹⁰ See <https://www.icao.int/airnavigation/Pages/GANP-Resources.aspx>

¹¹ See <http://www.euro.who.int/en/health-topics/environment-and-health/noise>

¹² See https://ec.europa.eu/transport/modes/air/single_european_sky_en

DOWNWARD TREND IN THE NOISE CERTIFICATION OF AIRCRAFT



Source: Data gathered from ICAO noise database – <http://noisedb.stac.aviation-civile.gouv.fr/>

- To provide a basis for developing community measures to reduce noise from major sources, particularly road and rail vehicles and networks, aircraft, outdoor equipment, industry, and mobile machinery.

This is the overarching directive that created the specifications for how to produce this Noise Action Plan.

EU Regulation No. 598/2014

This has replaced EC Directive 2002/30 and EU Directive 2006/93/EC. The regulation covers the establishment of rules

and procedures relating to the introduction of noise-related operating restrictions at European Union airports within a Balanced Approach.

Single European Sky Regulation¹²

Currently the average flight in Europe is 49 km longer than necessary. Since the 1990's the European Union has been working to improve the efficiency of air traffic management systems across Europe through the Single European Sky programme. This is now aligned with the ICAO GANP approach.

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Advisory Council for Aeronautics Research in Europe (ACARE)

Established in 2001, ACARE is a roadmap outlining the strategic goals which should be taken if Europe is to meet society's needs for aviation as a public mode of transport as well as noise and emissions reduction requirements in a sustainable way. Their 2050 goal for noise is for the perceived noise emission of flying aircraft to be reduced by 65% relative to the capabilities of typical new aircraft in 2000¹³.

The UK aerospace industry is making good progress towards this target with further information available in the Sustainable Aviation progress reports¹⁴.

NATIONAL AIRCRAFT NOISE POLICY

The UK Government published its current Aviation Policy Framework (APF) in March 2013¹⁵. This set the Government's overall noise objective to:

'...limit and where possible reduce the number of people in the UK significantly affected by aircraft noise.'

The APF specifically highlights the higher costs on communities from aircraft noise at night. Section 3.36 states:

'In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available.'

This policy is now being reviewed through an Aviation Strategy consultation which is expected to be complete in 2019. This new strategy will set the strategic objective for UK aviation and its sustainable development.

In addition, during the review of Airspace Policy in 2017, the Government stated a broader overall policy on aircraft noise as:

'...to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development. Consistent with the Noise Policy Statement for England, our objectives in implementing this policy are to:

- limit and, where possible, reduce the number of people in the UK significantly affected by the adverse impacts from aircraft noise;
- ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions; and
- minimise local air quality emissions and, in particular, ensure that the UK complies with its international obligations on air quality.

At the time of producing this Noise Action Plan, the airport's noise policy meets and goes beyond the legal requirements set out in the APF. The airport will continue to review its policy as new information and national policy developments are set.

Further relevant UK legislation for aircraft noise is detailed below:

The Environment Protection Act 1990

Section 79(6) of the Environmental Protection Act 1990, as amended, specifically exempts aircraft noise from the general noise nuisance controls which exist under that legislation.

The Civil Aviation Acts 1982 and 2006

The 1982 Act gave the UK government powers to introduce noise controls to limit or mitigate the effect of noise and

vibration from aircraft landing or taking off at designated airports, defined as Heathrow, Gatwick and Stansted. These powers were widened by the 2006 Act, which permits any airport authority to establish a 'noise control scheme' which may limit the numbers or types of aircraft that can be used in any given period. It also gives airport authorities the power to introduce charges and penalties designed to encourage the use of quieter or less-polluting aircraft.

Airports Act 1986

This Act gives the Secretary of State powers to limit the number of occasions on which aircraft may land or take off at an airport and schemes to allocate airport capacity.

The Environmental Noise (England) Regulations 2006 (as amended)

These regulations turn EU directive 2002/49 (Environment Noise Directive) into UK law. The regulations state that for the purpose of producing noise maps at 'non-designated airports' (including East Midlands Airport), the airport operator is considered to be the competent authority. The plans must:

- be drawn up for places near the airport that fall within the 55dB(A) L_{den} contour or the 50dB(A) L_{night} contour on noise maps;
- be designed to manage noise levels and effects, including reducing noise if necessary; and
- aim to protect quiet areas in agglomerations against an increase in noise.

Once prepared and adopted, the Noise Action Plans must be reviewed and, if necessary, revised, at least every five years and whenever a major development takes place that affects the noise climate around the airport.

¹³ See <https://www.acare4europe.org/sria/flightpath-2050-goals/protecting-environment-and-energy-supply-0>

¹⁴ See <https://www.sustainableaviation.co.uk/progress-reports/archive/>

¹⁵ See page 11 – https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf

The Air Navigation Order 2016

This overarching law defines requirements for certifying aircraft, regulations for how pilots must operate aircraft in the UK and rules for how air traffic control must be arranged and managed. It was last reviewed and updated in 2016¹⁶.

The Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003

These regulations turn EU Directive 2002/30 into UK law. They apply to major airport operators with over 50,000 civil jet aircraft movements a year and reflect the adoption of the ICAO balanced approach to managing aircraft noise. Additionally, the regulations define procedures which airports should follow when considering operating restrictions based on aircraft noise.

Aeroplane Noise Regulations 1999

These regulations define the noise certificate requirements for both propeller and jet aeroplanes registered in the UK. It ensures that no aircraft can land or take off in the UK without a valid noise certificate. The regulations are based on the noise certification standards and limits issued by ICAO, (e.g. Chapter 3 and 4 aircraft). They also provide a list of aircraft that are exempt from the ICAO noise certification.

Airspace Policy

The policy for how UK airspace is designed and how aircraft operate within it was reviewed in 2017¹⁷. This was to establish a framework for how UK airspace can be improved to accommodate predicted future growth in aviation whilst addressing noise, emissions and flight delay issues. During the consultation the Government focussed on the need for an airspace framework which ensured a greater focus on industry and communities working together to find ways

to manage noise impacts. To support this the Government implemented a range of proposals including:

- **A new Secretary of State Call in Power** on airspace modernisations that are of national importance, providing high level direction and a democratic back-stop on the most significant airspace modernisation decisions;
- **Important changes to aviation noise compensation policy**, to improve fairness and transparency. This includes bringing compensation policy for airspace modernisations in line with policy on changes to aviation infrastructure and considering locally agreed compensation for increased overflight due to an airspace modernisation;
- **The creation of an Independent Commission on Civil Aviation Noise (ICCAN)** – The body will help ensure that the noise impacts of airspace modernisations are properly considered and give communities a greater stake in noise management. ICCAN will be set up as a new non-departmental public body of the DfT. It is expected that this body will be operational in early 2019.
- **A new requirement for options analysis in airspace modernisation**, to enable communities to engage with a transparent airspace modernisation process and ensure options such as multiple routes are considered.
- **New metrics and appraisal guidance to assess noise impacts** and their impacts on health and quality of life. This will ensure noise impacts are considered much further away from airports than at present.

This came into effect in January 2018 and it will form part of an overall modernisation strategy, which is currently subject to consultation (CAP1690)¹⁸. The new approach seeks to ensure that modern standards for regulation are met and that the

decision making process is fair, transparent, consistent and proportionate.

This new approach is intended to deliver modern airspace arrangements that meet the UK's obligations under the Single Skies and the ICAO GNAP. At EMA, we will begin to formulate our local plans in 2018/19, in conjunction with NATS and other airports in the Midlands and North of England we expect to consult on them thereafter. The new process (CAP1616) requires a minimum of two years to complete a change and we would anticipate that our changes will be completed and implemented by 2024.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how it expects those policies to be applied by local authorities. The NPPF sets out the approach to Local Plan policy and says that when considering planning applications for developments that could be affected by noise and those which could generate noise, authorities should aim to do the following:

- prevent noise arising because of new developments having a major negative effect on people's health and quality of life;
- keep other negative effects which noise from new developments has on people's health and quality of life to a minimum;
- recognise that developments will often create some noise and a business, to grow, should not have unreasonable restrictions placed upon it because of changes in land use that have arisen since their business was established;
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

¹⁶ See <http://www.caa.co.uk/Blog-Posts/The-revised-Air-Navigation-Order/>

¹⁷ See <https://www.gov.uk/government/publications/uk-airspace-policy-a-framework-for-the-design-and-use-of-airspace>

¹⁸ See <https://consultations.caa.co.uk/policy-development/draft-airspace-modernisation-strategy/>

¹⁹ See <https://www.gov.uk/government/publications/noise-policy-statement-for-england>

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This policy has simplified and replaced much more detailed guidance that was provided in previous national policy on planning and noise in Planning Policy Guidance Note 24. Sustainable Aviation continue to work closely with the Government to develop more detailed planning guidance for Local Authorities and we welcome this initiative.

Noise Policy Statement England (NPSE)

The Noise Policy Statement for England (2010) sets out the long-term vision of government noise policy¹⁹. A policy vision was set in this document to:

‘Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.’

A number of objective and principles were set to achieve this vision which are taken into account in this Noise Action Plan. The NPSE also introduces two key concepts:

- The Lowest Observed Adverse Effect Level (LOAEL). This is the level above which adverse effects on health and quality of life can be detected
- The Significant Observed Adverse Effect Level (SOAEL). This is the level above which significant adverse effects on health and quality of life occur.

The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development.

The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

Noise Research

In the Government’s response on Airspace Policy they acknowledged the evidence from a 2014 Survey of Noise Attitudes²⁰ which showed that sensitivity to aircraft noise has increased, with the same percentage of people reporting to be highly annoyed at a level of 54dB L_{Aeq} 16-hour as occurred at 57dB L_{Aeq} 16-hour previously. The research also showed that some adverse effects of annoyance can be seen to occur down to 51dB L_{Aeq}. In acknowledging this the Government stated they will adopt a risk based approach so that airspace decisions are made in line with the latest evidence and consistent with current guidance from the World Health Organisation. This will include setting a lowest observed adverse effect level (LOAEL)²¹ at 51dB L_{Aeq} 16-hour for daytime, and 45dB L_{Aeq} 8-hour at night. The Government expect that these metrics will ensure that the total adverse effects on people can be assessed and airspace options compared.

Further noise research is also expected to be carried out during the period of this Noise Action Plan. This is to improve understanding on health and quality of life outcomes in areas affected by aircraft noise and how this can be clearly evidenced with frequency-based noise metrics and to better understand how aircraft noise effects on communities in rural and urban areas may vary.

Sustainable Aviation

Launched in 2005, Sustainable Aviation²² is a long-term strategy for the UK aviation industry. It brings together airlines, airports, manufacturers and air traffic service providers. Its main aim is to make sure the industry can develop sustainably over the long term and we have signed up to the strategy and will continue to contribute to its work and play our part in achieving its commitments, particularly those about controlling aircraft noise.

In 2013, Sustainable Aviation launched its’ Noise Road-Map and has regularly reported on progress since. The Road Map has been conceived around the four elements of the ICAO’s ‘balanced approach’, adding communication and community engagement. The Road-Map looks at how the aviation industry can manage aircraft noise between now and 2050. It also acts as a toolkit for airports to introduce measures to reduce the effect of noise impact from aircraft operations.

LOCAL AIRCRAFT NOISE POLICY

Sustainable Development Plan 2015

Since 2003 the Government has required airport operators to produce master plans which set out their approach to developing the airport. Planning authorities will take these plans into account when preparing regional and local policies and making planning decisions. The latest Sustainable Development Plan²³ for East Midlands Airport and was published in 2015. It is supported by four detailed plans covering community, surface access and the economy, land use and environment.

Our 2015 Environment Plan sets our aim to make the best use of natural resources and minimise the environmental impact of our operations. We will also continue to integrate environmental management into our business processes to ensure that the best environmental practice is carried out. This builds on our long term environmental programme within which East Midlands Airport became the first airport in the UK to obtain certification to the ISO14001 environment standard. The chapter on noise in the Environment Plan is consistent with and compliments the 2013-2018 Noise Action Plan. The objectives for managing aircraft noise are included in the Environment Plan (part of the Sustainable Development Plan). The long-term aim is to limit and reduce where possible, the number of people affected by noise as a result

²⁰ See <http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=7744>

²¹ This is the level above which adverse effects on health and quality of life can be detected

²² See <http://www.sustainableaviation.co.uk/>

²³ See <http://www.eastmidlandsairport.com/about-us/development-plan/>

of the airport's operation and development. The Sustainable Development Plan will be reviewed in 2019 – 2020 and this Noise Action Plan will be included as part of the updated Environment Plan.

Planning Policy

We work closely with local planning authorities when they are preparing their local development plans. This supports the balanced approach and helps to make sure that local planning policies are in line with guidance set out in the National Planning Policy Framework. Such policies can be found in the North West Leicestershire, South Derbyshire and Rushcliffe Borough Council Local Plans. In 2017 North West Leicestershire District Council adopted their latest Local Plan which made the following statement about noise in the context of permitted growth of East Midlands Airport;

"The growth of East Midlands Airport will be supported provided development that gives rise to a material increase in airport capacity or capability...incorporates measures that will reduce the number of local residents affected by noise as a result of the airport's operation, as well as the impact of noise on the wider landscape;"

Airport Planning Conditions

Planning permission was granted by North West Leicestershire District Council in 2011 for the construction of a 190m extension to the runway. The extension works have been formally commenced and this has triggered a number of environmental and community obligations. These include legally formalising the Sound Insulation Grant Scheme and the establishment of a night noise envelope. The planning condition relating to night noise requires that the area enclosed by the 55dB L_{Aeq (8-hour)} night noise contour shall not exceed 16km². This legal night noise limit is a key part of the airports noise controls and is referred to as a night noise

envelope throughout this Noise Action Plan. The Airport provides an annual monitoring report to the District Council and the night noise contour remains well within the noise envelope limit.

Aeronautical Information Package (UK AIP)

This includes specific controls for managing aircraft noise at individual UK airports in line with international and national standards and controls. These controls cover aspects such as Continuous Descent Approaches (CDAs), Noise Preferential Routes (NPR's), noise abatement procedures and night flight restrictions. A copy of the UK AIP for East Midlands Airport detailing the Noise Abatement Procedures can be found at <http://www.nats-uk.ead-it.com/public/index.php.html>

Airport Charges

At East Midlands Airport we have introduced differential charges to incentivise the use of quieter and cleaner aircraft. These are available on the airport website in a document entitled "Fees and Charges"²⁴.

Airport Independent Consultative Committee

The East Midlands Airport Independent Consultative Committee (ICC) is made up of 35 members representing local authorities, community groups and user groups. It meets every four months to consider the airport's performance and any matters of concern. The Committee has two sub-groups with the Monitoring, Environment, Noise and Track group (MENT) being the group which looks at the noise performance of the airport.

²⁴ See <http://www.eastmidlandsairport.com/about-us/fees-and-charges/>

7. NOISE CONTROLS

At East Midlands Airport we have a long track record of developing policies and taking action to minimise our effect on the environment. In relation to aircraft noise we will continue to work closely with our airline customers and our air traffic controllers so that together we can develop this work to provide real and lasting benefit.

The national policy for aircraft noise is summarised in Section 6. This policy has continued to evolve since the last Noise Action Plan.



8. NIGHT NOISE

As noted in the early sections of this draft Noise Action Plan, the Airport recognises that night time noise from aircraft operations is often the most intrusive. So, it is important that our controls for night noise strike a difficult balance between the economic and social benefits that night operations bring to the East Midlands region and the wider UK and the local disturbance they create.



9. ARRIVING AIRCRAFT

Noise from arriving aircraft is mainly generated from how the air flows over the structure of the aeroplane. This is because the engines are normally operating at quite a low thrust setting. The noise increases the lower the aeroplane is and the closer it gets to the airport. It also increases as the pilot lowers the landing gear and flaps, in readiness for landing.



10. ON THE GROUND

This section refers to aircraft ground movements, once they have left the runway. Our previous Noise Action Plan did not separately consider these operations. Previous actions on aircraft ground movements will be reviewed under their previous sections.

At present there are a number of regulations in place to reduce ground noise at the airport. These are published in the AIP and cover the use of reverse thrust on landing, engine testing and the use of the aircraft auxiliary power unit (APU). Emerging opportunities to reduce noise from aircraft ground operations are also being explored.



11. DEPARTING AIRCRAFT

Noise from departing aircraft is generally the most intrusive for people living near the airport. The largest source of departure noise is from the aircraft engines which are operating close to their maximum on take-off and initial climb out.



12. MITIGATION AND COMPENSATION SCHEMES

Despite the application of the techniques and actions discussed so far, the airport accepts that there are areas around the airport still affected by aircraft noise. This is where the airport has developed a range of mitigation and compensation measures for the noise.

At the airport, noise mitigation is provided through the provision of grants for installing noise insulation for the buildings most affected by noise. Additional compensation is provided through funding support for local community projects.



“At the airport, noise mitigation is provided through the provision of grants for installing noise insulation for the buildings most affected by noise.”

13. MONITORING AND REPORTING

To ensure that progress is made in tackling aircraft noise, MAG has invested £1 million in a sophisticated aircraft noise and tracking system across its three airports, including East Midlands Airport.



COST BENEFIT ANALYSIS

We anticipate that the benefits from the new actions will be improved decision making and performance management for aircraft noise. The costs are expected to be relatively small but include provision of staff time and expertise to produce and analyse the reports and continual investment in maintaining and updating the airport's Noise Monitoring System.

“MAG has invested £1 million in a sophisticated aircraft noise and tracking system.”

14. EFFECTIVE COMMUNICATION

Working with our neighbours, local communities, colleagues, customers and on-site businesses is an important part of our business. We fully recognise the importance of carefully listening and discussing any noise concerns with our stakeholders.



15. CONSULTATION RESPONSES



- The provision of maps and figures to offer greater clarity. The airport has sought to provide better quality map images in the final plan as well as discussed with MENT options for better presentation of figures and graphs. The airport remains open to further suggestions for how this can be improved further and intends to provide better information on this plan and related noise information through the East Midlands Airport website.
- Providing of a greater level of detail around the process of Airspace modernisation required in order to review flight paths and noise preferential routes.
- A proposal to enhance future noise reporting.
- Applying learning from this consultation process to future consultations, including the comments we received on the editable PDF.
- An agreement to engage and establish a programme for considering and delivering airspace modernisation as soon as possible. At the MENT meeting, after the consultation closed, the airport and MENT agreed to work together in establishing stakeholder reference groups for managing airspace modernisation proposals as a matter of urgency. The airport is aiming to have these groups established early in 2019 and will work with MENT to ensure they capture specific community views for each arrival and departure route being considered.

Whilst it is not possible to include all of the comments we received in the final NAP, we propose to publish a separate detailed table that captures all of the comments we received and our response to them.

“The airport received over 250 responses to our consultation, of which 30 came from key stakeholders and a further 223 from local residents across 29 different villages and towns.”



16. CONCLUSION

This Noise Action Plan has been developed to meet our aim to limit and reduce where possible, the number of people affected by noise because of the airport's operation and development.



17. CONTACT US

The Noise Action Plan is an important document for East Midlands Airport. We have a range of stakeholders who have an interest in the airport and their views and comments are an important part of our planning process.



GLOSSARY OF TERMS





014

CABINET – 17th JUNE 2014

EAST MIDLANDS AIRPORT
SUSTAINABLE DEVELOPMENT PLAN - CONSULTATION

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of Report

1. To respond to the consultation by East Midlands Airport on its Sustainable Development Plan (Master Plan).

Recommendations

2. It is recommended that the comments set out in paragraphs 33 to 37 in Part B and Appendix C of this report be forwarded to East Midlands Airport as the County Council's observations on their Sustainable Development Plan.

Reasons for recommendations

3. To ensure that the County Council makes an appropriate input to the East Midlands Airport's Sustainable Development Plan so that issues of importance for the County Council are clearly expressed and influence the shape and content of the final Sustainable Development Plan.

Timetable for decisions (including Scrutiny)

4. The formal consultation period runs until 23rd May 2014 but East Midlands Airport (EMA) has agreed to accept a response from the County Council following this Cabinet meeting.

Policy framework and previous decisions

5. Airport master plans were introduced in the Government's White Paper, *The Future of Air Transport* (2003) and subsequently maintained in the Government's *Aviation Policy Framework (March 2013)*. Master plans are there to inform future land use, transport and economic planning processes. The previous master plan was prepared in 2006, upon which the County Council was consulted and commented.

Resource implications

6. None arising from this report.

Circulation under the Local Issues Alert Procedure

7. A copy of this report has been circulated to all Members through the Members' News in Brief service.

Officer to Contact

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Head of Planning, Historic and Natural Environment
Chief Executive's Dept.

PART B

Background

8. The first master plan for the East Midlands Airport was produced in 2006 (under advice in the then White Paper *The Future of Air Transport* (2003)) and it was subsequently recommended in the Government's *Aviation Policy Framework (March 2013)* that airports continued to produce master plans. Master plans do not have a statutory basis, but their primary objective is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. They also provide transparency and aid long-term planning for other businesses. It is recommended that they are updated at least once every five years, and that the five-year periods should coincide where possible and appropriate with the periods covered by the airport's Noise Action Plans and airport surface access strategies.
9. This master plan, named the 'Sustainable Development Plan', is the first full review of the original 2006 master plan which looked ahead to 2030.
10. For the County Council the key issue revolves around the impact of the growth of the airport in terms of the social and economic benefits that it can bring to the county and region balanced against the extent to which the environmental impacts can be satisfactorily controlled.

Contents of the Sustainable Development Plan

11. The draft Sustainable Development Plan is a relatively large document that sets out high level strategic objectives for the growth of the EMA for the period to 2040. It is divided into four sections covering:
 - Economy and Surface Access
 - Land use
 - Environment
 - Community

Economy and Surface Access

12. In 2013 EMA handled 4.4 million passengers and 300,000 tonnes of cargo. The sustainable development plan refers to EMA's ambition to handle 10 million passengers a year in the period 2030-2040; and 700,000 tonnes of freight by 2040. EMA is the main UK base for DHL and UPS, along with significant operations by TNT. It is also the major mail airport in the UK. In terms of jobs, the EMA hosted 6,700 employees, employed by 90 companies. Most of the of airport employees live within the 3 surrounding counties of Derbyshire (42.4%), Nottinghamshire (23.5%) and Leicestershire (23.2%). EMA generates some £239m of annual GVA in the region.
13. The Airport Academy opened at the EMA June 2013 – established to provide a service to those looking for work at the airport in the locality. In partnership

with Stockport College, Stephenson College and Jobcentre Plus, the airport is able to provide a tailored recruitment service to airport employers as well as pre-employment training and recruitment service to local job seekers.

14. The EMA is located close to other major employers in the locality such as the M&S Distribution Centre (1,400 jobs) and the forthcoming Strategic Rail Freight Interchange (SRFI) and associated distribution centre (6,000 jobs). HS2 Phase 2 is planned to tunnel below the airport and the SRFI.
15. Transport to and from the airport is an important issue recognised by the airport and the previous master plan set out targets to achieve a greater use of public transport. There has been a slight shift in employees using public transport over the past 15 years with about 10% of employees using bus, 12% car sharing and 71% still travelling by car. The target is to reduce the number of employees travelling by car to 65% by the time passenger numbers reach 10 million a year. For passengers, some 8% come by bus. The target is to raise this to 15% by the time passenger numbers reach 10 million a year.
16. Airport road traffic is a relatively small proportion of the overall traffic on the local road system, particularly at peak times. Traffic is spread throughout the day. The majority of the road cargo traffic (500 HGV movements per day) takes place during the evenings or night. Most (71%) passengers arrive by car but about half are dropped off which increases car traffic.
17. EMA has invested in the development of bus transport. Skylink passenger numbers have risen from 200,000 in 2004 to over 1.7 million in 2013, supported by both employees and air passengers. Most of the users (70% – 80%) use the bus to travel along the route as opposed to getting to and from the airport, which has helped make the routes economically viable. The key target for bus improvements in the Sustainable Development Plan is to improve frequency between the cities and main towns and new routes to Coalville and Ilkeston.
18. There is no direct rail link between the EMA and the East Midlands Parkway railway station and no likelihood of one being provided in the foreseeable future as it is not considered to be financially viable.
19. There are now 11,483 passenger car parking spaces, compared to the 7,500 available in 2006. There are around 3,000 staff car parking spaces. Land is available to extend the car parking in the future, including possible multi-storey facilities. A review of the drop off and pick up facilities to the airport will be reviewed as this creates additional journeys compared to passengers who drive to EMA and park there for the duration of their trip. The aim will be to reduce the level of pick up and drop off.

Land Use

20. The existing operational area of the airport is 445 ha. Both cargo and passenger growth has been lower than forecast by the 2006 master plan but growth over the long term is expected to remain strong. EMA forecast a

higher growth rate over the next few decades than forecast by the Department for Transport (DfT) for passenger traffic (3.4% per year) and cargo at 2.3% per year to 2040, although no explanation is given as to why the EMA has chosen a different forecast figure. The DfT forecast national passenger growth at between 1-3% pa for the period 2010-2050, which is significantly lower than the growth of 5% a year seen over the past 40 years.¹ Figure 1 (Appendix A to this report) gives an analysis of airport growth forecasts. It is understood from the airport that their forecasts are based on their own local knowledge of business at the airport and recent growth rates.

Air Traffic Movements	2013	2040
Passenger	35,939	70,000
Cargo	23,805	42,600
Other	17,495	-

21. The bulk of the air transport movements occur during the daytime (07:00 - 23:00). In 2013 there were 40,292 daytime and 19,452 night movements. The majority of cargo movements are expected to operate during the night. The split is likely to remain similar for the future.
22. The 2,893 metre long runway is capable of accommodating future growth and there are no plans for a second runway. Planning permission for a 190m extension was granted in 2011. Future growth in cargo and passenger does not depend on the runway extension but could bring payload/range benefits of the largest long haul aircraft. It would also allow westward displacement of the landing threshold along the runway which would increase the height of aircraft flying over Kegworth and would have some noise and air quality benefits by allowing most departing aircraft to use lower thrust settings on takeoff. It is the airport's intention to implement the planning permission.
23. The terminal building can handle 1,000 passengers an hour and 5 million passengers a year. In order to handle 10 million passengers a year the building will need to increase from 32,000 sq metres to 75,000 sq metres. Land is reserved for future growth and expansion of the cargo facilities. Pegasus Business Park covers 26 ha and has 10ha still available which the airport will encourage to be taken up for business that would benefit from being close to the airport.
24. Four hotels currently operate within the EMA operational area. Land will be reserved for further new or replacement hotel development.
25. There is no bus link to EM Parkway because it is financially unviable at present but may change in the future.
26. Little mention is made of the proposed HS2 which is planned to be routed under the airport. It would be helpful to understand better the relationship between airport operations and growth and the impact of HS2.

¹ UK Aviation Forecasts – Department for Transport, January 2013

27. To cater for 10 million passengers the car parking facilities will need to double.

Environment

28. The key environmental issues for the airport are around air quality, noise, and energy use (climate change).
29. The airport consumes a lot of energy. EMA have instigated projects to generate low carbon energy on the airport site, these include ground source heat pumps, a 26ha willow coppice for a biomass boiler and 2 wind turbines.
30. Emissions from road vehicles dominate the air quality scene but the airport emits air pollution from aircraft and operations in and around the airport. The airport has an air quality monitoring regime in place which monitors NO₂ (nitrogen dioxide) and PM₁₀ (particulates). These have been monitored since 2000 and 2007.
31. One of the key issues over the years has been aircraft noise, particularly night time noise. The EMA's approach is to limit and reduce where possible, the number of people affected by noise as a result of the airport's operation and development. This is achieved by promoting research into low noise technologies, developing quieter aircraft, controlling land use near to the airport, improved procedures and limit noisy aircraft access to the airport. Noise at the airport is controlled by EU and national regulations. The airport has a Noise Action Plan (as required by the Environmental Noise (England) Regulations 2006). The airport's Noise Envelope is based on a 55 decibel night time noise contour (the forecast for 2016 is shown in Appendix B, attached) and they undertake that it will not exceed 16 sq km. In 2013 83% of flights were Chapter 4 compliant aircraft (i.e. quieter). EMA states that they will aim to have 100% night flights meeting Chapter 4 but no timetable is given for this. Charging systems are in place to discourage noisier aircraft and those that exceed the published limits.

Community

32. The Sustainable Development Plan sets out the extent of community engagement, which involves outreach events, community flyers, an investment report, a community survey, the Airport's Independent Consultative Committee, local community meetings, sound insulation grant schemes, complaint handling processes, a community fund, partnership working, and community champions.

Comments of the County Council

33. One of the County Council's primary aims is to ensure that Leicestershire has a thriving local economy underpinned by a good infrastructure that creates jobs and prosperity. To do this the County Council will continue to work with partners including the Leicester and Leicestershire Enterprise Partnership (LLEP), local businesses and the City and District Councils. From 2014 the County Council will work with its partners and Government to implement a

new Strategic Economic Plan 2014-2020 setting out growth ambitions for the area and how to capitalise on the County's economic assets. Resources secured through the Strategic Economic Plan will be used to unlock and accelerate development, providing quality employment and housing sites, including building on the County's locational advantages by supporting development of the logistics and distribution sector, which has been identified as a key growth area, including opportunities around East Midlands Airport.

34. Overall the SDP explains what has happened over the past 7 years or so since the last master plan and reflects the downturn in the economy and a paring back of growth forecasts. A set of more detailed comments and observations are set out in Appendix C.
35. The general ambition for growth of the airport is to be supported in terms of economic benefit, jobs and access to air travel for Leicestershire and the region.
36. The County Council would welcome the opportunity to work with the EMA on realising that ambition and ensuring that growth is economically, socially and environmentally sustainable, including considering ways it could support the Academy initiative.
37. The County Council considers that it would be helpful, therefore, if the following aspects could be elaborated upon:
 - a. fuller reasoning / methodologies for the difference in forecasting between the EMA and the DfT;
 - b. identifying the quantum of current and future traffic to and from the airport and how that will impact on overall access and traffic in the area;
 - c. greater clarity on the impact of noise, its monitoring, control and mitigation as a consequence of growth and the timetable of when quieter aircraft would be introduced;
 - d. the opportunities and links to and with HS2 and East Midlands Gateway (i.e. the Rail Freight Interchange and associated development) and how that may impact / benefit the airport;
 - e. the timetable to implement the runway extension to benefit local air quality and noise impact reductions.

Background papers

East Midlands Airport Master Plan (2006)

<http://www.eastmidlandsairport.com/emaweb.nsf/Content/OurMasterplan>

Draft Sustainable Development Plan

<http://www.eastmidlandsairport.com/developmentplan/>

Appendices

- Appendix A - Comparison of actual and forecast growth in airport activity
- Appendix B - Forecast night time noise contour 2016
- Appendix C - Leicestershire County Council's comments on East Midlands Airports Sustainable Development Plan consultation.

Equal Opportunities Implications

- 38. None arising from this report.

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East Midlands Gateway SRFI



Planning Consent Granted & Under Construction

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SEGRO Logistics Park East Midlands Gateway (SLPEMG) is a 700 acre development with planning consent for up to 6,000,000 sq ft of logistics accommodation. The development incorporates a 50 acre Strategic Rail Freight Interchange (SRFI) which will include a rail freight terminal, capable of handling up to sixteen 775m freight trains per day, container storage and HGV parking.

Extensive infrastructure works are currently underway. These works include: improvements to J24 and J24A of the M1 including the introduction of a smart motorway system by Highways England, safer access to the A50 at Lockington and Hemington and a new Kegworth by-pass.

Location

The site is centrally located in the Midlands next to J24 of the M1 and East Midlands Airport. Nottingham is 13 miles to the North East, Leicester 20 miles to the south and Derby 14 miles to the North West.

The rail terminal will connect the site to the Castle Donington line providing direct access, via the Rugby Loop, to the major eastern and southern UK ports.

For further information visit: www.slp-emg.com

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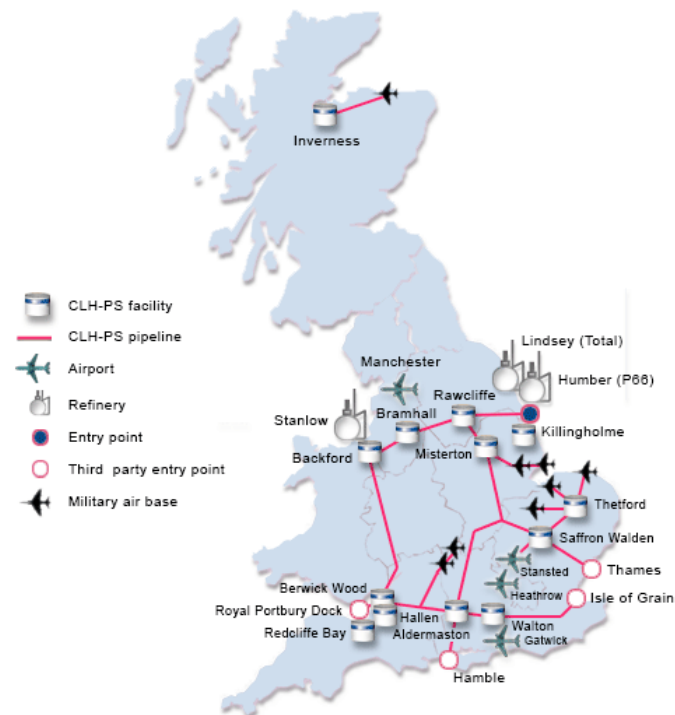
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In the UK, using the CLH Pipeline System (CLH-PS), we provide logistical storage and transport services to various military facilities and some of the country's major airports, including Heathrow, Gatwick, Stansted and Manchester, as well as 10 other regional airports served by tanker trucks.

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Weekly Law Reports (ICLR)/2015/Volume 1 /*East Northamptonshire District Council and others v Secretary of State for Communities and Local Government and another - [2015] 1 WLR 45

[2015] 1 WLR 45

***East Northamptonshire District Council and others v Secretary of State for Communities and Local Government and another**

Court of Appeal

[2014] EWCA Civ 137

2014 Jan 23; Feb 18

Maurice Kay, Sullivan, Rafferty LJJ

Planning -- Planning permission -- Development affecting listed building -- Application for planning permission for wind farm development close to Grade I listed buildings -- Requirement on decision-maker to "have special regard to the desirability of preserving" setting of listed buildings -- Inspector finding benefit of proposed development outweighing harm to buildings and granting permission -- Whether statutory duty requiring inspector to give considerable importance and weight to desirability of preserving setting of listed buildings when carrying out balancing exercise -- Whether applying with particular force where setting Grade I listed building affected -- Relevance of finding that harm to setting less than substantial -- Relevance of perception of any reasonable observer -- Whether inspector's decision flawed -- Whether rightly quashed -- Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9), s 66(1)

The local planning authority refused the developer's application for planning permission to build a four-turbine wind farm on land in a conservation area which contained a number of listed buildings including a collection of Grade I listed buildings and gardens. The developer appealed to the Secretary of State for Communities and Local Government, who appointed a planning inspector to determine the appeal. By section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990¹ the inspector was under a duty when considering whether to grant planning permission to "have special regard to the desirability of preserving" a listed building or its setting. Listed buildings came within the definition of "designated heritage assets" in the Government's Planning Policy Statement 5² and practice guide. The inspector concluded that while the wind farm would fall within and affect the settings of a wide range of heritage assets, on balance the significant benefits of the proposed development in terms of the renewable energy which it would produce outweighed the less than substantial harm which it would cause to the setting of such designated heritage assets and the wider landscape, and accordingly granted planning permission. One of the reasons given for the inspector's conclusion that the harm would be less than substantial was that "any reasonable observer" would know that the development was a modern addition to the landscape, separate from the planned historic landscape or building he was within or considering or interpreting. The judge granted an application by, among others, the local planning authority under section 288 of the Town and County Planning Act 1990 to quash the inspector's decision on the ground that it was flawed because, among other things, he had failed to give effect to the duty under section 66(1) by not giving sufficient weight to the desirability of preserving the setting of the listed buildings.

On the developer's appeal--

Held, dismissing the appeal, (1) that section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 required the decision-maker to give "the desirability of preserving the building or its setting" not merely careful consideration

[2015] 1 WLR 45 at 46

for the purpose of deciding whether there would be some harm, but considerable importance and weight when balancing the advantages of the proposed development against any such harm; that that general duty applied with particular force if harm would be caused to the setting of a Grade I listed building, which was a designated heritage asset of the highest significance; that, if the harm to the setting of the Grade I listed building would be less than substantial, the strength of the presumption against the grant of planning permission would be lessened but it would not be entirely removed; that, since the planning inspector had not given considerable importance and weight to the desirability of preserving the setting of the listed buildings when carrying out the balancing exercise, he had not given proper effect to the section 66(1) duty; and that, accordingly, the judge had been right to conclude that the inspector's decision was flawed on that basis (post, paras 22, 23, 24, 26, 28, 29, 45, 46, 47).

The Bath Society v Secretary of State for the Environment [1991] 1 WLR 1303, CA and *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141, HL(E) applied.

(2) That, to the extent that the application of the "reasonable observer" test had been the decisive factor in the inspector's reasoning for his conclusion that harm to the setting of the listed buildings was less than substantial, he had not properly applied the relevant Government policy guidance; that if it had not been the decisive factor he had not given adequate reasons for that conclusion; and that, accordingly, the judge had been right to conclude that the inspector's decision was flawed on that basis also (post, paras 43-44, 45, 46, 47).

Decision of Lang J [2013] EWHC 473 (Admin); [2013] 2 P & CR 94 affirmed.

The following cases are referred to in the judgment of Sullivan LJ:

Bath Society, The v Secretary of State for the Environment [1991] 1 WLR 1303; [1992] 1 All ER 28; 89 LGR 834, CA

Heatherington (UK) Ltd v Secretary of State for the Environment (1994) 69 P & CR 374

R (Garner) v Elmbridge Borough Council [2011] EWHC 86 (Admin); [2011] PTSR D25; [2011] EWCA Civ 891; [2012] PTSR D7, CA

South Lakeland District Council v Secretary of State for the Environment [1992] 2 AC 141; [1992] 2 WLR 204; [1992] 1 All ER 573; 90 LGR 201, HL(E)

Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759; [1995] 2 All ER 636; 93 LGR 403, HL(E)

No additional cases were cited in argument.

APPEAL from Lang J

By an application under section 288 of the Town and Country Planning Act 1990 the applicants, East Northamptonshire District Council (the local planning authority), English Heritage and the Na-

tional Trust, applied for an order to quash the decision of a planning inspector appointed by the Secretary of State for Communities and Local Government, by a decision letter dated 12 March 2012, allowing an appeal by the developer, Barnwell Manor Wind Energy Ltd, against the decision of the local planning authority dated 24 January 2011 to refuse its application for planning permission for a four-turbine wind farm in a conservation area. The Secretary of State conceded that the inspector's decision should be quashed and took no further part in proceedings. By order dated 11 March 2013 following judgment on 8 March 2013 Lang J [2013] EWHC 473 (Admin); [2013] 2 P & CR 94 granted the application on the basis grounds that the inspector (1) had failed under the duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to and

[2015] 1 WLR 45 at 47

give considerable weight to the desirability of preserving the settings of listed buildings, including Lyveden New Bield; (2) had failed correctly to interpret and apply the policies in Planning Policy Statement 5; and (3) had failed to give adequate reasons for his decision.

By an appellant's notice dated 28 March 2013, the developer appealed, with permission of the judge, on the grounds that the judge (1) had erred in concluding that section 66(1) of the 1990 Act required the inspector to give considerable weight to the desirability of preserving the settings of the many listed buildings in the area; (2) had taken an over-rigid approach to the policy statement and practice guide which were not intended to be prescriptive; and (3) had erred in finding that the inspector had failed to give adequate reasons for his conclusion that the harm would in all cases be less than substantial.

The facts are stated in the judgment of Sullivan LJ.

Gordon Nardell QC and *Justine Thornton* (instructed by *Eversheds LLP*) for the developer.

Morag Ellis QC and *Robin Green* (instructed by *Sharpe Pritchard*) for the applicants.

The Secretary of State did not appear and was not represented.

The court took time for consideration.

18 February 2014. The following judgments were handed down.

SULLIVAN LJ

Introduction

1 This is an appeal against the order dated 11 March 2013 of Lang J quashing the decision dated 12 March 2012 of a planning inspector appointed by the Secretary of State granting planning permission for a four-turbine wind farm on land north of Catshead Woods, Sudborough, Northamptonshire. The background to the appeal is set out in Lang J's judgment [2013] 2 P & CR 94 of 8 March 2013.

Section 66

2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") imposes a "General duty as respects listed buildings in exercise of planning functions". Subsection (1) provides:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Planning policy

3 When the permission was granted the Government's planning policies on the conservation of the historic environment were contained in Planning Policy Statement 5 ("PPS5"). In PPS5 those parts of the historic environment that have significance because of their historic, archaeological, architectural

[2015] 1 WLR 45 at 48

or artistic interest are called heritage assets. Listed buildings, scheduled ancient monuments and registered parks and gardens are called "designated heritage assets". Guidance to help practitioners implement the policies in PPS5 was contained in "PPS5: planning for the historic environment: historic environment planning practice guide". For present purposes, policies HE9 and HE10 in PPS5 are of particular relevance. Policy HE9.1 advised that:

"There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be ... Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments ... Grade I and II* listed buildings and Grade I and II* registered parks and gardens ... should be wholly exceptional."

Policy HE9.4 advised that:

"Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should: (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss."

Policy HE10.1 advised decision-makers that when considering applications for development that do not preserve those elements of the setting of a heritage asset, they:

"should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval."

The inspector's decision

4 The inspector concluded, at para 22, that the wind farm would fall within and affect the setting of a wide range of heritage assets. For the purposes of this appeal the parties' submissions largely focused on one of the most significant of those assets: a site owned by the National Trust, Lyveden New Bield. Lyveden New Bield is covered by a range of heritage designations: Grade I listed building, inclusion in the register of parks and gardens of special historic interest at Grade I, and scheduled ancient monument.

5 It was common ground between the parties at the inquiry that the group of designated heritage assets at Lyveden New Bield was probably the finest surviving example of an Elizabethan garden, and that as a group the heritage asset at Lyveden New Bield had a cultural value of national, if not international significance. The inspector agreed, and found, at para 45: "this group of designated heritage assets has archaeological, architectural, artistic and historic significance of the highest magnitude."

[2015] 1 WLR 45 at 49

6 The closest turbine in the wind farm site (following the deletion of one turbine) to Lyveden New Bield was around 1.3 km from the boundary of the registered park and 1.7 km from the New Bield itself. The inspector found, at para 46:

"The wind turbines proposed would be visible from all around the site, to varying degrees, because of the presence of trees. Their visible presence would have a clear influence on the surroundings in which the heritage assets are experienced and as such they would fall within, and affect, the setting of the group."

This conclusion led the inspector to identify the central question, at para 46:

"Bearing in mind PPS5 policy HE7, the central question is the extent to which that visible presence would affect the significance of the heritage assets concerned."

7 The inspector answered that question in relation to Lyveden New Bield in paras 47-51 of his decision letter.

"47. While records of Sir Thomas Tresham's intentions for the site are relatively, and unusually, copious, it is not altogether clear to what extent the gardens and the garden lodge were completed and whether the designer considered views out of the garden to be of any particular significance. As a consequence, notwithstanding planting programmes that the National Trust have undertaken in recent times, the experience of Lyveden New Bield as a place, and as a planned landscape, with earthworks, moats and buildings within it, today, requires imagination and interpretation.

"48. At the times of my visits, there were limited numbers of visitors and few vehicles entering and leaving the site. I can imagine that at busy times, the situation might be somewhat different but the relative absence of man-made features in views across and out of the gardens compartments, from the prospect mounds especially, and from within the garden lodge, give the place a sense of isolation that makes the use of one's imagination to interpret Sir Thomas Tresham's design intentions somewhat easier.

"49. The visible, and sometimes moving, presence of the proposed wind turbine array would introduce a man-made feature, of significant scale, into the experience of the place. The array would act as a distraction that would make it more difficult to understand the place, and the intentions underpinning its design. That would cause harm to the setting of the group of designated heritage assets within it.

"50. However, while the array would be readily visible as a backdrop to the garden lodge in some directional views, from the garden lodge itself in views towards it, and from the prospect mounds, from within the moated orchard, and various other places around the site, at a separation distance of between one and two kilometres, the turbines would not be so close, or fill the field of view to the extent, that they would dominate the outlook from the site. Moreover, the turbine array would not intrude on any obviously intended, planned view out of the garden, or from the garden lodge (which has windows all around its cruciform perimeter). Any reasonable observer would know that the turbine array was a

modern addition to the landscape, separate from the planned historic landscape, or building they were within, or considering, or interpreting. [2015] 1 WLR 45 at 50

"51. On that basis, the presence of the wind turbine array would not be so distracting that it would prevent or make unduly difficult, an understanding, appreciation or interpretation of the significance of the elements that make up Lyveden New Bield and Lyveden Old Bield, or their relationship to each other. As a consequence, the effect on the setting of these designated heritage assets, while clearly detrimental, would not reach the level of substantial harm."

8 The inspector carried out "the balancing exercise" in paras 85-86 of his decision letter.

"85. The proposal would harm the setting of a number of designated heritage assets. However, the harm would in all cases be less than substantial and reduced by its temporary nature and reversibility. The proposal would also cause harm to the landscape but this would be ameliorated by a number of factors. Read in isolation though, all this means that the proposal would fail to accord with [conservation policies in the East Midlands regional plan ("EMRP")]. On the other hand, having regard to advice in PPS22, the benefits that would accrue from the wind farm in the 25-year period of its operation attract significant weight in favour of the proposal. The 10 MW that it could provide would contribute towards the 2020 regional target for renewable energy, as required by EMRP policy 40 and Appendix 5, and the wider UK national requirement.

"86. PPS5 policies HE9.4 and HE10.1 require the identified harm to the setting of designated heritage assets to be balanced against the benefits that the proposal would provide. Application of the development plan as a whole would also require that harm, and the harm to the landscape, to be weighed against the benefits. Key principle (i) of PPS22 says that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily. I take that as a clear expression that the threshold of acceptability for a proposal like the one at issue in this appeal is not such that all harm must be avoided. In my view, the significant benefits of the proposal in terms of the energy it would produce from a renewable source outweigh the less than substantial harm it would cause to the setting of designated heritage assets and the wider landscape."

Lang J's judgment

9 Before Lang J the first, second and third applicants challenged the inspector's decision on three grounds. In summary, they submitted that the inspector had failed (1) to have special regard to the desirability of preserving the settings of listed buildings, including Lyveden New Bield; (2) correctly to interpret and apply the policies in PPS5; and (3) to give adequate reasons for his decision. The Secretary of State had conceded prior to the hearing that the inspector's decision should be quashed on ground (3), and took no part in the proceedings before Lang J and in this court.

[2015] 1 WLR 45 at 51

10 Lang J concluded [2013] 2 P & CR 94, para 72 that all three grounds of challenge were made out. In respect of ground (1) she concluded, at para 39:

"in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to the 'desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status. Thus, where the section 66(1) duty is in play, it is necessary to qualify Lord Hoffmann's statement in *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759, 780 F-H that the weight to be given to a material consideration was a question of planning judgment for the planning authority."

Applying that interpretation of section 66(1) she concluded, at para 46:

"the inspector did not at any stage in the balancing exercise accord 'special weight', or considerable importance to 'the desirability of preserving the setting'. He treated the 'harm' to the setting and the wider benefit of the wind farm proposal as if those two factors were of equal importance. Indeed, he downplayed 'the desirability of preserving the setting' by adopting key principle (i) of PPS22, as a 'clear indication that the threshold of acceptability for a proposal like the one at issue in this appeal is not such that all harm must be avoided' (para 86). In so doing, he applied the policy without giving effect to the section 66(1) duty, which applies to all listed buildings, whether the 'harm' has been assessed as substantial or less than substantial."

11 In respect of ground (2) Lang J concluded that the policy guidance in PPS5 and the practice guide required the inspector to assess the contribution that the setting made to the significance of the heritage assets, including Lyveden New Bield, and the effect of the proposed wind turbines on both the significance of the heritage asset *and* the ability to appreciate that significance. Having analysed the inspector's decision, she found, at paras 55-65, that the inspector's assessment had been too narrow. He had failed to assess the contribution that the setting of Lyveden New Bield made to its significance as a heritage asset and the extent to which the wind turbines would enhance or detract from that significance, and had wrongly limited his assessment to one factor: the ability of the public to understand the asset based on the ability of "the reasonable observer" to distinguish between the "modern addition" to the landscape and the "historic landscape."

12 In respect of ground (3) Lang J found, at para 68, that the question whether Sir Thomas Tresham intended that the views from the garden and the garden lodge should be of significance was a controversial and important issue at the inquiry which the inspector should have resolved before proceeding to assess the level of harm. However, the inspector's reasoning on this issue was unclear. Having said in para 47 of his decision that it was "not altogether clear ... whether the designer considered views out of the garden to be of any significance", he had concluded, in para 50, that "the turbine array would not intrude on any obviously intended, planned view

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out of the garden, or from the garden lodge (which has windows all around its cruciform perimeter)." It was not clear from paras 70-71 whether this was a conclusion that there were no planned views (as submitted by the second defendant) or a conclusion that there were such views but the turbine array would not intrude into them.

The grounds of appeal

13 On behalf of the second defendant, Mr Nardell QC challenged Lang J's conclusions in respect of all three grounds. At the forefront of his appeal was the submission that Lang J had erred in concluding that section 66(1) required the inspector, when carrying out the balancing exercise, to give "considerable weight" to the desirability of preserving the settings of the many listed buildings, including Lyveden New Bield. He submitted that section 66(1) did not require the decision-maker to give any particular weight to that factor. It required the decision-maker to ask the right question--would there be some harm to the setting of the listed building--and if the answer to that question was "yes"--to refuse planning permission unless that harm was outweighed by the advantages of the proposed development. When carrying out that balancing exercise the weight to be given to the harm to the setting of the listed building on the one hand and the advantages of the proposal on the other was entirely a matter of planning judgment for the decision-maker.

14 Turning to the policy ground, he submitted that Lang J had erred by taking an over-rigid approach to PPS5 and the practice guide which were not intended to be prescriptive. Given the way in which those objecting to the proposed wind farm had put their case at the inquiry, the inspector had been entitled to focus on the extent to which the presence of the turbines in views to and from the listed buildings, including Lyveden New Bield, would affect the ability of the public to appreciate the heritage assets.

15 In response to the reasons ground, he submitted that the question whether any significant view from the lodge or garden at Lyveden New Bield was planned or intended was a subsidiary, and not a "principal important controversial", issue. In any event, he submitted that on a natural reading of para 50 of the decision letter the inspector had simply found that the turbines would not intrude into such significant views, *if any*, as were obviously planned or intended, so it had been unnecessary for him to resolve the issue that he had left open in para 47 of the decision.

Discussion

Ground 1

16 What was Parliament's intention in imposing both the section 66 duty and the parallel duty under section 72(1) of the Listed Buildings Act to pay "special attention ... to the desirability of preserving or enhancing the character or appearance" of conservation areas? It is common ground that, despite the slight difference in wording, the nature of the duty is the same under both enactments. It is also common ground that "preserving" in both enactments means doing no harm: see *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141,150, per Lord Bridge of Harwich.

[2015] 1 WLR 45 at 53

17 Was it Parliament's intention that the decision-maker should consider very carefully whether a proposed development would harm the setting of the listed building (or the character or appearance of the conservation area), and if the conclusion was that there would be some harm, then consider whether that harm was outweighed by the advantages of the proposal, giving that harm such weight as the decision-maker thought appropriate; or was it Parliament's intention that when deciding whether the harm to the setting of the listed building was outweighed by the advantages of the proposal, the decision-maker should give particular weight to the desirability of avoiding such harm?

18 Lang J analysed the authorities in paras 34-39 of her judgment. In chronological order they are: *The Bath Society v Secretary of State for the Environment* [1991] 1 WLR 1303; the *South Lakeland* case (see para 16 above); *Heatherington (UK) Ltd v Secretary of State for the Environment* (1994) 69 P & CR 374; and *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759. The *Bath Society* case and the *South Lakeland* case were concerned with (what is now) the duty under section 72. The *Heatherington* case is the only case in which the section 66 duty was considered. The *Tesco* case was not a section 66 or section 72 case, it was concerned with the duty to have regard to "other material considerations" under section 70(2) of the Town and Country Planning Act 1990 ("the Planning Act").

19 When summarising his conclusions in the *Bath Society* case [1991] 1 WLR 1303, 1318 F-H about the proper approach which should be adopted to an application for planning permission in a conservation area, Glidewell LJ distinguished between the general duty under (what is now) section 70(2) of the Planning Act, and the duty under (what is now) section 72(1) of the Listed Buildings Act. Within a conservation area the decision-maker has two statutory duties to perform, but the requirement in section 72(1) to pay "special attention" should be the first consideration for the decision-maker. Glidewell LJ continued, at p 1319:

"Since, however, it is a consideration to which special attention is to be paid as a matter of statutory duty, it must be regarded as having considerable importance and weight ... As I have said, the conclusion that the development will neither enhance nor preserve will be a consideration of considerable importance and weight. This does not necessarily mean that the application for permission must be refused, but it does in my view mean that the development should only be permitted if the decision-maker concludes that it carries some advantage or benefit which outweighs the failure to satisfy the section [72(1)] test and such detriment as may inevitably follow from that."

20 In the *South Lakeland* case [1992] 2 AC 141 the issue was whether the concept of "preserving" in what is now section 72(1) meant "positively preserving" or merely doing no harm. The House of Lords concluded that the latter interpretation was correct, but in his speech (with which the other members of the House agreed) Lord Bridge described the statutory intention in these terms, at p 146 E-G:

"There is no dispute that the intention of section [72(1)] is that planning decisions in respect of development proposed to be carried out

[2015] 1 WLR 45 at 54

in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest. But if a development would not conflict with that objective, the special attention required to be paid to that objective will no longer stand in its way and the development will be permitted or refused in the application of ordinary planning criteria."

21 In the *Heatherington* case 69 P & CR 374, the principal issue was the interrelationship between the duty imposed by section 66(1) and the newly imposed duty under section 54A of the Planning Act (since repealed and replaced by the duty under section 38(6) of the Planning and Compulsory Purchase Act 2004). However, Mr David Keene QC, at p 383, when referring to the section 66(1) duty, applied Glidewell LJ's dicta in the *Bath Society* case (see para 19 above), and said that the statutory objective "remains one to which considerable weight should be attached".

22 Mr Nardell submitted, correctly, that the inspector's error in the *Bath Society* case [1991] 1 WLR 1303 was that he had failed to carry out the necessary balancing exercise. In the present case the inspector had expressly carried out the balancing exercise, and decided that the advantages of the proposed wind farm outweighed the less than substantial harm to the setting of the heritage assets. Mr Nardell submitted that there was nothing in Glidewell LJ's judgment which supported the proposition that the court could go behind the inspector's conclusion. I accept that (subject to grounds 2 and 3, see para 29 et seq below) the inspector's assessment of the degree of harm to the setting of the listed building was a matter for his planning judgment, but I do not accept that he was then free to give that harm such weight as he chose when carrying out the balancing exercise. In my view, Glidewell LJ's judgment is authority for the proposition that a finding of harm to the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight."

23 That conclusion is reinforced by the passage in the speech of Lord Bridge in the *South Lakeland* case [1992] 2 AC 141 to which I have referred: see para 20 above. It is true, as Mr Nardell submits, that the ratio of that decision is that "preserve" means "do no harm". However, Lord Bridge's explanation of the statutory purpose is highly persuasive, and his observation that there will be a "strong presumption" against granting permission for development that would harm the character or appearance of a conservation area is consistent with Glidewell LJ's conclusion in the *Bath Society* case. There is a "strong presumption" against granting planning permission for development which would harm the character or appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of "considerable importance and weight."

24 While I would accept Mr Nardell's submission that the *Heatherington* case 69 P & CR 374 does not take the matter any further, it does not cast any doubt on the proposition that emerges from the *Bath Society* case [1991] 1 WLR 1303 and the *South Lakeland* case [1992] 2 AC 141: that Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise. [2015] 1 WLR 45 at 55

25 In support of his submission that, provided he asked the right question--was the harm to the settings of the listed buildings outweighed by the advantages of the proposed development--the inspector was free to give what weight he chose to that harm, Mr Nardell relied on the statement in the speech of Lord Hoffmann in the *Tesco* case [1995] 1 WLR 759, 780 n that the weight to be given to a material consideration is entirely a matter for the local planning authority (or in this case, the inspector): "If there is one principle of planning law more firmly settled than any other, it is that matters of planning judgment are within the exclusive province of the local planning authority or the Secretary of State."

26 As a general proposition, the principle is not in doubt, but the case was concerned with the application of section 70(2) of the Planning Act. It was not a case under section 66(1) or 72(1) of the Listed Buildings Act. The proposition that decision-makers may be required by either statute or planning policy to give particular weight to certain material considerations was not disputed by Mr Nardell. There are many examples of

planning policies, both national and local, which require decision-makers when exercising their planning judgment to give particular weight to certain material considerations. No such policies were in issue in the *Tesco* case, but an example can be seen in this case. In para 16 of his decision letter the inspector referred to planning policy statement 22: Renewable Energy (PPS22) which says that the wider environmental and economic benefits of all proposals for renewable energy, whatever their scale, are material considerations which should be given "significant weight". In this case, the requirement to give "considerable importance and weight" to the policy objective of preserving the setting of listed buildings has been imposed by Parliament. Section 70(3) of the Planning Act provides that section 70(1), which confers the power to grant planning permission, has effect subject to, inter alia, sections 66 and 72 of the Listed Buildings Act. Section 70(2) of the Planning Act, as substituted by section 143(2) of the Localism Act 2011, requires the decision-maker to have regard to "material considerations" when granting planning permission, but Parliament has made the power to grant permission having regard to material considerations expressly subject to the section 66(1) duty.

27 Mr Nardell also referred us to the decisions of Ouseley J and this court in *R (Garner) v Elmbridge Borough Council* [2011] EWHC 86 (Admin); [2011] PTSR D25; [2011] EWCA Civ 891; [2012] PTSR D7, but the issue in that case was whether the local planning authority had been entitled to conclude that no harm would be caused to the setting of another heritage asset of the highest significance, Hampton Court Palace. Such was the weight given to the desirability of preserving the setting of the palace that it was common ground that it would not be acceptable to grant planning

[2015] 1 WLR 45 at 56

permission for a redevelopment scheme which would have harmed the setting of the palace on the basis that such harm would be outweighed by some other planning advantage [2011] EWCA Civ 891 at [14]. Far from assisting Mr Nardell's case, the *Garner* case is an example of the practical application of the advice in policy HE9.1: that substantial harm to designated heritage assets of the highest significance should not merely be exceptional, but "wholly exceptional".

28 It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise referred to in policies HE9.4 and HE10.1 should ignore the overarching statutory duty imposed by section 66(1), which properly understood (see the *Bath Society* case [1991] 1 WLR 1303, the *South Lakeland* case [1992] 2 AC 141 and the *Heatherington* case 69 P & CR 374) requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. That general duty applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance. If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be "wholly exceptional"), but it does not follow that the "strong presumption" against the grant of planning permission has been entirely removed.

29 For these reasons, I agree with Lang J's conclusion that Parliament's intention in enacting section 66(1) was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. I also agree with her conclusion that the inspector did not give considerable importance and weight to this factor when carrying out the balancing exercise in this decision. He appears to have treated the less than substantial harm to the setting of the listed buildings, including Lyveden New Bield, as a less than substantial objection to the grant of planning permission. The second defendant's skeleton argument effectively conceded as much in contending that the weight to be given to this factor was, subject only to irrationality, entirely a matter for the inspector's planning judgment. In his oral submissions Mr Nardell contended that the inspector had given considerable weight to this factor, but he was unable to point to any particular passage in the decision letter which supported this contention, and there is a marked contrast between the "significant weight" which the inspector expressly gave in para 85 of the decision letter to the renewable energy considerations in favour of the proposal having regard to the policy advice in PPS22, and the manner in which he approached the section 66(1) duty. It is true that the inspector set out the duty in para 17 of the decision letter, but at no stage in the decision letter did he expressly acknowledge the need, if he found that there would be harm to the setting of the

many listed buildings, to give considerable weight to the desirability of preserving the setting of those buildings. This is a fatal flaw in the decision even if grounds 2 and 3 are not made out.

[2015] 1 WLR 45 at 57

Ground 2

30 Grounds 2 and 3 are interlinked. The applicants contend that the inspector either misapplied the relevant policy guidance, or if he correctly applied it, failed to give adequate reasons for his conclusion that the harm to the setting of the listed buildings, including Lyveden New Bield, would in all cases be less than substantial. I begin with the policy challenge in ground 2. Lang J set out the policy guidance relating to setting in PPS5 and the practice guide in [2013] 2 P & CR 94, paras 62-64. The contribution made by the setting of Lyveden New Bield to its significance as a heritage asset was undoubtedly a "principal controversial" issue at the inquiry. In his proof of evidence on behalf of the local planning authority Mr Mills, its senior conservation officer, said, at para 4.5.1:

"To make an assessment of the indirect impact of development or change on an asset it is first necessary to make a judgment about the contribution made by its setting."

Having carried out a detailed assessment of that contribution he concluded, at para 4.5.17:

"In summary, what Tresham created at the site was a designed experience that was intimately linked to the surrounding landscape. The presence of the four prospect mounts along with the raised terrace provide a clear indication of the relationship of the site with the surrounding landscape."

Only then did he assess the impact of the proposed development on the setting by way of "a discussion as to the impact of the proposal on how the site is accessed and experienced by visitors".

31 In its written representations to the inquiry English Heritage said of the significance and setting of Lyveden New Bield:

"The aesthetic value of the Lyveden heritage assets partly derives from the extraordinary symbolism and quality of the New Bield and the theatrical design of the park and garden. However, it also derives from their visual association with each other and with their setting. The New Bield is a striking presence when viewed on the skyline from a distance. The New Bield and Lyveden park and garden are wonderfully complemented by their undeveloped setting of woodland, pasture and arable land."

In para 8.23, English Heritage said:

"The New Bield and Lyveden park and garden were designed to be prominent and admired in their rural setting, isolated from competing structures. The character and setting of the Lyveden heritage assets makes a crucial contribution to their significance individually and as a group."

32 In its written representations to the inquiry the National Trust said, at para 11, that each arm of the cruciform New Bield "was intended to offer extensive views in *all directions* over the surrounding parks and the Tresham estate beyond". The National Trust's evidence, at para 12, was that "one if not *the principal designed view from* within the lodge was from the

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withdrawing rooms which linked to the important Great Chamber and Great Hall on the upper two levels of the west arm of the lodge". The Trust contended that this vista survived today, and was directly aligned with the proposed wind farm site. (Emphasis in both paragraphs as in the original.)

33 In his proof of evidence, the planning witness for the Stop Barnwell Manor Wind Farm Group said that:

"the views of Lyveden New Bield from the east, south-east and south, both as an individual structure and as a group with its adjoining historic garden and listed cottage, are views of a very high order. The proposed turbines, by virtue of their monumental scale, modern mechanical appearance, and motion of the blades, would be wholly alien in this scene and would draw the eye away from the New Bield, destroying its dominating presence in the landscape."

34 This evidence was disputed by the second defendant's conservation witness, and the second defendant rightly contends that a section 288 appeal is not an opportunity to re-argue the planning merits. I have set out these extracts from the objectors' evidence at the inquiry because they demonstrate that the objectors were contending that the undeveloped setting of Lyveden New Bield made a crucial contribution to its significance as a heritage asset; that the New Bield (the lodge) had been designed to be a striking and dominant presence when viewed in its rural setting; and that the lodge had been designed so as to afford extensive views in all directions over that rural setting. Did the inspector resolve these issues in his decision, and if so, how?

35 I endorse Lang J's conclusion that the inspector did not assess the contribution made by the setting of Lyveden New Bield, by virtue of its being undeveloped, to the significance of Lyveden New Bield as a heritage asset. The inspector did not grapple with (or if he did consider it, gave no reasons for rejecting) the objectors' case that the setting of Lyveden New Bield was of crucial importance to its significance as a heritage asset because Lyveden New Bield was designed to have a dominating presence in the surrounding rural landscape, and to afford extensive views in all directions over that landscape; and that these qualities would be seriously harmed by the visual impact of a modern man-made feature of significant scale in that setting.

36 The inspector's reason for concluding in para 51 of the decision that the presence of the wind turbine array, while clearly having a detrimental effect on the setting of Lyveden New Bield, would not reach the level of substantial harm, was that it would not be so distracting that it would not prevent, or make unduly difficult, an understanding, appreciation or interpretation of the significance of the elements that make up Lyveden New Bield or Lyveden Old Bield or their relationship to each other.

37 That is, at best, only a partial answer to the objectors' case. As the practice guide makes clear, the ability of the public to appreciate a heritage asset is one, but by no means the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset. The contribution that setting makes does not depend on there being an ability to access or experience the setting: see in particular paras 117 and 122 of the practice guide, cited in Lang J's judgment [2013] 2 P & CR 94, para 64.

[2015] 1 WLR 45 at 59

Ground 3

38 The inspector said that his conclusion in para 51 of the decision letter that the presence of the wind turbine array would not be so distracting that it would prevent or make unduly difficult, an understanding, appreciation or interpretation of the significance of the elements that make up Lyveden New Bield had been reached on the basis of his conclusions in para 50. In that paragraph, having said that the wind turbine array

"would be readily visible as a backdrop to the garden lodge in some directional views, from the garden lodge itself in views towards it, and from the prospect mounds, from within the ... orchard, and various other places around the site, at a separation distance of between one and two kilometres",

the inspector gave three reasons which formed the basis of his conclusion in para 51.

39 Those three reasons were: (a) The turbines would not be so close, or fill the field of view to the extent, that they would dominate the outlook from the site. (b) The turbine array would not intrude on any obviously intended, planned view out of the garden or the garden lodge (which has windows all around its cruciform perimeter). (c) Any reasonable observer would know that the turbine array was a modern addition to the landscape, separate from the planned historic landscape, or building they were within, or considering, or interpreting.

40 Taking those reasons in turn, reason (a) does not engage with the objectors' contention that the setting of Lyveden New Bield made a crucial contribution to its significance as a heritage asset because Lyveden New Bield was designed to be the dominant feature in the surrounding rural landscape. A finding that the "readily visible" turbine array would not dominate the outlook from the site puts the boot on the wrong foot. If this aspect of the objectors' case was not rejected (and there is no reasoned conclusion to that effect) the question was not whether the turbine array would dominate the outlook from Lyveden New Bield, but whether Lyveden New Bield would continue to be dominant within its rural setting.

41 Mr Nardell's submission to this court was not that the inspector had found that there were no planned views (cf the submission recorded in para 70 of Lang J's judgment), but that the inspector had concluded that the turbine array would not intrude into obviously intended or planned views *if any*. That submission is difficult to understand given the inspector's conclusion that the turbine array would be "readily visible" from the garden lodge, from the prospect mounds, and from various other places around the site. Unless the inspector had concluded that there were *no* intended or planned views from the garden or the garden lodge, and he did not reach that conclusion (see para 47 of the decision letter), it is difficult to see how he could have reached the conclusion that the "readily visible" turbine array would not "intrude" on any obviously intended or planned views from the garden lodge. I am inclined to agree with Mr Nardell's alternative submission that the inspector's conclusion that while "readily visible" from the garden lodge, the turbine array would not "intrude" on any obviously intended or planned view from it, is best

[2015] 1 WLR 45 at 60

understood by reference to his third conclusion in para 50. While visible in views from the garden lodge the turbine array would not intrude upon, in the sense of doing substantial harm to, those views, for the reasons given in the last sentence of para 50.

42 I confess that, notwithstanding Mr Nardell's assistance, I found some difficulty, not in understanding the final sentence of para 50--plainly any reasonable observer would know that the turbine array was a modern addition to the landscape and was separate from the planned historic landscape at Lyveden New Bield--but in understanding how it could rationally justify the conclusion that the detrimental effect of the turbine array on the setting of Lyveden New Bield would not reach the level of substantial harm. The inspector's application of the "reasonable observer" test was not confined to the effect of the turbine array on the setting of Lyveden New Bield. As Lang J pointed out in para 57 of her judgment, in other paragraphs of his decision letter the inspector emphasised one particular factor, namely the ability of members of the public to understand and distinguish between a modern wind turbine array and a heritage asset, as his reason for concluding either that the proposed wind turbines would have no impact on the settings of other heritage assets of national significance (paras 28-31); or a harmful impact that was "much less than substantial" on the setting of a Grade I listed church in a conservation area: para 36.

43 Matters of planning judgment are, of course, for the inspector. No one would quarrel with his conclusion that "any reasonable observer" would understand the differing functions of a wind turbine and a church and a country house or a settlement (para 30); would not be confused about the origins or purpose of a settlement and a church and a wind turbine array (para 36); and would know that a wind turbine array was a modern addition to the landscape (para 50); but no matter how non-prescriptive the approach to the policy guidance in PPS5 and the practice guide, that guidance nowhere suggests that the question whether the

harm to the setting of a designated heritage asset is substantial can be answered simply by applying the "reasonable observer" test adopted by the inspector in this decision.

44 If that test was to be the principal basis for deciding whether harm to the setting of a designated heritage asset was substantial, it is difficult to envisage any circumstances, other than those cases where the proposed turbine array would be in the immediate vicinity of the heritage asset, in which it could be said that any harm to the setting of a heritage asset would be substantial: the reasonable observer would always be able to understand the differing functions of the heritage asset and the turbine array, and would always know that the latter was a modern addition to the landscape. Indeed, applying the inspector's approach, the more obviously modern, large scale and functional the imposition on the landscape forming part of the setting of a heritage asset, the less harm there would be to that setting because the "reasonable observer" would be less likely to be confused about the origins and purpose of the new and the old. If the "reasonable observer" test was the decisive factor in the inspector's reasoning, as it appears to have been, he was not properly applying the policy approach set out in PPS5 and the practice guide. If it was not the decisive factor in the inspector's

[2015] 1 WLR 45 at 61

reasoning, then he did not give adequate reasons for his conclusion that the harm to the setting of Lyveden New Bield would not be substantial. Since his conclusion that the harm to the setting of the designated heritage assets would in all cases be less than substantial was fed into the balancing exercise in paras 85 and 86, the decision letter would have been fatally flawed on grounds 2 and 3 even if the inspector had given proper effect to the section 66(1) duty.

Conclusion

45 For the reasons set out above, which largely echo those given by Lang J in her judgment, I would dismiss this appeal.

RAFFERTY LJ

46 I agree.

MAURICE KAY LJ

47 I also agree.

Appeal dismissed.

Alison Sylvester, Barrister

1 Planning (Listed Buildings and Conservation Areas) Act 1990, s 66(1): see post, para 2.

2 Planning Policy Statement 5, policies HE9.1, HE9.4, HE10.1: see post, para 3.

Journey results

Ramsgate, Kent to Margate, Kent

leaving 08:15 on Mon 4 Mar

1 passenger

There are high priority updates for your journey results

Suggested routes

Travelling on Mon 04 Mar

Depart	Arrive	Changes	Travel time	 Tickets from £2.70
08:10	08:51	0	00 hrs 41 mins	

 bus LOOP

Depart	Arrive	Changes	Travel time	 Tickets from £2.70
08:15	08:56	0	00 hrs 41 mins	

 bus LOOP

Depart	Arrive	Changes	Travel time	 Tickets from £2.70
08:17	08:58	0	00 hrs 41 mins	

 bus LOOP

Depart	Arrive	Changes	Travel time	 Tickets from £2.70
08:23	09:04	0	00 hrs 41 mins	

 bus LOOP

Depart	Arrive	Changes	Travel time	 Tickets from £2.70
08:29	09:10	0	00 hrs 41 mins	

 bus LOOP

020



Journey results

Canterbury Bus Station, Kent to Ramsgate, Kent

leaving 08:15 on Mon 4 Mar

1 passenger

There are high priority updates for your journey results

Suggested routes

Travelling on Mon 04 Mar

Depart	Arrive	Changes	Travel time	Tickets from £6.80
07:35	09:09	1	01 hrs 34 mins	
bus 43A bus 43				
Depart	Arrive	Changes	Travel time	Tickets from £5.70
08:44	09:29	0	00 hrs 45 mins	
bus 9				
Depart	Arrive	Changes	Travel time	Tickets from £5.70
09:16	10:14	0	00 hrs 58 mins	
bus 43				
Depart	Arrive	Changes	Travel time	Tickets from £5.70
09:34	10:19	0	00 hrs 45 mins	
bus 9				
Depart	Arrive	Changes	Travel time	Tickets from £5.70
10:16	11:14	0	00 hrs 58 mins	
bus 43				

021

9 Westwood | Broadstairs | Ramsgate | Canterbury

MONDAYS TO FRIDAYS except Bank Holidays

route number

9 9X 9X 9X 9 9 9 9 9 9 9 9

Sainsbury's New Cross Road					0954	1054	1154	1254	1354	1640
Westwood Cross Bus Hub Stop A					0858	0958	1058	1158	1258	1643
Westwood opp. Bus Depot	0618	0646	0711		0902	1002	1102	1202	1302	1645
Rumfields The Silvers	0622	0650	0715		0906	1006	1106	1206	1306	1649
Broadstairs Pierremont Hall	0628	0658	0722	0839	0914	1014	1114	1214	1314	1657
Dumpton Park Rail Station ⇌	0633	0704	0729	0846	0921	1021	1121	1221	1321	1704
Montefiore Medical Centre	HR	HR	HR	HR	0924	1024	1124	1224	1324	1707
Ramsgate Harbour	0643	0712	0738	0856	0933	1033	1133	1233	1333	1716
Nethercourt Circus	0651	0725	0752	0908	0943	1043	1143	1243	1343	1726
Manna Hutte Arundle Road	0655	0729	0756	0912	0946	1046	1146	1246	1346	1729
Sarre Ramsgate Road	0702	0740	0806	0922	0953	1053	1153	1253	1353	1736
Upstreet Post Office	0707				0958	1058	1158	1258	1358	1741
Hersden opp. East View	0710				1001	1101	1201	1301	1401	1744
Sturry Rail Station ⇌	0718				1007	1107	1207	1307	1407	1750
Canterbury Bus Station	0735	0810	0842	0952	1022	1122	1222	1322	1422	1805

You won't be able to get on the bus after Sarre. The bus will only stop for passengers to get off.

SATURDAYS

route number

9X 9X 9 9 9 9 9 9 9

Sainsbury's New Cross Road					0954	1054	1154	1254	1354	1640
Westwood Cross Bus Hub Stop A					0858	958	1058	1158	1258	1643
Westwood opp. Bus Depot	0646		0902	1002	1102	1202	1302	1402	1645	
Rumfields The Silvers	0650		0906	1006	1106	1206	1306	1406	1649	
Broadstairs Pierremont Hall	0656	0822	0914	1014	1114	1214	1314	1414	1657	
Dumpton Park Rail Station ⇌	0701	0829	0921	1021	1121	1221	1321	1421	1704	
Montefiore Medical Centre	HR	HR	0924	1024	1124	1224	1324	1424	1707	
Ramsgate Harbour	0711	0842	0933	1033	1133	1233	1333	1433	1716	
Nethercourt Circus	0723	0852	0943	1043	1143	1243	1343	1443	1726	
Manna Hutte Arundle Road	0727	0855	0946	1046	1146	1246	1346	1446	1729	
Sarre Ramsgate Road	0734	0902	0953	1053	1153	1253	1353	1453	1736	
Upstreet Post Office					0958	1058	1158	1258	1358	1741
Hersden opp. East View					1001	1101	1201	1301	1401	1744
Sturry Rail Station ⇌					1007	1107	1207	1307	1407	1750
Canterbury Bus Station		0805	0931	1022	1122	1222	1322	1422	1522	1805

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9 Canterbury | Ramsgate | Broadstairs | Westwood

MONDAYS TO FRIDAYS except Bank Holidays

route number	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	
	Sch		Hols													
Canterbury Bus Station Bay C1	0844	0934	1034	1134	1234	1334	1434	1434	1532	1608	1633	1715	1745	1815		
Sturry Rail Station ⇌	0857	0947	1047	1147	1247	1347	1449	1447	1547	1623	1648	1735	1758	1828		
Hersden East View	0902	0952	1052	1152	1252	1352	1454	1452	1552	1628	1653	1741	1803	1833		
Upstreet Post Office	0905	0955	1055	1155	1255	1355	1457	1455	1555	1631	1656	1744	1806	1836		
Sarre Ramsgate Road	0909	0959	1059	1159	1259	1359	1501	1459	1559	1635	1700	1748	1810	1840		
Manna Hutte Arundle Road	0918	1008	1108	1208	1308	1408	1511	1508	1608	1644	1709	1758	1819	1849		
Nethercourt Circus	0921	1011	1111	1211	1311	1411	1515	1511	1611	1647	1712	1803	1822	1852		
Ramsgate Harbour	0932	1022	1122	1222	1322	1422	1525	1522	1622	1658	1723	1813	1833	1903		
Montefiore Medical Centre	0938	1028	1128	1228	1328	1428		1528	1628	1704	1729	1817	1839	1909		
Dumpton Park Rail Station ⇌	0941	1031	1131	1231	1331	1431		1531	1631	1707	1732	1819	1842	1912		
Broadstairs Pierremont Hall	0948	1038	1138	1238	1338	1438		1538	1638	1714	1739	1826	1849	1919		
Rumfields The Silvers	0954	1044	1144	1244	1344	1444		1544	1644	1720	1745	1832	1855	1925		
Westwood Bus Depot	0958	1050	1150	1250	1350	1450		1550	1650	1726	1751	1836	1901	1931		
Sainsbury's New Cross Road	1000	1052	1156	1252	1356	1452		1556								
Westwood Cross Bus Hub	1002	1054	1154	1254	1354	1454		1554								

Hols - This bus journey runs on Mondays to Fridays during school holidays only.**Sch** - This bus journey runs on schooldays only.

SATURDAYS

route number	9	9	9	9	9	9	9	9	9	9
Canterbury Bus Station Bay C1	0844	0934	1034	1134	1234	1334	1434	1610	1715	1815
Sturry Rail Station ⇌	0857	0947	1047	1147	1247	1347	1447	1623	1728	1828
Hersden East View	0902	0952	1052	1152	1252	1352	1452	1628	1733	1833
Upstreet Post Office	0905	0955	1055	1155	1255	1355	1455	1631	1736	1836
Sarre Ramsgate Road	0909	0959	1059	1159	1259	1359	1459	1635	1740	1840
Manna Hutte Arundle Road	0918	1008	1108	1208	1308	1408	1508	1644	1749	1849
Nethercourt Circus	0921	1011	1111	1211	1311	1411	1511	1647	1752	1852
Ramsgate Harbour	0932	1022	1122	1222	1322	1422	1522	1658	1803	1903
Montefiore Medical Centre	0938	1028	1128	1228	1328	1428	1528	1704	1809	1909
Dumpton Park Rail Station ⇌	0941	1031	1131	1231	1331	1431	1531	1707	1812	1912
Broadstairs Pierremont Hall	0948	1038	1138	1238	1338	1438	1538	1714	1819	1919
Rumfields The Silvers	0954	1044	1144	1244	1344	1444	1544	1720	1825	1925
Westwood Bus Depot	0958	1050	1150	1250	1350	1450	1550	1726	1831	1931
Sainsbury's New Cross Road	1000	1052	1156	1254	1356	1452	1556			
Westwood Cross Bus Hub	1002	1054	1154	1256	1354	1454	1554			

There are no Sunday or Bank Holiday buses on route 9.

Special bus timetables may apply during the Christmas period between 24 December and 1 January. Please see our website for details.

022



Journey results

Ramsgate, Kent to Birchington-on-Sea Rail Station

leaving 08:15 on Mon 4 Mar

1 passenger

Suggested routes

Travelling on Mon 04 Mar

Depart	Arrive	Changes	Travel time	Tickets from £3.20
08:02	09:12	0	01 hrs 10 mins	

bus 34

Depart	Arrive	Changes	Travel time	Tickets from £2.70
09:00	09:29	0	00 hrs 29 mins	

bus 38

Depart	Arrive	Changes	Travel time	Tickets from £3.20
09:16	10:20	0	01 hrs 04 mins	

bus 34

Depart	Arrive	Changes	Travel time	Tickets from £2.70
10:00	10:29	0	00 hrs 29 mins	

bus 38

Depart	Arrive	Changes	Travel time	Tickets from £3.20
10:16	11:20	0	01 hrs 04 mins	

bus 34

023

Journey results

Herne Bay, Kent to Ramsgate, Kent

leaving 08:30 on Mon 4 Mar

1 passenger

There are high priority updates for your journey results

Suggested routes

Travelling on Mon 04 Mar

Depart	Arrive	Changes	Travel time	 Tickets from £6.80
08:25	09:29	1	01 hrs 04 mins	

 bus TRIAN >  >  bus 9

Depart	Arrive	Changes	Travel time	 Tickets from £6.80
09:20	10:19	1	00 hrs 59 mins	

 bus TRIAN >  >  bus 9

Depart	Arrive	Changes	Travel time	 Tickets from £6.80
10:20	11:19	1	00 hrs 59 mins	

 bus TRIAN >  >  bus 9

Depart	Arrive	Changes	Travel time	 Tickets from £6.80
11:20	12:19	1	00 hrs 59 mins	

 bus TRIAN >  >  bus 9

Depart	Arrive	Changes	Travel time	 Tickets from £6.80
12:20	13:19	1	00 hrs 59 mins	

 bus TRIAN >  >  bus 9

024

Dr Andrew Buroni • 3rd

RPS Group Health and Social Impact Assessment Practice Leader

Brighton, United Kingdom

RPS RPS Group

University of Brighton

See contact info

500+ connections

Message

...

Andrew is RPS' Health and Social Impact Assessment (HIA) Practice Leader with over 17 years of project experience on leading international health impact assessment in the energy (including nuclear power and national grid infrastructure), waste management, tra...

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Experience



RPS Group

13 yrs

HIA Practice Leader

2006 – Present · 13 yrs

Associate

2006 – Present · 13 yrs

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 Green Hills, Cardenden and Roosecote Biomass Facilities
 South Hook Gas Fired Power Station
 EirGrid Electromagnetic field (EMF) health research and monitoring programme
 Hornsea (Projects One, Two and Three), Atlantic Array, Burbo Bank, Moray Firth, Inch Cape, Kildare and Tyrone Windfarms
 Grid Link, Tamnamore to Omagh, Brockaghboy and Curraghmulkin Power Lines and the FAB Interconnector
 Lead management in potable water treatment in Ireland
 Nant Llesg and Bryn Defaid Surface Mines
 Health in EIA Best Practice Guidance for the UK Onshore Oil and Gas Industry
 Falkirk Coal Bed Methane, Lancashire and Yorkshire Shale Gas Exploration
 ESHIA in Algeria, Albania, Papua New Guinea, Ethiopia and Kurdistan, including health and cholera management plans
 London City, Dublin, Birmingham, Belfast, Gatwick, Melbourne, Western Sydney Airports
 M4 Newport Bypass, Kent International Gateway and the Heads of the Valley road widening
 The Transport and Health Assessment Resource for the Department of Health and Department for Transport
 The Abu Dhabi Low Emission Zones
 Cambourne, Ipswich, Drayton Park, Leiston, Backwell, Green End, Brighton General Hospital, Uttlesford, Denny End, and Chequers Road Residential Developments
 The Stoke-on-Trent and Kent Regeneration HIA
 The Brighton & Hove and Dartford Core Strategy and Shoreham Joint Area Action Plan
 The UK Nuclear Geological Disposal Facility
 The Wales National Waste Strategy
 The Brighton & Hove, East Sussex, Buckinghamshire and Lancashire Waste and Minerals Development Frameworks
 WRAP Waste Management and Health Guidance
 Suffolk, Norfolk, Dublin, Tipperary, Rufford, Runcorn, Exeter, Cheshire, Hightown Quarry, Brig y Cwm and Lostock EFW

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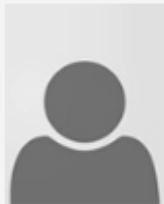
025

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**Staff**

Sally Gaulter

Senior Research Fellow

Sally is a Senior Research Fellow with an interest in formulation and processing of novel PBX compositions for use in Insensitive Munitions.

✉ s.e.gaulter@cranfield.ac.uk ☎ +44 (0) 1793 785388

**Staff** **School of Management**

Sally Potter

Visiting Fellow

Sally Potter is a Visiting Fellow at The Praxis Centre, Cranfield School of Management.

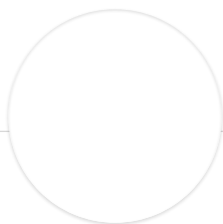
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026

[Go from Data to Insight](#) - Download the guide to create deep consumer insight that drives ROI Ad ...**Sally Dixon** • 3rd

Aviation consultant

Canterbury, United Kingdom

Message



Azimuth Associates



Cranfield University



See contact info



289 connections

Dr Sally Dixon is a skilled strategist with extensive Board-level capability. She has a wealth of experience, particularly in airport related projects including acquisitions. Sally is Reuters trained, MBA and PhD-qualified. The focus of her ground breaking doctoral research at Cranfield was on stakeholder involvement in decision-making. Sally is a leader in the field of stakeholder consultation on major infrastructure projects and has a track record for delivering workable, innovative solutions to the issues faced by organisations today.

[Show less](#) ^

Experience

Business Consultant

Azimuth Associates

Mar 2002 – Present · 16 yrs 11 mos

I am currently part of a team working on the first DCO application for a nationally significant airport project to be accepted for examination by the Planning Inspectorate. My contribution includes air traffic forecasting for air freight and passengers. I have also given evidence at a related planning inquiry. My services include:

- Airport acquisitions
- Airport specific air freight forecasting using a 'bottom up' approach
- Business planning... [See more](#)



Cranfield University, School of Engineering

Cranfield University

Nov 2012 – Present · 6 yrs 3 mos

United Kingdom

MSc Airport Strategic Planning - specialist lecture on stakeholder influences on airport master planning.

Governor

St Alphege Infant School

2011 – 2017 · 6 yrs



Principal Aviation Consultant

Ricardo

Jul 2015 – Dec 2015 · 6 mos

London, United Kingdom

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Messaging





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2000 – 2002 · 2 yrs
London, United Kingdom

Heavily involved in master planning for Kent International Airport, Manston.
Key role in the SciPark project, a technology park for the development of airport security systems using new technologies, located in Newquay, Cornwall. Development of the business proposal and strategy for SciPark as well as responsibility for establishing a partnership with HE/FE in Cornwall.
Preparing Business Proposals for the acquisition of new airports
Writing Business Plans for all airports in the PlaneStation network
Liaison with Economic Development Agencies in regions where company was active.
Working with Christ Church University College to develop a BSc in Business Studies with Airport Operations.
Responsibility for the strategy for e-business for Wiggins and PlaneStation airports.
Managing research projects covering a wide range of aviation, economic development, regional and property development related subjects. [See less](#)

Business and Economic Analyst Kent Training and Enterprise Council

1996 – 1998 · 2 yrs

Managing a large research- based portfolio of around 20 projects concurrently with responsibility for projects including policy analysis, impact measurement, design and implementation of quality improvement projects. Producing briefing papers on key issues for senior management.
Researching and writing work published by the TEC.



Senior Business Analyst Reuters

1982 – 1990 · 8 yrs
London, United Kingdom

As business analyst within a team of ORACLE programmers, developing a PC/Mainframe based equipment forecasting and planning system for use by Reuter's offices worldwide. Responsibility for:-
Provision of detailed business analysis for the programmers.... [See more](#)

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Education



Cranfield University
PhD, Airport strategy and development
2007 – 2013



University of Kent
MBA, The impact of ebusiness on the manufacturing sector
1996 – 1998

Volunteer Experience

Committee member (business planning/development) Whitstable Twinning Association

Jan 2011 – Dec 2014 · 4 yrs
Education

Whitstable Twinning Association was formed in 1983 and has become probably the busiest in the United Kingdom, with hundreds of visits to and from European towns each year.
The association is entirely independent and self funding, having no formal connection (although good relations) with the local council.

LEA appointed Governor
St. Alphege C of E Primary School
Oct 2011 – Present · 7 yrs 4 mos
Children

I am the Kent LEA appointed governor at St. Alphege School working with a fantastic group of dedicated people.

Messaging





Skills & Endorsements

Analysis · 11

Keith Nicholls and 10 connections have given endorsements for this skill

Air freight forecasting · 2

Keith Nicholls and 1 connection have given endorsements for this skill

Business Analysis · 9

Keith Nicholls and 8 connections have given endorsements for this skill

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Recommendations

Received (3)

Given (0)



John Redfern

Managing Director, Castle
Interim Management
Limited

December 14, 2015, Sally was a
client of John's

I have known Sally over 15 years, on several successful assignments as an Interim Manager working in the Public and Private sector as a business planner and economic analyst. Sally is highly regarded for her professional and diligent approach to her projects. Additional to her active freelance consu... [See more](#)



Hazel Peace

Divisional Director at Jacobs
December 1, 2015, Hazel
managed Sally directly

Sally has been extremely reliable and could be counted on to meet deadlines, often working into the evening and at weekends when needed in order to deliver key aviation bids. She was also instrumental in developing the business plan and a great networker.

Show more ▾

Accomplishments

25 Projects ▾

Gibraltar Airport passenger flight development • Manston Airport Air Traffic Forecasting • Barry Holt - ghost writing/editing • Doctoral Research • Monairit Properties Ltd • Oyster Estates UK Ltd.
• Monairit Properties Ltd • East Kent Partnership • Projektkontor2 (Germany)/Thanet District Council:
• Learning and Skills Council Kent & Medway...

1 Language ▾

Spanish

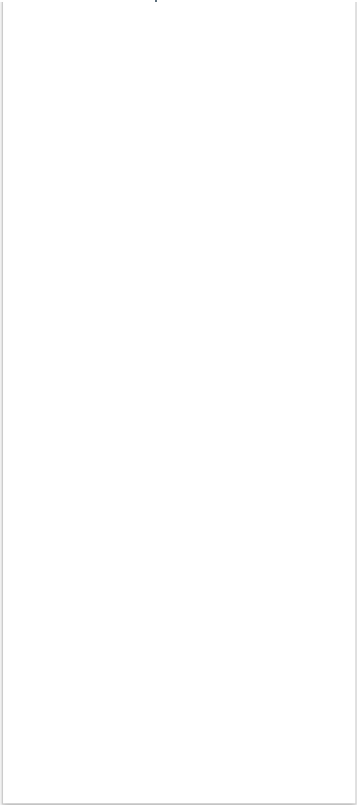




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027

Manston Airport under private ownership:

The story to date and the future prospects

Position statement

Introduction

For decades Kent County Council has made great efforts to develop aviation at Manston Airport.

Manston, with its proud history as a front-line Battle of Britain aerodrome, has long been a symbol of Kent's determination in the face of adversity.

But our desire to stimulate and grow Manston was not the result merely of nostalgia or sentimentality.

For decades we have been aware of the commercial potential of Manston's long, 2,700 metre runway. For decades we have championed Manston's proximity to London. For decades we have argued that Manston was a sleeping giant: a regional and national asset.

Our 2012 policy document 'Bold Steps for Aviation' made all this clear and promoted the development of Manston to the the Government as an alternative to building a controversial new runway in the Thames Estuary.

Our support for Manston has not merely consisted of kind words and encouragement. We have invested substantial sums of public money.

We have made substantial investments in both road and rail infrastructure to improve access to Manston and East Kent.

Our record in supporting Manston is plain to see and we are proud of it.

It was disappointing and regrettable to learn that all our hard work and investment, and the hard work of the various companies that had tried to make flying profitable at Manston, had failed.

Manston's story began in 1915 when it was a small grass airfield operated by the Admiralty. Now a new chapter is about to begin that will bring new jobs and new prosperity to East Kent. It will be our duty to encourage, guide and nurture to help ensure this happens.

This document sets out the story of Manston Airport over the last 16 years, from its sale by the Ministry of Defence to the present day. We also consider the future, which we are confident will be bright.

Hansard 28th April 2014

Robert Goodwill, Parliamentary Undersecretary of State at the Department of Transport

'Whatever the result of efforts to secure such a resolution (on Manston), the government are unable to intervene directly, as we believe that UK airports and airlines operate best in a competitive and commercial environment. It is therefore for individual airports to take decisions on matters of future economic viability.'

Chapter one

The last 16 years of private ownership

Since the Ministry of Defence sold RAF Manston in 1998, the airport has never made a profit and has never delivered on its promise of jobs for the area. When the airport closed on 15th May 2014 144 people were employed there.

Since 1998 three companies have tried and failed to run Manston as a viable business. The Wiggins Group, with its start-up low cost carrier EUJet, launched scheduled flights to twenty one destinations in Europe in 2004 but collapsed into administration in the summer of 2005 leaving 5,400 passengers stranded. Its fleet of five 108-seat Fokker 100 jets were repossessed by Debis Air Finance.

Infratil Limited, which bought Manston from the administrators in 2005, lost between £40 - £50 million over the next nine years attempting to achieve passenger numbers of over a million per annum. The highest number of passengers was 50,000. Similarly its ambitious plan to grow freight traffic failed.

Lothian Shelf (417) Limited, a company owned by Mrs Ann Gloag, bought Manston for £1 in November 2014. In the next 4 months the airport made revenue losses of £100,000 per week plus significant capital losses.

Mrs Gloag's decision to sell the airport was based on an assessment that these losses could not be sustained. Mr Trevor Cartner and Mr Chris Musgrave acquired 80 per cent of the company in order to provide space for a wide range of businesses, with a focus on attracting companies in the manufacturing sector, as well as the provision of housing, shops, schools and community facilities.

Chapter two

The Wiggins era 1998-2005

In 1998 Wiggins Group acquired Manston Airport for £4.75 million. Its company accounts show that between 1999 and 2002 the company reported losses of £8.6 million, with a further loss of around £2 million reported over the next two years.

In January 2004 Wiggins Group renamed itself Planestation and later that year Planestation bought 30 per cent of airline company EUJet.

In September 2004 EUJet operated flights to destinations across Europe. That year Planestation's losses were £73 million and the company had to borrow £46 million at an interest rate of 28%. In December Planestation bought the remaining 78 per cent of EUJet.

In its busiest month in early 2005 the airport carried 62,709 passengers. EUJet's aim had been to handle over 750,000 passengers per annum but the company became insolvent and went into administration.

In July 2005 all EUJet operations were suspended along with all non-freight operations.

Mr Tony Freudmann had overseen Manston's transfer from an RAF base to a commercial operation. He was Senior Vice President of Wiggins Group between 1994 and 2005. He was 'let go' by Wiggins in February 2005. He is now the spokesman for the RiverOak consortium.

The Wiggins Group and Planestation failed in their ambition for Manston to become a successful international airport; but even then, more than 10 years ago, they also had ambitions for property development on the airport site, in collaboration with property developers MEPC plc.

Chapter three

INFRATIL 2005-2013

Infratil Limited is a successful company listed on the New Zealand stock exchange with the primary purpose of investing in electricity distribution, public transport and ports. The company was established in 1994 with NZ\$50m of capital. At the time it acquired Manston and Prestwick airports it controlled assets worldwide in excess of NZ\$ 4.4 billion.

Following Wiggins' demise, Infratil Limited bought Manston Airport from the Administrator for £17 million in August 2005.

In addition to Manston, Infratil also owned Prestwick, Flughafen Lubeck, Wellington and Auckland Airports. Its master plan for Manston (published in November 2009) envisaged building a new passenger terminal to accommodate up to 3 million passengers per annum. It also envisaged building a parallel taxi way to the runway and an increase in the freight and passenger aprons. At the time of publishing its plan the airport was handling 32,000 tonnes of freight per annum. The master plan envisaged freight growth of between 4% and 6% per annum to equate to approximately 167,000 tonnes of freight per annum by 2018. It also planned on developing corporate jet facilities with an executive terminal.

In 2009 the airport was handling fewer than 50,000 passengers per annum. Infratil forecast that by 2014 this figure would rise to 527,000, by 2015 to 1,268,000 and by 2033 to more than 4.7 million passengers per annum. In 2009 the airport employed approximately 100 people, some full time and some part time. Infratil forecast that they would be employing more than 500 staff by 2014, 2,800 by 2018 and 6,150 by 2033.

When the airport closed in May 2014 there were 144 people employed at Manston Airport.

In 2012 Infratil announced that Manston and Prestwick airports were for sale.

In each year that Infratil Limited owned Manston it incurred losses of more than £3 million per annum and wrote off the purchase price of £17 million.

As at 31 March 2013 Infratil's investment in the UK's airports had a book value of \$20m and over the year a further \$12m was contributed to meet costs. Their sale price crystallised a net economic cost of \$32m."

(Infratil financial results 2013-14)

In 2013 KLM started passenger flights to Schiphol Amsterdam. However, over its 12 months of operation its seventy eight seat Fokker planes were less than half full (42 per cent of capacity). KLM operations at Manston made no significant financial contribution to the cost of running the airport.

In November 2013 Infratil Limited sold Manston Airport and the associated liabilities to a company controlled by Mrs Ann Gloag for £1.

Chapter four

Manston Skyport Limited 2013-2014

Mrs Ann Gloag originally approached Infratil with a view to buying both Manston and Prestwick airports, which were being sold as a package. However, Infratil set a deadline for their sale in order to stem their losses. When the Scottish Government bought Prestwick for £1 Mrs Gloag agreed to buy Manston also for £1.

From the discussions that Kent County Council had had with her and her team we believed that she had every intention to maintain and grow the aviation business at Manston Airport.

She gave a press interview with the Isle of Thanet Gazette on 8 August 2014 to dispel the myths and uncertainty that had been widely propagated by campaign groups opposed to the subsequent closure of the airport.

“Can you please outline the reasons behind your decision to close the airport?”

“The prospect of new passenger and freight opportunities failed to materialise and the scale of the losses meant that there was no credible prospect of the airport becoming profitable.”

“Would you have bought it if you’d known you would have to close it just months later?”

“I wanted to make it a success and I didn’t buy it to close it. Our whole team worked tirelessly to secure new business for the airport but no new operators considered it a viable option. It was only when our aviation team arrived at Manston that we started to discover the scale of the problems.”

“Why did you reject RiverOak’s offers to buy it?”

“They were introduced to us as a potential buyer and in good faith we entered into discussions with them. However, we had serious concerns from the outset about the way RiverOak conducted their business with us. We are aware of the £7 million figure that has been made public by RiverOak. For clarification, the structure of their offer meant the final amount would have been considerably less. They also failed to provide any business plan to back up their claims of future employment or to reassure us that their bid offered commitment to maintain it as an operational airport.”

Prestwick airport made a pre tax loss of £10 million in its final year of ownership under Infratil.

After buying the airport for £1 the Scottish government said it could take a number of years for taxpayers to see a return on public investment in Prestwick.

It announced a £10 million commitment towards ‘operating costs, repairs backlog and improvements to the terminal building.’

Prestwick is continuing to lose £1 million a month.

Chapter five

Support given to Manston by Kent County Council over the past 16 years

Kent County Council's support of Manston as an airport over the last 16 years has been unwavering.

Transport infrastructure

Kent County Council has made or enabled substantial transport and infrastructure investment for the benefit of Manston and the surrounding area.

In 1997 Columbus Avenue was constructed on the north side of the airport at a cost of £1.52 million. These infrastructure works were funded through the European Regional Development Fund and the Single Regeneration Budget.

In 1998 Kent County Council completed the A299 Thanet Way extension of the M2 through to Ramsgate.

In 2000 Kent County Council completed the Ramsgate Harbour Approach Road and in 2009 the Euro Kent link road.

The A256 dualling was completed in 2012 and £87 million was invested in the East Kent Access Road in 2013.

Kent County Council is in the planning stage of the £6.7 million Westwood relief scheme to help growing businesses at Westwood and Manston.

Network Rail has just announced the commencement of its £11 million scheme to reduce journey time between Ramsgate and Canterbury; Kent County Council is contributing £4.5 million to the cost of this upgrade. Kent County Council has also committed £12 million to a new Thanet Parkway Station near Manston.

Business premises;

In Spring 2006 Kent County Council acquired the undeveloped area of Manston Business Park, amounting to some 40 acres of developable land, from the Administrator of Planestation plc for £5.35 million.

Manston Business Park and the EuroKent sites subsequently became the key holdings of a joint venture between Kent County Council and Thanet District Council.

By 2015 Manston Business Park has seen the development of industrial units which will be occupied by start-up and small developing businesses.

Support for aviation

In its discussion document Bold Steps for Aviation (May 2012) Kent County Council supported the increased use of Manston Airport and stressed its potential to make a significant contribution to aviation in the UK.

"In Kent, Manston has the potential to make a significant contribution [to the UK's aviation capacity], providing excellent communications to European destinations and reduced flight times.

In addition:

- Over the years Manston has received more than £1million in financial assistance from Kent County Council. When EUJet commenced its flights in 2004 Kent County Council bought a 1.5% shareholding in EUJet Ops Limited.
- In 2007 Kent County Council provided financial assistance to enable the start of charter flights from Manston to Virginia USA, although these flights were discontinued shortly thereafter.
- Between May 2004 and May 2005 when EUJet Ops Limited was acquired by Planestation Limited, Kent County Council acquired options to buy further shares. Planestation Limited was however put into liquidation and the council's investment had no further value.
- When KLM expressed an interest in starting scheduled flights to Amsterdam, Kent County Council provided £100,000 to Visit Kent, the tourist agency which provided marketing and tourism support.

Support offered to investors at the airport

In March 2013, when Infratil were seeking aviation buyers for the airport, Kent County Council distributed a note offering to help new investment at Manston Airport through:

- Financial assistance from the Regional Growth Fund
- Use of land owned by Kent County Council adjacent to the airport
- Expediting the new Thanet Parkway station
- A Route Development Fund to increase the number of passengers
- Working with airlines and train operating companies to achieve integrated ticketing
- Discussing with Ministers to seek assistance from Government. Kent County Council's offer to any investor with a viable business plan remains open, although to date we have received no take up.

Helping to find a new airport operator

Kent County Council met PWC, the agents selling the airport, with a view to helping find a viable new owner/operator. Over 18 months discussions were held with thirty interested parties including low cost airline operators and private investors, many were introduced to PWC by Kent County Council.

In the event, two of the shareholders of Discovery Park Limited made an approach to Mrs Ann Gloag which subsequently led to their purchase of the airport.

Chapter six

What do we know about RiverOak and its proposal for a compulsory purchase order?

RiverOak was introduced to Kent County Council by Mr Tony Freudmann. Subsequently the Leader of Kent County Council invited representatives of RiverOak to meet to discuss their plans for the airport. RiverOak declined, saying that their plans were confidential. The invitation to present their business plan to the council has been repeated on several occasions: RiverOak has always declined to do so.

RiverOak Investment Corp LLC was established in January 2001 in Delaware USA to manage *'niche focussed real estate investments for institutional entities that are strategically driven, including private and public pension funds.'*

Its CEO is Mr Stephen DeNardo.

The RiverOak website states *'within a time frame that spans nearly 4 decades of business experience, Steve DeNardo has successfully been involved in all phases of real estate investment, development and management. His focus and interest has been on the management and turnaround of troubled assets.'*

RiverOak's Chief Investment Officer is Mr George Yerrall. The website says: *'He is in charge of sourcing and analysis of investment opportunities and the execution of investment and asset management strategies.'*

In its statement to the UK Airports Commission (The Davies Commission) RiverOak described its strategy for Manston as handling 250,000 tonnes of cargo per annum by 2030, 500,000 tonnes of cargo per annum by 2040 and 750,000 tonnes by 2050. It also described its long term strategy to include 'aircraft maintenance, repair and teardown operations.'

RiverOak also stated that by summer 2017 at the earliest they would plan to re-open passenger services *'if appropriate contracts can be agreed with suitable carriers.'* They would also re-establish Manston as a key diversion airport, capable of providing emergency resilience to the wider South East airport system.

In an interview on 12 May 2014 with Paul Francis of the KM Group Mr DeNardo was asked *'How did RiverOak become involved in the bid to buy the site from Mrs Gloag?'*

Mr De Nardo replied; *'We have been active in searching for opportunistic transactions in both the UK and Ireland, We have an extensive network of contacts in both and one of our contacts made us aware of the Manston situation.'*

He was also asked *'How did you team up with Annax Aviation whose Chief Executive Tony Freudmann has become spokesman for your bid?'*

Mr DeNardo replied: *'Our contacts put us in direct discussion with Tony Freudmann who we knew had both operational experience at the airport and had made an attempt to purchase the airport.'*

Following Mrs Gloag's refusal to accept an offer from RiverOak to buy Manston Airport, RiverOak then approached Thanet District Council with a view to the council making a Compulsory Purchase Order of the airport in favour of RiverOak. Thanet District Council concluded that a decision on a CPO could not be made until:

- Thanet District Council had commissioned an independent feasibility study on the future viability of a going concern operational airport.
- Any prospective airport owner/operator submit a viable business plan and also enter into an indemnity agreement that would cover any exposure to all costs placed upon Thanet District Council.

Thanet District Council commissioned Falcon Aviation whose report was considered by the Council's cabinet on 31st July 2014. The report identified *'no business plan with a credible investment plan of less than 20 years is likely to provide the commitment necessary to rebuild confidence. From an investor's standpoint, the payback period might be as long as 50 years. The level of investment would have to be significant (£100m's) and there are never any guarantees of success.'*

Throughout Thanet District Council's consideration of a CPO it has been advised by its Section 151 Officer that it appears evident that the airport will not be successful if it reopens and attempts to operate in the same configuration as it has done previously up to its closure.

The advice to Thanet District Council's cabinet was that invitations should be issued to parties willing to enter into an indemnity agreement capable of delivering the twenty year business plan.

During the course of Thanet District Council's processes, on 17 July 2014, Kent County Council unanimously adopted the following motion;

"Kent County Council supports the actions taken so far by Thanet District Council to retain Manston as a regional airport. We recognise the value that a regional airport brings to East Kent and are disappointed at its closure. Kent County Council will explore with Thanet District Council ways in which it can support proposals to retain Manston as an airport." The original Motion proposed by Mr Cowan (Dover Town, LAB) and Mr Truelove (Swale Central, LAB) was replaced by the above, proposed by Mark Dance (Whitstable, CON).

In supporting the amended motion the Leader of Kent County Council said "Thanet District Council's approach is now such that they are going to carry out and have already commissioned, an independent study as to the viability of running the airport as a going concern or not. Nobody knows the conclusion to that, as I said on the radio this morning, after 16, 17, 18 years of Manston, everybody has just lost money. So what is the market telling you? And it will be interesting to see what the independent viability report concludes. And Thanet District Council are absolutely right in doing that. If it does suggest there is viability they will then ask for expressions of interest from people to come forward who have the ambition to do exciting things at Manston in running it as an airport, or not. And if there are some exciting propositions, or if we had an owner that is reluctant to do anything exciting, which again we don't know, we will then make the decision as to whether or not to support the CPO process. And it is premature to have that decision now, which is why we can't support your original motion which was asking for an open ended commitment to support Thanet and their CPO, no matter what. I want to see, and hope, that there are exciting propositions that come forward, with good people, that have got the money to do exciting things. And we will have to wait and see as to whether that's the case, and then we will review our position."

In an endeavour to support Thanet District Council, on 1st September Kent County Council's Director of Governance and Law wrote to Thanet District Council's Monitoring Officer to remind them of our offer to assist the council. The Monitoring Officer replied: 'We need to do the evaluation of any Expressions of Interest first before we can begin to assess what legal support might be needed moving forward and whether any of that support would need to be commissioned from Kent County Council. We are not in a position to make any decisions until we have the result of this, but I will be more than happy to consider making such an approach at the appropriate time.'

Kent County Council has never been approached by Thanet District Council for the help offered.

Unsurprisingly, **as a result of this**, on 11 December 2014 Thanet District Council received a cabinet report detailing the outcome of its exercise to seek an indemnity partner for the compulsory purchase of the airport and a comprehensive and viable business plan. The following was decided:

'That no further action be taken at the present time on a CPO of Manston Airport on the basis that the council has not identified any suitable expressions of interest that fulfil the requirements of the council for a CPO indemnity partner and that it does not have the financial resources to pursue a CPO in its own right.'

The conclusions made by the council's Section 151 Officer were that *'The information provided does not provide assurances which would satisfy him that a valid expression has been put forward and he is therefore unable to recommend moving ahead with this proposal. Although the issues here are emotive Members should exercise extreme caution before seeking to move forward with any proposal which is at odds with advice from its officers, particularly where there are likely to be **significant risks** which would affect the council at a fundamental level.'*

As the Falcon report, Thanet District Council's feasibility study and the advice from the council's 151 Officer show, the financial risks of a compulsory purchase of the airport were unacceptable.

Chapter seven

What do we know about Discovery Park Limited and its directors?

The new owners of Manston, Chris Musgrave and Trevor Cartner, have a strong track record in taking over large difficult sites following the demise of earlier uses and regenerating them to create jobs and bring economic benefits to the wider area.

Ten years ago they acquired Wynyard Park in Billingham after Samsung had announced that it was closing its operations there. They have now created 2000 jobs and have attracted £200million of private investment at Wynyard Park.

Seven years ago they invested in the advanced manufacturing manufacturing park (a joint venture between the University of Sheffield, Boeing, British Aerospace and Rolls Royce) to build seventeen units for local small and medium size enterprises associated with aerospace research and other advanced manufacturing on the site of the former Orgreave colliery. In 2013, when the site was fully occupied, they sold their investment.

In 2012 they acquired Discovery Park from Pfizer after Pfizer had announced that they were closing down all their operations there and were planning to demolish the buildings at the site. When Pfizer made this announcement they employed 2,200 staff all of whom were subject to redundancy notice. By March 2015 700 of the Pfizer jobs have been retained and a further 1,700 jobs have been created by more than 100 new tenants on the site. Currently total job numbers are in excess of 2,400 and Discovery Park is on track to deliver more than 3,000 new jobs.

Trevor Carter and Chris Musgrave plan to transform the 800-acre site at Manston with a £1 billion redevelopment, over a 20-year period, into a mixed-use scheme helping to create more than 4,000 jobs. They will be announcing more details over the next few weeks.

Conclusions

The truth is that Manston has failed over a prolonged period of time to run as a commercially successful airport.

Kent County Council gave strong support to various investors but the reality of commercial aviation at Manston Airport led to very significant losses. In fact, in the 16 years since it was taken into private ownership it has incurred losses by those who have tried to operate it in excess of £100 million.

The objective now must therefore be to make sure that we have owners who want to do exciting things on the site and that the land is not left abandoned.

Bristow Group had chosen Manston as its location for the regional search and rescue base; when the airport closed the company decided to locate that base at Lydd. Kent County Council is pleased that this vital service will still be located in Kent. Lydd Airport is also starting a substantial investment programme to extend its runway and construct new aviation facilities.

Surely it is now time to look at a B Plan for Manston.

The driver must be to seize the best opportunity to create a significant number of new jobs and bring prosperity into East Kent.

RiverOak has not managed to convince Thanet District Council that there is a viable business plan. We believe the new owners have got a credible plan and the financial ability to create substantial numbers of new jobs which will bring prosperity and economic growth to East Kent.



Paul Carter, Leader of Kent County Council:

"I would like to make it abundantly clear that in my 10 years as Leader of Kent County Council I have done everything in my power to help and support the economy of East Kent. I believe that this document demonstrates and evidences exactly that."

Myth busting questions and answers

1. What is Kent County Council's stance on Manston Airport? At first you supported a CPO process but now you are supporting a business park – is this not inconsistent?

Promoting job creation, supporting business growth and generating economic prosperity for the residents of East Kent is - and always has been - Kent County Council's primary objective. Kent County Council (KCC) has never deviated from this.

The closure of Manston Airport was met with deep disappointment at County Hall. Any viable proposal from an aviation company with sufficient financial backing to run Manston as an airport would have been strongly supported by Kent County Council as our debate at the July council meeting made clear. No viable proposal was presented to Kent County Council or TDC.

The sale of Manston to the Discovery Park Team Musgrave and Cartner in September offers substantial private sector investment to support job creation and economic growth for Thanet. Cartner and Musgrave have a strong track-record at Discovery Park with 1,700 new jobs since 2012.

2. How can you say no viable proposal came forward? Didn't RiverOak say they would pay the full asking price?

Kent County Council asked RiverOak if we could see their business plan. RiverOak has consistently refused to let us see any details on the grounds they are commercially confidential. TDC took a decision that the information supplied by RiverOak to it was insufficient to support a Compulsory Purchase Order.¹ We have therefore concluded that RiverOak's plan is not viable. Representatives of Mrs Ann Gloag explained to the Transport Select Committee why Mrs Gloag refused to accept the offer from RiverOak.²

¹ <http://democracy.thanet.gov.uk/documents/b10075/Supplementary%20Agenda%202%2031st-Jul-2014%2019.00%20Cabinet.pdf?T=9>

² <http://parliamentlive.tv/Event/Index/d4330491-c83e-4204-a339-28a011b42071>

3. Did you promote Manston to the best of your abilities to attract a new investor when the closure was announced? Is it not true that Manston has unique infrastructure with the longest runway in England and superb transport links?

Kent County Council has taken every opportunity to support and promote the use of regional airports such as Manston. The authority's discussion document Bold Steps for Aviation, written in 2012, makes our position abundantly clear, showing Kent County Council has lobbied central Government to prioritise Manston above other proposals, such as the establishment of a Thames Estuary Airport.

Our support for Manston is evidenced by our substantial investment in transport infrastructure making Manston more accessible to a greater potential customer base, including investing in the East Kent Access Road, a new railway station, and improving the rail infrastructure. The Regional Growth Fund has been made available to companies with plans to increase employment.

Since the Minister of Defence privatised the airport there have been three private owners of Manston Airport: Wiggins, Infratil, and Ann Gloag. Despite ambitious plans to increase passenger numbers and freight operations, each of these has sustained significant financial losses totalling over £100 million.

When Manston Airport was put up for sale, Kent County Council introduced PWC (the marketing agents for Infratil) to 30 potential buyers from around the world (including RyanAir) none of whom in the event decided that they could make the airport profitable.

Myth busting questions and answers

4. What offers of support were made by Kent County Council to Thanet District Council to assist them with their CPO process?

We very much supported Thanet District Council in the potential for a CPO subject to the outcome of their independent feasibility study and submissions by indemnity partners.

At the Leader's request, Kent County Council's Director of Governance and Law offered to help Thanet District Council in the CPO process. TDC responded in writing saying *"We need to do the evaluation of any Expressions of Interest first before we can begin to assess what legal support might be needed moving forward and whether any of that support would need to be commissioned from KCC. We are not in a position to make any decisions until we have the result of this, but I will be more than happy to consider making such an approach at the appropriate time."*

The offer of support was repeated several times by the Leader at different meetings with Iris Johnston.

5. Who now owns Manston? Is it Mr Cartner, Mr Musgrave, Ann Gloag?

The company that owns Manston Airport has three shareholders; Mr Cartner (40%), Mr Musgrave (40%), and Mrs Gloag (20%). This information has been provided to the Select Committee by solicitors acting for Mr Cartner and Mr Musgrave.

6. How could the Leader of Kent County Council support Mr Cartner and Mr Musgraves' purchase of the site? I have heard Wynyard Park is in debt and promised to supply thousands of jobs and only a proportion have been realised.

Information provided to Kent County Council shows that Wynyard Park is currently debt free. Under Mr Cartner and Mr Musgraves' ownership, Wynyard Park has created more than 2000 jobs and attracted £200million of private investment. Publications which have asserted that

this is incorrect have been served with a letter from a firm of solicitors specialising in libel.

(NOTE: It is quite normal for development companies to carry debt/bank borrowings on their balance sheet. The key is sensible debt to value ratios).

7. How can you be excited by the new proposition by Cartner and Musgrave if you have seen no plans? What are the plans?

The new owners issued a press release when they acquired Manston Airport outlining their intention to create more than 4,000 jobs and a £1 billion redevelopment. They will be announcing more details in the next few weeks.

At the time when Mr Cartner and Mr Musgrave outlined these plans to the Leader of Kent County Council, the planning consultants had not yet completed the master plan so no document was handed over. However, a fairly detailed description of what was envisaged was discussed. The plans include a new sports centre and the financial backing of the Spitfire museum, as well as plans to bring advanced manufacturing to the site.

8. How can Kent County Council ignore its democratic mandate? Haven't you seen the petitions showing that the people of Thanet want an airport?

The Save Manston Campaign was invited to County Hall to present its petition. However when representatives of the group arrived they had not brought it with them. All letters and emails from objectors have received replies. We have also received letters of support re the closure.

9. When have you met Ann Gloag or her colleagues and what was the purpose of each meeting? Are the minutes available? Was a change of use discussed?

Elected members and officers of the council met Ann Gloag and her company representatives on a number of occasions before and after she bought the airport. The purpose of the meetings was to establish what were her intentions for bringing jobs and new investment to Kent and to sustain a viable airport.

Myth busting questions and answers

At a meeting on 14 March 2014 when we were expecting an update on progress, much to our surprise we were told confidentially that given the scale of losses it had been decided to notify staff the following week that a redundancy process was necessary.

Subsequently a meeting was held on 3 July 2014 to discuss with Ann Gloag what she intended, and she explained she was discussing a possible sale but that the details were commercially confidential.

Mr Cartner and Mr Musgrave have successfully applied for planning approval for a multi-use development to include commercial, retail and housing: the site is currently over 50% reoccupied by commercial users and there are now 2,400 jobs. It was their success with Discovery Park that persuaded them of the potential at Manston, and they already have a number of substantial potential tenants.

10. *Why have you appeared to support Ann Gloag when she obviously bought the site to turn it into a housing development and never intended to operate an airport? Have you a vested interest? Did you not say you wanted a housing development last year?*

Mrs Gloag told us that it was her intention to run Manston Airport as a commercial venture and that was why she hired aviation specialists to put in place a strong business plan for aviation and support the implementation. She also retained the previous Managing Director of Manston, Mr Charles Buchanan. She told us subsequently that it was only when she was advised that the airport could not be made viable, and that the losses of £100 thousand per week could not be sustained, that she decided that the airport must be closed.

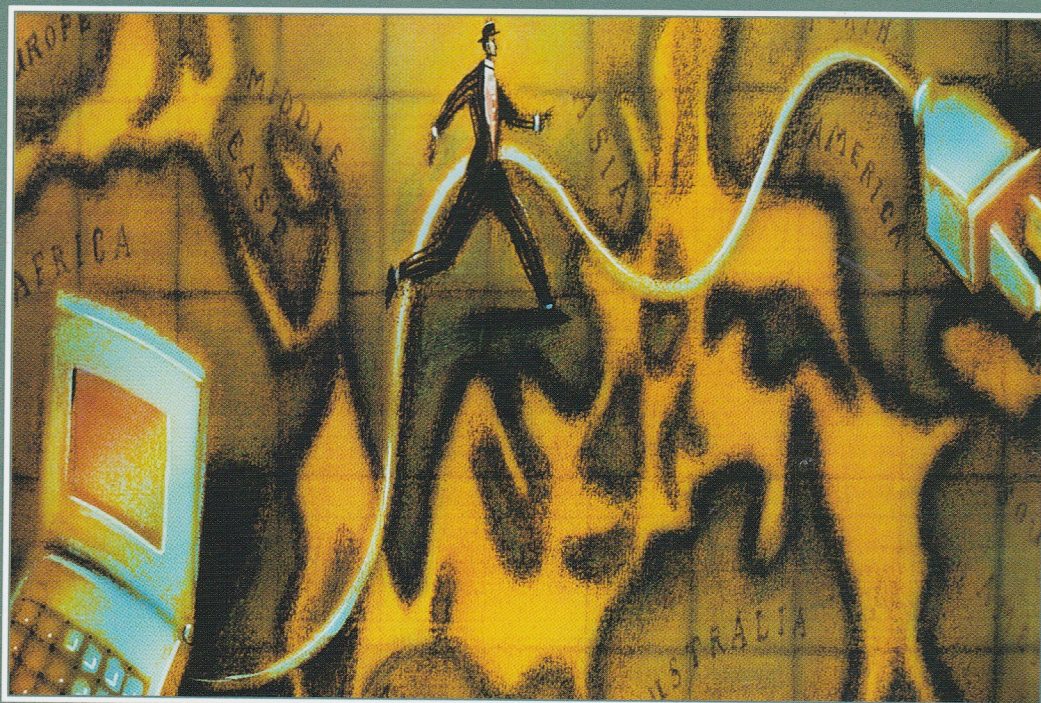
During our discussions, a change of use of the airport was not discussed although we did touch on alternative uses for parts of the airport site such as aviation hangar space, servicing and maintenance. The Leader of the Council has no private business interests in the Manston site and will not benefit personally from any proposal relating to the development.

11. *Thanet does not need more business parks. Existing local business parks are struggling to attract businesses and are over 50% empty.*

When Pfizer announced closure of its R&D facility at Sandwich it was a common view that all the buildings would need to be demolished and the site could not be redeveloped.

028

Electronic commerce: Asia's new emerging market



GVU Center survey respondents cited security concerns as a primary reason for not buying online. The good news is that all the companies questioned about the issue for this report expect security concerns to be fully addressed by the end of 1996, although they anticipate that poor perceptions about cyberspace security will linger in the ether for some time to come.

Low Huan Ping, group general manager of Singapore Press Holdings' multimedia division and business development, concurs: "Even though technology may be ready this year, regulatory issues and human confidence concerns mean that it will take longer before transacting on the Internet becomes the norm rather than the exception that it is today". He is confident that such developments will take place "within a matter of one or two years". (See next chapter for a further discussion of security solutions.)

Vendor reliability

As with traditional business in Asia, trust is a key factor in electronic commerce. Vendors need to build online relationships with their customers; once the latter are confident about delivery, they will also be more comfortable about transmitting credit card details. Respondents to the GVU surveys consistently expressed a clear preference for the involvement of a third party in transactions, perhaps an institution with demonstrable experience in handling financial transactions. The growing commitment of major payments systems operators to electronic commerce will help ring up sales.

Bookseller Amazon.com has found that over time people become more comfortable with online transactions: the number of its customers making online credit card payments has risen to 90% of total purchases from 50%. Clearly, Amazon has succeeded in building a reputation for reliability—40% of orders are from repeat customers. This is an impressive figure, given that the Internet-based bookstore only stocked its virtual shelves in July 1995. It is one of the most successful online retailers to date—with sales swelling more than 30% per month and reaching revenues of US\$30 million in its first year of operation.

Low-speed access

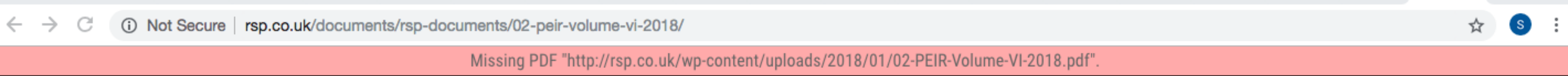
Another interesting revelation from the fifth GVU survey was that current users are generally using low-speed modems to access the Internet. According to the survey results, the number of people accessing the Web at speeds less than 28.8 kilobites (kb) per second has risen to 65.5% from 61% in the last six months. Consequently, the Internet, as a vehicle for electronic commerce, is presently time-consuming and not particularly convenient for the consumer.

Morito Yamamoto, board director of G-Search, concurs (*also see box, "G-Searching"*). His company's members use 28.8kb or 14.4kb modems. However, he predicts that "they are likely to upgrade their network environment to ISDN (integrated services digital network) lines in the near future". Mr Yamamoto adds that although "Japan's network environment is technologically ready to accommodate vast improvements", other countries in South-east Asia (excluding Singapore) are far from ready and "difficulties can be anticipated".

That people appear to be reluctant to pay for high-speed access is supported by a recent online survey conducted by www.consult.com.au of 5,680 Australian Internet users. Only 10% of respondents claimed that they would be willing to pay twice

**Vendors need to create trust by
building online relationships with
their customers**

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RE: New Message From RSP

manston@communityrelations.co.uk <manston@communityrelations.co.uk>

Mon, Aug 20, 2018 at 12:26 PM

To: 

Dear Samara,

The application documents are different from the 2018 consultation documents. Please follow the link to the Planning Inspectorate website to view the application documents.

Kind regards,

Tom

RiverOak Strategic Partners

Manston Airport consultation team

From: Samara Jones-Hall **Sent:** 20 August 2018 11:46

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[Quoted text hidden]