Medway Council draft Local Plan 2041, Policy T23 Phase 2, 17th November Hearing Statement.
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To the Government Planning Inspectors.

This statement focuses on specific observations and comments not addressed in my previous submission.

At the hearing, I wish to understand why Policy T23 is required, hear how the Labour led Council designed the policy and why it should not be withdrawn.

Please accept my apology for my lengthy Regulation 19 submission.

In my defence, I felt it was important to provide a full understanding of the history behind this policy but accept some of the information pushed the boundaries beyond planning.

I remain adamant that the policy has not been demonstrated to satisfy the applicable test of soundness.

I have structured it as follows:

1. Legal correction to my Regulation 19 submission.
2. Interpretation, validity and questions on the Draft Policy T23 statement.
3. Summary (bullet format).
4. Conclusion.

Legal Correction.

I refer in my Regulation 19 submission to a "Class action" under the "Land Compensation Act 1973" for value detriment to nearby residential properties. This should have been referred to as a "Group action." I apologise for the oversight.

Interpretation,validity and questions on the Draft Policy T23 statement.

No safeguarding policy or heritage protection for Rochester Airport has ever existed.

Policy T23 appears to protect and perpetuate an operational airport facility at Rochester without significant consultative foundation or sustainability evidence by the

current Labour controlled Medway Council since their local election victory 5th May 2023.

My earlier submission makes clear that the previous Conservative Councils decisions and the evidence supporting them require close scrutiny.

The reconfiguration of the airfield to a single runway operation under the “Rochester Airport Masterplan” was opposed by Medway residents, and challenged rigorously by the Medway Labour party leadership for over a decade citing a waste of money without return, and non-sustainability. All of which today are clearly true.

I can find no specific Council, Cabinet or Planning agenda items pertaining to Rochester Airport itself in the past 3 years.

It is baffling to see Policy T23 resurrected from an earlier Conservative draft local plan having not been rigorously tested for sustainability, long term environmental impact, or any meaningful public consultation.

This raises the question, “Who inserted T23 in this new Labour led local plan” and “Precisely what significant grounds do they have for its adoption and lack of control detail.

The policy is confusing and seriously limits the Council options for the airfields fate should the operator’s business fail or the lease agreement terminated under one of the forfeiture triggers, namely:

- Non Payment of rent
- Loss of CAA Licence
- Airport not operated for 6 months
- Insolvency

The above contractual clauses give the landlord (Medway Council) a full right of re-entry, ending the lease entirely on an immediate basis (Lease clause 16).

Given the lease could abruptly end by termination, insolvency, or surrendered what development or use would the adopted Local Plan support for the airfield?

Has the Council considered a realistic range of future scenarios and reasonable alternative policies, including what happens if the operator cannot continue?

Without a clear direction if the airport facility fails, Policy T23 strengthens a case for financial leniency or even business enhancing planning applications because there is no clear policy forward.

Retaining Policy T23 which legally constrains future vacant land use options is fiscally reckless when there is no guarantee that any airport operator can remain solvent or in business on a reduced footprint.

There has never been an independent financial audit, due diligence or community benefit which supports a single runway GA airfield at Rochester.

“What evidence does Medway Council have to underpin and warrant a policy claim to provide an “Enhanced aviation facility” which is sound?”

Policy T23 uses the adjective “Enhanced.” The term Enhanced is insufficiently defined, creating uncertainty about scale and nature of development the policy is intended to support.

It leaves the Council exposed to a strengthened legal challenge in refusing any planning application which enhances aviation business.

Can Medway Council explain how a loss making single runway airport transform into a “Strategic gateway and an economic hub” when there is no evidence to support it.

The adjacent Innovation Park Medway Land secured by the removal of 16/34 runway remains absent of buildings and tenants. The only planning application within the last five years is for a temporary use of the former airfield land as an overflow car park.

The airfield has been used for drug smuggling but I am sure the policy author was not considering such a criminal activity as a strategic gateway.

The text at 9.73 infers that the Council will subject the airport to conditions to mitigate and manage impacts. The text in Policy T23 is for general guidance. It is not legally binding unless it is in the policy itself.

The Council should clarify the limits of its planning and contractual responsibilities including how operational impacts would be managed and what legal or financial risks have been assessed.

The Environment Protection Act 1990, Noise Act 1996 do not cover aviation activity.

The Council cannot interfere with the day to day business affairs of an airport operator unless defined during planning or in the lease.

Substantive controls to protect the nearby Kent Downs National Landscape, (formerly known as Area of Outstanding Natural Beauty) and residents Amenity are absent in the Policy and text. Unlike Policy T22: Marinas and Moorings.

It is not surprising that Natural England submitted an objection to Policy T23.

Perhaps Medway Council as an Airport profit sharing participant can explain how it intends to mitigate, monitor and manage impacts of any business "Enhancement" when the Policy itself is deficient in the matter.

<u>Summary</u>

The following is not exhaustive. Please refer to my regulation 19 submission for full details.

Policy T23;

- Locks in Rochester Airport's continued operation as an aviation facility without satisfying a test of soundness.

- It seeks to protect the airport without Local Plan precedent or full public consultation.

- Has no public mandate for the continuation of aviation at Rochester airfield or enhanced airport facility. The last public consultation was on the "Rochester Airport Masterplan" well over a decade ago in 2013.

- The text attempts to distract from the airport facility and activity itself by introducing text relevant to the Innovation Park Medway when the policy is about aviation.

- It overlooks severe cost detriment to Council land value, uncontrolled damage to the environment and resident amenity.

- It seeks to unjustifiably deny future mixed-use options for the airfield land in the event of lease forfeiture, termination or surrender.

- It has no defined Airport operating parameter to safeguard property, privacy and residents amenity for any business Enhancement whatsoever.

- Worryingly accepts and endorses any fatal socio-economic consequences of an aircraft crash onto nearby critical road and rail infrastructure such as the M2 and High-speed rail link directly in the path of the only remaining operational runway.

Conclusion.

T23 significantly favours a private airport operators business without constraint.

The objection to Policy T23 is not simply to the continued existence of Rochester Airport.
It is that the proposed policy must be justified by proportionate evidence, provide clarity about the development it supports, and demonstrate that environmental impacts, resident's amenity, aviation safety and the Councils future land use options have been properly considered.

I would like the inspectors to examine whether the Council has demonstrated the policy's soundness, in relation to its evidenced base, its intended meaning of an "Enhanced aviation facility," the management of the operational impacts and consequences if the airport operator ceases to trade.

The Council should also explain how the policy was assessed against reasonable alternatives including the implications for the site should the existing lease end.

Unless these matters are adequately demonstrated I would ask that policy T23 be deleted or amended to provide a clear evidence led and sufficiently flexible approach to the future of the airfield site.

Thank you for your time.

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