

Planning Committee: 4th July 2005

Item Number: 1

Application No: W05 / 0773

Registration Date: 13/05/2005

Town/Parish Council: Baginton

Expiry Date: 08/07/2005

Case Officer: John Archer

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**Coventry Airport, Land adjacent to South Apron, Siskin Parkway West,
Middlemarch Business Park, Coventry, CV3 4HX**

Construction of car park, including erection of 6m lighting columns and
barriers FOR West Midlands International Airport Ltd

SUMMARY OF REPRESENTATIONS

Baginton Parish Council

"The Parish Council vigorously objects to this proposal on the following grounds:

1. The application is in direct contravention of policy T12 b (i) of the Warwickshire Structure Plan (WASP), which specifically defines the airport curtilage as at 2001
2. Whilst a public inquiry is in progress to determine the lawfulness of the interim passenger facility (IPF), it is incongruous to consider parking provision that is linked to its use. If a dwelling house was constructed without consent and there was an appeal against enforcement underway under no circumstances would the local authority consider an application for an extension. Applicants should be treated equally under the law, be they are an airport or an individual
3. The scale of the proposal is out of scale with present passenger requirements. Parking for 2060 cars will enable passenger services well in excess of the current levels through the IPF. This will inevitably lead to an increased number of flights and the nuisance caused to residents
4. The Transport Assessment (TA) accompanying the application refers to an Airport Surface Access Strategy (ASAS). After more than 12 months operation of the IPF no such strategy is in place. Consideration of the application should only be undertaken when the ASAS has been firmly established. The ASAS should have targets for public transport of passengers and staff greater than those set out on page 31 of the TA. Policy T12 of WASP 2001 is not currently complied with.

5. The application has the potential to inflict considerable light pollution on the surrounding area. A screening/planting scheme to ameliorate this adverse effect should have been included as part of the application
6. More car parking will inevitably increase pressure on the Toll Bar Island that is already overloaded. In particular the mini roundabout at the junction of Rowley Road and Siskin Drive will become more clogged and at peak times lead to long tail backs along Rowley Road. Standstill traffic along Rowley Road is already a problem due to the high volumes of juggernauts accessing Toll Bar Island from Siskin Drive”

Bubbenhall Parish Council

“The Parish Council raises objection on the following grounds:

1. The car park is not compatible with any of the following
 - a. planning strategy document CVT37 submitted by the airport to the Enforcement Inquiry
 - b. planning application W2003/0473 for 2 million pax terminal and 680 car park spaces
 - c. planning application W2004/1939 for 2 million pax terminal and 3425 car park spaces

As such it is difficult to see how this application forms part of a coherent strategy.

2. WCC Structure Plan policy T12 (b)(i) is that airport development should be confined to within its existing curtilage. As such, if it is appropriate to provide this number of spaces at Airport South, the car parks should be arranged more like the “master plan 2012 layout contained in application W2004/1939 which is contained within the existing boundary. There is no need to allow the airport to expand outside of its existing boundary
3. The Parish Council is on record as objecting to the development of commercial passenger facilities at Coventry Airport, on many grounds, including noise pollution, environment and traffic. Bubbenhall PC therefore **objects** on the construction of a car park to serve those facilities, for the same reasons. However, we recognise that provision of car parking at Airport South is slightly less damaging than some of the alternatives proposed or in operation already, so we make the following recommendations:

- A) Approval of the car park is only confirmed **if** the IPF gains approval by the Secretary of State (no IPF, no car park). The car park is an integral part of the IPF and cannot be considered in isolation. Approval should not be given until a coherent surface access strategy has been agreed and appropriate mitigation measures in place
- B) Approval of the car park must be subject to the closure to passengers of Airport West car parks and other miscellaneous off site car parks. There must be a binding agreement not to develop further car parks using permitted development rights.
- C) There needs to be car park space restrictions agreed as part of IPF approval. 2000 spaces appears to be excessive for 1 million passengers /year and will tend to work against achieving public transport targets.
- D) Approval must be subject to acceptance of public transport modal share target of 10% rising to 20%. There should be penalties for non achievement of these targets
- E) At least part of the proposed car park is outside the current airport operational boundary. The granting of permission for car parking should explicitly not confer “permitted development rights” on this plot.

WCC Ecology no objection subject to condition regarding badger survey

WCC Highways no objection subject to closure of parking at Airport West and the Highways Agency being satisfied with regard to the traffic impact on Tollbar End.

WCC Minerals no objection

WCC Archaeology no objection subject to condition requiring implementation of a scheme of archaeological investigation

English Nature no comments

Environment Agency objects on the basis that the development may present a significant flood risk from the generation of surface water run-off and that there is no drainage strategy incorporating sustainable urban drainage systems. The applicant has submitted further information and a revised response from the EA is awaited and will be reported to Committee.

Warwickshire Police concerns over security implications and car crime.

Highways Agency no objection subject to the imposition of conditions on a passenger cap of 0.98m passengers per annum, scheduled seat constraints (on aircraft) during peak hours, a construction management condition and a Grampian condition pending entering into a Section 278 agreement to secure highway works on Tollbar End roundabout.

Coventry City Council comments awaited.

The Community Group

1. Should not receive permission until or unless the IPF has approval.
2. Covers non-operational land. Part of land not within boundary existing at the time of adoption of Structure Plan, therefore contrary to policy.
3. Not consistent with airport parking strategy that shows 1000 spaces at Airport South. Unclear about the future use of off site provision
4. All existing car parks must be relinquished if WDC grants permission
5. ES only evaluates proposal to 2007 when it is proposed to also serve a permanent terminal. No permission should go beyond 2 years
6. Erroneous information presented on aircraft movements.
7. ES has not been sufficiently updated.
8. Car parking should be part of a Surface Access Strategy.
9. Impact of lighting should be addressed.
10. Dense screen landscaping would prevent visual intrusion.

CPRE Objects on the grounds that:

To grant permission for this level of car parking for an IPF whose future is uncertain would not be in conformity with the Regional Spatial Strategy. The level of car parking is higher, pro rata, than at BIA and no surface access strategy is in place

The application is contrary to Policy T12 of the Structure Plan in that it includes land beyond the boundary of the airport when it was adopted in 2001 and that it requires a surface access strategy when 1,000 ATMs take place. This number has been exceeded

The application is in conflict with EMP3 of the Local Plan which is for employment uses

Should WDC be minded to grant the following conditions should be imposed:

- All parking at airport west to cease within 6 months
- No parking on sites beyond boundary of the airport
- Surface access strategy to be in place within 6 months
- Removal of permitted development rights across the whole of the airport control over light spillage

Neighbours/individuals

4 letters from individuals have been received objecting to the development on the following grounds:

- Pre-judging of inquiry, works/buildings should be removed
- Development should only take place if IPF gets permission, even then, too large
- Design does not reflect surroundings, will be an eyesore
- No measures to reduce the effects of noise or the impact of tall lighting columns
- Landscaping non-existent
- Part of bigger plans to possibly increase car parking further
- Large area of land being used
- Larger jets being used
- Outside originally approved area

RELEVANT POLICIES

The relevant policies of the development plan are taken from the Regional Spatial Strategy (RSS), the Warwickshire Structure Plan 1996-2011 (WASP) and the Warwick District Local Plan (WDLP). The policies of the adopted Local Plan are less relevant as to a large extent they have been superseded by more recently adopted development plan policies and national guidance. The policies of the emerging Local Plan (Revised Deposit Version) are also relevant to the consideration of this development although they have less weight than policies of the development plan as it has yet to be tested at a Local Plan Inquiry.

The RSS was published in June 2004 and represents the most up-to-date development plan. The most relevant policy to the consideration of this development is Policy T11 which it states is to be reviewed as part of a future revision of this RSS (no review has been published as yet). The policy requires development proposals at Coventry Airport to be subject to rigorous environmental assessment and must demonstrate:-

- a) that both economic benefits and harmful environmental impacts have been assessed, in line with the principles of sustainable development;
- b) that unavoidable harm be reduced through mitigation; and
- c) where harm cannot be avoided or mitigated, it should be compensated for.

In addition, any proposals for the use of Coventry Airport by charter or scheduled passenger flights should be subject to the availability of public transport to serve the Airport.

WASP was adopted in August 2002. Policy T.12 deals specifically with the development of Coventry Airport. The policy requires Coventry Airport to 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.

The WDLP was adopted in 1995. Policy EMP3 confirmed the allocation of land for airport-related employment development and airport terminal buildings and Policy TR9 further required that development would only be permitted where it is for the

purpose of modernisation of existing facilities, improvement of safety facilities or development for cargo handling. Policy ENV3 required all development proposals to (amongst other things) provide satisfactory vehicular access and do not compromise the safe movement of free flow of traffic, or the safe use of roads by others. Policy ENV3A required all development to protect the essential character and environmental assets of the District.

The emerging Local Plan Revised Deposit Version (approved by the Council in May 2005) contains relevant policy SSP7 which states that development at Coventry Airport will only be permitted within the area defined on the Proposals Map where:-

- a) it consists of facilities for aviation activity undertaken at the airport;
- b) the environmental, surface access and amenity impacts can be mitigated to acceptable levels.
- c) any adverse impacts are mitigated to reduce harm or, where harm cannot be adequately mitigated, are compensated for;
- d) the number of air passengers served by the airport does not significantly exceed two million passenger movements per annum
- 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; and
- 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

PLANNING HISTORY

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. As such, therefore, the Airport presently operates without any direct control over the nature and number of aircraft movements. Prior to the start of operations from the 'interim' passenger terminal in 2004, Coventry Airport served a specialist role within the region, catering for business aviation, air mail and some freight.

Outline planning permission was granted in 1990 (and renewed on two further occasions in 1993 and 1998) for the erection of a new passenger terminal building and other operational buildings at Airport South (including the application site). That permission was never implemented and has now lapsed.

KEY ISSUES

The Site and its Location

The application site is located at Airport South adjacent to Siskin Parkway West. It immediately abuts the IPF and forms a semicircle of car parking around it. The northern part of the site falls within the operational boundary of Coventry Airport. The remainder of the application site falls outside, but immediately adjoins the operational boundary of the airport.

Details of the Development

The development covers an area of 9.4 hectares (see plan attached as Appendix 1 and 2). Access to the site is taken from Siskin Parkway West at Gate 5. An access also exists at the north eastern corner of the application site off the roundabout at gate 4. The car park consists of 2 elements, a permanent facility for the layout of a total of 2,060 car parking spaces and a smaller additional area of 2.23 hectares which it is intended to use as a temporary car park during construction of the permanent car park. That area is not to be engineered and it is intended that parking at this location will cease upon completion of the development. It is intended that the provision of car parking at this location will replace the dispersed car parking used by passengers and staff associated with the IPF that is presently taking place at other locations within and outside the Airport (see plan attached as Appendix 3).

The applicant has submitted an Environmental Statement and Transport Assessment in support of their application. Copies of these documents are available for Members on request.

Assessment

Taking account of the policy framework set out above, the following issues need to be addressed

- Relationship with IPF
- Location and Scale of Proposal

- Traffic and Surface Access Issues
- Other Environmental Impacts
- Security

Relationship with IPF

Members will note that the car parking proposed is intended to serve the IPF which is currently the subject of enforcement notices. Members will also note that the second item on their agenda relates to the enforcement action against the IPF and specifically the appellants Ground 'A' appeal (that it be granted planning permission retrospectively) before the Secretaries of State. The consideration of this application will have implications for the Council's position on the Ground 'A' appeal and this will be apparent from reading the second report on this agenda. However, in considering this application, Members can also note that they are not concluding on the acceptability or otherwise of the IPF as there are other considerations beyond the issue of car parking which have to be addressed by the Secretaries of State.

Members are reminded that this application must be considered on its own merits within the relevant planning policy framework and cannot be deferred indefinitely, as others have suggested, whilst a decision is awaited from the Secretaries of State on the appeals against the enforcement notices.

It is unusual to consider granting permission for a proposal which is integral to another development which is subject to enforcement action. However, the application represents a pragmatic solution to car parking provision for the IPF and the inappropriateness of other sites presently being used, including in Baginton. Car parking currently in use gives rise to unnecessary and obtrusive traffic flows through the village of Baginton. The Council is not in a position to control these operations, existing, as they do, either as established uses or at locations outside the District boundary. The removal of adverse impacts arising from such traffic flows at an early stage would be a clear environmental benefit for the community.

Furthermore, consideration of the application can be properly undertaken independently from the wider issues of the IPF provided the development is suitably conditioned in order to tie the use of the car parking to the IPF.

The imposition of such a condition would ensure that should the IPF be granted retrospective planning permission by the Secretaries of State then it will continue in a manner which minimises its environmental impact on the community of Baginton in respect of road movements. This decision would also result in a development that is accompanied by whatever package of controls and mitigation measures deemed appropriate by the Secretaries of State. In the event, that the IPF is not granted retrospective planning permission and is required to cease use then the car park would also cease use. The third scenario is that the Secretaries of State conclude the IPF is permitted development and in that context the IPF would be a lawful use operating without any package of controls and mitigation measures. However, the existence of the car park would at least ensure the impact of road movements on the community of Baginton would be minimised.

Location of Proposal

The application site falls outside the Green Belt, however, it incorporates land outside of the current operational boundary of the Airport (the land falls within the ownership of Coventry City Council). The land is no different in character to other areas of the application site in that it is an open grassed area. Policy T.12 of WASP does require that development for Airport uses be accommodated within the existing airport 'curtilage'. The policy does not, however, define the airport 'curtilage' as the policy makes clear it is the responsibility of the Local Plan. The reasoned justification of the policy does however help in that it makes clear that the intent of the policy is to avoid compromising the Green Belt.

The site falls within the area defined in both the adopted Local Plan and emerging Local Plan as being outside the Green Belt and within the area allocated for airport development (Policy SSP7 of the emerging Local Plan and policy DW EMP 3 of the Warwick District Local Plan 1995). Whilst recognising that the adopted Local Plan predated WASP, it is noted that the County Council (as strategic planning authority) have issued a statement of conformity in respect of the emerging Local Plan and raised no concern as to the inclusion of this land within the airport 'curtilage'. In this context, and taking into account the nature of the site, it is not considered that the location of the application site is contrary to the policies of the development plan.

Scale of Proposal

The proposal is for the provision of 2,060 car parking spaces for passengers and employees using the IPF. The applicant has indicated in its evidence to the Inquiry

into the IPF that it requires 1,810 spaces for passengers and 250 spaces for employees (2,060 in total). Evidence submitted to the Inquiry from the Highways Agency suggests the figure for passengers is in the broad order of magnitude which has been observed to allow satisfactory operation at a range of airports. This total is therefore an appropriate level of provision for the operation of the IPF.

The application includes an area of land which is intended for use as temporary car parking (the area will not be engineered) during the construction of the permanent car park. This additional area would allow more than the 2,060 car parking spaces proposed to be incorporated within the area overall. However, the request to undertake a temporary use of land for car parking is not an unreasonable one given that car parking at other less sustainable and more contentious locations might have to be used until the car park overall was completed. It would, however, be appropriate to control the usage of the temporary area by condition to ensure that it did not become a permanent feature of the car park.

The applicant is currently using other locations for passenger car parking both within and outside the Airport boundary. The applicant has stated that it is committed to ensuring that there is no over provision of car parking serving the Airport and would therefore be prepared to accept the imposition of a condition to ensure that such over provision does not occur in accordance with an agreed parking strategy.

Traffic and Surface Access Issues

In respect of the traffic impact from the use of the car park, the primary impact is in relation to Tollbar End roundabout and the trunk road network. The Highways Agency (HA) are the responsible authority for the trunk road network and raise no objection to the proposal subject to a number of planning conditions. These conditions include a passenger cap of 0.98m passengers per annum, scheduled seat constraints (on aircraft) during peak hours, a construction management condition and a Grampian condition pending entering into a Section 278 agreement to secure highway works on Tollbar End roundabout.

In response, the applicant's solicitors consider the conditions are unlawful and have requested the Council disregard the advice from the HA and have requested the HA cancel the direction. The Highways Agency has had further discussions with the applicant's legal advisers. These have clarified the controls WMIAL proposes to

introduce on car parks outside the Airport such as the land at Parcellforce, VRS and de Courcey, and indicated that these controls will be supported by a planning obligation or condition. This may satisfy the Agency and allow its Article 14 direction to be amended or even withdrawn. Progress on this matter will be reported to the Committee.

In relation to other traffic impacts, a consequence of this application being granted at Airport South is the closure of Airport West and other off site car parks for passenger and staff car parking. This would result in a reduction in vehicle movements through Baginton (both cars and the shuttle bus service) which would have benefit in reducing traffic flows and the consequential environmental effects. This would result in an improvement to the amenity of local residents in Baginton.

It is noted that the local Parish Councils have requested an Air Surface Access Strategy (ASAS) be put into place prior to determination of the application. However, both the Highways Agency and the Local Highway Authority have not requested an ASAS be required as part of this application. In this context, it is not considered reasonable to request an ASAS on the car park application. However, should it be found that the IPF requires planning permission and that planning permission is granted by the Secretaries of State, an ASAS would come into effect at the Airport.

Other Environmental Impacts

Other environmental impacts have been raised by statutory consultees and objectors. These are as follows:-

Flood Risk Assessment

The Environment Agency has objected to the development on the grounds that the generation of surface water run off may create a significant flood risk and there no drainage strategy has been submitted. The applicant has sought to address this issue and provided further information. That is presently being considered and a response will be available for reporting to Committee on 4th July. It is anticipated this matter can be dealt with by condition.

Lighting

Concern has been expressed over the impact of the light generation from this proposal. Given the location of the application site immediately adjacent to a major employment area and the distance between the site and residential properties, it is

not felt that this is a matter that would represent an objection in principle. Nevertheless, it would be appropriate to ensure that light pollution from the light system should be minimised. This matter could be dealt with by condition.

Visual Impact

The provision of car parking across a significant surface area will have some adverse visual impact. However, its location within a major employment development reduces the net impact of such development. It would, however, be appropriate to secure landscaping in order to enhance the appearance of the scheme. This matter could be dealt with by condition.

Security

Warwickshire Police have also raised concern over security aspects and that the car park may present opportunities for car crime. The applicant is willing to address this issue and it would be appropriate that measures are jointly developed which would minimise crime. This matter could be dealt with by condition.

RECOMMENDATION

GRANT (subject to the Environment Agency response) after the completion of an agreement under S106 of the Town and Country Planning Act to:

A. - ensure that no more than a total of 2060 parking spaces for the use of passengers and staff associated with the Interim Passenger Facility shall be created and/or used on any land now and in the future under the control of WMIAL,

B- ensure that within a period of two months from the substantial completion of the development, all parking for passengers and staff associated with the IPF undertaken at the following locations identified in the planning application on drawing D108908/GE/03 shall cease permanently:

- Green Car Park (Airport West)
- Yellow Car Park (De Courcey)
- Red Car Park (VRS),

subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing BT1/0014185/01L/020 (sheets 1 and 2), and specification contained therein, submitted on 13th May 2005 unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 No use for car parking of the temporary area of car parking shown on drawing no. D108908/GE/03 shall be carried out after the completion of the permanent element of the car park for 2060 spaces.

REASON: To regulate the traffic impact of the development in order to ensure the safe and efficient operation of the local highway network.
- 4 All car parking shall be used for the purposes of passenger and staff parking directly associated with the operation of the Interim Passenger Facility (as defined in Plan xxx) and associated facilities at Airport South and for no other purpose unless otherwise agreed in writing by the local planning authority.

REASON: To regulate the traffic impact of the development in order to ensure the safe and efficient operation of the local highway network
- 5 No development shall be carried out on the site which is the subject of this permission, until details of any external lighting have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

REASON :To protect the visual amenities of the area in accordance with the requirements of policy ENV 3 of the Warwick District Local Plan 1995.
- 6 A landscaping scheme shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 7 No development shall be carried out on the site which is the subject of this permission, until details of a scheme of arrangements for the security and management of the car park, including provision for security fencing, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

REASON :To ensure provision of adequate security measures in accordance with the objectives of Policy ENV 3 of the Warwick District Local Plan 1995 and policy DP13 of the Warwick District Local Plan First Deposit Draft 1996-2011.

- 8 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority.

REASON : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.

- 9 Details of the means of disposal of surface water from the car parking areas hereby permitted shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details.

REASON : To ensure satisfactory provision is made for surface water run-off.

- 10 Detailed badger survey shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details.

REASON : Badgers and their sets are protected under the 1992 Badgers Act and it is illegal to carry out work which may disturb badgers without a licence from English Nature.

The Highways Agency has directed that the following conditions be imposed:-

- 1 The car park shall not be operated except for the purposes of Coventry Airport Interim Passenger Facility.

REASON : In order to define the permission and control the use of the development in order to protect Tollbar End Roundabout in the interest of highway safety on the Trunk Road Network.

- 2 There shall be no more than 0.98 million passenger movements per annum (i.e. 490,000 passengers arriving and 490,000 passengers departing) through the temporary Interim Passenger Facility. The car park development hereby approved will provide 2060 car parking spaces to serve the Interim Passenger Facility.

REASON : In order to define the permission and control the use of the development in order to protect Tollbar End Roundabout in the interest of highway safety on the Trunk Road Network.

- 3 The car park shall not be operated at any time when Condition 2 above is not complied with.

REASON : In order to protect Tollbar End Roundabout in the interests of highway safety and the free flow of traffic on the Trunk Road Network.

4. The Airport Operator shall not schedule more seats than those specified below:

- Pre Tollbar End TPI Scheme Improvements:
 - (i) Arrivals – a maximum of 530 cumulative seats scheduled in the two hour period between 1545 and 1745 hours.
 - (ii) Departures – a maximum of 530 cumulative seats scheduled in the three hour period between 1700 and 2000 hours.
- Post Tollbar End TPI Scheme Improvements:
 - (i) Arrivals – a maximum of 530 cumulative seats scheduled in the two hour period between 1545 and 1745 hours.
 - (ii) Departures – a maximum of 660 cumulative seats scheduled in the three hour period between 1700 and 2000 hours.

- (iii) No more than 400 cumulative seats to be scheduled in any one hour period in respect of each of the arrival and departure periods as set out above.

In accordance with the scheduling constraints above, the limits shall not apply to aircraft taking off or landing at the airport in any of the following circumstances or cases, namely:

- (a) the aircraft is not carrying, for hire or reward, any passengers or cargo;
- (b) the aircraft is engaged on non-scheduled air transport services where the passenger seating capacity of the aircraft does not exceed ten;
- (c) the aircraft is required to land at the airport because of an emergency or any other circumstance beyond the control of the operator and commander of the aircraft;
- (d) the aircraft is engaged on the Queen's flight, or on a flight operated primarily for the purposes of the transport of Government Ministers or visiting Heads of State or dignitaries from abroad;
- (e) weekends, Bank Holidays, the period commencing in Christmas Eve through to New Year's Day, the calendar month of August and during the 'switch over' between both winter/summer schedules and such a relaxation would be for a maximum of 5 days in any one year.

For the purposes of (a), an aircraft is not to be taken as carrying, for hire or reward, any passengers or cargo by reason of only that it is carrying employees of the operator of the aircraft or of an associated company of the operator. And for the purposes of (b), an aircraft is engaged on non-scheduled air transport services if the flight on which it is engaged is not part of a series of journeys between the same two places amounting to a systematic service.

For the purposes of the above, a company shall be treated as an associated company of the operator of the aircraft if either that company or the operator of the aircraft is a body corporate of which the other is a subsidiary or if both of them are subsidiaries of one and the same body corporate.

REASON : In order to define the permission and control the use of the development in order to protect Tollbar End Roundabout in the interests of highway safety on the Trunk Road Network.

- 5 A construction management plan for the construction workforce to include construction vehicle movements operation hours and routes relating to Tollbar End roundabout, construction delivery hours and car parking for the construction workforce along with a scheme to encourage the use of public transport, shall be submitted to the Local Planning Authority and approved by them in writing in consultation with the Highways Agency prior to construction works commencing on site. The development shall be carried out in accordance with the approved construction management plan.

REASON : To ensure the free flow of traffic on the Trunk Road Network.

- 6 The use shall not commence unless and until the applicant has entered into a Section 278 agreement with the Secretary of State for Transport and works commenced within three months from the date of this decision to ensure the provision of highway works on Tollbar End Roundabout to include:

- (i) implementation of an upgrade of the current TBE signal control mechanism to LINK-MOVA (or similar approved by the HA).
- (ii) implementation of the signalisation of the Rowley Road/Siskin Drive arm of the TBE Roundabout;
- (iii) provision of sufficient and satisfactory signage to the Airport on the highway network.

REASON : To protect the safe and efficient free flow of traffic on the Trunk Road Network.