



## Report

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Date: 19<sup>th</sup> May 2023

To Councillor Nigel Ball, Cabinet Member for Public Health, Leisure, Culture and Planning

### THE MAKING OF AN IMMEDIATE ARTICLE 4 DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS RELATED TO THE DEMOLITION OF BUILDINGS AT DONCASTER SHEFFIELD AIRPORT

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball	Finningley	Yes

#### EXECUTIVE SUMMARY

1. This Report sets out the background to, and reasons for seeking authority to make an immediate Article 4 Direction removing permitted development rights related to the demolition of buildings at Doncaster Sheffield Airport (“DSA”). Following the announcement and subsequent closure of DSA in 2022, City of Doncaster Council (“the Council”) has decided to take steps to explore all legal remedies to find a viable future for the airport. Cabinet approved a report on 12<sup>th</sup> April 2023 to allocate resources to this process. Many avenues have been and continue to be explored, including negotiating directly with the airport owner, attempting to find interested 3<sup>rd</sup> parties to purchase or be involved in operating the airport, and progressing with the preparatory stages of a compulsory purchase order. Whilst work is ongoing, it is imperative in the short term to ensure the airport is protected and that airport infrastructure, assets and buildings are left in place to ensure the airport can re-open in a timely and cost effective manner. An Article 4 direction is therefore considered expedient and necessary in the interests of the proper planning of the area to remove permitted development rights related to the demolition of buildings at DSA within the land shown edged in red on the plan at appendix 1 to this report. Should the recommendations of this report be agreed, any proposal to demolish a building within this land will require a planning application to be submitted and the proposal to be assessed through the full planning process.
2. To put an Article 4 Direction in place, it must be necessary to protect local amenity or the well-being of an area, be based on robust evidence and apply to the smallest geographical area possible, as set out in the National Planning Policy Framework (NPPF). Immediate Article 4 Direction’s, as is proposed in this case, can only be made in limited circumstances: where the development is of a type prescribed (which includes demolition); where the conditions for making a non-immediate Direction are met and where the development it seeks

to control presents an immediate threat to the local amenity or prejudices the proper planning of an area (as is the case here) or constitute a threat to the local amenity of an area. Following receipt of independent legal advice, the Council considers that the thresholds and requirements have been met, and a justification paper is appended to this report (Appendix 2) which explains the reasoning and rationale behind the recommendation to make an immediate Article 4 Direction.

3. A copy of the draft Article 4 Direction is also appended to this report (Appendix 3).

### **EXEMPT REPORT**

4. This report is not exempt.

### **RECOMMENDATIONS**

5. For the reasons set out through subsequent sections of this report, it is recommended that the decision is taken to approve the making of an immediate Article 4 Direction which removes permitted development rights related to the demolition of buildings at Doncaster Sheffield Airport and to delegate to Scott Cardwell (Assistant Director of Economy and Development) all necessary steps required in consultation, confirmation and notification pursuant to requirements under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

6. The Article 4 Direction is a planning tool available to the Council which can help to preserve the airport by ensuring that any proposals to demolish buildings in the defined area are subject to a planning application and assessment via the full planning process. This therefore opens up the possibility that, when the principle of development is assessed against the development plan and any other material considerations, applications for the demolition of buildings and infrastructure at the airport may be refused. This is a tool that can help to preserve the airport and its operational ability, which is essential given the local and regional desire to see the airport re-open in the future. An international airport brings benefits to the residents of Doncaster. There are direct benefits, such as ease of access to an international airport for foreign or (potentially) domestic air travel. There are also wider economic benefits in terms of Gross Value Added (GVA) generated from jobs and businesses directly or indirectly associated with the airport in both Doncaster, South Yorkshire and the UK. The airport allows for access to and from international markets for trade, businesses and tourism. It can also act as a driver to stimulate growth in higher value economic sectors which are lacking in Doncaster and can drive GVA up as well as stimulating growth in supply chains.
7. An initial consultation on the principle of making an Article 4 Direction was undertaken, which received 271 responses, the majority of which being from members of the public. Of these, 261 (96.3%) were supportive of the actions proposed, with just 4 (1.5%) opposed, and the remainder neutral. The current landowner responded to the consultation, querying the need for a Direction, pointing out the process to be undertaken and noting that it considers some

(unidentified) buildings within DSA need to be demolished for health and safety reasons. A summary of some of the consultation responses received are set out in the table below (a full comments summary table is provided in Annex 2 to the justification paper appended report):

<b>Support</b>	<b>Oppose</b>
The airport is a large local employer and contributes to the wider economy, including the City and wider Region. It supports local businesses.	Do not believe the Article 4 Direction is good value for money.
The airport is vital for the future of the city and can provide jobs for future generations.	The land is owned by Peel and it is nothing to do with Doncaster Council.
Infrastructure has been put in place to support an airport, using public money, it should not be used for other reasons.	Questioning the process.
With another operator in place, the airport can be a success.	There is no operational airport and no realistic prospect of the site returning to an airport use. There is no justification to prevent the demolition of unused buildings, therefore.
Demolition could delay re-opening.	There is no justification as to why it is necessary to protect every building / structure within the defined area.
The airport has good links which are better than other airports, good facilities and is convenient to travel to / enjoyable to use.	Certain buildings are being inspected and may need to be demolished on health and safety grounds.
The government are keen to open airport extensions in and around London, Doncaster already has such an asset.	
This site has a long aviation history of over 100 years, it is part of the DNA of Doncaster and should be protected.	
The airport supports the levelling up agenda.	
The runway is large and needs preserving for the future. It can handle many types of aircraft others cannot. It has the potential to offer long haul flights to more destinations.	

## **BACKGROUND**

### **What is an Article 4 Direction?**

8. An Article 4 Direction is a means by which certain development which would otherwise be permitted without needing to apply for planning permission (otherwise known as 'Permitted Development Rights') can brought back within the full development control regime. By removing specific permitted development rights, a planning application would therefore be required to approve any proposal for demolition at DSA, and any application would be

subject to the normal national and local policy considerations and key statutory consultation.

9. An Article 4 Direction is made pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”).
10. There are two potential options for making an Article 4 Direction: immediate or non – immediate effect. In this case, the recommendation is that the Council make an immediate Article 4 Direction, meaning that it takes effect on the date it is served on the owners/occupiers of the land to which it relates, and lasts for up to six months. The Council will carry out further consultation once the Direction is in force, and then make a further decision on whether it should be confirmed within 6 months of the date on which it takes effect, as per the requirements set out in Schedule 3 of the GPDO.
11. For clarity, in the case of a non – immediate Article 4 Direction, the Direction does not take effect until it is confirmed at the end of a representation period following its making.

#### **Why is an immediate Article 4 Direction required?**

12. It is deemed necessary to take immediate action to make an Article 4 Direction in this case as the development (the potential demolition of buildings) would be prejudicial to the proper planning of the area. Based on the information received the Council believes that there is an imminent threat to this.
13. In a letter responding to the initial consultation on a proposed Article 4 Direction (without a decision having been made as to whether it ought to be made on an immediate or non-immediate basis) consultation solicitors acting for DSAL and various companies in the Peel Group made the Council aware, without providing specific details, that *“there are certain buildings within the area which are being inspected and surveyed by Peel and the initial indications are that some may require demolition on health and safety grounds”*. The Council has not previously been made aware of this and has requested further details. A further letter has been received from DSAL/Peel’s solicitors, reasserting this point but not providing the detail requested. The Council considers this to be further justification in favour of protecting the airport buildings with immediate effect.
14. The Council is aware of alternative proposals for the site, recently produced by Peel, which do not include an operational airport. Whilst no formal planning application has yet been submitted for these proposals, it is clear that the operator has a desire to redevelop the site for other uses. In 2022 when the operator announced its intentions to close the airport, the Council received counsel’s advice about the prospects of the redevelopment of the site for alternate uses. That advice concluded categorically that any development within the airport operational area which does not include an operational airport would not be supported in policy terms and would be contrary to the development plan.
15. The Council is currently in negotiations with Peel about the prospect of acquiring a leasehold interest in the airport. It is also taking preparatory steps to

promote and make a compulsory purchase order, in the event that attempts to acquire an interest in the airport by agreement are unsuccessful. The airport is deemed to be a crucial and irreplaceable piece of infrastructure for the City of Doncaster and the wider City Region. There is strong local political and public support for it to be retained and re-opened.

16. Clearly, any removal or demolition of buildings associated with the airport and its operational functionality affect the ability of the airport to re-open without delay. Demolition is expected to create additional and potentially significant costs to any future owner or operator which could significantly affect the viability of re-opening the airport. These factors diminish the attractiveness of the airport to potential investors and reduce the perception that the site is itself an airport.
17. The airport brings quantifiable economic and social benefits to the City and wider Region. It is vital to the economic wellbeing of the area. With a new owner and operator in place, the Council believes, contrary to Peel's view, that there is a viable future for Doncaster Sheffield Airport. Were buildings to be demolished, and subsequently the airport not be able to re-open, its potential would not be realised, and the economic and social benefits that it can bring to the area would be lost.
18. It is considered that the Council should act immediately to protect the airport and its buildings from demolition. Although the Article 4 Direction would not prevent demolition outright, proposals for such works would need to be assessed through the planning process. The Council believes there is justification for making an immediate Direction, and further that the timescales associated with making a non-immediate Direction risk allowing buildings to be demolished in the intervening period between the making and confirmation of a Direction. As demolition of buildings is a permitted development right, without an Article 4 Direction in place the Council as local planning authority would be unable to prevent the principle of demolition of airport buildings. An Article 4 Direction allows greater scrutiny through the planning application process of what is being proposed and its potential impact. More detailed justification of the approach can be found in the appended justification paper.

## **OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION**


19. There are three options available, for the reasons set out, Option 1 is recommended:
  - **Option 1 – (Recommended) – Make an immediate Article 4 Direction –** The Airport site, as shown edged red on the accompanying plan would have immediate protection from demolition, as any proposals to demolish a building on the site would be the subject of a planning application and be assessed through a full planning process; or,
  - **Option 2 – (Not recommended) – Proceed to make a non – immediate Article 4 Direction –** This would not protect buildings from demolition until the Direction was confirmed, meaning that there would be a window within which demolition could lawfully take place; or,
  - **Option 3 – (Not recommended) – Do not make an Article 4 Direction –** Demolition of buildings could be undertaken without the need to apply for planning permission. This could significantly impact the ability of the airport




to re-open.


20. Option 1 is recommended as the requirement for express planning permission to be obtained before carrying out demolition would create an additional layer of protection which otherwise would not exist to help preserve the airport and its operational ability, with a view to re-opening, whilst still allowing any necessary or appropriate demolition to take place following grant of express planning permission.. This will take effect from the date of service of the Direction but would need to be confirmed within 6 months of taking effect and following a representation period. Protecting the airport is crucial to allowing it to re-open in a timely manner and maintain the viability of doing so.
21. Option 2 is not recommended as, whilst it could ultimately provide protection for the buildings from being demolished without planning permission, this would not come into force until after a representation period and confirmation, during which time demolition could occur without the need to apply for planning permission. There is justification to instead make an immediate Article 4 Direction to provide protection from the date of serving notice of the making of the Direction.
22. Option 3 is not recommended. If no Article 4 Direction is put in place, demolition of airport buildings can occur under permitted development rights, without the need to be fully assessed via the full planning process. Prior approval from the Council would be required as to the method of demolition and restoration of the site, but this would does not allow the Council as local planning authority to raise questions as to the principle of demolition of the buildings. This would leave the airport vulnerable to being dismantled, and decrease the viability of the airport being brought back in to use in accordance with planning policy as the Council intends. It would also delay any future re-opening.

### IMPACT ON THE COUNCIL’S KEY OUTCOMES

23. The immediate Article 4 Direction is considered to impact on Doncaster Council’s Great 8 priorities in the following ways:

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Negative overall - Trade-offs to consider	Neutral or No implications
 <b>Tackling Climate Change</b>			✓	
<p>Comments: Airports are a significant contributor to global carbon emissions with a negative overall impact on climate change. However, the reopening of DSA, which the Article 4 Direction ultimately will help support, and development of the surrounding area will result in significant job creation and associated economic opportunities. The emerging SYAC vision has a focus on the development of low carbon aviation and the drive to Jet Zero.</p>				

 <b>Developing the skills to thrive in life and in work</b>	✓			
Comments: Reopening DSA and delivering the associated economic development opportunities would support our plans to improve skills levels and continue the trajectory of upskilling residents of Doncaster. The Article 4 Direction can help maintain the airport with a view to re-opening and taking advantage of these opportunities.				
 <b>Making Doncaster the best place to do business and create good jobs</b>	✓			
Comments: The presence of a successful international airport coupled with Doncaster's city status and existing economic assets will be a significant benefit in attracting new inward investment opportunities and foreign direct investment. The Article 4 Direction can help maintain the airport with a view to re-opening and realising its economic potential for the City.				
 <b>Building opportunities for healthier, happier and longer lives for all</b>	✓			
Comments: The presence of successful international airport will provide significant opportunities for Doncaster and the wider regions communities to access jobs and prosperity – thereby improving wider health and well-being of the area				
 <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b>				✓
Comments: no direct impact				
 <b>Nurturing a child and family-friendly borough</b>				✓
Comments: no direct impact				
 <b>Building Transport and digital connections fit for the future</b>	✓			

Comments: although aviation has to adapt to greener practices, their role in delivering access to and from international markets is recognised and will continue to be important in the future. The preservation of the airport which the Article 4 Direction supports ensures that Doncaster continues to have the ability to forge direct international connections in the future.				
 <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b>	✓			
Comments: Since the 1940's Doncaster has had a strong aviation presence. Retaining the aviation operation at DSA continues this rich heritage link to Doncaster and provides international access to local and regional cultural and sporting opportunities.				
<b>Fair &amp; Inclusive</b>	✓			
Comments: DSA and the supply chain opportunities associated with South Yorkshire Airport City will provide wide ranging workforce opportunities that will be particularly valuable as we seek to grow a fair and inclusive economy.				

**RISKS AND ASSUMPTIONS**

24. The making of an immediate Article 4 Direction is permitted under Schedule 3 of the GPDO. The NPPF states that Article 4 Directions should be limited to situations where it is necessary to protect local amenity or the well-being of an area, be based on robust evidence and apply to the smallest geographical area possible. A further test is applied when making an immediate Article 4 Direction that the development presents an immediate threat to the local amenity or prejudices the proper planning of an area. The full justification and rationale is appended to this report.

**LEGAL IMPLICATIONS [SC 5.5.23]**

25. An Article 4 Direction may be made with immediate effect under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) by the Local Planning Authority (“LPA”) to restrict certain permitted development rights where they consider the rights in question are prejudicial to the proper planning of the area or constitute a threat to local amenity. The decision maker should be satisfied that it is expedient in the circumstances to make the direction, and regard must be had to the accompanying justification paper in appendix 2. Where this immediate process is used, the Article 4 direction takes effect on the date the notice is served on occupiers or owners of the affected land and is in force for an initial period of up to 6 months.

Schedule 3 of the GPDO sets out the procedure which must be followed when an immediate Article 4 Direction is made. Accordingly, once the direction is made the LPA must give notice by local advertisement, by site display and by serving the notice on the owner and occupier of every part of the land to which the direction relates. A minimum 21 day period for representations must be specified when notice of the direction is given and the LPA must take



representations into account when deciding whether or not to confirm the direction before the end of the six month period. If the direction is not confirmed by this date, it will expire and have no further effect.

National Planning Policy Guidance (“NPPG”) states that where an immediate direction is made: *“in all cases the local planning authority must have already begun the consultation processes towards the making of a non-immediate article 4 direction”*. A initial consultation on proposals for the making of a direction was carried out between 5<sup>th</sup>-26<sup>th</sup> April, and the consultation responses have been taken into account when making the recommendation in this report.

There are very limited grounds available to interested parties affected by an immediate direction, if made, to claim compensation under sections 107-108 of the Town and Country Planning Act 1990 as amended (“TCPA”). The TCPA restricts those grounds to circumstances in which planning permission has been refused for development which but for the Direction would have been permitted, or planning permission is granted subject to more onerous conditions than those imposed by the GDPO, and abortive expenditure has been incurred as a result of the removal of the permitted development rights or other losses or damage which have been sustained and which are directly attributable to the removal of those rights. Claims must be made within 12 months beginning with the date the direction comes into force.

There is no right of appeal against the decision of an LPA to make an Article 4 Direction but that decision can be subject to challenge by way of judicial review, in line with usual public law considerations.

A separate decision making process will be required should the LPA decide to confirm the order within the six month period.

## **FINANCIAL IMPLICATIONS [MS 05/05/2023]**

26. The full justification and rationale document appended to this report describes some financial benefits that can be brought about by the making of the Article 4 Direction, if the site is to be used as an airport in the future. In particular, it provides comparative costs of rebuilding the airport if it were to be demolished compared with the costs of upgrading the current buildings if demolition is prevented.

The known financial implications to the Council of making a Direction are limited to advertisement costs and internal resources to undertake the statutory notification and consultation procedure. However, there are limited grounds available to interested parties affected by an immediate direction, if made, to claim compensation under sections 107-108 of the Town and Country Planning Act 1990. Legal advice received suggests that the compensation is limited to circumstances whereby planning permission has either been refused for development that would be allowed under permitted development rights, or has been granted subject to conditions that are more onerous than those in the GDPO AND abortive costs or other loss or damage that can be directly attributed to the withdrawal of the Permitted Development rights can be demonstrated. E.g. if a contractor has been engaged to demolish certain buildings before the Direction takes effect and the contract requires abortive

costs to be paid if the work does not go ahead. It is not expected to extend to any loss incurred as a result of having to run, repair or maintain the buildings for longer than expected as a result of any decision to not permit demolition on the site. Any claims must be made within 12 months beginning with the date the direction comes into force.

On 12 April 2023 Cabinet noted a request to South Yorkshire Mayoral Combined Authority (SYMCA) for £6.25m of grant and approved an alternative funding plan should the SYMCA bid be unsuccessful. Any compensation costs could be met from the grant or alternative funding plan in the first instance and if they can't be contained within that additional funding will need to be identified.

#### **HUMAN RESOURCES IMPLICATIONS [DK DATE: 04/05/2023]**

27. There are no direct HR Imps in relation to this EDR, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

#### **TECHNOLOGY IMPLICATIONS [PW 03/05/23]**

28. There are no technology implications in relation to this report.

#### **HEALTH IMPLICATIONS [CH 05/05/23]**

29. There are no health implications in relation to this report.

#### **EQUALITY IMPLICATIONS [CH 05/05/23]**

30. There are no equality implications in relation to this report.

#### **CONSULTATION**

31. Appended to the report is a justification paper which includes a comprehensive summary of the public consultation undertaken about the potential making of an Article 4 Direction (Annex 2 to the appended report). It is clearly evident from the 271 responses that 96% consultees are in favour of the action / recommendations contained within this report.

#### **BACKGROUND PAPERS**

32. Not applicable.

#### **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

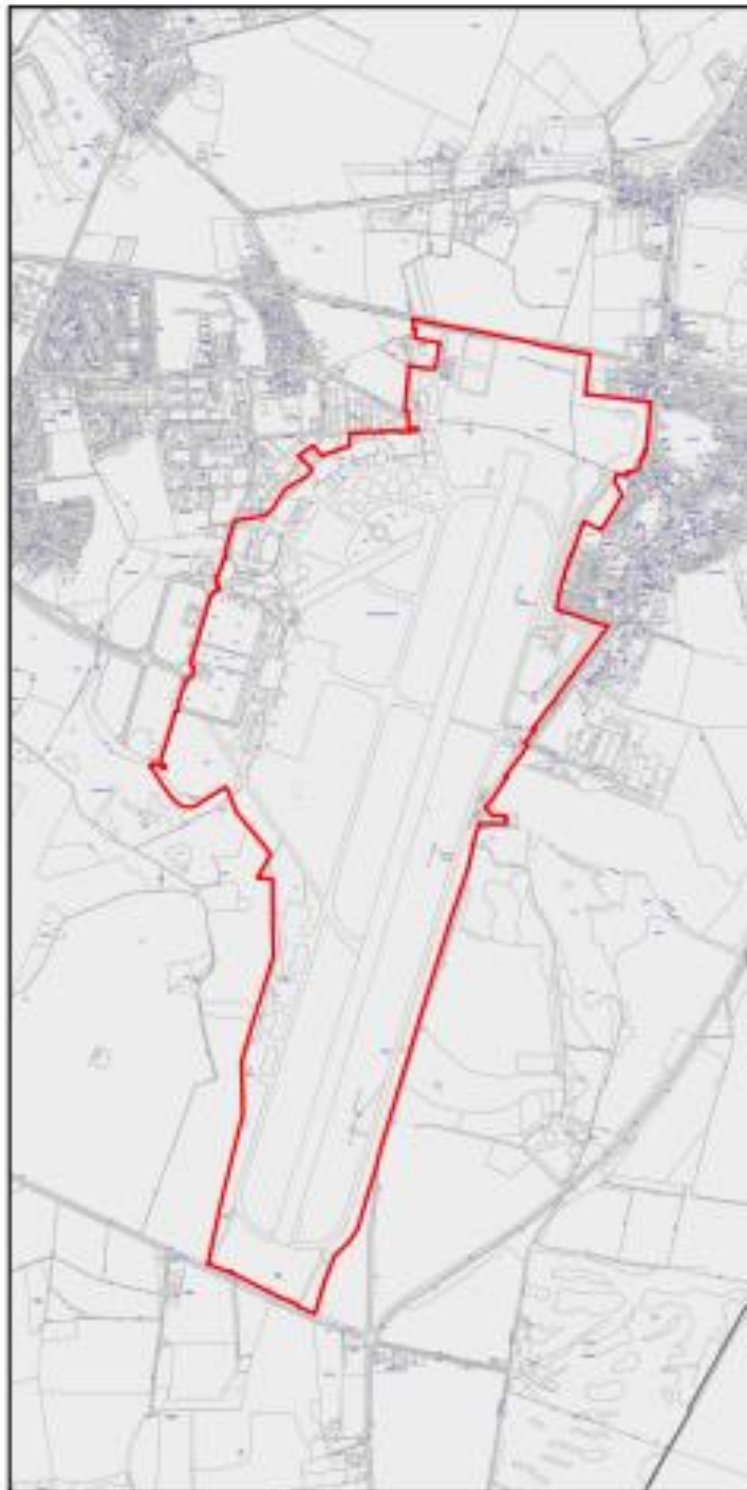
None

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# Appendix 1 – Order Map



**Key :**

 Airport Article 4 Boundary

Title : Airport Article 4 Boundary
Completed By : schanna
Reference : Airport Boundary March 22
Date : 27/06/2023
Scale : 1:20,000

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## Appendix 2 – Justification paper

### Article 4 Direction removing permitted development rights linked to the demolition of buildings at Doncaster Sheffield Airport: Justification

#### 1. Introduction and background

- 1.1. The City Of Doncaster Council (“Council”) is seeking approval to make an immediate Article 4 Direction to remove permitted development rights related to the demolition of buildings at Doncaster Sheffield Airport (DSA). The rights which would be removed are as set out in Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”).
- 1.2. An Article 4 Direction can be made under Article 4(1) of the GPDO. The procedures for Article 4 Directions are set out in Schedule 3 of the GPDO. Paragraph 53 of the National Planning Policy Framework (“NPPF”) sets out how Article 4 Directions should be used, and this is also elaborated on in Planning Practice Guidance (PPG) (“When is permission required?”).
- 1.3. Any proposal to demolish buildings within the red line boundary of the accompanying plan in Annex 1 would require planning permission.

#### 2. Consultation

- 2.1. From 5<sup>th</sup> April 2023 to 26<sup>th</sup> April 2023 the Council undertook an informal public consultation on a proposed Article 4 Direction, and invited comments which have subsequently informed the recommendation to make an immediate Article 4 Direction.
- 2.2. The Consultation ran for 21 days. In total, the Council received 271 responses:<sup>1</sup>
  - 261 responses in support of the proposal (96.3%);
  - 4 responses opposed the proposal (1.5%);
  - 7 responses were neutral or did not express an opinion (2.2%).
- 2.3. The overwhelming majority of responses were positive and supportive of the Article 4 Direction and / or plans to re-open the airport. The reasons cited varied and are summarised in Annex 2 of this report. In total, 96.3% of respondents were supportive of the proposals, and 1.5% were opposed.
- 2.4. Of particular note was representations made on behalf of the airport owner, Peel. The response notes that: *“the Council may not be aware but there are certain buildings within the area which are being inspected and surveyed by Peel and the initial indications are that some may require demolition on health and safety grounds”*. No specific details were provided with regards to this, such as details of which buildings or associated structural surveys,

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<sup>1</sup> Please note one response expressed both support and opposition to the proposal, therefore there was 271 responses but 272 opinions expressed

but the response raises significant grounds for concern that buildings related to the function and operation of the airport may be at imminent risk of demolition. Based on the Peel response, the Council considers it to be expedient to make an immediate Article 4 Direction as demolition of buildings at the airport would be prejudicial to the proper planning of the area. Without an immediate Article 4 Direction in place, the removal of buildings would not require planning permission and the loss of buildings would directly affect the ability of the airport to re-open.

- 2.5. Doing this would create additional and potentially significant costs to any future owner or operator which could significantly affect the viability of re-opening the airport. Furthermore, needing to replace any demolished or removed buildings and infrastructure also affects the ability of the airport to re-open in a timely manner, which in itself has cost implications. These factors diminish the attractiveness of the airport to potential investors, and reduce the perception that the site is itself an airport.
- 2.6. There is strong support for the re-opening of the airport, including at City and South Yorkshire Mayoral Combined Authority (“SYMCA”) level and negotiations about this happening remain ongoing between the Council(s) and Peel. To ensure this goal can be achieved, it is necessary to put in place additional planning protections, and there are robust reasons for doing so.
- 2.7. The consultation also demonstrates the continued public support for the retention and re-opening of the airport. There is already a petition with over 130,000 signatures supporting the retention of the airport; additionally 96.3% of consultees for the Article 4 Direction consultation supported the proposals.
- 2.8. Supporting comments were varied, including:
  - The airport is a large local employer and contributes to the wider economy, including the City and wider Region. It supports local businesses;
  - The airport is vital for the future of the city and can provide jobs for future generations;
  - Infrastructure has been put in place to support an airport, using public money, it should not be used for other reasons;
  - With another operator in place, the airport can be a success;
  - Demolition could delay re-opening;
  - The airport has good links which are better than other airports, good facilities and is convenient to travel to / enjoyable to use;

- The government are keen to open airport extensions in and around London, Doncaster already has such an asset;
- This site has a long aviation history of over 100 years, it is part of the DNA of Doncaster and should be protected;
- The airport supports the levelling up agenda;
- The runway is large and needs preserving for the future. It can handle many types of aircraft others cannot. It has the potential to offer long haul flights to more destinations.

2.9. A full summary of comments received can be found in Annex 2 of this report.

2.10. Following the consultation, changes have been made to the area the Article 4 Direction relates to, in order to ensure it applies to the smallest geographical area possible, as per NPPF paragraph 53. The affected land now does not include the areas to the north and south of the runway where landing lights were located, nor the area outside of the airport fencing to the south east of the runway, as was consulted on.

### **3. The harm the Article 4 Direction is seeking to address**

3.1. The airport is a unique asset to the City and City Region, and one of only three passenger airports in Yorkshire (alongside Leeds – Bradford and Humberside). It is to some degree irreplaceable: should the elements that make it an airport be physically removed, it is unlikely another airport would be able to easily locate in the area again, given the amount of land required, the wider locational requirements of an airport, the infrastructure required to connect it to local areas and transport networks, the costs and processes associated with these matters and the significant cost of building a new airport itself.

3.2. The airport is a former RAF base and as such, was able to build on existing airport infrastructure such as the runway and hangars to become a passenger airport. This was supplemented with new onsite development such as the terminal building, as well as significant offsite investment such as the Great Yorkshire Way which links the Airport to the M18 and wider strategic road network beyond, including providing connectivity to international ports such as the Humber.

3.3. Should airport buildings be lost, then the cost of delivering a new airport – either on the same site or an alternative in future – would be substantial. Once the airport is lost, it is lost to the City, Region and to national security for good, and so are the opportunities an international airport can bring to the area.

3.4. As such, it is imperative to take steps to preserve the airport and its functionality as an airport. The preservation of the airport is the most cost

effective and economically viable method by which an airport can locate locally and secure its future as well as its recognised ability to drive economic growth. Although an Article 4 Direction does not in itself prevent the demolition of buildings at the airport, it does mean that any proposals for this would be subject to a planning application and assessment through the planning process.

### **Economic Impact**

- 3.5. The airport played, and can in the future continue to play, a significant role in the economic wellbeing of Doncaster and the wider region. It is estimated that the airport supported about 2,700 jobs in the economy and a net GVA of £108.4m, creating an annual welfare gain of approximately £49.5m. The demolition of buildings, which could ultimately lead to the permanent loss of the airport would mean the potential to recapture and build on these benefits would be lost, which would be detrimental to the long term economic wellbeing of the area.
- 3.6. Airport performances show that, whilst passenger numbers plateaued at DSA between 2017 and 2020, at circa 1.3m per annum, and fell sharply along with all other airports in 2020 – 21 due to the pandemic, cargo movements (tonnes) more than trebled between 2017 and 2021, making DSA 7<sup>th</sup> in the UK for total cargo in 2021.<sup>2</sup> There remains scope and capacity to grow both passenger and freight operations in future.
- 3.7. Similarly, operating revenue was showing a steady increase pre-pandemic, up from £9.6m in 2017/18 to £11.7m in 2019/20, with operating expenditure declining.<sup>3</sup> That said, operating losses for the airport pre-pandemic (2019-20) was the highest in the UK with the exception of Leeds - Bradford, and the airport has consistently made an operating loss in the years 2017 – 2021, although this loss has decreased year on year.<sup>4</sup> The Council believes that with new owners and / or operators running the airport, it can become a viable and profitable business which can build on past positive trends and address weaknesses. For example, DSA outsourced a relatively high amount of activities / processes, which could potentially be brought in house.<sup>5</sup> Additionally, it should be considered that the airport itself has a wider contribution to the local and regional economy.
- 3.8. There is scope for an airport city model (clusters of businesses and commercial activity built around an airport 'anchor) to be realised at DSA. Recent investment in improved connectivity to the M18 (with links to the M62, M180 and M1 – including iPort Rossington and the Advanced Manufacturing Park and Sheffield / Rotherham parkway) means the airport and airport area is easily accessible by road and can connect in and be part of a number of clusters of economic activity, both at the airport and along the M18 / M1 corridor. The airport itself would play an unparalleled role in

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<sup>2</sup> Jacobs, UK Airports Performance Indicators 2020/21, pp. 17 – 18 and CAA – Annual Airport Data 2021; table 13.2, Freight, [Annual airport data 2021 | Civil Aviation Authority \(caa.co.uk\)](https://www.caa.co.uk/annual-airport-data-2021)

<sup>3</sup> Jacobs, UK Airports Performance Indicators 2020/21, pp. 22 - 23

<sup>4</sup> *Ibid.*, pp.26

<sup>5</sup> Jacobs, UK Airports Performance Indicators 2020/21, pp. 22 - 23. pp. 34

this, with easy and direct access to international markets and imports / exports of good particularly. Our review of regional aviation in the UK indicates that the typical airport plays a transport role and an attractor role relating to the land use and employment in the immediate and wider economy.

- 3.9. Therefore, whilst functioning as a standalone business and asset, it has a wider strategic role in the economic wellbeing of the immediate area and region, and helps to unlock international opportunities for the city and region, and its businesses.

#### **Induced and Indirect Benefits**

- 3.10. There is a positive benefit to DSA due to purchases by the airport and airport dependent firms, which in themselves have complex knock on impacts.
- 3.11. The DSA Economic Impact Assessment attempts to measure the induced impacts of DSA (favourable effect on employment and output resulting from expenditure on goods and services by employees of (i) DSA, (ii) dependent firms, and (iii) firms in the supply chain generating the indirect impact). The assessment assumes that 758 direct jobs at DSA supports a further 985 direct and induced jobs. The spending of wages by those directly employed by the Airport and other businesses located there (induced impacts) are estimated to have a net GVA contribution of £43.4 million and a net welfare gain of £17.3 million.<sup>6</sup>

#### **Tourism**

- 3.12. Based on an estimate of 109,000 out of a forecast 725,000 visitors to DSA (2022) staying in South Yorkshire, there is an estimated average visitor spend of £174 per person, or a total visitor spend of £19 million, which results in a gross GVA value of £15.4 million or net GVA value of £13.8 million.<sup>7</sup>
- 3.13. There is an estimated net value of £30.7m in direct, indirect and induced impacts generated by DSA.<sup>8</sup>
- 3.14. In total, it was estimated that as at 2022, DSA supported 2,713 jobs in the economy, with an annual net GVA of £108.4 million and an annual welfare gain of approximately £49.5 million.<sup>9</sup>

#### **User Benefits**

- 3.15. Passengers who use DSA instead of an alternative Airport have an average time saving per passenger of 44 minutes, which generates welfare gains of £6.1 million.<sup>10</sup>

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<sup>6</sup> DSA Economic Impact Assessment, September 2022 pp. 17

<sup>7</sup> DSA Economic Impact Assessment, September 2022. pp. 18

<sup>8</sup> DSA Economic Impact Assessment, September 2022. pp. 18

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.* pp. 16 - 17



- 3.16. The City Region has a catchment of 1.8 million people, with a wider catchment area of 5.5 million people incorporating parts of West and North Yorkshire, East Riding and Lincolnshire. As at 2020, this wider catchment was responsible for 8.4 million air journeys per a year – although only 7% of these were made via DSA. 3.58 million passengers per year travel from Barnsley, Doncaster, Rotherham and Sheffield to more distant airports (principally Manchester) which results in 80 million more vehicle miles per annum than if DSA was used, and a loss of economic benefits associated with these passengers to other regions.<sup>11</sup>
- 3.17. Without an operational airport, all residents within these catchments must travel to other regions and airports, resulting in more unsustainable journeys and economic leakage to other areas associated with travelling. A re-opened DSA can recapture these losses and re-build and hopefully improve the passenger base with a fresh operational model. This in turn makes the most of the existing runway capacity and can help negate the need for additional runways to be built elsewhere to meet demand.
- 3.18. This can be further supplemented with sustainable rail and tram-train links which have long been proposed at the Airport. Whilst an airport remains in situ there is the ability to realise the potential it represents and capture its benefits for local residents and the local economy.

### ***Future Projections***

- 3.19. Modelling was undertaken on behalf of the Council on future projections for DSA. This was undertaken when the airport was still open and based on that assumption therefore. New financial modelling is being undertaken and a new outline business case is also being developed. Nevertheless the results of the modelling undertaken show the clear value of the airport to the future economic wellbeing of the area.
- 3.20. Three scenarios have been tested related to the future impact of DSA to the regional economy to 2031, and on GVA to 2051:
- **Scenario 1:** Number of passengers at DSA grows at a moderate rate of 25% for the next 10 years;
  - **Scenario 2:** Number of passengers at DSA grows at an optimistic rate of 45% for the next 10 years;
  - **Scenario 3:** Number of passengers at DSA grows at a pessimistic rate of 5% for the next 10 years.
- 3.21. The findings were as follows:<sup>12</sup>

#### **Table 1: Net present value of GVA by each scenario**

<sup>11</sup> GatewayEast Economic Blueprint – June 2020, pp. 7

<sup>12</sup> DSA Economic Impact Assessment, September 2022, pp. 21 - 22

	Scenario 1 (£)	FTEs	Scenario 2 (£)	FTEs	Scenario 3 (£)	FTEs
Direct	194,491,274	817	207,904,822	948	180,410,926	686
Indirect and Induced	410,755,180	1,062	439,083,876	1,231	381,018,238	891
Subtotal GVA	605,246,454	1,879	646,988,698	2,179	561,429,164	1,577
Other Catalytic	290,688,281	751	310,736,281	871	269,643,676	631
Tourism	131,066,813	293	140,106,144	340	121,578,128	246
Total GVA	1,027,001,548	2,925	1,097,831,123	3,391	952,650,969	2,455

3.22. The Economic Impact Assessment concludes that even modest growth forecasts for DSA are expected to contribute a significant amount regionally over the next 10 years (over £1 billion).<sup>13</sup>

3.23. Conversely, the closure of DSA has an immediate impact on the GVA of Doncaster and affects the GVA growth of the City.<sup>14</sup>

### ***Protecting Investment***

3.24. In order to transform the airport into an operational passenger airport, a significant amount of public and private investment was made. Following the granting of planning permission for the airport, £80m was invested in its construction, including a state of the art terminal, access roads, car parking and public transport facilities.<sup>15</sup>

3.25. In order to improve transport connectivity the airport, the Great Yorkshire Way was built to connect the M18 to the airport at a cost of £56m, funded by both public and private investment. Further public investment is currently in the pipeline, including a significant contribution towards a new rail link to benefit the airport and the wider area. Peel themselves have estimated that they have invested circa £250 million in the airport since 2005.<sup>16</sup>

3.26. The City Council and City Region, alongside private investors, have contributed significant amounts of capital to develop the airport and improve its offer. The loss of the airport would itself represent a significant amount of wasted investment in the airport itself, and similarly the infrastructure which has been put in place to support the airport.

3.27. The Council and City Region are committed to investing in DSA and keeping it as an airport. The airport brings quantifiable benefits to the City and Region as has been demonstrated. If the airport can be preserved and re-opened its economic potential can be realised and clear benefits to the economic well-being of the area secured and built upon.

<sup>13</sup> DSA Economic Impact Assessment, September 2022, pp. 22

<sup>14</sup> DSA Economic Impact Assessment, September 2022, pp. 22

<sup>15</sup> DSA draft Masterplan 2018 – 2037, pp. 50

<sup>16</sup> [Doncaster Sheffield Airport: Peel blast back at mayor as bitter row erupts | Doncaster Free Press](#)

- 3.28. The immediate Article 4 Direction helps protect the airport buildings from demolition without going through the planning process, which can aid the preservation of the airport and its functionality.

#### **4. What would the immediate Article 4 Direction prevent from being demolished under permitted development rights?**

- 4.1. The proposed immediate Article 4 Direction would protect the following key assets from demolition unless planning permission is obtained:

##### **Control Tower**

- 4.2. The Control Tower is the former RAF tower, which was refurbished for the airport opening in 2005 and has been periodically refurbished since. The airport operator deemed this would be adequate to serve the needs of the airport for the foreseeable future.<sup>17</sup>

##### **Fire Station**

- 4.3. The fire station is located to the eastern side of the airfield. With suitable general refurbishment, the airport operator deemed this to be suitable for the foreseeable future, with investment instead directed towards new technology and equipment.<sup>18</sup>

##### **Hangars / Cargo / Transit sheds**

- 4.4. The area north of the terminal includes five RAF Type C hangars.<sup>19</sup> This area is suitable for both freight and general aviation purposes. In total there are 7 hangars in this location, including a new hangar built in 2017.
- 4.5. Hangar 1 accommodated the cargo transit shed and was expanded in 2018 to an increased capacity of 50,000 tonnes of freight per annum. This included truck docks, advanced scanning equipment such as large aperture X-Ray and Explosive Trace Detection systems, with aircraft pallet build and breakdown stations.<sup>20</sup>
- 4.6. In total, the hangar provision at DSA in 2018 is estimated to be c. 200,000 sq ft.

##### **Navigational Aids**

- 4.7. The DSA draft masterplan 2018 – 2037 (“Masterplan”) notes that “The airfield currently enjoys some of the most advanced navigational aids available. Runway 20 has a Category III Instrument Landing System (ILS) with associated Air Ground Lighting (AGL) which enables extreme minima

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<sup>17</sup> DSA draft Masterplan 2018 – 2037, pp. 68

<sup>18</sup> DSA draft Masterplan 2018 – 2037, pp. 68

<sup>19</sup> [Type-C hangar - Wikipedia](#)

<sup>20</sup> DSA draft Masterplan 2018 – 2037, pp. 69

operations in all-weather scenarios”.<sup>21</sup> The Masterplan included plans to replace, upgrade and refurbish navigational aids in the future.

### **The Runway**

- 4.8. The runway is one of the most important assets at the Airport, and its length opens up unique opportunities. Standing at 2,893m (1.8 miles) long, and 60m wide, the runway is the second largest in northern England (after Manchester) and can accommodate any current aircraft. This opens up the potential for DSA to deliver long haul flights in the future.

### **The Terminal**

- 4.9. The existing terminal is only eighteen years old and its development involved over £100m of investment.<sup>22</sup> It was designed to handle 2 million passengers per annum and has all the facilities that would be expected from a modern airport within it. The Masterplan noted that the terminal could be significantly expanded and even mooted a ‘Super Terminal’ that could handle 25 million passengers per annum in the future.
- 4.10. The retention of a terminal which is capable of handling adequate passenger numbers for a future re-opening of the airport to passengers is crucial to the ability of the airport to remain operational and being able to re-open to passengers quickly.

### **Potential Opportunities**

- 4.11. The current infrastructure associated with the airport will need some investment and work to bring them back into operational use, should the airport re-open.
- 4.12. It is, however, easier, more economical and more sustainable to repair, refurbish and improve existing infrastructure than have to install new buildings, should existing ones be demolished.
- 4.13. In addition to this, the Masterplan talks of expansion opportunities (terminal, runway etc.) and reconfiguration (aprons, strands etc.). Not only is it important to preserve the assets of the airport in situ, their preservation, the preservation of the airfield and all flight infrastructure are component parts which can be built on and added to. The airport itself has significant growth potential which would be lost should the ability to re-open the airport be compromised to the point it is unviable.

### **What would be the cost to replace, if demolished?**

- 4.14. Should the aforementioned assets be demolished, this would seriously jeopardise the ability of the airport to reopen, and would deter potential investment in the airport, given the cost of replacing anything which is lost.

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<sup>21</sup> DSA draft Masterplan 2018 – 2037, pp. 68

<sup>22</sup> [DSA unveils airport terminal redevelopment plan worth \\$13.1m \(airport-technology.com\)](https://www.airport-technology.com/news/2018/05/23/dsa-unveils-airport-terminal-redevelopment-plan-worth-13.1m/)

- 4.15. Aviation experts appointed by the Council estimate the cost of replacing the aforementioned airport buildings, if lost, to be in the region of £150m - £200m.
- 4.16. However, to repair, refurbish and update existing buildings at the airport in due course, the cost estimate is circa 5% of this, or £7.5m - £10m.
- 4.17. Considering the City Council and SYMCAs desire to see the airport brought back in to use, there is a clear preference to retain the airport operational elements in situ which in turns maintain the financial viability of the airport re-opening. Should these be lost, the airport risks becoming financially unviable to re-open and a less attractive investment proposition. This would in turn impact the economic well-being of the area, and as such an Article 4 Direction preventing demolition without planning permission can help protect the airport and its operational functionality, with a view to re-opening.

## **5. Permitted development rights?**

- 5.1. Under the GPDO (Schedule 2, Part 11, Class B), demolition of buildings is permitted development. The GPDO specifies that, except in certain circumstances (such as where the demolition is on immediate health and safety grounds), all an applicant must do is apply to the Council to ascertain whether prior approval will be required as to the method of demolition and any proposed restoration of the site.
- 5.2. As such, without an Article 4 Direction in place, the local planning authority's powers with regards to the demolition of buildings is limited to approving the method of demolition and how the site will be restored. The principle of demolition cannot be questioned. There are therefore no grounds to intervene in the demolition of buildings for any other reason, nor any established means in the GPDO by which the impact of the demolition can be assessed, or the demolition can be prevented except issues related to the method or restoration.
- 5.3. Furthermore, should any of the buildings be under 50 cubic meters, or be a gate, fence, wall or other means of enclosure, this would not require prior approval and could therefore be demolished with no oversight whatsoever.<sup>23</sup>
- 5.4. With this in mind, the Council has elected to make an immediate Article 4 Direction. An Article 4 Direction can be made under Article 4(1) of the GPDO. The procedure for making an immediate Article 4 Direction is set out in paragraph 2 of Schedule 3 of the GPDO.
- 5.5. This states that immediate Article 4 Directions can be made where it is expedient to do so and where "the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area". For the

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<sup>23</sup> The Town and Country Planning (Demolition – Description of Buildings) Direction 2021

reasons set out in this document, the Council has shown that demolition of the airport buildings would be prejudicial to the proper planning of its area.

- 5.6. NPPF paragraph 53 states that use of Article 4 Directions should be *“limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)”*. For the reasons set out in this document, the Council has shown this to be the case.
- 5.7. NPPF paragraph 53 also states that Article 4 Directions should, *“in all cases, be based on robust evidence, and apply to the smallest geographical area possible”*. The evidence supporting the making of the immediate Article 4 Direction is contained within this document, and following consultation, the area that the Article 4 Direction applies to has been decreased to ensure it applies to the smallest possible area necessary.
- 5.8. PPG also confirms that the situations where immediate directions can be made are “limited”, but does confirm these can be used in relation to Part 11 of Schedule 2 of the GPDO (Heritage and Demolition) *“where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.”*<sup>24</sup>
- 5.9. PPG notes that to make an immediate Article 4 Direction, local planning authorities must have already begun the consultation processes towards the making of a non-immediate Article 4 Direction. In consulting on the potential for making an Article 4 Direction, the Council had already begun this process and information received during this process (set out in Section 7 below) has informed the Council’s decision to proceed to make an immediate Article 4 Direction.
- 5.10. The Council meets all the requirements as set out in legislation and planning policy and guidance to make an immediate Article 4 Direction. The imminent threat of the demolition of buildings at the airport is a realistic prospect and therefore presents a threat to the proper planning of the area, for which the airport plays an important strategic role.

## **6. Local, Regional and National Policy**

- 6.1. At Local and Regional levels, the airport plays a significant role in policy terms. In the Doncaster Local Plan (adopted September 2021), the Airport has its own strategic policy (Policy 6) which supports the development and expansion of the airport and the surrounding area, all of which combined are allocated on the Local Plan supporting Policies Map as the ‘Airport Policy Area’.
- 6.2. The area the Article 4 Direction relates to is mainly covered by Local Plan Policy 6 parts A and B. Part A supports development for: “Aviation uses and infrastructure required for the safe operation and growth of operational

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<sup>24</sup> PPG – When is permission required, Paragraph: 045 Reference ID: 13-045-20140306

passenger and freight at the airport...” The Policy then lists a number of airport related uses (terminal, taxiways, cargo sheds etc.) which would be acceptable. Part B supports “aviation related development”. These are the only types of development which would be permitted on the majority of the land to which the Article 4 Direction relates.

- 6.3. The clear intention of Policy 6 is to support the growth and expansion of the airport on this site. The airport is part of the strategic vision for the Local Plan. Uses which are not related to aviation or functions of an airport would not be permitted on the land in question. It is the intention of Policy 6 of the Local Plan, and it remains the intention of the Council, that this land is designated as an airport. It is therefore imperative that this use is preserved and the site continues to be available for this reason. As the Local Plan notes:

*“A successful airport brings economic benefits for the Borough and the City Region. It opens both up to enhanced business and employment opportunities, and increases opportunities for international investment, as well as easy access to international markets for local businesses. It can make the Borough a more attractive place for both people and business to locate, and provides convenient tourism opportunities for the Borough’s residents, as well as opening the Borough and City Region up to, and catering for, in-bound visitors and trade”.*<sup>25</sup>

- 6.4. The Local Plan Inspector’s Final Report (2021) states that the Policy:

*“sets out a positive approach to development at Doncaster Sheffield Airport to enable its growth as a passenger and freight transport facility along with a significant amount of economic, housing and other development on land both within and around the airport, subject to various criteria being met. Growth of passenger numbers and freight throughput is expected to be in the context of the planning permission granted in 1999. However, the Plan aims to provide a framework for further development at the airport to take advantage of the opportunity the location provides due to the availability of land, transport and other infrastructure, and the development that has already taken place in recent years. In general terms, the approach is consistent with national policy which expects plans to provide for large scale transport facilities, including airports, that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy”.*<sup>26</sup>

- 6.5. Following the announcement from the operator in 2022 that they were planning to close the airport, the Council received counsel’s advice about the prospects of the redevelopment of the site for alternate uses. That advice concluded categorically that any development within the airport operational area which does not include an operational airport would not be supported in policy terms and would contrary to the development plan, as would associated housing development outside of the airport operational

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<sup>25</sup> Doncaster Local Plan, para. 5.7

<sup>26</sup> The Planning Inspectorate - Report on the Examination of the Doncaster Local Plan 2015-2035 – June 2021, pp. 48

boundary which is linked to the growth of the airport and associated job creation.

- 6.6. At regional level, current and previous iterations of economic and transport plans have identified the airport as a key economic and transport priority, including the Infrastructure Plan, Transport Strategy, Strategic Economic Plan and Integrated Rail Plan. Its role as an international gateway and the opportunities this presents is often cited, as is the role aviation can play in supporting economic development.
- 6.7. The importance of regional airports is often cited at national level, for example, the Aviation Policy Framework (2013), the Airports National Policy Statement (2018) and Flightpath to the Future (2022). These documents highlight, amongst other things, how regional airports can help alleviate runway capacity issues and airport pressures in other parts of the country, how airports can play important local and national economic roles and attract economic clusters to develop around them, and more recently, how airports can contribute to delivering 'levelling – up'.
- 6.8. Therefore, at City, Regional and National Level, the importance of airports is recognised and their presence supported. Specifically at Local Level, strategic planning policy only supports aviation development at the land in question and at both City and Regional Level the importance of the airport and the various economic and social roles it can play are highlighted.
- 6.9. The demolition of the airport would therefore prejudice the proper planning of the area and therefore an immediate Article 4 Direction is required to prevent this from happening and ensure the airport is preserved with functional and operational ability in order to re-open in the future and support the economic wellbeing of the area.

## **7. Justification for Article 4 Direction with immediate effect**

- 7.1. In light of the importance of the airport as set out above, the Council undertook an informal public consultation on a proposed Article 4 Direction from 5<sup>th</sup> April 2023 to 26<sup>th</sup> April 2023. Representations received during the consultation process (Section 2 above) have put the Council on notice that demolition of buildings at the airport is imminent and as a result it is considered necessary to seek approval to make an immediate Article 4 Direction.
- 7.2. Although negotiations are ongoing with the current owner for the Council to acquire an interest in the site in order to re-open the airport, unless and until there are contractual arrangements in place there is nothing to stop the current owner selling or leasing its interest to a third party who may not share the same negotiating standpoint as the current owner. It is therefore important to take steps to safeguard the buildings.
- 7.3. The Council are aware that Peel have an alternate vision and alternate plans and proposals for the site which do not include an operational airport.



Whilst no formal planning application has been submitted yet for these proposals, it is clear that the operator's vision for the site includes the demolition of the airport and associated buildings / infrastructure and the redevelopment of the site for a range of non – airport uses, which would be contrary to local planning policy.

- 7.4. These factors combine to raise significant concern that there is a real prospect that Peel could proceed to demolish buildings at the airport, notwithstanding the fact that local planning policy does not support alternative uses. An immediate Article 4 is justified to ensure that any demolition of buildings within the defined area is subject to greater scrutiny through the planning process, and ensure the proper planning of the area, which supports the role of the airport and the numerous highlighted benefits it brings, is not prejudiced by the demolition of buildings at the airport.
- 7.5. DSA is an irreplaceable infrastructure asset that, in the right investor / operator hands, can be commercially viable, offering access to global markets and leisure opportunities and which can create inclusive economic growth locally. The site is allocated as an airport in the Local Plan which runs until 2035, and there is no alternative land use permission, nor would an alternate use be supported by local planning policy. The supply of employment land in the Local Plan is ample and should an alternate employment use be proposed, it would risk distorting the market and creating over-supply which would adversely affect the Council's ability to deliver sustained and inclusive growth which benefits all of our communities.

## **8. Summary and Next Steps**

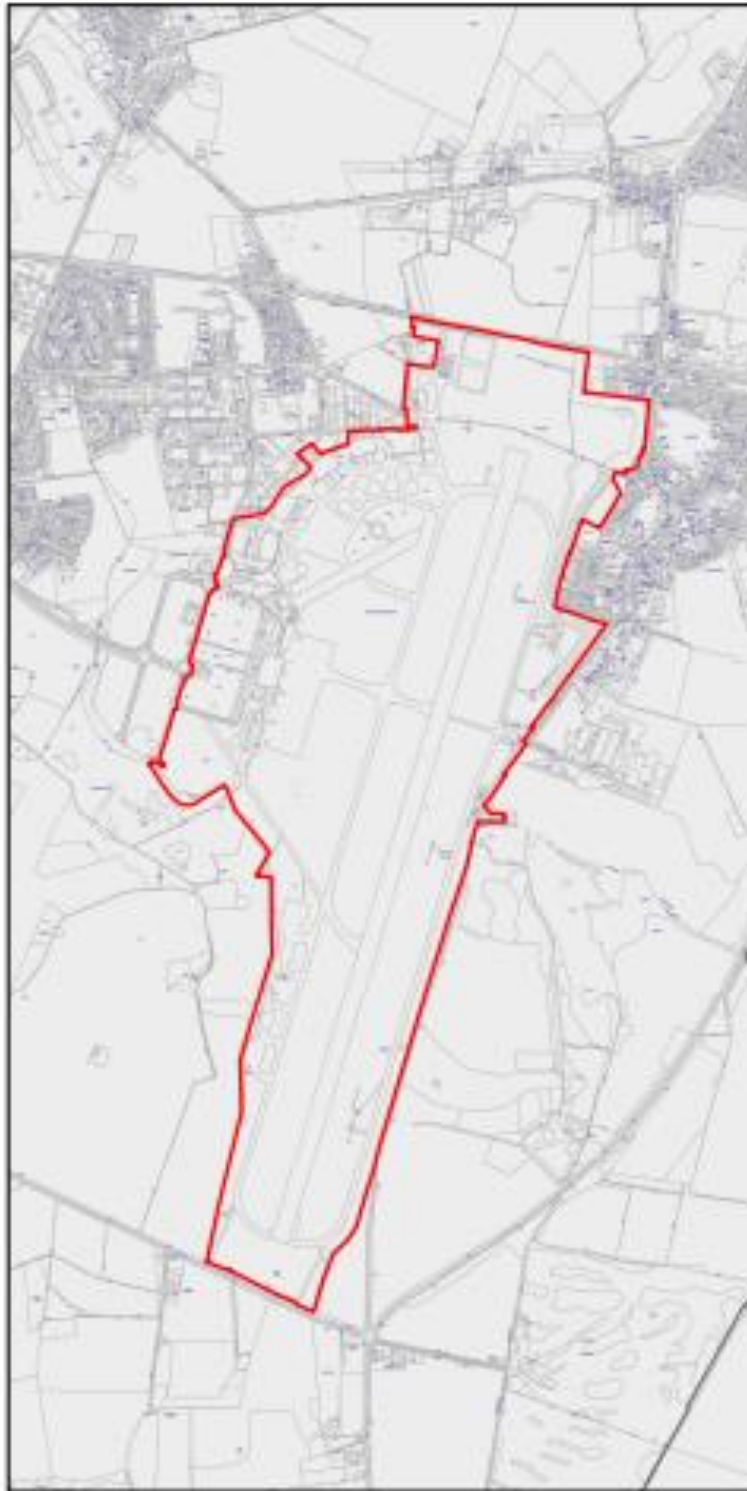
8.1. This report sets out that:

- The airport brings quantifiable economic benefits to the City and City Region. It is a crucial economic asset to the local area, and it is vital to the economic well-being of the area;
- The airport has a future as an airport. Alternate management of the airport can make it an economically viable asset that has a crucial role in, and directly contributes to, the economic growth, prosperity and well-being of Doncaster and the wider region;
- If buildings related to the airport are removed, the ability of the airport to re-open is disadvantaged in three key ways:
  1. The cost of replacing an asset which has been demolished affects the economic viability of re-opening the airport and the attractiveness therefore to potential investors;
  2. The airport will be unable to re-open until any essential building which is removed is replaced; and


3. If certain key assets such as the runway, control tower or terminal are removed, the perception of the site as being an airport is diminished, which again is detrimental to investors and to the Council in seeking to find suitable alternate investors or operators the site.
- The airport is a unique asset with some very exceptional features, notably the long runway which can handle a wide range of aircraft. It also has modern passenger facilities. Infrastructure has been put in place to make the airport accessible and connect it to the motorway network. Were the airport to be lost to an alternate use, to build a new fully operational passenger airport, including necessary supplementary infrastructure, as well as finding a suitable alternate site, would cost a significant amount of money and take a number of years to deliver. This is a far less sustainable option, and in reality would be unlikely in both the City and the City Region;
  - Comparatively speaking, the cost of bringing the existing airport back into use would be significantly cheaper and more sustainable option, and the more existing operational elements that can be preserved, the cheaper this is to do, the more attractive it is to potential investors, and the more expediently this can be done;
  - Alternate uses on the airport site would be contrary to the Local Plan, which has a strategic policy to support the growth and expansion of the airport, and allocates the airport for this purpose / aviation reasons specifically. This recently adopted policy position continues to reflect the will of the Council for this site, and therefore preserving the site for this use continues to be central to the strategy and vision of the Local Plan;
  - There is, therefore, a supportive local policy position already in place to support the airport and its growth and expansion. The airport is identified as a key economic asset at regional level. National policy is also supportive of regional airports, and their role in national aviation terms, as well as the economic contributions they can make both nationally and locally;
  - There are grounds to be concerned about the intentions of the landowner to remove buildings and infrastructure, and promote an alternate use for the site;
  - Permitted development rights contained within the GPDO allow for buildings at the airport to be demolished with only prior approval required. This means that the principle of demolition cannot be considered in accordance with the Council's development plan;
  - There is significant support for the proposals to make an Article 4 Direction - 96.3% of responses to the consultation were supportive.

- 8.2. For these reasons, the Council is seeking approval to make an immediate Article 4 Direction which removes permitted development rights related to the demolition of buildings as set out in Schedule 2, Part 11, Class B of the GPDO from the land shown edged red on the plan at Annex 1 to this report. From the making of this Article 4 Direction, the demolition of any building within the affected area will require planning permission.
  
- 8.3. Following the making of the immediate Article 4 Direction at Doncaster Sheffield Airport, the Council has six months from the date on which it is served on the owners/occupiers of the land to which it relates to confirm the Article 4 Direction. The Council will begin formal consultation stages on the Article 4 Direction, as set out in Schedule 3 of the GPDO.

# Annex 1 – Article 4 Direction Boundary



**Key :**

 Airport Article 4 Boundary

Title : Airport Article 4 Boundary

Completed By :

Schroder

Reference :

Airport Boundary March 23

Date :

27/03/23

Scale :

1:20,000

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## Annex 2: Summary of Consultation Responses

A consultation on the proposed Article 4 was undertaken for three weeks, between Wednesday 5<sup>th</sup> April and Wednesday 26<sup>th</sup> April 2023.

In total there were 271 responses:<sup>27</sup>

- 261 responses in support of the proposal
- 4 responses opposed the proposal
- 7 responses were neutral or did not express an opinion

A summary of responses is below:

### Support:

Consultees	Summary of comments	Doncaster Council response
	<p>The Article 4 for DSA is definitely needed.</p> <p>There is a need to ensure the owners cannot carry out demolition or alterations that could stop a timely or cost effective reopening of the airport.</p> <p>The airport is needed for the community and local economy; it was a large employer and contributed to the local economy.</p> <p>Using a different model it could have so much to offer.</p> <p>There have been petitions of over 120,000 signatures and a Facebook group of over 23,000 supporters campaigning to save DSA.</p>	Support and reasons noted
43	General Support	Support noted
1	The airport is in a good location and can capitalise on this	The Council agrees, and have invested alongside private partners in infrastructure and road links to allow the airport take advantage of this.
1	Surprised the airport has been said to not be viable, concern that the operator will seek to make a quick profit by changing use.	Peel have stated their reasons for closing the airport, however the Council disagrees and believes it can be made viable and brings additional benefits to the City and City Region also, which make it worth preserving.

<sup>27</sup> Please note one response expressed both support and opposition to the proposal, therefore there was 271 responses but 272 opinions expressed

1	Re-opening the airport would be a massive boost for South Yorkshire	The Council agrees that the airport brings regional benefits, and the City Region has also repeatedly stated this, and supports the re-opening also.
4	The infrastructure that has been put in place and paid for by public money was for the airport and should not benefit the operator in another way.	The Council and private partners have invested in infrastructure to support the airport and aid its growth and expansion. We concur this was put in place to support the airport specifically, not for alternate uses on the airport site.
1	The airport should be a big attraction for the local area and promote local investment	The Council agrees that the airport can encourage local investment and support local businesses. It has benefits beyond those directly related to the airport itself.
7	The airport needs to re-open to benefit the local economy / national economy	The Council agrees this has benefits at City, City Region and National levels, and there is numerous evidence of support for this at all three levels.
1	The airport has tremendous potential and brings employment, opportunities, revenue and investment.	The Council agrees that the airport can encourage local investment and support local businesses. It has benefits beyond those directly related to the airport itself, but also can be a viable asset in its own right.
6	With another operator in place, the airport could be a success	The Council agrees and is hoping an agreement can be reached to allow this to happen.
2	Any changes to the site / demolitions / alterations could delay re-opening	The Council agrees. Demolitions would impact the ability of the airport to re-open and the viability of this happening.
3	The airport is vital for the future of the city and can provide jobs for future generations	The Council agrees that the airport can play an important role in the future of the City and can provide direct and indirect employment opportunities.
1	Support but disappointed how long it has taken the local authority	The Article 4 Direction is part of a wider programme of work by the Council to protect the airports future. The Council has acted proactively since the announcement to close the

		airport to try and protect it.
1	Will the Council now stop the building of houses on the adjacent site with permission?	This is a separate matter to the Article 4 Direction, and not something the Council has reason to intervene with.
1	The boundary should be extended further and greater restrictions imposed	National Policy (NPPF para. 53) notes that Article 4 directions should apply to the smallest geographical area possible. There is no need to extend the boundary as there are no operational airport assets to protect beyond the defined area for the Article 4 Direction.
16	The airport is has good links and is convenient to travel to for local people and has good facilities. It has better links than other airports.	The Council agrees and significant public and private investment has been made in improving airport accessibility. Some public Airport facilities such as the terminal are less than twenty years old.
1	The government are keen to open airport extensions in and around London, Doncaster already has such an asset.	The Council agrees that Doncaster Airport can help alleviate some of the capacity issues that other airports, especially in the South East, face.
6	The airport (an international airport) is a vital to the local area and its businesses. It was a large local employer and supports other businesses.	The Council agrees the airport has direct and indirect benefits for the area, and the potential to increase these benefits in the future.
2	This site has a long aviation history of over 100 years, it is part of the DNA of Doncaster and should be protected. It has loads of history.	The long history of the airport is acknowledged. The Council is determined to protect the airports future too.
1	Nothing can replace an airport	The Council concurs. Once the airport is lost it is lost forever and would be very hard to replace locally.
2	The airport supports the levelling – up agenda	Agree, and this is acknowledged in <i>Flightpath to the Future</i> also.
1	It does not make sense to expand Heathrow when an airport that can accommodate large aircrafts has been closed	The Council agrees that Doncaster Airport can help alleviate some of the capacity issues that other airports, especially in the South East, face.
3	The runway is large and needs preserving for the future. It can	The Article 4 Direction would prevent the runway from being

	handle many types of aircraft others cannot.	demolished without permission
1	The airport has good highway links which enable the easy movement of freight around the country. Freight is important post – Brexit to enable the import of goods from other international markets outside of the EU. Freight is valuable to smaller airports and should be explored further with third party partners.	Concur that there is the potential to expand and diversify operations at the airport, and that the airport is well placed with regards to the road network and freight rail network at iport to do so.
2	So much has been invested and built around the airport, its potential is huge	The Council agrees. Both investment in the airport, and the potential of the airport, need protecting.
7	The airport has regularly won the award for best airport in the UK / it is one of the best provincial airports in the UK / is the best airport / was enjoyable to use	Comment noted, it is hoped a re-opened airport can continue to build on this.
9	The airport is vital to Doncaster and the wider region / catchment of Hull, Lincolnshire, Nottinghamshire, Derbyshire and Yorkshire.	Agree. The airports benefits stretch beyond the immediate airport itself. The City Region acknowledge the importance of the airport regionally, and the evidence cited in this justification also highlights this.
4	Do not feel the operator did enough to keep the airport open, i.e. improve passenger throughput / encourage more airline operators / offer better landing fees / deliberately undermined the operation to claim it was unviable	The Council believes that with a new operator and operating model in place, the airport can be a success.
1	The airport is at the centre of the motorway network for freight.	The airport is in an excellent location and well placed with regards to the road network and freight rail network also.
1	DSA is of vital interest to the regeneration of the Doncaster and South Yorkshire regions in facilitating the redevelopment of the area as a transport and distribution hub.	The airport can play a part in revitalising the City and City Region, and the economic role it played, and can continue to play, is acknowledged
1	Support the Article 4 – but why have we been included when our land is nothing to do with the airport?	The Council contacted any land owner or occupier within the red line boundary for the proposed Article 4 Direction.
1	Planning permission should be refused for Peel on adjacent sites too	All planning proposals must be judged against relevant Local and National Planning Policy,



		irrespective of the applicant.
1	The airport has potential – including to offer long haul flights to more destinations.	Agree the airport has potential, and a new operator / owner can review this when in place.
1	The rail link should be put in place as soon as possible.	Should the airport re-open, such options will be reviewed.

**Oppose:**

<b>Consultees</b>	<b>Summary of comments</b>	<b>Doncaster Council response</b>
1	Do not believe the Article 4 direction is good value for money and do not support wider plans to purchase the airport with public money.	There are no direct costs associated with putting an Article 4 Direction in place.
1	Object to any proposed expansion due to noise pollution and traffic impacts and the effect of these on the health of residents.	No expansion is currently proposed to the airport, the focus of the Article 4 Direction is to help preserve the airports buildings.
1	Air travel is in decline and freight uses older, noisier and more polluting planes. Any changes to operating hours will require planning approval and a public enquiry.	Any divergence from the planning permission(s) related to the airport would require permission unless covered by permitted development rights.
1	The land is Peel's and nothing to do with Doncaster Council	Whilst land and assets may be privately owned, the Council does have certain powers in relation to these, and an Article 4 Direction is one such power when its use is robustly justified.
1	It has been accepted that the landing lights can be removed and stored, therefore there is no reason to apply an Article 4 Direction. It is not appropriate or expedient.	The Article 4 Direction was not solely related to the landing lights, but the preservation of the wider airport buildings. The boundary has been revised to cover a smaller area.
1	Questioned the process being followed	The Council undertook non-statutory consultation in advance of making any Article 4 Direction. The Council is now proposing to make an immediate Article 4 Direction and the statutory process will be followed.

**Neutral / other:**

<b>Consultees</b>	<b>Summary of comments</b>	<b>Doncaster Council response</b>
1	Why have the landing lights been removed and will that put more expense on the next owner?	The landing lights were on 3 <sup>rd</sup> party owned land which was leased for this purpose; the operator wanted to end the lease.

1	What will the rise in Council Tax be to fund this acquisition and how many years until a return on investment?	The Article 4 Direction relates to the removal of permitted development rights, not any proposed acquisition of the airport.
1	Does the area to be protected include the car park?	The area to be protected included the car park immediately adjacent to the terminal.

**Appendix 3 – Draft Article 4 Direction**

**City of Doncaster Council  
Town and Country Planning (General Permitted Development) (England)  
Order 2015 (as amended)  
Direction made under Article 4(1) to which Schedule 3 applies (with  
immediate effect)**

WHEREAS City of Doncaster Council (“the Council”) being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is satisfied that it is expedient that development of the description set out in the first part of the Schedule below should not be carried out on land described in the second part of the Schedule and shown edged red on the Plan annexed hereto, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

AND WHEREAS the said Council considers that the development of the said description would be prejudicial to the proper planning of its area.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) hereby directs that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description in the Schedule below.

**SCHEDULE**

**Part One**

Any building operation consisting of the demolition of a building being development comprised within Class B of Part 11 of Schedule 2 to the said Order and not being development comprised within any other Class.

**Part Two**

Land within the operational area of Doncaster Sheffield Airport  
Made under the Common Seal of City of Doncaster Council this 19<sup>th</sup> day of May  
2023.

THE COMMON SEAL of CITY OF  
DONCASTER COUNCIL was here unto

Affixed in the presence of :-

Authorised by the Assistant Director of  
Legal and Democratic Services

