

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**04 June 2019**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 TRANSPORTATION UPDATE**

**Summary: This report provides brief updates on the South Eastern rail franchise, Gatwick airspace modernisation and Transport for the South East consultation.**

**1.1 South Eastern Rail Franchise – Update**

- 1.1.1 Following an update on this matter provided at the March PTAB, Chris Grayling MP issued a written statement to parliament on 10 April regarding the East Midlands, South Eastern and West Coast rail franchises. The statement included the following concerning the South Eastern franchise;

*“With regards to the South Eastern franchise competition, I am also today updating the House that my department is negotiating a short-term extension to the current franchise agreement with Govia while we make a decision on the competition. This will ensure continuity of services for passengers until 10 November 2019, with an option to extend the agreement further to April 2020.”*

- 1.1.2 Govia (Southeastern) has operated the contract since 2006. Following a direct award contract the train operating company was anticipated to continue operating the network from 12 October 2014 to 24 June 2018. This agreement has been further extended, most recently from 6 January 2019 to 1 April 2019.
- 1.1.3 Further contractual delay is likely to result in the postponement of proposals to rollout Pay as You Go travel (contactless) and flexible ticketing, as explored in the recent DfT Pay as You Go on Rail consultation, that was reported to PTAB in March 2019.

**1.2 Gatwick Airspace Modernisation – Update**

- 1.2.1 The airspace above Southern England is some of the busiest in the world. The Department for Transport predicts that it will become busier in the future. As a result, the Government has said that the existing UK airspace design is

approaching the limit of its capacity. Without a complete redesign of airspace above Southern England, coupled with extensive redesign of airport airspace and procedures, the UK will see increasing passenger disruption, personal and commercial costs and unnecessary environmental impacts.

- 1.2.2 The Government and Civil Aviation Authority (CAA) are co-sponsoring an Airspace Modernisation Strategy which aims to make flights 'Quicker, Quieter, Cleaner' and to ensure a better use of airspace capacity. National Air Traffic Services (NATS) have responsibility for redesigning the airspace above 7000 feet. Gatwick Airport along with 16 other airports in the Southern half of the UK, need to re-design departure and arrival routes and procedures below 7000 feet to match up with the NATS airspace designs.
- 1.2.3 Gatwick airport have been engaging with stakeholders regarding the design principles that will guide the redesign of the airspace around the airport. Since the PTAB meeting in March 2019 there have been two rounds of consultation, unfortunately due to the short timescales there has not been opportunity to report these to PTAB, for member consideration prior to the submission of responses from TMBC. Officer level responses have therefore been issued.
- 1.2.4 Gatwick published 'An introduction to Design Principle Development' in March (Annex A). This introduced design principles and other considerations that could be taken into account in redesigning airspace. These included;
- Core principles - Safer by design, enhanced navigation standards.
  - Potential principles - Adaptable and predictable routes, promote enhanced aircraft capabilities, deconflict by design and time base arrival operations.
  - Considerations - Number of routes? How to manage impact of overflight? Operational efficiency v impact? Extent of operational resilience?

For further detail on these please refer to the consultation document.

- 1.2.5 In responding to the March consultation (Annex B), support was expressed for the design principles. The challenge of deconflicting all arrival and departure routes below 7000ft, to reduce the prevalence of overflight of local communities was also expressed. In practice it is not expected that routes will be found, that avoid creating negative impacts for all communities. The potential for faster climbs and quieter descents, assisted by more accurate navigation, may however help to mitigate impacts for communities in Tonbridge and Malling.
- 1.2.6 Gatwick reviewed the feedback received and published a second document for consultation in April 'Outline Design principles' (Annex C), which built upon the introductory document and outlined an evolved set of principles upon which feedback was sought. In addition to minor amendments to the design principles, a further core principle to 'limit adverse noise effects' was also introduced, this was due to feedback received from local authorities concerning the potential for aircraft

noise associated with the narrowing of flight paths. A future response to this could include managed dispersal of flights and predictable respite for those overflown.

- 1.2.7 In response to feedback received, two further potential principles were also introduced. These include ‘resilience built in’ and ‘locally tailored designs’, these seek to ensure that the design of Gatwick’s airspace is resilient to disruption and responsive to local circumstances in minimising aircraft noise impacts. The response to the consultation can be found in Annex D.
- 1.2.8 Feedback to the consultation was required by 17 May 2019. Gatwick used this to inform a proposal to the CAA in June, the final design principles will subsequently be published by the CAA. It is anticipated that new airspace operations will not be introduced until 2024/25, following further consultation and engagement with stakeholders.

### **1.3 Transport for the South East – Consultation**

- 1.3.1 Transport for the South East (TfSE) was formed in 2017 as a partnership of 16 local transport authorities and five local enterprise partnerships. TfSE are currently developing a regional Transport Strategy (to 2050), and a related programme of integrated transport projects. This is a role that no other organisation currently undertakes on a South East wide basis. They are also taking responsibility for the allocation the new National Roads Fund, for projects between £20 and £50m, and the Large Local Majors Fund for highway projects over £50m. This is additional funding to that currently allocated via the SELEP Local Growth Fund.
- 1.3.2 TfSE are seeking to become a statutory sub-national transport body (STB), giving the South East a formal and unified voice with which to influence government decision making on transport issues. They are consulting on a draft proposal to government which makes the case for a statutory STB for the South East, and sets out the statutory powers and responsibilities they are seeking, to help deliver outcomes across the region.
- 1.3.3 The consultation is open from 2 May-13 July 2019, full details can be found in Annex E and F. TfSE consider that the proposed statutory powers are proportionate and complimentary to the existing powers of Local Authorities. These cover the following areas;
- General functions – To prepare a transport strategy, advise the Secretary of State, co-ordinate the carrying out of transport functions, make proposals for the transfer of functions, and other proposals about the role and function of the STB.
  - Rail – The right to be consulted about new rail franchises, and to set High Level Output Specification (HLOS) for rail. This would mean that TfSE would have direct influence over the detail of rail franchising.

- Highways – To set the Road Investment Strategy (RIS) for the Strategic Road Network. To enter into agreements to undertake certain works on the Strategic Road Network, Major Road Network and local roads. To acquire land to enable construction, improvement or to mitigate adverse impacts of highway construction, and to construct highways, footpaths and bridleways.
- Make capital grants for public transport facilities – This would enable TfSE to support the funding and delivery of joint projects with constituent local authorities.
- Bus service provision – Duty to secure the provision of bus services, enter into advanced quality bus partnerships and enhanced partnership plans, and implement bus service franchising with the agreement of affected local transport authorities. This could allow for bus services to be procured and improved more easily across constituent authority boundaries.
- Smart ticketing – To implement smart and integrated ticketing on a regional scale with local transport authorities, improving access and convenience.
- Air quality – To establish clean air zones through the implementation of road charging schemes.
- Other powers – To promote or oppose bills in parliament, allowing TfSE to promote, fund and co-ordinate regionally significant infrastructure schemes, and incidental amendment powers allowing TfSE to operate as a type of Local Authority.

- 1.3.4 It is hoped that TfSE will be able to act as an influential voice, to achieve a higher level of investment in highways and transport across the region, and to ensure that investment is better integrated between modes. The powers sought by TfSE are wide ranging, and could support delivery of cross boundary transport and highway improvements. The consultation is clear that the powers sought will operate concurrently and with the consent of the constituent authorities.
- 1.3.5 KCC is the local transport and highway authority in Kent. They are supportive of the development of the STB, and contribute financially along with other partners towards its operation. KCC has representation on the TfSE board along with transport operators and Local Enterprise Partnerships. There are however concerns regarding the representation of district and borough council's across Kent at TfSE board level. The Leader of Folkestone and Hythe Council is currently the Kent district representative at the TfSE transport forum. This matter is however under review, and a separate group may be established to co-ordinate engagement with lower tier authorities.
- 1.3.6 A draft of the Transport Strategy is anticipated to be published later this year. Whilst it is helpful that the strategy could adopt a long term perspective, there are concerns regarding the time horizon for this to 2050, and co-ordination in terms of Local Plan preparation. The draft TMBC Local Plan currently extends to 2031. The

implications of this will need to be explored as and when further details about the Strategy are known. Any future iteration of the TMBC Local Plan and indeed other Local Plans, will need to be able to influence local level transport spending beyond their current time horizons.

- 1.3.7 The draft proposal has been developed in conjunction with all member authorities and agreed by the TfSE shadow partnership board. After the consultation period has ended, TfSE will consider responses and amend their proposal in light of these. The amended version will be put before the Shadow Partnership Board in September 2019, with the proposal being formally submitted to Government in the autumn.
- 1.3.8 Government will consider the proposal and will make a decision on whether TfSE should be granted statutory status. If the proposal is agreed, a statutory instrument will be laid before Parliament for the final decision.

## **1.4 Conclusion**

- 1.4.1 If approved in due course by parliament, the proposed TfSE statutory powers will provide the regional body with significant ability to work collaboratively with partners including KCC, to deliver a Transport Strategy and related projects that cross administrative boundaries. Coordination on this spatial scale is welcomed and could assist TMBC in partnership with KCC and other partners, to deliver its transport priorities in the future, as set out in the West Kent Priorities for Economic Growth document.

## **1.5 Legal Implications**

- 1.5.1 There are no direct legal implications arising from this report.

## **1.6 Financial and Value for Money Considerations**

- 1.6.1 There are no direct financial or value for money considerations arising from this report, there may however be wider benefits for local residents and businesses as a result of some of the improvements being proposed in this report.

## **1.7 Risk Assessment**

- 1.7.1 TMBC should respond to this consultation, to support the establishment of a statutory sub-national transport body and the statutory powers sought. It is hoped that stronger representation at a regional tier will secure additional funding for transport and highways projects that would benefit residents in the borough.

## **1.8 Equality Impact Assessment**

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.9 Recommendations

- 1.9.1 That the content of this report be NOTED, and that TMBC supports the establishment of a statutory STB for the South East, subject to communication of the identified issues in response to the consultation. That this be supported for APPROVAL by Cabinet and submission to Transport for the South East.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

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Annex A – Airspace Modernisation Gatwick Airport –  
An Introduction to Design Principle Development  
Annex B – Airspace Modernisation TWBC Response 5  
April  
Annex C – Airspace Modernisation Gatwick Airport –  
Outline Design Principles  
Annex D – Airspace Modernisation TWBC Response  
17 May  
Annex E – Transport for the South East – Becoming a  
statutory sub-national transport body  
Annex F – Transport for the South East – Proposal to  
Government – Draft for consultation

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