

DUDLEY METROPOLITAN BOROUGH COUNCIL

CABINET MEETING – 20th APRIL 2005

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

COVENTRY AIRPORT PLANNING INQUIRY – UPDATE.

1.0 PURPOSE

- 1.1 To update Members' on the current situation relating to the Planning Inquiry into the expansion of the passenger terminal at Coventry Airport and to seek approval for the appointment of Counsel to represent the West Midlands Authorities (Except Coventry) at the enforcement and planning Public Local Inquiries.

2.0 BACKGROUND

- 2.1.1 The Regional Spatial Strategy June 2004 clearly states that Birmingham International Airport (BIA) will continue to be developed as the West Midlands' principal international airport. The Government's White Paper 'The Future of Air Transport' sets out the Government's conclusions on the future development of airport capacity across the UK region-by-region and case-by-case. In the Midlands, the White Paper finds that there is a need for additional runway capacity and makes the following conclusions:

- Birmingham Airport is the preferred location for an additional runway. Development should be subject to stringent limits on noise.
- The development of a new Airport between Coventry and Rugby is not supported.

- 2.1 In March 2004 ThomsonFly started commercial passenger flights from Coventry Airport on the legal basis that there were no restrictions on the type, frequency or number of flights as the airport was operational prior to the 1947 Town and Country Planning Act. A temporary terminal was built to accommodate passengers on the grounds that it did not require planning permission, however Warwick District Council contends that planning permission is required and served an Enforcement Notice. There is currently an enforcement inquiry underway relating to this.

- 2.2 In September 2004 a planning application for a new terminal building (3,000 sq m) at Coventry Airport to accommodate approximately 2 million passenger movements was refused by Warwick District Council. The West Midlands Authorities (except Coventry) agreed to make a joint representation against this

proposal on air space capacity grounds and that the proposal could undermine long terms plans at Birmingham International Airport thus running counter to the Regional spatial Strategy.

- 2.3 Similar concerns were also raised by Advantage West Midlands, BIA and the Civil Aviation Airport although the strategic air space issues were not cited in the refusal by Warwick District Council.
- 2.4 The applicants have appealed against the refusal of planning permission; however the Planning Inspector has indicated that the appeal against this refusal will be considered after the Planning Inquiry into the enforcement action.
- 2.5 A further planning application has been submitted for a larger terminal (10,000 sq m) also to accommodate up to 2 million passenger movements. The applicants simultaneously contacted the Government Office for the West Midlands requesting that the application be called in to identify a date for a Public Inquiry as soon as possible.
- 2.6 In common with the first application a joint response from the West Midlands Authorities (excluding Coventry) was submitted to Warwick District Council reiterating that the proposal would compromise the policy contained in the RSS and a consequence of air space conflicts the proposal may damage the future operation of Birmingham International Airport. Furthermore, given the size of the proposed terminal there is concern that the passenger movements could well exceed the 2 million cited in the planning application.
- 2.7 It was anticipated that the planning issues of concern to the Joint Committee would first be considered as part of the Inquiry into the new terminal and not as part of the inquiry into the enforcement action and permitted development rights. The Secretary of State however has asked the Inspector dealing with the enforcement inquiry to consider strategic issues, including the air space strategy topic as part of the enforcement action.
- 2.8 As a result of this it is considered necessary that the West Midlands Authorities (except Coventry) participate in the enforcement inquiry. Having agreed at the West Midlands Authorities Leaders meeting in December 2004 the detailed response to the Warwick District Council on the passenger terminal facilities at Coventry Airport, the Leaders also agreed that the Metropolitan Districts (excluding Coventry) should share the legal costs of appointing Counsel to advocate the case at the enforcement inquiry.
- 2.9 It has been estimated that the overall cost of Counsel could be up to £240,000. It is anticipated that the cost to individual authorities would be based on population and for Dudley this could be up to a maximum of £35,000.

3.0 PROPOSAL

- 3.1 Cabinet Members are asked to confirm their support for the appointment of Counsel to act on behalf of the West Midlands Authorities and in doing so confirm agreement to share the legal costs of Counsel between Authorities (except Coventry).

4.0 **FINANCE**

- 4.1 The cost of legal representation for the Public Inquiry is set at a maximum of £35,000 for Dudley's contribution.

5.0 **LAW**

- 5.1 The Inquiry into both the enforcement and S.79 appeals is governed by the Town and Country Planning Act 1990.

6.0 **EQUAL OPPORTUNITIES**

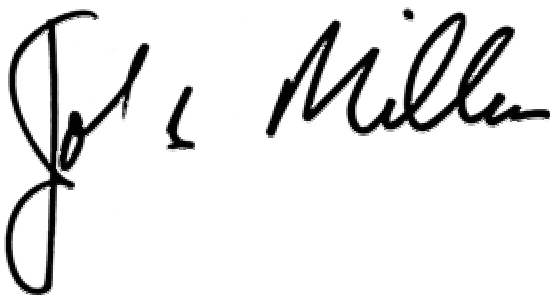
- 6.1 The proposal complies with the Council's Equal opportunity policies.

7.0 **RECOMMENDATION**

- 7.1 That the proposal set out in paragraph 3 of this report be approved.

8.0 **BACKGROUND DOCUMENTS**

- 8.1 West Midlands Joint Committee letter dated 17th December 2004.
- 8.2 Report of CEPOG to the West Midlands Leaders Meeting dated 9th March 2005.
- 8.3 Department for Transport (December 2003) 'The Future of Air Transport'
- 8.4 Regional Planning Guidance June 2004

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officer: Sandra Ford 4172

Planning Policy Team, Directorate of the Urban Environment