

EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING (OPERATION STACK) SPECIAL
DEVELOPMENT (AMENDMENT) ORDER 2016

2016 No. 564

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order extends the planning permission granted by the Town and Country Planning (Operation Stack) Special Development Order 2015 (“the 2015 Order”) for a further eighteen months. The planning permission granted by the 2015 Order will now cease at the end of 31st December 2017.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 Sections 59 and 60 of the Town and Country Planning Act 1990 give the Secretary of State the power to grant planning permission in relation to specific sites under a special development order (“SDO”). Such a planning permission may be made unconditionally or subject to such conditions or limitations as may be specified.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The amendments made by this instrument have the same territorial application as the 2015 Order, namely the land identified in the 2015 Order at Manston Airport (Stone Hill Park), Kent.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Operation Stack is a co-ordinated multi-agency response to situations where the capacity of the Port of Dover and/or Channel Tunnel becomes restricted. It involves closing sections of the M20 motorway to hold freight traffic in a number of phases

and locations within the Port / Tunnel approach and along the M20 motorway. During summer 2015, Operation Stack was called for a total of 24 days, as compared with only 4 occasions between 2010 and 14. This led to significant impacts on the local economy, tourism, haulage industry and policing and welfare costs.

- 7.2 The Government decided after last summer that there was a need to provide an alternative solution to reduce the impact on local communities, on the welfare of drivers and on the economy caused by holding freight vehicles on the motorway under Operation Stack. Manston Airfield was identified as a temporary measure, whilst a longer term solution is developed, to allow authorities to divert freight vehicles under Operation Stack to a temporary holding area until they are able to cross the Channel. The Manston site provides significant capacity, allows for control and management of the traffic flow, opportunities for separation of Port and Tunnel traffic and has the potential to ease congestion on the M20 motorway. It would also enable the provision of basic amenities for drivers including toilets, washing facilities and food and drink. Since 2nd September 2015, the site has been operating under a planning permission granted through an SDO. This expires on 1st June 2016.
- 7.3 Whilst to date the facility of Manston Airfield has not been used for Operation Stack purposes, the Government considers it important that it continues to be available until the longer term solution is in place and therefore is extending the permission granted by the 2015 Order. This Order grants permission for a further 19 months, subject to the same conditions and limitations, for use of the site for the purposes of stationing goods vehicles in relation to Operation Stack. Without the SDO, if Operation Stack is invoked on or after 1st June 2016 the operation would have to revert to holding all cross-Channel-bound freight vehicles on the M20 motorway causing further very significant disruption to local communities and compromising the welfare of drivers and further affecting the economy.
- 7.4 Planning permission under this Order is granted for the use of the land identified on the map referred to in the 2015 Order, namely the land comprising the runway, adjoining hard surfaced apron areas and identified access and exit routes on the site; for the use of the Air Traffic Control Tower; and the installation and siting of temporary facilities, services, structures and infrastructure that are ancillary to this use.
- 7.5 In order to mitigate against potential impacts this Order grants planning permission for such use subject to a number of conditions and limitations.
- This Order does not permit:
 - the use of the land for the stationing of goods vehicles otherwise than for the purposes of Operation Stack;
 - the use of the land for stationing of goods vehicles otherwise than on areas of hard standing;
 - the use of the land for the refuelling and unloading of goods vehicles;
 - the provision on the land of any structure, works, plant, or machinery otherwise than on areas of hard standing;
 - the provision on the land of any structure, works, plant or machinery which exceeds 4 metres in height;
 - the use of any building (other than the air traffic control tower or any structure brought on to the land on or after 5th August 2015) on the land.

- This Order is subject to the following conditions:
- any hard standing must be kept in good repair and any defects in the hard standing which may allow surface water or other liquids to penetrate beneath the hard standing must be repaired, so the hard standing is impermeable, as soon as practicable;
- the surface and foul water drainage systems must be kept in good repair and any defects or blockages to the system must be repaired or removed as soon as practicable;
- a plan identifying the foul water sewers and surface water drainage system, including the location of access points to deploy emergency stop valves, must be kept on the land at all times; and
- any artificial lighting must be installed no closer than 10 metres from the boundary of the land and must be arranged so the main beam angle of each installation is directed downward so as to minimise light spill.

7.6 In addition the Government recognises the important part played by cross agency plans to manage the highways impacts of Operation Stack when it is in force, including impacts at the entrance and exit to the site permitted by this Order. Furthermore, it also recognises the role of the Strategic Coordination Group in liaising with relevant stakeholders to ensure relevant information is communicated, including to the local authority who is a member of the group.

7.7 The area of land to which this order applies is shown on a map, a copy of which is available for inspection at the offices of the Secretary of State for Communities and Local Government and another copy at the offices of Thanet District Council, Cecil Street, Margate, Kent, CT9 1XZ.

7.8 The planning permission granted by this Order is temporary and the use shall cease at the end of 31st December 2017. The land should be restored to its condition before the development took place, including removal of all structures, works, plant or machinery brought onto the land in connection with the use as soon as practicable.

Consolidation

7.9 The Department does not intend to consolidate the 2015 Order.

8. Consultation outcome

8.1 The Department for Communities and Local Government consulted Highways England, Kent Police, Kent County Council, The Environment Agency, Natural England, Historic England and Thanet District Council in the use of the land before the 2015 Order was made in summer 2015. Therefore given this is an extension of the current SDO no further consultation has taken place.

9. Guidance

9.1 Not relevant.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 A review provision has not been included as the instrument is not regulatory in nature.

13. Contact

13.1 Chris Blakeman at the Department for Transport Telephone: 020 7944 4259 or email: chris.blakeman@dft.gsi.gov.uk can answer any queries regarding the instrument.