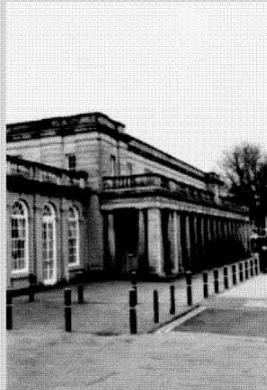




# WARWICK DISTRICT LOCAL PLAN Public Local Inquiry 2006

## Core Topic Paper 12

### Coventry Airport



1996 - 2011

February 2006



# **Warwick District Local Plan - Public Local Inquiry Core Topic Paper**

## **Coventry Airport**

### **1. Introduction**

1.1 This core topic paper gives information on Coventry Airport in relation to relevant policy in the Warwick District Local Plan. This is one of a total of 12 core topic papers that have been prepared for the Public Inquiry into the Local Plan. These core topic papers do not seek to respond to individual objections to the local plan, but to provide background information on various key topics. The Council is also preparing detailed proofs of evidence and written statements that will respond to the detailed comments of objectors to the Local Plan. These will refer back to these core topic papers as necessary.

1.2 This core topic paper is structured to provide background information on the following:-

- Location and physical characteristics
- Policy Framework
- Planning history
- Warwick District Local Plan policy SSP7
- Other Airport matters

1.3 A number of other documents are referred to throughout this core topic paper. Some of these are in the Core Document library for the Local Plan inquiry. These are given a reference number as relevant. For example, the Warwickshire Structure Plan 1996 – 2011 is numbered as CD/908.

### **2. Location and Physical characteristics**

2.1 Coventry Airport is located to the immediate south east of the urban area of Coventry within Warwick District. It lies to the south of the A45/A46 trunk road network with access to the Airport from the Tollbar End junction. Vehicular

access can also be gained to the Airport from local roads within Baginton. The general location and extent is shown on Plan 1

2.2 The airport operates a single hard surfaced runway. For operating purposes the airport is divided into 3 areas:-

- Airport West, consisting of an area of seven hangars, associated office and other buildings, access roads, car parking and apron space, accessed from an entrance adjacent to Baginton village
- Airport North, consisting of areas of building for flying school and other aviation related activities with direct access from Rowley Road
- Airport South, consisting of an apron area, adjacent to which are buildings associated with passenger operations, from which, in part, the current low cost airline, Thomsonfly operates. Some general aviation and freight operations (largely at night) are also undertaken from within this area, utilizing, as necessary, some of the buildings. The area is presently subject to the construction of a car park to serve the low cost operation, in accordance with a permission granted by the Council in July 2005 (see planning history section later). This area is accessed from Siskin Parkway West via the Tollbar End roundabout

### **3. Policy Framework**

3.1 The policy framework applying to the formulation of Local Plan policy for the airport is established through the Development Plan, consisting of the approved RSS for the West Midlands, and the saved Structure Plan policies, together with national policy, as expressed in the Air Transport White Paper and other relevant Planning guidance.

#### **The Development Plan**

##### Regional Spatial Strategy for the West Midlands to 2021 (CD/1002)

3.2 Regional Planning Guidance (RPG) for the West Midlands to 2021 was published in June 2004. Following the commencement of Parts 1 and 2 of the Planning and Compulsory Purchase Act 2004 on 28<sup>th</sup> September 2004, the Regional Planning

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Guidance for the West Midlands now has the status of Regional Spatial Strategy and therefore forms part of the development plan.

- 3.3 The RSS contains Airports Policy (T11) which it states is to be reviewed as part of a future revision of this RSS following publication of the Air Transport White Paper (ATWP) (CD/xxxx). In November 2005, the West Midland Regional Assembly, the Regional Planning Body, published a draft Project Plan for the Phase Two revision of RSS. The Plan includes the revision of Policy T11 as a task for Phase Two which will be undertaken within the following published timescale (abridged):-

November 2005 – Launch Project Plan  
Early 2006 – completion of Technical work  
Summer 2006 – Options Stage  
Winter 2006 – Development of Preferred Option  
Late spring 2007 – Submission to Secretary of State  
Later 2007 – Examination in Public  
Early 2008 – Secretary of State proposed changes  
Autumn 2008 – Final RSS Phase Two changes published

- 3.4 The purpose of the review of the policy is:

*To establish the implications of the Airports White Paper for the Region and subsequent master planning including:*

- *The future roles of Birmingham International Airport, Wolverhampton, Coventry and Cosford*
- *Any necessary revision of policy T11*
- *The wider spatial and economic impacts of any proposed airport expansion*
- *The policy changes necessary to support and mitigate any such development*

- 3.5 As it stands at present, policy T11 is as follows:

- A. *Birmingham International Airport (BIA) will continue to be developed as the West Midlands' principal international airport with appropriate facilities in order to increase the extent to which it serves a wider range of global destinations to meet the Region's needs.*

- B. The planning permission for expansion of BIA has a target to achieve a public transport mode share of 20% (passengers, employees and visitors) by 2005 or 10 mppa whichever is the later.*
- C. To accommodate future significant levels of growth additional passenger terminal facilities would be required. Also, to serve more distant international destinations an extension to the main runway would be required. Development plans in Solihull and neighbouring authorities should include policies to provide for the assessment of proposals for the expansion of the airport to meet the demand. Criteria for development proposals should include the requirement that they be subject to rigorous environmental assessment and must demonstrate:*
- that both economic benefits and harmful environmental impacts have been assessed, in line with the principles of sustainable development;*
  - that unavoidable harm be reduced through mitigation; and*
  - where harm cannot be avoided or mitigated, it should be compensated for.*
- D. Satisfactory provision should also be required for improved surface access including:*
- improvements where necessary to the M42; and*
  - an increase in the percentage public transport mode share for passengers, employees and visitors – supported as necessary by improved public transport services.*
- E. Consideration should also be given to the provision of remote check-in and or parking facility to serve BIA and the need for bus-based Park & Ride facilities to serve BIA/NEC.*
- F. Coventry Airport, as primarily a freight airport, provides a complementary service to those at BIA. Development plans for Warwick District and neighbouring authorities should include policies for the assessment of proposals for the expansion of Coventry Airport. Criteria should require*
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*the approach to environmental assessment and impacts set out for BIA above; and any proposals for use of Coventry Airport by charter or scheduled passenger flights should be subject to the availability of public transport to serve the airport.*

- G. *The further development of other airports and airfields in the Region providing complementary services to those at BIA, will be supported providing that proposals can be justified following rigorous environmental assessment; mitigation or compensation can be provided for unavoidable, harmful environmental impacts; and any proposals for charter or scheduled passenger services are subject to the availability of public transport.*
- H. *Local transport plans and the Airport Surface Access Strategies should aim to ensure that improvements to strategic and local transport networks and interchanges are provided in order to ensure continued access by all modes to airports is maintained. Within these plans and strategies, challenging targets should be set to encourage a greater percentage of trips, by passengers, visitors and staff, by more sustainable modes.*
- I. *The Region should also work with other regions to develop improved public transport access to other key airports beyond the Region, as appropriate.*

- 3.6 Other policies of the Transport Chapter are also of relevance, notably T2 (Reducing the need to travel).

Warwickshire Structure Plan 1996 – 2011 (August 2002) (CD/908)

- 3.7 The Warwickshire Structure Plan 1996-2011 has been saved for three years from the commencement of Parts 1 and 2 of the Planning and Compulsory Purchase Act 2004 on 28<sup>th</sup> September 2004 and therefore still forms part of the development plan.
- 3.8 The overriding purpose of the Structure Plan (Policy GD.1) is to provide a pattern of development which (in summary):

- allows homes and jobs to be provided to meet the needs of the whole community;
- promotes greater use of public transport, walking and cycling;
- nurtures Warwickshire's legacy of distinctive towns and villages, countryside, environmental wealth and heritage; and
- enables the economy to grow and change.

3.9 Policy T.12 (Air Travel) is relevant. The policy states in full:

*In the context of Birmingham as the main international airport in the region:*

- a) *The County Council supports, in principle, the future expansion of Birmingham International Airport, subject to the agreement of suitable environmental mitigation measures relating to impacts on Warwickshire.*
- b) *Coventry Airport will be the focus of aviation activity in Warwickshire. Only facilities ancillary to the operation of existing commercial aviation activity, such as cargo and passenger handling, should be provided for in the district local plan where:*
  - a. *It can be accommodated within the existing airport curtilage; and*
  - b. *It does not require the removal of land from the Green Belt; and*
  - c. *The development is consistent with regional or national airport strategies; and*
  - d. *The surface access needs can be accommodated in a manner compatible with this Plan; and,*
  - e. *An Airport Surface Access Strategy is put into effect should the airport cater for 1,000 passenger air transport movements (PATMs) or more per annum.*

3.10 Policy ER.2 (Assessing the Environmental Impact of Developments) is also of particular relevance and states in full:

*The environmental impact of all proposed development on human beings, soil, flora, fauna, water, air, climate, the landscape, geology, cultural heritage and material assets must be thoroughly assessed, and measures secured to mitigate adverse environmental effects to acceptable levels. Local plans should include policies to ensure this takes*

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*place. The impact of existing sources of environmental pollution on the occupants of any proposed new development should also be taken into account. All assessments of environmental impact should take account of, and where possible seek to reduce, uncertainty over the implications of the proposed development. If adverse impacts cannot be mitigated to acceptable levels, development will not be permitted.*

- 3.11 Other policies of the Structure Plan are also relevant, notably ER.1 (Natural and Cultural Environmental Assets) and T.1 (Transport Objectives). Policy GD4 establishes Strategic Constraints, including that of Green Belt. This Policy states (in part):

*The allocation of land for development in local Plans must take the following strategic constraints into account:-*

- (b) *The West Midlands Green Belt, which, in Warwickshire: serves to prevent the spread of the built up urban areas of Coventry and the Birmingham Conurbation into open countryside; maintains a rural setting for the towns in Warwickshire; preserves the special character of historic towns and open countryside, and supports urban regeneration.*

- 3.12 The general extent of the Green belt is indicated in the Key Diagram. The precise boundary of the Green belt has been determined by Local Plans. The Green Belt Local (Subject) Plan of 1982 (Warwickshire County Council) CD/910 originally indicated a detailed boundary that attempted to distinguish between what was then the Coventry Trading Estate and some later development (primarily the Unipart building) and the area of the airport itself, including the runway and airport buildings at Airport West and North adjacent to Baginton. In the Warwick Local Plan 1995 (see next para), the Green belt boundary was refined to distinguish more clearly between existing development at Coventry Trading Estate, the area within which development was anticipated following the grant of permission for Air Park development (see planning history later) and the remaining open area of the airport. In the Revised Draft Version of the current Local Plan, the Green belt boundary retains the same boundary between the area of the Airpark permission and the area of the Airport itself, but with an amendment to take account of the development of the Parcellforce unit (see later

planning history). This removes a small triangle of land that was originally Green Belt in the 1995 Local Plan and upon which the development of the Parcelforce Unit has taken place.

Warwick District Local Plan 1995 (CD/1)

- 3.13 The previous Local plan for the District, for the period 1989 – 2001 incorporated policies related to Coventry Airport, the Air Park and the trading Estate. The Policies were as follows:

**DW EMP 2**

**To meet the needs of the City of Coventry, about ten hectares (25 acres) of employment land will be allocated adjacent to Coventry Trading Estate, Siskin Drive**

**DW EMP 2A**

**The redevelopment of land at Coventry Trading Estate, Siskin Drive, for employment (classes B1, B2 and B8) uses is supported. Such redevelopment will take place within land identified on the Siskin Drive Inset on the Proposals Map, which also includes additional land to meet the employment needs of Coventry required by District-Wide Policy EMP2**

**DW EMP3**

**Land will be allocated within the confines of Coventry Airport for airport related development and airport terminal buildings.**

**DW TR9**

**The Council supports the role of \Birmingham International Airport as the principal airport for the region. At Coventry (Baginton) Airport, further development related to the operational requirements of the airfield will only be permitted where it is for the modernization of existing facilities, improvement of safety facilities or development for cargo handling**

- 3.13a The reasoned justification to the policy states as follows:-

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*Coventry (Baginton) is the County's main airport. It is used primarily for general aviation, which consists of light aircraft for business and pleasure. Any major development at Coventry would create the risk of environmental damage and could undermine the position of Birmingham as the focus for the region's air transport growth. In order to maintain the role of Coventry as an important local aviation facility, the Council will accept proposals for development which would result in modernization of facilities, improved safety and enhanced cargo handling.*

#### **DW TR10**

**Development will not be permitted which would prejudice the safeguarding requirements of the Civil Aviation Authority in respect of Coventry and Birmingham airports and Honiley navigation beacon.**

3.13b The reasoned justification for the policy states as follows:-

*It is necessary to safeguard the air lanes and flight paths to Coventry and Birmingham airports and also the Honiley DVOR navigation beacon from development which may adversely affect their safe and proper functioning. The Civil Aviation Authority will be consulted on planning applications relating to sites within a safeguarding area*

3.14 The reasoned justification to Policy DWEMP3 stated as follows:-

*Planning permission has been granted for airport-related employment purposes within the boundaries of Coventry Airport. Such development is required to serve the needs of Coventry and assist in broadening its employment base. The Local Plan recognises this permission as a formal allocation, identified within the Siskin Drive Inset of the Proposals Map, because of its significant size and impact upon the Green belt boundary*

3.15 The reference is to the "Airpark" application W90/0065 referred to later in the planning history section, which granted outline permission for an airport terminal, other operational buildings and additional buildings for airport-related uses, at the area now incorporated in part in the existing employment site and in part the area of Airport West.

- 3.16 The green Belt Boundary was refined within the Plan (as indicated above) as in the Inset Plan.
- 3.17 The Siskin Drive Inset of the proposals map identifying the extent of these policies is attached as Plan 2

#### Local Transport Plan (CD/903)

- 3.18 The Warwickshire Local Transport Plan 2000 is also relevant and sets out an overall Aviation Strategy for Warwickshire (p.33). This has a number of objectives, including seeking to balance the economic benefits of airport development against environmental and other concerns (including surface access). It also seeks to improve the accessibility of the main airports within the County and recognises the potential for increased passenger numbers at Coventry Airport to require an Airport Surface Access Strategy.

#### **National Policy**

- 3.19 National policy on air transport is set out in The White Paper 'The Future of Air Transport' published on December 16<sup>th</sup> 2003 (CD/1140). The White Paper provides a strategic framework for the development of air travel over the next 30 years.
- 3.20 The White Paper proposes:

*a balanced and measured approach to the future of Air Transport (para 2.18) which:*

- *Recognises the importance of air travel to our national and regional economic prosperity, and that not providing additional capacity would significantly damage the economy and national prosperity;*
- *Reflects people's desire to travel further and more often by air and to take advantage of the affordability of air travel and the opportunities this brings;*
- *Seeks to reduce and minimise the impacts of airports on those who live nearby, and on the natural environment;*

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- *Ensures that, over time, aviation pays the external costs its activities impose on society at large – in other words, that the price of air travel reflects its environmental and social impacts;*
  - *Minimises the need for airport development in new locations by making best use of existing airports where possible;*
  - *Respects the rights and interests of those affected by airport development;*
  - *Provides greater certainty for all concerned in the planning of future airport capacity, but at the same time is sufficiently flexible to recognise and adapt to the uncertainties inherent in long-term planning.*

3.21 Specific reference to Coventry Airport is made in the White paper in two places. It is referred to in page 13 of the Executive summary in respect of the Midlands as follows:

*Any proposals to develop Coventry Airport, Wolverhampton Business Airport or the civil use of RAF Cosford should be decided locally*

3.22 It is also referred to at para 9.31 in the section on Other Midlands airports as follows:

*Coventry Airport currently serves a specialist role within the region, catering for business aviation, air mail and some freight, and can continue to perform this role within existing constraints. There is a current planning application for a terminal development at the airport. However, in the light of our conclusions on capacity elsewhere in the Midlands, and having regard to potential surface access, environmental and airspace constraints, we would not envisage any significant further development being appropriate beyond the level of passenger throughput in the current application.*

3.23 In relation to Birmingham International Airport, the White Paper concludes, in summary, that:-

- *There is a need for additional runway capacity in the Midlands*
- *The preferred location for a new runway to meet future growth in passenger demand in the Midlands is Birmingham*

- *Birmingham serves as an important regional base for several airlines. It has a growing charter programme and an emerging long haul market. Passenger volumes have grown by 10 per cent over the last 12 months (up to December 2004) to around 9mppa and are expected to pass 10 million within the next year or so. Traffic levels are forecast to increase by 2030 to between 32mppa and 40mppa (dependent in part on the level of growth at airports in the South East) The optimal capacity of the existing runway is likely to be around 20mppa although this is heavily dependent on the average number of passengers carried per aircraft and the diurnal profile of the traffic using the runway*

#### PPG13: Transport (CD/1113)

- 3.24 Guidance is also provided by the current framework of PPSs and PPGs. PPG 13 (March 2001) is of particular relevance. Its overall objective states:-

*The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:*

1. *promote more sustainable transport choices for both people and for moving freight;*
2. *promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
3. *reduce the need to travel, especially by car.*

- 3.25 The Guidance also requires that (in summary):

*In order to deliver the objectives of this guidance, when preparing development plans and considering planning applications, local authorities should:*

- *ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling, recognising that this may be less achievable in some rural areas;*
- *use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys;*

- *give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses;*
- *ensure that the needs of disabled people as pedestrians, public transport users and motorists - are taken into account in the implementation of planning policies and traffic management schemes, and in the design of individual developments; consider how best to reduce crime and the fear of crime, and seek by the design and layout of developments and areas, to secure community safety and road safety;*

3.26 PPG13 makes particular reference to aviation development although it is noted this guidance was issued prior to the publication of the Air Transport White Paper. PPG13 states:

*Local planning authorities will need to consider:-*

- 1 *the growth of regional airports: many are at a point where the introduction of new services is becoming increasingly attractive and where higher utilisation, and thus economies of scale, may be achieved. The New Deal for Transport encourages regional airport growth to cater for local demand where it is consistent with sustainable development; and*
2. *the role of small airports and airfields in serving business, recreational, training and emergency services needs. As demand for commercial air transport grows, this General Aviation (GA) may find access to larger airports increasingly restricted. GA operators will therefore have to look to smaller airfields to provide facilities. In formulating their plan policies and proposals, and in determining planning applications, local authorities should take account of the economic, environmental, and social impacts of GA on local and regional economies (PPG13:annex B, para. 5) .*

3.27 It states further that:-

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*Airports have become major transport interchanges and traffic generators, and attract a range of related and non-related developments. In preparing their development plans and in determining planning applications local planning authorities should consider the extent to which development is related to the operation of the airport, and is sustainable given the prevailing and planned levels of public transport. In this respect:-*

- the operational needs of the airport includes runway and terminal facilities, aircraft maintenance and handling provision, and warehousing and distribution services related to goods passing through the airport;*
- related development appropriate to airports includes transport interchanges, administrative offices, short and long stay parking;*
- less directly related development includes hotels, conference and leisure facilities, offices and retail. For such activities, the relationship to the airport related business should be explicitly justified, be of an appropriate scale relative to core airport related business and be assessed against relevant policy elsewhere in planning policy guidance; and*
- non-related development which should be assessed against relevant policy elsewhere in planning guidance.*

*Surface access needs should be planned as part of the wider transport strategy for the local area. Local transport plans should reflect the wider transport role defined for airports in regional strategies. Airport operators should be partners (eg through Airport Transport Fora) in implementing surface transport initiatives to ensure that access by public transport is enhanced. This may involve for example, parking restraint and the development of a travel plan for the airport, covering journeys by employees and users of the airport.*

*The environmental impacts of aviation proposals will always need to be very carefully considered. Existing sites with established aviation uses, including redundant military airfields, will often provide the best opportunities for aviation facilities, in so far as neighbouring development*

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*is likely to be compatible with aviation use. Conditions may be necessary to limit the environmental impacts of aviation, and this should be made clear in the development plan where possible. Advice on noise is set out in PPG24 on Planning and Noise. (PPG13:annex B, paras. 7 to 9)*

3.28 Other guidance which is of relevance to airport policy is contained within the following:

- PPS7 (Sustainable Development in Rural Areas) (2004)
- PPG9 (Nature Conservation) (October 1994)
- PPG15 (Planning and the Historic Environment) (September 1994)
- PPS23 (Pollution Control) (2004)
- PPG24 (Noise) (September 1994)

### **Permitted Development Rights**

3.29 Development at airports is subject to the permitted development rights conferred by Part 18 of the GDPO 1995. These allow the carrying out on operational land by a relevant airport operator of development in connection with the provision of services and facilities at a relevant airport, provided prior consultation is carried out with the Local Planning Authority.

3.30 There are limitations to these consents granted by the order, including runway construction, the erection of a passenger terminal of over 500 square metres external floor space, the extension of a terminal building by 15% and certain size and height constraints. In these instances, permitted development rights do not apply and permission must be sought in the normal way.

3.31 The consequence is that construction and extension of passenger terminals and other operational buildings can be undertaken on a land that is operational. It provides the opportunity for activities to be created, developed and expanded without control being exercised through the planning system. The exception to this is where development may be considered to have a significant impact on the environment, in which case the Environmental Impact Regulations apply. This can prevent the exercise of permitted development rights and require express permission to be sought, accompanied by the appropriate ES.

## 4. Planning History

- 4.1 Coventry Airport has a long standing history of aviation activity dating from before the commencement of the planning system in 1947. Its use as an airfield/airport has not ceased during this time although activity has varied in scale and extent over this period. The original airfield area extended over a wider area than the present airport. To the south-east of the current airport boundary an extensive aircraft manufacturing operation existed until the 1950s (see plan 3 of the 1952 OS base). The airport at that time effectively incorporated the manufacturing facility which used it to fly aircraft constructed on site. The buildings remained in place after manufacturing stopped and until its later extensive redevelopment in the 1990s remained linked to the airfield. This area became the Coventry Trading Estate, with access off Siskin Drive. Some additional development was undertaken within and adjacent to this site during the 70's and 80's, most notably the Unipart warehouse at the northern end of the site. The arrangement of the site at this stage before extensive redevelopment is shown on the attached Extract from the OS base of 1992 (plan 4)
- 4.2 The Structure Plan framework had recognized the importance of this location as an employment site in the original Urban Structure Plan of the late 70's and allowed for a measure of expansion at this site. This was acknowledged in later Structure Plans (most recently the Structure Plan Alterations 1989 -2001 on which the 1995 Local Plan was based) whose employment provision figures allowed for an additional 10 hectares of employment use to meet the needs of Coventry. In 1990, permission was granted for the redevelopment of the Coventry Trading Estate primarily for B1, B2 and B8 users. This extended beyond the then boundaries of the estate and incorporated the additional 10 hectares of employment land required to meet the Structure Plan requirement. This development has now effectively been completed.
- 4.3 In the same year, an application for outline planning permission was made on land to the west of the trading estate and part of the airport for airport related development. This land, totalling 39ha, was additional to that allocated for Structure Plan purposes and was to be restricted primarily to development

associated with airport activity. Its extent is indicated on Plan 5. The rationale of the proposal at that time was to enable specialist aviation technology companies to have a specific location to develop in the interests of enhancing the regional economy and to provide the opportunity for Coventry Airport to enhance its passenger function. The description of the application (referred to as the "Airpark" application) submitted in April 1990 (ref: W90/0065) was as follows:-

*"Erection of a new airport terminal building, other operational buildings and additional buildings for airport-related uses, construction of vehicular and pedestrian accesses at adjacent to Coventry Trading Estate, Siskin Drive, Baginton for P&O Properties Ltd"*

- 4.4 Outline planning permission was granted in April 1990. Condition 4 of the permission stated:-

*"The uses of the buildings hereby permitted to be erected shall be restricted to airfreight handling and distribution, manufacturing requiring airport taxi way access, aircraft repair, aircraft assembly and other businesses requiring direct airport access, together with relocation of users in occupation of premises on the adjoining Coventry Trading Estate on the date of this permission"*

- 4.5 Please note that a schedule of all relevant Planning Applications to date is attached as **Appendix A**.
- 4.6 No specific areas were identified for the location of each element of the proposed development. However, a Master Plan was produced by consultants on behalf of the applicants indicating an overall framework which would integrate the development of the Airpark and the Trading Estate. The Plan established the overall road layout (subsequently the subject of further applications and now implemented) and indicated a general location of a passenger terminal in the area now the subject of the present application.
- 4.7 An application to extend the period for the submission of reserved matters was approved in 1993 (ref: W93/0211).
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- 4.8 During the 90s, the operation of an airfreight parcel service by Parcelforce was commenced from Coventry Airport. As a temporary interim measure prior to development of the Airpark, the company utilized existing hangarage at what is now known as Airport West. However, they required a significantly larger scale of operation than originally anticipated and, in order to accommodate the scale of development, selected a location on the south side of the airport. This required an extension of the developed area beyond that permitted for the Airpark. The “Airhub” element of the scheme, (17,000 m) was proposed to partly extend into the area of the Green Belt adjacent to the Airpark within the airport boundary (see plan 6)
- 4.9 The proposal constituted “inappropriate development” within the Green Belt. However, the Planning Committee of March 1998 considered two “very special circumstances” outweighed any harm to the Green Belt, namely:-
- (a) the willingness of the applicant to address concerns within Baginton village over the noise and fume impact of existing and potential ground based aviation activity on the north side of the Airport near residential property; and
  - (b) the opportunity to develop airport needs on the south side of the Airport through the commitment to the Airpark development, including the passenger terminal, established by the outline planning permission and thus reducing the potential for impact on the north side.
- 4.10 The Committee resolved for the Parcelforce development to grant permission subject to a S106 agreement. An agreement was concluded between the Council and the applicant in May 1998 which contained the following obligations:-
- (a) weight restriction on aircraft using the north side;
  - (b) restriction on the areas within which aviation activity could take place;
  - (c) reduction in size of the north side terminal/offices;
  - (d) landscaping requirements;
  - (e) airport access closures;
  - (f) removal of a range of buildings;
  - (g) removal of permitted development rights; and
  - (h) no engine testing to be carried out.
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- 4.11 In January 1998, an application was received for a further extension of time for the submission of reserved matters in respect of the Airpark application. At this time, the site had been partially developed and a new aircraft apron constructed. The application was reported to the Planning Committee at the same meeting as the Parcelforce proposal (above). The implementation of this application was seen as part of the process of securing the improvements to the north side of the Airport by enabling the heavier freight related activity to move to the south side. The report to Committee informed Members that the further renewal of this outline planning permission would “enable the relocation of the existing terminal building from the existing airport complex to the west of the airfield adjacent to Baginton Village”. Permission was granted with a condition that reserved matters be submitted within 3 years and the development be commenced within 5 years.
- 4.12 In July 2002, an application to extend the period for the submission of reserved matters was submitted by West Midlands International Airport Limited (WMIAL). This application was subsequently withdrawn by the applicant in order for them to define more accurately the development they wished to propose and to address the need for an Environmental Impact Assessment following the introduction of the revised EA regulations in 1999. This further consideration resulted in the submission in March 2003 of a planning application for the construction of a permanent passenger terminal of some 3,000 square metres and an adjacent 650 space car park at Airport South. The application was accompanied by an EA, subsequently amended, and was the subject of extensive consultation and amendment. The applicant indicated that the capacity of the terminal was to be a maximum of 2mppa, i.e. 1 million outbound and 1 million inbound. The application is commonly referred to as application “A” and its extent is shown on Plan 7.
- 4.13 In December 2003, the Airport announced that it was to commence a low cost operation in late March 2004. Late in that same year it commenced the construction of an Interim Passenger Facility (IPF) of a scale that it considered could be constructed under the permitted development rights that exist for airports and therefore would not require express permission. This, it was intended, would allow the low cost operation to commence notwithstanding the fact that the main terminal application had not yet been determined. The IPF was constructed at Airport South in the location indicated on Plan 8.

- 4.14 Warwick District Council took the view that for reasons related to size and the need for EIA that the IPF was not permitted development. In April 2004, the Planning Committee authorised enforcement action and an injunction to secure the cessation of the use of the buildings and their removal.
- 4.15 The Airport issued a “strike out” claim in the High Court against the Council’s injunction. This was heard in May 2004. The Court found against the Council and the injunction fell.
- 4.16 The Airport appealed against the enforcement notices in May 2004. An appeal date was subsequently set for February 2005
- 4.17 In September 2004, the Planning Committee refused the March 2003 application (Application A) for the permanent terminal on a range of environmental grounds
- 4.18 In October 2004, the airport submitted an appeal against the refusal of the 2003 application. An inquiry into the appeal subsequently commenced on 10th January 2006
- 4.19 In November 2004, a further planning application (Application “B”) was received from the Airport for the construction of a larger passenger terminal. This application was for a terminal of approximately 10,000 sq metres and approximately 3,800 car parking places, located in the same general area as the 2003 application, though extending over a wider area. Its location and extent is shown on Plan 9.
- 4.20 An appeal against non determination of this application was submitted by the airport in September 2005. The appeal was then conjoined with that in respect of Application “A” for commencement on 10<sup>th</sup> Jan 2006.
- 4.21 The appeal against Application “A” was then withdrawn and the inquiry has dealt solely with Application “B”.

### **The Enforcement Inquiry**

- 4.22 The enforcement Inquiry commenced on 1<sup>st</sup> February 2005. Main participants included the Airport, Warwick DC, Coventry City Council, Rugby Borough
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Council, the Community Group (representing a range of opposition groups), CPRE, The Chamber of Commerce, the Highways Authority and the Warwickshire Wildlife Trust. In addition, there were many contributions from other organisations and individuals. The inquiry sat, with some breaks, until the 19<sup>th</sup> July. The two inspectors have reported to the relevant Secretaries of State. At the time of Topic Report writing, no decision had been issued.

4.23 In summary, the inquiry addressed the Airport's two main grounds of appeal:-

- Ground A – that permission should be granted for what is alleged in the enforcement notices (i.e. in effect a retrospective planning application for the IPF)
- Ground B- that there has not been a breach of planning control (i.e. that the IPF is permitted development)

4.24 In relation to the Ground “A” appeal, as is normal in such circumstances, discussion took place between the parties on the mitigation and compensation measures that it would be appropriate to attach to any grant of permission.

4.25 A further application for car parking at Airport South was submitted to the Council during the course of the inquiry. This was accompanied by an Environmental Statement. Its location is shown on plan 10.

4.26 At the Planning Committee of 4<sup>th</sup> July 2005, reports were submitted on the car park application and a package of mitigation measures. The application for car parking was approved, subject to conditions and a Legal Agreement limiting car parking provision on land under the control of the Airport and the cessation of car parking within the airport adjacent to Baginton Village

4.27 The discussions on mitigation led to a package of measures that, in light of the views of the Council's specialist advisors was considered to be sufficient to permit the IPF to operate in accordance with the environmental constraints set out in relevant Development Plan policy, taking into account the otherwise unconstrained nature of the airport and the potential for alternative patterns of aviation activity for which no permission may be necessary (a “fall back” position).

4.28 The Committee resolved (in summary) that:

- The package of measures was reasonable and provided it was put fully in place, the development could be considered in accordance with the Development Plan
- That the Inquiry be informed that subject to a formal obligation in relation to the package, the council would consider it appropriate for permission to be granted by the Secretary of State
- That in respect of the forthcoming inquiry into the main terminal (application “B”), the same package, varied as to scale to meet the larger scale of impact, would provide adequate mitigation.

4.29 The package of measures included:-

- Quiet Noise operations policy, including a night noise quota count limit
- Cap on passenger movements of 0.98 mppa
- Cap on aircraft movements from the terminal of 12,930 per annum
- Sound Insulation Grants Scheme
- Noise monitoring
- Noise preferential routes
- Restriction on turbo jet training
- Removal from service of DC3 and DC6 at night
- Air quality monitoring
- Travel Plan/public transport provision
- Amendments to signalization of Toll Bar End

4.30 This information was submitted to the inquiry.

### **Application B**

4.31 The applicants have stated that this application was submitted because Application “A”, the March 2003 proposal (which was inherited by the current Airport operator from the previous management), did not provide sufficient space for the provision of a properly functioning permanent terminal. The application proposed a cap on capacity the same as application “A” at 2 million passengers per annum. The Airport has stated that the additional space will provide more

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facilities necessary for the processing of passengers and their welfare, but will not increase the overall throughput over that originally anticipated.

- 4.32 As Application “B” had been appealed on grounds of non determination, it had not been before the Planning Committee for a formal determination. As it was necessary for the views of members to be sought on the position to take on the application for the public inquiry, a report was taken to a special meeting of the Planning Committee of 22<sup>nd</sup> September, which, following adjournment, was reconvened on the 28th September.
- 4.33 Members received an extensive report setting out the policy background and the Heads of terms of a compensation and mitigation package that had been put forward. The package generally contained the same elements as those put forward for the IPF, but were increased to account for the larger impact of the main terminal. For example, the Sound Insulation Grant funding was increased from £50,000 to £100,000 per annum, specific insulation was to be provided for immediate residents, the Night Noise Quota Count was reduced from 5000 to 3,500 (thus further reducing the upper limit on the amount of night time disturbance from aircraft noise) and highway improvements to the satisfaction of the Highways Agency were required, along with appropriate Green Transport commitments.
- 4.34 Members were reminded of the current uncontrolled nature of the airport, in planning terms, whereby no control can be exercised over the operation of aircraft from the existing infrastructure. The potential for a “fall back” situation, in the event of the terminal not proceeding, involving continued uncontrolled aviation activity, was a factor that needed to be weighed in considering the merits of the mitigation package before the Committee.
- 4.35 The Planning Committee resolved (in summary) that:-

*the Council’s position in respect of the Inquiry into the appeal against non determination of Application ‘B’ (ref: W2004/1939) is that the development is considered in accordance with the development plan subject to:*

- (a) the draft Heads of Terms containing the package of control, mitigation and compensation measures offered by the applicant being converted*

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*into a formal obligation and the imposition of appropriate conditions to be attached to any grant of planning permission; and*

- (b) the relevant highway authorities (Warwickshire County Council and Coventry City Council) and Highways Agency being satisfied with regard to the surface access impacts of the development and surface access mitigation measures offered by the applicant;*

**Except** *in respect of the provision of public transport to the facility where the Council considers that the level of public transport included in the draft Heads of Terms agreement, principally in respect of the proposed bus service fails to meet the requirements of the Development Plan, principally policy T11 of the Regional Spatial Strategy.*

4.36 The Airport improved its public transport offer in response to the concern expressed by Members as set out above and a further special meeting of the Planning Committee was held on 5th December to consider this. The meeting resolved as follows:

- 1. The additional public transport proposal put forward by WMIAL, namely the doubling of the frequency of the shuttle bus from Coventry and the provision of public transport from the Warwick/Leamington area upon the achievement of a threshold number of passengers and employees to be agreed before the opening of the new terminal meets the concerns of the Committee in respect of the bus service as expressed at its meeting of 22/28 September as set out in minute number 480 (3).*
- 2. Subject to the incorporation of the additional proposals into a formal obligation otherwise including all the Heads of Terms as referred to at the meeting of 22/28 September (see minute number 480 (3)(1a)) and the imposition of appropriate conditions, the Council considers that the development is considered in accordance with the development plan, subject to the relevant Highways Authorities and Highways Agency being satisfied with regard to the Surface access impacts of the development and surface access mitigation measures offered by the applicant (see minute number 480 (1b)).*

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## **The S78 Inquiry**

- 4.37 The Inquiry started on the 10<sup>th</sup> January. Subsequent to the decision of the Planning Committee on 28<sup>th</sup> September, the airport withdrew its appeal into application "A". The inquiry has therefore dealt exclusively with Application "B".
- 4.38 The appeal will be one that is to be determined by the First Secretary of State. The issues he wished to see examined at the inquiry were as follows:-
- a. Airspace capacity and national and regional air transport policies
  - b. Relationship with RSS and Airports policies
  - c. Relationship to expansion proposals for Birmingham International Airport
  - d. Relationship to national Transport policies and RSS with regard to car parking and public transport
  - e. Relationship to policies in the local development plan
  - f. Consistency with key planning policies contained in PPG 13
  - g. The extent to which the proposal is consistent with PPS7 and PPG9
  - h. The environmental impact of the proposal including noise and air quality issues and their relationship to PPS23 and PPG24
  - i. What conditions and agreements may be appropriate in the event of granting permission
  - j. Whether it would be premature to grant permission for a 2millionppa terminal in advance of completion of airspace modelling to assess potential conflicts between Coventry and Birmingham
  - k. The possible declaration of a Public safety zone
  - l. Any other matters considered relevant by the Inspector
- 4.39 The outcome of the inquiry is awaited

## **5. The Warwick District Local Plan: Policy SSP7**

- 5.1 The aim of Policy SSP7 is to reflect at local level the existing National and Regional Planning framework. It does not seek to put in place criteria that have no basis within existing, relevant planning policy.

- 5.2 The primary Policy with which SSP7 has to conform is Policy T11 of RSS. As set out above, that policy is due for review as part of Phase two of the RSS Partial Review and the framework for that review has already been set. In effect, therefore, Policy SSP7 is an interim policy that will be in place only so long as is necessary before a replacement T11. Any revision to T11 will need to be assessed for its implications for local policy and any necessary amendment to policy SSP7 to ensure it continues to accord with T11 would be undertaken formally as soon as practicable.
- 5.3 The issuing of the Airport White Paper in December 2003 predated the issue of RSS in June 2004. As the review of policy T11 in the light of the White Paper has not yet taken place, it is appropriate for SSP7, in giving effect to the requirements of T11 in the interim, to have regard to relevant planning related matters within the White Paper.
- 5.4 Until such time as a review of T11 takes place, SSP7 sets a range of criteria that are intended to accord with the policy as it stands, as informed by the White Paper, and against which any development proposals will need to be assessed. It is suggested in the proposed modifications document that certain changes be made to SSP7. The purpose of this is to allow the policy to more closely reflect Regional and National policy in the light of information that has been provided since publication of the Revised Deposit Plan.
- 5.5 The first change is to criterion d) where it is suggested that the word “significantly” is removed so that the wording reads as follows
- d) the number of air passengers served by the airport does not ~~significantly~~ exceed two million passenger movements per annum;**
- 5.6 The reason for the inclusion of the word “significantly “ in the first instance derives from the wording of the Airport White paper, where, as quoted in the above section , it states:

*“However, in the light of our conclusions on capacity elsewhere in the Midlands, and having regard to potential surface access, environmental and airspace constraints, we would not envisage any significant further development being appropriate beyond the level of passenger throughput in the current application”*

- 5.7 The final phrase refers to “**significant** further development” beyond the level of passenger throughput in the current application, which at that time was application “A” which anticipated 2 million passengers per annum. The interpretation that was placed on this at the time of preparation of the revised deposit of the Plan was that provided it was not significant, some degree of development beyond the current application would not conflict with the White Paper approach. This was considered to be the correct conclusion to be drawn from the wording of the paragraph and para d) of SSP7 was written accordingly.
- 5.8 Since policy preparation, correspondence from Mr Tony McNulty MP, the then Parliamentary Under Secretary of State within the Department for Transport has come into the public domain. This has clarified the Department’s position on this matter. He states in his letter of 7<sup>th</sup> May 2004:
- “The White Paper accordingly makes very clear that the Government does not support the expansion of the airport beyond the level for which planning permission is currently sought”* (A full copy of this letter is attached as **Appendix B**)
- 5.9 This position is now also supported by the Government Office for the West Midlands in their submission in respect of the Local Plan. For the policy to accord with the White paper, regard must be had to the statement made by the appropriate Government Minister and the weight attached to it by Government Office (objection 110). The statement makes it clear that the White Paper should be read to indicate that development that allowed for passenger movements above 2 million per annum would not be in accordance with the White Paper. Government office also states that the White Paper is neutral in relation to proposals for development at Coventry Airport that would expand passenger services up to that level of passenger throughput. That has always been understood and accepted by the Council.
- 5.10 As the aim of the policy is to accord with the national and regional planning framework that is currently in place in relation to airport development, in light of observations made and the clarification of the policy, the above amendment to remove the word “significant” is suggested. It is understood that Government policy is established through the issue of White Papers, formal ministerial
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statements and (in relation to planning) through its framework of PPGs and PPSs and that an informal letter from a minister or a comment from the Regional Office does not constitute an expression of substantive policy. However, where such comments are specifically related to an expression of policy that has been the subject of varying interpretation by a range of parties, it would not be unreasonable to attach some weight to their content

- 5.11 The amendment to criterion d) to strike out the word “significantly” has therefore been suggested as it removes ambiguity and provides clarity in relation to the level of activity (2mppa) beyond which Government considers there would be conflict with its policy.
- 5.12 A suggestion for amendment to criterion f) is also proposed to clarify the relationship of the policy to National Policy. The amendment proposed is as follows:
- f) ~~the number of air transport movements serving the airport does not constrain the growth of Birmingham International Airport as envisaged within the Air Transport White Paper in terms of airspace capacity. The number of air passengers served by the airport accords with the Air Transport White Paper’s endorsement of Birmingham International Airport as the Government’s preferred location to meet future growth in passenger demand and reflects regional policies for airport development~~
- 5.13 The amendment to criterion f) would provide a wider basis for the consideration of proposals at Coventry airport in the context of government policy towards the development of Birmingham Airport. The wording used is that suggested by GOWM in relation to criterion d), but it is considered that a clearer expression of a numerical limit is appropriate for criterion d) and that the wording proposed is more appropriate for criterion f) in expressing the need for development at Coventry to reflect government policy in relation to Birmingham Airport. The revised constraint allows for matters to be considered which are relevant to planning and which may impact adversely upon the Government’s view of the desirability of the development of BIA to be taken into account in considering development proposals.
- 5.14 Further amendments have been proposed to the Reasoned Justification to SSP7 as follows:

**Possible change to para 10.41 of SSP7 supporting text**

*10.41 Government policy on air transport is set out within the Air Transport White Paper (December 2003) which emphasises the need for a balanced approach to the growth in air transport, recognising both the costs and benefits of air travel. The Government's starting point is to make the best use of existing airports before supporting the provision of additional capacity. However, the provision of some additional airport capacity will be essential to accommodate the potential growth in demand. Failure to provide additional capacity would become a barrier to future economic growth and competitiveness. In relation to the Midlands, the White Paper therefore supports the growth of Birmingham International Airport but sees the development of Coventry Airport as a matter for local determination. **Future development of Coventry Airport needs to be considered in the context of the White Paper's endorsement of Birmingham as the Governments preferred location to meet future growth in passenger demand and its position on the utilization of existing airport capacity***

Reason - In respect of Coventry Airport, in order to clarify how the consideration of any future proposals are to be considered at local level, it would be appropriate to add a sentence that reflects the need to have regard to the approach adopted in the White Paper policy towards BIA and existing airport capacity.

**Possible change to para 10.42**

10.42 The Regional Spatial Strategy for the West Midlands policy on Airports is to be reviewed. The policy currently supports the continued development of Birmingham International Airport as the principal international airport for the West Midlands. However, it recognises that Coventry Airport as primarily a freight airport provides a complementary service to Birmingham International Airport. It requires that any further development of Coventry Airport should be subject to rigorous environmental assessment with consideration to be given to mitigation and compensation for unavoidable harm. **The Regional Planning Body has an important role in considering the implications of the Air Transport White Paper for the Regional Spatial Strategy and is**

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**committed to reviewing RSS Policy T11 in those terms. Such review may necessitate an early review of SSP7**

Reason – a reference to the role of the RPB in reviewing RSS policy T11 would provide more clarity to the process of policy review that will be undertaken. A final sentence has been added to clarify the need to review SSP7 to respond to any future change to T11.

**Possible change to para 10.42a**

10.42a The objective of this policy is to direct aviation development to land to the south east of the runway and therefore away from nearby residential properties in Baginton and thus protect the West Midlands Green Belt which covers the remainder of the Airport. The policy also ensures that the impact of any development is properly assessed and that any adverse impacts are mitigated or compensated for. Where adverse impacts cannot be mitigated or compensated for, development will not be permitted. In relation to development of passenger facilities, the policy **recognises that it is necessary to** restricts passenger growth in line with national policy, ensures appropriate levels of public transport and protects the ability of Birmingham International Airport as the West Midlands principal airport to grow as envisaged within national policy. Air Transport Movements are defined as the landing or take off of an aircraft engaged in the transport of passengers, cargo or mail on commercial terms.

Reason – a small amendment suggested to indicate that the policy is part of a wider framework of policy and that the Local Plan Policy has to have regard to that wider framework.

**Possible change to para 10.42.b**

10.42b It has to be recognised, however, that the Airport currently operates without restriction on the time, type and frequency of aircraft movements and also benefits from permitted development rights ~~within part of the airport curtilage~~ under the Town and Country Planning (General

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Permitted Development) Order 1995. ~~Small scale development within part of the airport boundary therefore does not require planning permission.~~

Reason – The purpose of the change is to clarify the reference to airport permitted development rights. The existing revised draft wording looked to indicate that the rights did not necessarily extend over the whole of the land under the control of the airport company. However, in order for greater clarity, the reference to curtilage has been removed as it is not this characteristic of land, but whether it is operational or not that determines whether or not such rights exist. In addition, the reference to “small scale development” has been removed as whether it is small scale or not is a subjective judgment and not the determining factor as to whether PD rights can be exercised. It is considered most appropriate simply to refer to the existence of PD rights and not to qualify them further in the policy.

### **Operation of policy**

- 5.15 The policy is limited to a defined area at Airport South. It includes undeveloped land that has been within the airport boundary in the past (see 1952 OS base at plan 3), but excludes land that has been developed for employment purposes. The Policy also does not apply to that area of the Airport covered by Green Belt. The purpose of the Policy, as set out in Para 10.42a of the reasoned justification, is to direct aviation development away from the sensitive residential areas of Baginton village. That has been an objective of the Council for a considerable period of time, expressed through the grant of the Airppark permission and the Section 106 Agreement secured in association with the Parcelforce Development. Notwithstanding the PD rights that exist on land that can be held to be operational airport land, the Councils position is that where express permission is required, such development should be located at the South side of the airport and limited to that area defined by the Policy boundary. The general extent of Green Belt covering the majority of the airport requires the exercise of a general presumption against inappropriate development that would prejudice its open nature. For development to be undertaken within Green belt, it would be necessary for very special circumstances to be demonstrated in each individual case and, where appropriate, for reference to be made to the Secretary of State in instances where the Council was of the view that such circumstances had been demonstrated to its satisfaction. It would not be appropriate to impose a site

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allocation policy across an area of Green Belt in such an instance as this may be taken as implying that compliance with its criteria would provide the necessary very special circumstances to justify a departure. Pre determination of “very special circumstances” is not possible. All applications within Green Belts need to demonstrate on the merits of the individual circumstances of the case whether or not there are sufficient “very special circumstances” to warrant a departure being appropriate.

5.16 The application of policy to development proposals requires all the criteria to be applied. All six criteria, a) to f) would need to be satisfactorily addressed in the consideration of any proposals within the defined area before permission could be granted.

5.17 The purpose of each criteria is, in turn, as follows:

**a) it consists of facilities for aviation activity undertaken at the airport**

5.18 The application of this criterion is intended to ensure that development only takes place that is demonstrably related to the function of the site as part of an airport. It is not necessary to list out the functions that constitute aviation activity as these will need to be considered on their merits as they come forward. The test of reasonableness will need to be applied to proposals and all necessary evidence provided, where necessary, to demonstrate the nature of the activity/development and its relationship with aviation activity. It is possible that some forms of development may be ancillary to the undertaking of aviation activity, which, in themselves, constitute uses that could be considered more appropriate for other locations. For example, proposals for aviation related retailing would require evidence to be provided to demonstrate that there was a need for such use in association with the primary aviation – based activity at the site, that it did not create a retail destination in its own right, that it was of a scale appropriate to existing activity and that sufficient control could continue to be exercised over such use to retain its specialist character.

**b) the economic, social and environmental impacts (including road traffic impacts) have been rigorously assessed**

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5.19 This set of criteria will provide the opportunity for the full range of impacts arising from each individual proposal to be assessed as far as is necessary to provide the information required to advise the decision making process. It is not exclusive and is widely expressed in order to allow all relevant matters to be examined in depth as appropriate. EIA would be required where there is the likelihood of a significant impact on the environment. Assessment would need to involve all necessary consultees and in assessing any proposal, the Council would need to ensure that it had sufficient technical advice available to it to fully assess impacts.

**c) adverse impacts are mitigated to reduce harm or, where harm cannot be adequately mitigated, are compensated for**

5.20 This requirement directly reflects the requirement of RSS and accords with the guidance set out in paragraph 19 of PPS1. As in relation to criteria b) above, it will require the consideration of all relevant information and a full assessment, guided by technical advice on the potential for mitigation and the level of compensation that would be appropriate

**d) the number of air passengers served by the airport does not ~~significantly~~ exceed two million passenger movements per annum**

5.21 As proposed for amendment, the policy places a fixed constraint on the level of activity related to development at the airport, above which it is understood that it would conflict with government policy as set out in the Airports White Paper. Compliance with this criterion alone would not cause a development proposal to be considered acceptable. It would need to comply with all other aspects of the policy as well

**e) the number of air passengers served by the airport is linked to a level of availability of public transport serving the Airport which discourages unnecessary private car use**

5.22 The purpose of the criterion is to ensure compliance with RSS (ref para F of T11) as well as wider advice and guidance on securing more sustainable means of transport. It will require development to demonstrate their proposals for public transport provision and will enable the Council to press for measures that will

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secure levels of public transport provision appropriate to the circumstances of each case in the context of a policy framework to maximise such provision. In accordance with Government policy, it will be for the Airport Surface Access Strategies to provide a framework for the determination of specific and challenging targets, as recognised by RSS (para H).

f) ~~the number of air transport movements serving the airport does not constrain the growth of Birmingham International Airport as envisaged within the Air Transport White Paper in terms of airspace capacity. the number of air passengers served by the airport accords with the Air transport White Paper's endorsement of Birmingham International Airport as the Government's preferred location to meet future growth in passenger demand and reflects regional policies for airport development~~

5.23 This criterion (as proposed for amendment) will ensure that in the assessment of any proposals requiring planning permission, consideration will need to be given to their impact on the potential for BIA to develop consistently with the Aviation White Paper and RSS. This would allow account to be taken of any aspects of development proposals, either direct or indirect, and which are genuinely planning related that would cause the development of BIA to be adversely affected to the extent that it would not be possible to develop its role as the West Midlands's principal International Airport. For the Council to be able to take a view on this, it would require clear, unequivocal evidence that such impact may occur as a direct consequence of development for which planning permission is necessary. That may involve the consideration of matters, e.g. potential airspace conflicts, in respect of which the Council has limited expertise and which are of such technical and specialist complexity that the involvement of the relevant national regulatory bodies and their express conclusions on such matters would be required.

## 5. Other Airport matters

5.24 The operation of airports is governed by other legislation and its associated regulations. The Civil Aviation Act 1982, the Airports Act 1982 and the Air

Navigation Order establish a wide range of controls on airports in relation to operating procedures and safety. The CAA is the UK's independent aviation regulator with all civil aviation regulations (economic regulation, airspace policy, safety regulation and consumer protection) integrated within a single specialist body.

- 5.25 Where planning permission is required for development at an airport, such development must also comply, where necessary, with the requirements of the above legislation. However, this does not mean that where CAA legislative requirements have to be met, or where the airport has to have regard to CAA guidance, such matters can be taken into account as material considerations in the consideration of a planning application. For example, the CAA provisions in respect of public safety zones at runway ends is relevant to the operation of an airport and, where such zones are declared, will need to be taken into account in the consideration of any planning application for development within that zone. However, the lack of designation of such a zone cannot be a material consideration in the determination of planning applications at the airport. Likewise, airports have rights and responsibilities in relation to control over the height of trees on runway approach paths. The exercise of these rights is largely independent from planning legislation and cannot be taken into account in the consideration of development proposals at the airport. It is no part of the Planning regime to replicate controls which are provided for in other statutory regimes.