

Title: Birmingham Airport Night Flights – Retrospective Approval/Chief Executive Emergency Powers

Lead Officer: [Frances.taylor@warwickdc.gov.uk](mailto:Frances.taylor@warwickdc.gov.uk)

Portfolio Holder: Councillor Jim Sinnott

Wards of the District directly affected: All within Birmingham Airport flight path (TBC)

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>	22/01/25	Cllr Jim Sinnott
<b>Finance</b>	-	N/A
<b>Legal Services</b>	-	N/A
<b>Chief Executive</b>	08/01/25	Chris Elliott
<b>Director of Climate Change</b>	23/01/25	Dave Barber
<b>Head of Service(s)</b>	23/12/2025	Marianne Rolfe
<b>Section 151 Officer</b>	23/01/25	Andrew Rollins
<b>Monitoring Officer</b>	21/01/25	Graham Leach
<b>Leadership Co-ordination Group</b>	21/01/25	
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes Recommendation to: Cabinet	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

---

## Summary

An application to amend the Section 106 (S106) agreement for night-time flying hours and related restrictions was made to Solihull Metropolitan Borough Council (SMBC) by the operators of Birmingham Airport. Warwick District Council (WDC) Environmental Protection (EP) Officers requested further detailed information to assess the potential impact of the changes on residents of Warwick district. Despite several emails, no significant information was forthcoming. As such, and due to the time restrictions on making the response, a holding objection was sent to Solihull MBC on behalf of WDC by EP Officers. This was done by authorisation from Chief Executive utilising his emergency powers. The application is scheduled to be considered by Solihull Committee on 8 January 2025.

## Recommendation(s)

That Cabinet notes the use of the Chief Executives delegated authority CE(4), for taking urgent decisions in consultation with group Leaders, to send a holding objection to Solihull MB Council.

---

### 1 Reasons for the Recommendation

- 1.1 On 23 September 2024 an application to amend the S106 agreement for night-time flying hours and related restrictions was made to Solihull MBC by the operators of Birmingham Airport. Whilst WDC was not formally consulted on the application, WDC Councilors are key stakeholders and therefore members of the Airport Consultative Committee.
- 1.2 Cllr Kyn Aizlewood is the appropriate WDC member on the Airport Consultative Committee, who notified the Head of Governance & Monitoring Officer of the proposed changes.
- 1.3 On 11 October 2024 Environmental Protection Officers were asked to review the information in the application to determine the effect of the proposed changes on land and residential properties within the WDC area.
- 1.4 Limited information was accessible on the Solihull MBC planning portal, so officers requested additional information. EP Officers requested further information and data from Solihull MBC on 22 October and again 4<sup>th</sup> November 2024, and despite chasing emails, no additional information was received before the Solihull MBC planning committee deadline of 4<sup>th</sup> December 2024. Given that insufficient information had been received before the deadline specified by Solihull MBC, EP officers recommended sending a holding objection.
- 1.5 Given the limited timescales within which to respond, Chris Elliot utilised his delegated authority, in consultation with Group Leaders, to take urgent decisions to authorise officers to respond with the below:

*Warwick District Council has been unable to make an informed decision regarding the proposals as we have not been provided with all the information previously requested. Without the necessary data we are unable to determine whether our concerns about the potential impact of additional night flights across the air path are substantiated or if they might be mitigated by the missing details. Specifically, our concerns are regarding the projected noise*

*levels and air pollution impacts and any mitigation measures proposed to address these issues*

## **2 Alternative Options**

- 2.1 Provide no comment within the specified timeframe – Solihull MBC would assume no objection made and therefore no consideration would be given to WDC residents about the potential impact of noise and/or air quality impact.
- 2.2 Not to agree to the Chief Executive’s use of emergency powers.

## **3 Legal Implications – N/A**

## **4 Financial Implications – N/A**

## **5 Corporate Strategy**

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 Delivering valued, sustainable services – Using the emergency powers and commenting on the application demonstrates WDCs commitment to delivering valued and sustainable services to its residents who may be impacted by the additional flights.
- 5.3 Low cost, low carbon energy across the district – Increased flights typically lead to higher carbon emissions, which could conflict with the strategies aim to reduce the districts overall carbon footprint. By addressing these issues at this stage, WDC advocates for measures that align with this strategic goal.
- 5.4 Creating vibrant, safe and healthy communities of the future WDC will work with communities, businesses and public sector partners to enable and support improvements where people’s community, economic and housing needs can be met. This will facilitate a better and more sustainable balance with the natural world that will allow our communities and businesses to thrive in a sustainable and safe way.

## **6 Environmental/Climate Change Implications**

- 6.1 The additional flights have the potential to conflict with the council's commitment to achieving net-zero carbon emissions and the Climate Emergency Action Plan. Increased air traffic may result in higher greenhouse gas emissions, contributing to climate change and hindering progress towards local and national carbon reduction targets. This would undermine policies aimed at promoting sustainable development, reducing air pollution and protecting public health. Additionally, the proposals may exaggerate local environmental challenges such as noise pollution loss of biodiversity and increased energy demands, which could further misalign with the council's objectives for creating a low carbon resilient district.

## **7 Analysis of the effects on Equality – N/A**

## **8 Data Protection – N/A**

## **9 Health and Wellbeing – N/A**

## **10 Risk Assessment**

- 10.1 Nonalignment with policies - Failure to comment could result in missed opportunities to align the development with the council's climate emergency action plan and environmental policies.
- 10.2 Reputational damage - the council may be perceived as neglecting its responsibility to uphold sustainability and climate objectives engage proactively in the planning process.
- 10.3 Missed influence opportunity - the council forfeits the chance to shape mitigation measures such as emission reductions of biodiversity offsets.
- 10.4 Increased carbon footprint - without intervention additional flights could exacerbate local carbon emissions hindering climate targets.
- 10.5 Public and stakeholder criticism - residents and environmental groups may question the council's commitment to its climate priorities.
- 10.6 Failing to comment on the proposal presents significant risks, particularly around reputational damage, misalignment with council policies, and missed opportunities to influence sustainable outcomes. To mitigate these risks the council has commented as far as it is able, with the caveat that it has not been provided with all the data requested.

## **11 Consultation**

- 11.1 The Chief Executive consulted with Group Leaders Councillors Davison, Melrose, Boad, Day and Falp) along with Deputy Leader (Councillor King) and Portfolio Holder for sustainable communities (Councillor Sinnott) who all supported the submission.

**Background papers:** [Link to SMBC Planning portal PL/2024/01917/M106 | Application pursuant to section 106A of the Town and County Planning Act 1990 dated 30th October 2009 for a modification to the existing section 106 agreement relating to Birmingham Airport, Application Ref: 2008/22/S. Namely: To vary Schedule 5 of the Section 106 Agreement \(including related definitions\) and the associated Night Flying Policy. | Birmingham International Airport Birmingham Airport Solihull B26 3QJ](#)

**Supporting documents:** Info on Birmingham Airport Website [Proposed changes to Night Flying Policy FAQs | Birmingham Airport Website](#)