

		Planning Committee – 16 September 2009	Agenda Item No.24
Title A45-A46 Tollbar End Improvement Scheme, Use of Runway 05 'undershoot'			
For further information about this report please contact		John Beaumont – 01926 456533 john.beaumont@warwickdc.gov.uk	
Service Area		Development Services	
Wards of the District directly affected		Stoneleigh	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	
Date and meeting when issue was last considered and relevant minute number		N/A	
Background Papers		Letter from Coventry Airport 9 th July 2009 and subsequent correspondence Response from Parish Council 21 st July 2009 Responses from Cole Jarman 27 th July 2009 and 2 nd September 2009	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	1/9/09	Bill Hunt
Chief Executive	N/A	
CMT	N/A	
Section 151 Officer	N/A	
Legal	3/9/09	Peter Oliver
Finance	3/9/09	Marcus Miskinis
Portfolio Holder(s)	N/A	
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Baginton Parish Council notified; response included in Background Section of this report.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
N/A		

1. SUMMARY

- 1.1 This report considers the request from Coventry Airport that the District Council raise no objection to a temporary change to the operations at the airport to allow aircraft taking off runway 05 in an easterly direction to start their takeoff 140 m further west than at present (i.e. using part of the present tarmac 'undershoot' as runway). This would take place only if and when necessitated by proposed piling works, to be undertaken by the Highways Agency as part of the planned improvements to the A45/A46 Tollbar End roundabout; these piling works would interrupt the present 'obstacle limitation surface, takeoff', hence requiring aircraft to takeoff earlier to gain increased height over the proposed works.

2. RECOMMENDATION

- 2.1 That Coventry Airport be informed that, in the event that the Highways Agency request that 140 m of the 'undershoot' of runway 05 be used for the taking off of aircraft in an easterly direction to avoid piling operations on the A45-A46 Tollbar End Improvement Scheme, and on the basis of the information and proposals currently available to it the District Council would not consider it expedient to take enforcement action in respect of the resulting temporary breach of planning control, provided that the breach only took place for the duration of the necessary piling operations and on the cessation of the resulting penetration of the present 'obstacle limitation surface' for the existing use of runway 05, the use of the undershoot for the purposes of taking off ceased. Furthermore the airport be informed that in the event that either Highways Agency request for such a change to take off arrangements exceeded a period of 1 year, or the date of commencement of the 'trigger' piling works falls after 1st January 2012, the District Council be informed to enable its stance on this matter to be further considered in the context of any possible changes of circumstances. For the avoidance of doubt, the airport should be informed that in reaching this view, the District Council has noted that the use of the existing runway for the landing of aircraft will not be affected and that the proposed movement of the takeoff point 140 m to the west during the piling operations will not result in a material increase in the effective length of the runway available to aircraft at that time.

Comment from the interim Head of Legal Service

There is a danger that the Council may be seen to be fettering its discretion, which is unlawful. It is, therefore, important that the decision is clearly seen to be based solely on the proposals and other information submitted to the Council at the present time. This would mean that if any of the circumstances change, the Council is able to reconsider its decision.

3. REASONS FOR THE RECOMMENDATION

- 3.1 It is considered that the proposed temporary change to takeoff arrangements for runway 05 would facilitate the necessary works of piling to enable the improvements proposed to the A45/A46 Tollbar End Improvement Scheme whilst not causing unacceptable harm to the amenity of residents of the surrounding area, and hence would be in accordance with the policies in the Warwick District Local Plan, 1996-2011 set out below.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The key alternative to be considered would be simply to respond to Coventry Airport that a planning application should be submitted for this proposed temporary repositioning of the point of takeoff from runway 05 to within 140 m of the current undershoot. The difficulty is that both the precise start date of the piling works and the length of the works is unknown, and the Highway Agency is requesting an urgent response to enable it to clarify its programme of works for the A45/A46 Tollbar End improvement. In these circumstances, given the particular nature of the changes to the position of the take off point for runway 05 in an easterly direction and the likely limited consequences thereof, it is considered that the response recommended would be an acceptable manner to deal with this situation.

5. BUDGETARY FRAMEWORK

- 5.1 This report has no budgetary implications.

6. POLICY FRAMEWORK

- 6.1 The policies of particular relevance in the Warwick District Local Plan 1996-2011 are DP2 (amenity); DP9 (Pollution Control) and SSP7 (Coventry Airport).

7. BACKGROUND

- 7.1 In a letter dated 9th July 2009, the Manager, Operations and Compliance, for Coventry Airport wrote to the District Council requesting permission to use Coventry Airport's runway 05 undershoot for the taking off of aircraft during the critical piling phases for the A45/A46 Tollbar End Improvement Scheme. It was explained that the Highways Agency intend to commence the aforementioned project in January 2011; this will include construction of an underpass with an essential need for piling operations. An estimated time for piling is 6 months albeit this may be staggered within the project and may not be completed in one 6 month phase.

This piling operation will have a significant effect on the operation of Coventry Airport and in particular on the taking off of aircraft on runway 05 in an eastwards direction; the reason is that the piling works will infringe the 'Obstacle Limitation Surface, Takeoff'. Coventry Airport is regulated by the Civil Aviation Authority (CAA) and safeguarding of the aerodrome is the responsibility of the airport. There should be no penetrations within obstacle limitation surfaces and penetration will lead to a non-compliance with CAA regulations; penetration can be mitigated against (risk assessment) but in such a critical position this is not feasible. The consequence is that the airport is requesting the temporary use of the runway 05 undershoot for the taking off of aircraft during the piling operation associated with the Tollbar End Highway Improvement Scheme; this would alleviate all operational restrictions during the piling operation and would enable the contractor to work undisturbed without having to lower the piling rigs when the full length of runway 05 is required for takeoff.

The runway undershoot consists of 183 m of runway strength asphalt and is there to provide a safety braking facility should aircraft landing from the east overshoot the end of the runway i.e. it is not normally used for the landing, taking off or manoeuvring of aircraft and has been held by Warwick District Council not to constitute runway in planning terms. To alleviate the effect of the piling rigs, 122 m

of the overshoot would be needed to move westward the takeoff point of aircraft leaving in an easterly direction; the request is to actually move the takeoff point 140 m to give a degree of turning space for aircraft and a small buffer between the takeoff surface and the piling operations. During 2008, runway 05 was used on average 24.75% of the time and usage varied from 5.6 % to 83.3% per month.

The airport have stated that as the precise start date or length of piling operations is not known, the District Council is requested to give a degree of flexibility to the proposed use of the 'undershoot' for the taking off of aircraft. The airport has further confirmed that the proposed change to the takeoff in an easterly direction does not affect landing from the east. This landing threshold is already sufficiently displaced to ensure that the piling equipment is below the Precision Approach Surface; this means that the end of the landing runway will remain as it is today at the current start of takeoff for runway 05 and no additional landing distance is needed.

Inasmuch as it is proposed to use the existing 'undershoot' as 'runway' for the taking off of aircraft, it is considered that this would be a change of use that would normally require planning permission. It is recognised, however, that the precise timing for the commencement of this development or the length of the piling operations at Tollbar End is not known. Nevertheless, the Highways Agency and Coventry Airport need to know at this stage, to enable construction works to be programmed, that the District Council would not object if the takeoff point of aircraft were moved as proposed.

The noise consultants, Cole Jarman Associates Ltd., have been engaged by the District Council to consider this proposal; they were the noise consultants used by the District Council in the consideration of previous development proposals at the airport. They have concluded that the use of 140 m of the Runway 05 'undershoot' for a period of around 6 months is not likely to lead to a noise impact sufficient to withhold permission for the proposal; the likely noise effects are expected to be relatively small and affect a relatively low number of people and persist for a temporary period only. This advice is also the view of the Head of Environmental Health.

The Chair of Baginton Parish Council in an e-mail dated 21st July 2009 confirmed:-

"Roger and I have now spoken to all residents who live close to the Bubbenhall Road end of runway 05. We explained that the contractors for Tollbar Island improvement scheme require runway 05 to temporarily move 140 metres towards the Bubbenhall Road fence for takeoff operations, whilst the piling operations take place, and that this will significantly increase the local noise levels from the large, fully laden, planes whilst waiting to commence takeoff. However these noisy events may be very infrequent as runway 05 is only used for approximately 20% of movements and the large planes are currently not in regular use. It was made very clear that this would be a temporary agreement to move the 05 runway and that as soon as the piling work was complete the runway would return to its current markings; the piling operation was projected to take approximately 6 months.

Despite strong anti airport feeling from a number of the residents they all wanted Tollbar Island improvements to proceed and nobody objected to the temporary movement of the 05 threshold. They all accept that the current piling dates (Spring 2011 to Autumn 2011) may be a little vague at the moment and that the exact

period of piling may slightly exceed 6 months (due to breakdowns and weather etc) so you will have to word the agreement with a little flexibility.

A number of villagers are concerned that the airport may not return 05 back to the status quo and that they will have effectively lengthened the runway and made it suitable for larger planes. You must ensure that you have put sufficient conditions on the agreement to make sure that the runway returns fully to its current markings and length.

The matter has been fully discussed at a Parish Council meeting and there was no objections raised; we all want Tollbar to proceed.”

Clearly if it were intended to move the takeoff point for runway 05 on a permanent basis planning permission would be required. In this instance, however, it is intended to move the takeoff point for a limited period only (some 6 months) only if and when it is required to enable piling works for the A45/A46 Tollbar End Highway Improvements to proceed. In these circumstances the airport may have only a limited time period in which to respond to a request from the Highway Agency to make the necessary arrangements to move the takeoff point, which would mean there would be insufficient time to obtain a temporary planning permission for this development. PPG18, Enforcing Planning Control states that in considering any enforcement action, the decisive issue for the District Council should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. Furthermore, enforcement action should not normally be issued solely to ‘regularise’ development which is acceptable on its planning merits but for which permission has not been sought.

Having regard to the advice from the Council's noise consultants and Environmental Health Officer and taking account of the aforementioned guidance on enforcement, I consider that Coventry Airport be informed that in these particular circumstances, no objection would be raised to the proposed temporary change to the takeoff arrangements for runway 05.