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Your Ref  
  
Our Ref  
ADW/166055.0003  
  
Date  
18 January 2018

**By Email**  
**Urgent**

Dear Madam

**Extraordinary Council meeting, 18 January 2018**

We have not received a reply to our letter of 16 January but our attention has been drawn to a “rebuttal” that you circulated to elected members yesterday. We take the view that your rebuttal continues to contain a number of serious inaccuracies which we detail below. We shall be circulating this letter to elected members during the course of today.

*Your rebuttal: “There is sufficient information in the report to Members to make a decision on the submission of the draft Local Plan”*

This is patently incorrect, as evidenced by the long list of evidence documents that are currently missing (some of which is crucial evidence e.g. a new SHLAA, which has been promised by the Council for months).

*“Key Evidence referred to by BDB has been considered by Members through the Local Plan Working Group and the Overview and Scrutiny Panel received a series of briefings on key aspects of the evidence base”*

None of these sessions has been carried out in public so whatever was discussed or produced for or during these meetings has not had the benefit of any public scrutiny. If this ‘Key Evidence’ has not been published, it cannot be relied upon when making any decisions.

*The Avia Report*

The report was indeed available for comment during the 2017 consultation (and RSP and others did comment), but Avia have only responded to RSP’s comments and not any others.

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The Council has promised a fuller response will be presented to members 'in due course', but this has yet to be published with any attendant opportunity to comment. This constitutes further evidence on a crucial issue that Members have not seen, and yet they are expected to take an important decision on the future of the airport today. This is especially important when the Avia Report is the Council's only evidence to justify non-retention of the airport.

#### *Employment Land/SHMA*

The Council has indeed released 30ha of employment land for housing but even after this, it is still saying that the Plan contains an oversupply of employment land. More can therefore be given up for housing, which would have the beneficial effect of safeguarding the airport and avoiding the highly unsustainable, new settlement approach.

We are not clear what point you are trying to make about the projected job numbers not changing since 2017. The issue here is land availability, not job numbers. There is clearly more than enough employment land allocated to meet the job targets as you have conceded.

#### *Environmental Report/Sustainability Appraisal and SHLAA*

What you state here is incorrect. The December 2016 Sustainability Appraisal (SA) specifically states in Section 5.2 that a number of new sites had been promoted since the January 2015 consultation. The assessment of these sites has not taken place and will be included in the Environmental Report (ER) to be prepared to support the pre-submission draft Local Plan and will be finalised in 2017 (it is therefore late, as this has not yet happened). It is clear that the SA and ER are separate documents. The ER has not been published to date. There has not been sufficient evidence produced in relation to the housing omission sites.

Additionally, you say that the ER will make the Council's assessment of the airport site much clearer. Again, without this document, Members do not have the evidence they need to make an informed decision on the airport

#### *Duty to Cooperate*

No evidence has been produced from other councils to support the assertion that there has been sufficient discussion with them concerning the future of Manston Airport which is clearly a strategic, cross-boundary issue.

#### *Manston Airport Appeals*

We agree that the appeal decision cannot determine the Council's approach to the airport site in the Local Plan. However the officer's report for today's meeting does not mention that the Inspector refused the appeals because he thought there was sufficient prospect of the airport reopening, nor that the evidence that Dr Dixon and Mr Cain presented (which the Council and Stone Hill Park Ltd did not challenge) was influential in reaching this conclusion, which is surely a material consideration for Members.

Until the Avia Report has been properly tested, and until all relevant evidence that has been promised is supplied, it is premature for the Council to make any decision about the future of Manston Airport.

*Overview and Scrutiny Panel*

The minutes from the 21st November 2017 meeting clearly state that there was a motion that recommended that the panel recommend that Cabinet publish the Local Plan for Examination – ‘upon being put to the vote, the motion was declared LOST.’ To omit this from the officer’s report is clearly misleading.

Yours faithfully



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