

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- **25 April 2008**

Agenda Item No:-

Public	Policy	Delegated: Yes	
Accompanying Comments and Statements		Required	Included
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
Financial Comments:		No	No
Legal Comments:		Yes	Yes
Personnel Comments:		No	No

Title:- **CARLISLE AIRPORT – CONDITIONS**

Report of:- **Director of Development Services**

Report reference:- **DS.57/08**

Summary:-

Following the meeting of the Committee held on 28th March, at which Members resolved they were "minded to grant" planning consent for the above development but wished to see the full Schedule of Conditions, and subsequent to the re-convened meeting of that Committee held on 4th April at which the latter were tabled, Officers will outline the present position. The Report explains proposed variations to/clarifications of the recommended regime of conditions that it is considered the Council should impose with any approval in order to satisfactorily regulate the development and use of the land.

Recommendation:- That the Report be received and subject to the receipt of further clarification from the applicants, Consultants and Statutory Consultees of those Conditions where information is outstanding (Conditions 35 and 47-51 of Appendix 3), the revised Schedule of Conditions, coupled with the attainment in due course of a satisfactory S106 Agreement to secure mitigation/compensation for habitat loss (as previously required by Committee), be approved as the basis on which the Council would refer the application to the Secretary of State as a "Departure" from the Development Plan.

Catherine Elliot

Director of Development Services

Contact Officer: Alan Taylor

Ext: 7171

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1.0 Background

- 1.1 At the special meeting of Development Control Committee held on 28th March, Members considered a detailed Report relating to the planning application for development at Carlisle Airport, the works consisting of:

“Construction Of Replacement Runway With Associated Instrument Landing Equipment And Reconfigured Taxiways And Hard Standing; New Development To The South Of The Runway Including Warehousing And Distribution Facilities, New Passenger Terminal, Offices, Hangars, New Air Traffic Control Centre, Aircraft Apron And Car Parking, With New Road Junction And Access From The A689, And Other Associated Infrastructure And Facilities, Including Aviation Fuel Storage, Local Refuelling Facility For The Distribution Operations And Improved Drainage”.

- 1.2 In addition to the principal Report, Officers circulated a Supplementary Schedule containing additional information received since the main Report had been issued, together with a draft Schedule of Conditions that were recommended should be imposed if the Committee was of the view that planning permission should be granted. Members will, further, recall that it was explained that, if the Council was inclined to approve the proposals, the application must first be referred to the Secretary of State as a “Departure” from the Development Plan. The Secretary of State would consider whether the application raised matters of more than local importance, which, if that were considered to be the case, would be likely to result in a “call-in” of the application for the Secretary of State’s determination. If, on the other hand, it were considered that it was more properly a matter, which the Local Planning Authority should determine, the application would revert to the City Council as the decision-maker.

- 1.3 Following a lengthy debate about the planning merits of the application and after hearing representations for and against the proposals under the “Right to Speak” Policy, the Committee resolved:

“That whilst the Committee is minded to approve the application at Carlisle Airport and forward the application and related documents to the Government Office North West for determination under the Departure Procedures the meeting be adjourned to enable the full Committee to give detailed consideration to the draft Conditions which had been circulated at the meeting”.

- 1.4 The special meeting re-convened on Friday 4th April to consider a further Report (DS.50/08) and much more detailed Schedule of Conditions. In addition, at their request a paper setting out modifications/alternatives that the applicants wished the Committee to consider was circulated. After due consideration of the Officer Report and Schedule of Conditions, and after clarifying aspects arising from that and from the submissions made by the applicants, it was resolved:

“That the Committee was minded to approve application 07/1127 for development at Carlisle Lake District Airport subject to conditions, the broad content of which was as detailed in report DS.50/08 (subject to possible modifications that might arise in responses awaited from Statutory Consultees and the Consultants appointed by the Council and from consideration of the issues raised by Cumbria Wildlife Trust), and to the attainment of a Section 106 Agreement securing the necessary mitigation measures for the loss of habitat within the County Wildlife Site at the Airport. The Committee further ratified that, when all appropriate technical input into final wording had been obtained, the application and related documents be referred to the Government Office for the North West under the Departure procedures”.

2.0 Present Position

- 2.1 Subsequent to the Committee meeting, Officers have been refining the Schedule of Conditions having regard principally to input from Statutory Consultees such as the Highway Authority, Natural England, English Heritage, United Utilities and the Environment Agency. Similarly, recommendations made by the Consultancies appointed by the Council to advise on Noise and Vibration/Air Quality and Nature Conservation matters (including Appropriate Assessments under the Habitats Regulations) have been incorporated.
- 2.2 Additionally, and quite properly, the applicants' agents have been kept abreast of the “fine-tuning” of several conditions and this process has also afforded the opportunity for them to highlight particular conditions where clarification was required or where they considered the recommended conditions were unduly onerous. They have accordingly sought, and held, discussions with Officers to reconcile the alternative approaches which they and the Council take in relation to a small number of the recommended 63 planning conditions accepted by the Committee on 4th April.
- 2.3 That dialogue has led to a situation where Officers consider it is appropriate for the matter to be reported back to this Committee. In that regard it is important to stress that the fundamental objectives of the suite of planning conditions recommended to the Committee are not at issue. Nonetheless, there is, clearly, an opportunity to add clarity and certainty to some of those (by minor text changes or even altering the “word order” of the conditions); to consolidate some conditions; to delete conditions where the matter(s) in question can be covered by other legislation or other measures such as the Noise Management Plan; or where deletion is proposed because the condition would remove operational “Permitted Development” rights and thus unreasonably restrain the normal functional activities within the Airport.

- 2.4 The key point for Members to note is that, contrary to media reports which might have implied otherwise, the great majority of the 63 planning conditions supported by the Committee on 4th April remain intact or have been subject only to minor changes arising from the foregoing matters including the integration of Statutory Consultees/the Council's Consultants advice.
- 2.5 In other instances, some modifications now promoted reflect the realities of the commercial considerations which the applicants are subject to and which, from the Council's perspective, might impinge upon the deliverability of the overall package of proposals which Committee Members wish to see provided and which the Council wishes to support. These specific proposed changes, which relate to Conditions numbered 3 and 4 of the Schedule of Conditions considered on 4th April, require the Committee's careful consideration to ensure that the Council's planning objectives are still secured. Some other proposed changes relate to matters of detail e.g. Conditions numbered 5 and 35 and the nature conservation conditions, notably Conditions 55 and 56 are still subject to on-going review by the relevant specialists.
- 2.6 The "simple" (and, it is considered, uncontentious) modifications to the original regime of planning conditions are highlighted in blue in the revised Schedule of Conditions that is included as Appendix 1 to this Report. A brief explanation of the reasoning for changes to the relevant condition or to clarify the change e.g. where conditions have been deleted or have been amalgamated with other conditions, or where the matter can be addressed through other measures such as the Noise Management Plan, follows.

3.0 The Proposed Modifications

- 3.1 In relation to those changes (highlighted in blue) which Officers regard as "minor" or fine tuning, the following background will assist Members in understanding the basis of the modifications. The numbering refers to the 4th April Schedule of Conditions:

Conditions 1 and 2: unchanged.

Conditions 3 and 4: discussed separately later in this Report.

- Condition 5:** The original Table included in the condition has been deleted and, instead, the total of annual Air Traffic Movements (for fixed wing aircraft (at assessment year 2016) is used, coupled with a limit on the number of those carried out by aircraft in excess of 4 tonne MTOW (maximum take-off weight). These figures are derived from the Table i.e. the total movements by aircraft of less than 4 tonne MTOW (15,515) is deducted from the overall total ATM's (22,172) leaving a balance of 6,657 movements of aircraft in excess of 4 tonne MTOW. The use of the overall ATM annual movements has been followed by Inspectors and the Secretary of State when dealing with Planning Appeals for airport development. The use of restrictions that specify aircraft types or models has been specifically rejected as it is unwise to specify a model when it may not be in service in future years, it precludes the introduction of other aircraft which might be quieter, and (as the Table in the April 4th Schedule) stands, military versions of some aircraft were permitted but civilian versions were not. The use of the annual ATM approach, coupled with a condition setting noise limits (see Condition 31) is considered an acceptable method of dealing with this matter.
- Condition 6:** Deleted, as helicopter movements were not included in the basic noise assessment within the ES. In addition, this is a matter that can be included within the Noise Management Plan required by Condition 34.
- Conditions 7 and 8:** Minor text changes to clarify conditions but re-numbered.
- Conditions 9/10:** Deleted, since neither of these are proposed. Should there ever be a future intention to introduce these actions, they would be subject to the provisions of the Noise Management Plan required by Condition 34 (dealing with any "new or extra on-site activities").
- Condition 11:** Deleted, as the General Permitted Development Order allows Airport Operators to undertake minor works which are needed for operational reasons. It is accepted that it is unreasonable to withdraw these rights that would have the effect of preventing or constraining execution of essential or functionally necessary works.
- Conditions 12/13:** Unchanged but re-numbered.

- Condition 14:** Re-worded to remove the "requirement" for the construction of roads/footways/footpaths to be to adopted standard but to emphasise they need to be to an appropriate standard. Accepted, as the roads were never intended to be adopted, and re-numbered.
- Condition 15:** Re-worded and re-numbered to accommodate change in the "trigger" for preparation and implementation of the Green Travel Plan. Proposed change accepted by the Highway Authority.
- Condition 16:** Unaltered but re-numbered.
- Conditions 17-19:** Minor word changes and/or re-numbered.
- Condition 20:** Minor word changes to reflect that requirement relates to the works being needed prior to landings made using the proposed Instrument Landing System, and re-numbered.
- Condition 21:** Unchanged, but re-numbered.
- Condition 22:** Minor word change for clarity/removal of part of original to make a new separate condition (now 19) both at request of County Archaeologist. Re-numbered to reflect the changes.
- Condition 23:** Minor word change for clarity and related re-numbering.
- Condition 24:** Ditto
- Condition 25:** Ditto
- Condition 26:** Ditto
- Condition 27:** Minor word change to clarify condition's purpose and re-numbered.
- Condition 28:** As Condition 11.
- Condition 29:** Minor word addition to require execution of scheme and re-numbered.
- Condition 30:** Minor word deletion/amendment and re-numbered.
- Condition 31:** Amalgamation with Condition 62, some text changes to add clarity, inclusion of heading to reflect that works apply during Construction and/or Operational Phases. Re-numbered.
- Condition 32:** Minor word changes for clarification and re-numbered.
- Condition 33:** Ditto
- Condition 34:** Ditto

- Condition 35:** Not settled. Applicants accept the principle of a planning condition that that deals with ground aircraft noise in daytime and which also limits noise from the haulage activities through the night-time. Both Consultancies advising the applicants and the Council are in discussion to agree precise wording.
- Condition 36:** Amended to relate to PPG24 values in line with Government reliance on those for aviation purposes. Now includes requirements for measuring/monitoring and is re-numbered.
- Condition 37:** Minor word changes for clarification and re-numbered.
- Condition 38:** Minor word changes for clarity and inclusion of reference to implementation and review. Omission of sub-text as the requirements in those can be covered within proposed Noise Management Plan. Re-numbered.
- Condition 39:** Deleted as can be included within the Noise Management Plan.
- Condition 40:** Ditto
- Condition 41:** Word change to clarify condition, inclusion of numbered points to give greater emphasis. Re-numbered.
- Condition 42:** Deleted as will be included within Noise Management Plan.
- Condition 43:** Ditto.
- Condition 44:** Revised wording at request of Environment Agency and re-numbered.
- Condition 45:** Unchanged but re-numbered.
- Condition 46:** Ditto
- Condition 47:** Ditto
- Condition 48:** Ditto
- Condition 49:** Revised wording at the request of the Environment Agency and re-numbered.
- Condition 50:** Unchanged but re-numbered.
- Condition 51:** Ditto
- Condition 52:** Unchanged but Informative added at request of United Utilities and re-numbered.
- Condition 53:** Minor word change at request of Environment Agency for clarification and re-numbered.

- Condition 54:** Minor word change in association with Council's Consultants and as further refined by applicants. Agreed following confirmation from RSPB that the 4 day prior checking for nesting birds is an appropriate period. Re-numbered.
- Condition 55:** Not settled as input from Nature Conservation specialists is awaited.
- Condition 56:** Ditto.
- Condition 57:** Ditto.
- Condition 58:** Ditto.
- Condition 59:** Deleted as accepted that it is not clear what measures can be invoked if increased incidents occur. May be better addressed by representation of Nature Conservation bodies on the Airport Forum.
- Condition 60:** Not settled as input from Nature Conservation specialists is awaited.
- Condition 61:** Unchanged but re-numbered.
- Condition 62:** Deleted as works are now included within Condition 31.
- Condition 63:** Deleted as it is accepted that any proposed change by CAA of the Safeguarding Area would require Assessment under the Habitats Regulations and, in relation to Bird Strike Policy, that the representation of Nature Conservation bodies on the Airport Forum would afford a mechanism to review any future changes in the existing Bird Strike Policy.

4.0 Conclusion

- 4.1 The "key" Conditions where the applicants propose significant changes are Conditions 3 and 4. Members will appreciate the purpose of those, as drafted by Officers and put before the Committee on 4th April is to protect the City Council's position as Local Planning Authority by ensuring that the key "policy" aspiration, of re-generating the Airport, is delivered. It is abundantly clear from submissions made by interested parties in favour of this application that the overwhelming majority lends its support entirely on the premise of the restoration of an active, functional Airport with viable passenger and freight services. Very few supporters invite approval of the haulage and freight distribution elements of the overall proposals on their own: they are regarded as acceptable as a catalyst for investment in the Airport's infrastructure.

- 4.2 As put before the Committee on 4th April, **Condition 3** sought to reflect the very exceptional circumstances presented by this application, whereby the applicants maintain that they need to re-locate all of the Group of Companies under the "Stobart" wing to Carlisle Airport and, by so doing, that this will generate the income to fund the Airport infrastructure. That is why Condition 3 sought to mirror exactly what the applicants have stated they would do. It further sought to protect the Council's position if the applicants were unable to deliver the investment and afforded a mechanism to ensure that any change in future occupancy reflected the Policy imperative of "airport related" development, or otherwise required demonstration by a non "airport-related" intended occupier of their essential need to be based at Carlisle Airport.
- 4.3 The applicants and their Agents have submitted detailed correspondence to assist Members in considering the alternative Condition 3 that they invite the Council to accept. Those letters, from the applicant Company and from Scott Wilson, appear in full as Appendix 2 to this Report. Members should consider the case made within these for departing from the Officer recommended condition but will need to be satisfied that the proposed revised wording gives an acceptable level of comfort and instils sufficient confidence in the timely fulfilment of the overall package of proposals. The amended condition (as the applicants now propose) is, clearly, significantly and much abbreviated but when it is read in parallel with the applicant's letter of intent, the Committee needs to be fully assured that, together, they amount, as far as is possible, to a firm and dependable insurance that the Policy objective will be realised.
- 4.4 In relation to the proposed revised **Condition 4**, it is worth reminding Members that, contrary to media accounts, the Council never at any time sought to prevent construction commencing on the Terminal, Warehouse and Freight Distribution Building until the new runway was built. All that Condition 4 had sought to do was to preclude the full occupation of the landside freight warehouse floorspace until the runway had been completed for "testing", as needs to happen before it can be "signed-off" and brought into use. Given that the applicants have stated the building has a construction period of 10 months and the runway a construction period of 9 months, there is a potentially high degree of synchronicity between the two. Condition 4, as drafted, had sought to firm that up.

- 4.5 That said, the revised wording proposed by the applicants would allow the Council to have absolute control by its requirements that the occupation of the freight distribution warehousing can only take when two events have occurred: one, that the Council has received and has approved in writing a Construction Programme for the whole development (and therefore has to be satisfied as to the entire timing of construction works); and two, that the commencement of construction of the new runway (or commencement of the resurfacing of the existing runway if, for any reason, that is required as an alternative) has been commenced in accordance with the approved Construction Programme.
- 4.6 Should the applicants not adhere to the Construction Programme, they would be liable to potential enforcement action i.e. the Council would be able to serve a Breach of Condition Notice or Enforcement Notice. On balance, the revised wording of Condition 4, as promoted by the applicants is regarded as acceptable.
- 4.7 The applicants have "reserved" their position in relation to **Condition 35** (original numbering but now re-numbered 31) which imposes noise restrictions from all airport activities. As proposed by Officers, taking into account recommendations from the Consultants acting for the City Council, the Condition has a dual purpose. First it establishes a daytime noise level, using the PPG24 value up to which "noise need not be considered as a determining factor in granting planning permission". Secondly, it defines a night-time noise restriction which reflects the introduction of an entirely new noise source i.e. the freight haulage distribution and warehousing depot, with a substantial proportion of HGV movements occurring through the night, and the potential, therefore, to cause disturbance to properties in its vicinity.
- 4.8 Officers do not believe that a planning permission for this development, without a condition setting maximum noise levels, is a tenable proposition. The applicants have accepted that an appropriately worded condition is necessary but the precise phraseology, including the determinant values that should be incorporated within the condition, is still being clarified between the acoustic specialists employed by both the applicants and the Council.

- 4.9 The applicants proposals to modify **Conditions 47-51** (dealing with nature conservation matters) have been referred to the Council's Consultants (Lloyd Bore) and Natural England for their observations. Unfortunately, the time period accorded from the receipt of these from the applicants to preparation and distribution of this Report has not been adequate to enable comprehensive responses to be received. It will, therefore, be necessary for Officers to update the Committee on the position in relation to those specific matters.
- 4.10 Additionally, however, the applicants have proposed an entirely new **Condition 53** to deal with the requirement, under PPS9 and adopted Planning Policy, for compensation/mitigation to be provided in relation to habitat loss. The applicants consider that this could be addressed by a Planning Condition but Officers have previously recommended to Committee that this should be secured by means of a S106 Agreement under the Planning Act.
- 4.11 Officers have nonetheless given consideration to the applicants proposal but are of the view that, as drafted, it lacks sufficient precision to meet the "test" required under Circular 11/95. It does not define what the requirement for mitigation is, by extent or whether it is on-site or off-site (it could be either or a combination of both), when it is provided and what arrangements exist for delivery and management of it. On that basis, Officers are unconvinced that a condition would adequately secure this requirement.

5.0 Recommendation

- 5.1 The Report provides as much guidance, in relation to recommending a complete and settled regime of planning conditions, as is possible at this stage. It is, however, evident that the majority of Planning Conditions which Officers believe are necessary, in order to properly regulate the development and use of the land, and which were placed before Committee on 4th April are substantially unaltered from the Document considered by Members. The "spirit" of the Council's objectives has, therefore, not been lost but the precise expression of some core Conditions are now proposed to be modified for the reasons outlined within the Report.

- 5.2 Subject to securing the input of the relevant Consultants and specialist Consultees in relation to the matters highlighted in red in Appendix 3, it is anticipated that a package of proposed conditions will be recommended for Approval as a basis on which the application should be referred to the Secretary of State.

Catherine Elliot

Director of Development Services

Contact Officer: Alan Taylor

Ext: 7171

APPENDIX 1

FURTHER PROPOSED CHANGES TO THE SCHEDULE OF PLANNING CONDITIONS RECOMMENDED TO THE DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING HELD ON 4TH APRIL 2008

Interpretation:

Black Text: the wording provided within the original Schedule of Conditions discussed on 4th April and retained in full.

Blue Text: revised wording incorporating minor changes recommended by Statutory Consultees or the Council's Consultants; or that Officers/the applicants propose to add clarity; or where a condition has been deleted (either because the measures it addressed can be dealt with by other mechanisms e.g. the Noise Management Plan/other legislation or where the works are consolidated within another condition or where it would unreasonably remove Permitted Development Rights that are operationally necessary).

Red Text: Proposed revisions sought by the applicants that seek agreement to more fundamental revisions of the proposed planning conditions. As these were received on Tuesday 15th April, in several instances specialist advice sought from key consultees and the Council's consultants is still awaited. Officers anticipate a verbal update being provided at the Committee meeting.

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RECOMMENDED PLANNING CONDITIONS: CARLISLE AIRPORT

A) General

- 1) The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) A Programme for the removal, re-location (where appropriate) or reduction in height of those existing buildings or structures that fall within the likely Obstacle Limitation Surface shall be submitted to the Local Planning Authority. The Programme shall include arrangements for all necessary survey/recording to be undertaken in advance of any demolition or alteration work to investigate, where appropriate, the potential presence or use by Protected Species or to allow a permanent record of the building to be made, where required, for archaeological reasons.

Reason: To ensure that adequate time is available to enable appropriate investigation and/or recording or mitigation to be undertaken prior to the work being carried out.

B) Airport Use

- 3) The Terminal, Warehousing and Freight Distribution building hereby permitted shall only be used for airport-related activities and for the provision of warehousing and distribution accommodation (together with associated offices, administration and other ancillary facilities) which shall be occupied by Eddie Stobart Limited, Stobart Air, WA Developments and WA Developments International. In the event that any or all of those approved occupiers subsequently vacate all or any part of the building, that area of accommodation shall not be re-occupied until full written details of the business activities of the intended occupier have been provided to the City Council and the Council has given formal written notice that the proposed occupier is considered to be a provider of airport-related services or otherwise has an essential requirement to be located at Carlisle Airport.

The applicants have made representations relating to the wording of Condition 3 on the grounds that this is tantamount to a personal condition which Circular 11/95, advising on Planning Conditions, cautions should rarely be used. In addition, they are concerned because such a restriction might have funding implications for the development as a whole since financial institutions are wary of restrictions that might preclude the ability of the development to be used and, hence, provide a secure investment. They are

also concerned that this condition, as drafted, might impair the income stream that the development is required to attract to provide proper investment.

While conscious of the Council's reasons for wishing to impose the condition, and mindful that the re-location of their businesses to the Airport is "enabling development", the applicants wish the Committee to consider the following revised wording to the condition:

2)3) _____ The premises hereby permitted shall only be used for airport-related activities and freight distribution warehousing with ancillary facilities.

Reason: The Council is only prepared to permit the overall proposals on the basis that they constitute "enabling development" that will facilitate investment in, and lead to resultant economic and tourism benefits to the locality deriving from, the regeneration of the aviation sector at Carlisle Airport in accord with the objectives of Policy T5 of Regional Planning Guidance for the North West, Policy RT5 of the North West Plan (the Draft Regional Spatial Strategy for the North West of England), Policies ST8 and T26 of the Cumbria and Lake District Joint Structure Plan and Policy DP3 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

For the avoidance of doubt, for the purposes of this condition "airport-related" activities are defined as:

- Air taxi
- Air Freight forwarders
- Air Traffic Control Facilities [replacing "Control tower"]
- Aircraft catering facilities (in-flight catering preparation and storage)
- Aircraft sales
- Aircraft parts sales
- Aircraft hire
- Aircraft cleaning services
- Aircraft configuration and cabin dressing stores
- Aircraft maintenance hangars/workshops
- Airline catering facilities
- Airline offices (for on-airport administration)
- Airline sales
- Airline training centres
- Airport medical facilities
- Airport offices
- Animal quarantine
- Airport Facilities museum
- Avionics maintenance and supply
- Baggage sorting and storage
- Banks and Bureaux de Change

- Cargo handling facilities
 - Car rental and hotel desks
 - Car rental vehicle storage
 - Catering facilities for staff and passengers
 - Component maintenance including aircraft engines
 - Crew check-in and briefing premises
 - Crew medical examination centres
 - Customs facilities
 - Duty free sales and other retail sales for passengers
 - Electricity sub-stations
 - Fire-fighting and emergency facilities
 - Flying schools and clubs
 - Helicopter charters
 - Immigration and customs positions
 - Immigration detention block
 - Information facilities
 - Leisure flying clubs
 - Passenger terminal
 - Pilot supplies
 - Police air operations
 - Service vehicle maintenance and valeting operations
 - Staff recreation facilities
 - Suppliers of goods and services to airport based-uses (e.g. printers, cleaners, business services)
 - Training facilities including flight simulators
 - Warehousing and storage of goods which have been brought into or are to be sent out of the UK by air or are transported within the UK for air
- 4) Not more than 3 of the "landside" freight/distribution bays identified on drawing number 1004 Rev P2, together with its related ancillary office and service accommodation, shall be brought into use and no other part of the building as proposed shall be temporarily or otherwise used for warehousing purposes prior to the completion of construction of the replacement runway (to the extent that it can be used for testing purposes).

The applicants also propose amendments to the above wording. They accept the case for an implementation clause to be included within any planning consent but suggest that this can be secured by the Council having to give its formal approval to a Construction Programme for the entire development. They also suggest that the Condition be worded to allow for the possible alternative of the re-surfacing of the existing runway on its present alignment, should that be necessary. The applicants consider that the Council's objectives are able to be secured since occupation of the warehouse cannot take place until a) the Council's agreement to the Construction Programme has been given; and b) construction of the runway has been started in accordance with that programme. They, thus, believe that their proposed

alternative phrasing of Condition 4 affords a mechanism to deliver the project in the manner the Council seeks:

2)4) Prior to the occupation of the freight distribution warehousing hereby permitted, construction of either the replacement runway or resurfacing of the existing runway shall have been commenced in accordance with a programme of construction previously submitted to, and approved in writing by, the Local Planning Authority. Construction of either the replacement runway or resurfacing of the existing runway shall be completed in accordance with the approved programme of construction

Reason: To ~~secure ensure~~ the investment in upgrading of the runway to enable the restoration of scheduled and other passenger and freight services. ~~is accorded the highest possible priority in the overall package of proposals.~~

5) The total number of Aircraft Movements per annum shall not exceed the movements stated in the letter from Scott Wilson (reference D116772 dated 17th January 2008 in relation to predicted Air Traffic Movements at 2016 operation). The limits permitted are detailed below

Aircraft Movements	ATMs Per Annum
ATM - Type	
Passenger Air Jets	0
Non-passenger	780
Executive Jets (e.g. Beech, Citation, Hawker, Falcon)	881
Passenger turboprops (e.g. HS 748, SD 360, J41, ATR42, DHCQ400)	3,651
Non-passenger turboprops (e.g. ATR 42, ATTR 72)	780
Military (e.g. Hawk, BAe 146 (jets), C130 Tucano)	565
Lt. Aircraft ,4t. MTWA (e.g. PA28, PA38, PA34)	15,515
Total	22, 172

The applicants also propose to modify Condition 5 to omit the use of a Table (as currently indicated above) and rely, instead, upon a total limit on annual Air Traffic Movements (ATM's) by fixed wing aircraft. There is merit in that approach, which is commonly followed at other Airports: as the above Table stands, it implies military Bae 146 aircraft are acceptable but civilian versions

would not be. Similarly, specifying specific aircraft types is unrealistic: if a new, quieter model is introduced it would not be permitted to be used if the Table is prescriptive. Finally, it is not an exhaustive list of all aircraft in service that might use the Airport.

The approach generally adopted elsewhere (and as accepted by Inspectors and Secretary of State when considering Planning Appeals for airport development) is to place an absolute limit on the annual ATMs. Where appropriate, this can further include a limit on the number of ATMs made by larger aircraft, with a maximum take-off weight (MTOW) being specified. The revision of Condition 5 in that manner, together with the imposition of a condition limiting noise levels, as intended by Condition 31 [new numbering], would afford appropriate safeguards.

Officers would, therefore, not be averse to the proposed amendment of Condition 5, as set out below, since it is framed to pair the annual ATM ceiling for fixed wing aircraft (as set out in the Table) with a limit on aircraft numbers above the 4 tonne weight.

- 5) Unless otherwise approved in writing by the Local Planning Authority, the total number of fixed wing aircraft movements, using the replacement runway hereby permitted, shall not exceed 22,172 per annum, of which not more than 6,657 movements shall be carried out by aircraft with a maximum take-off weight in excess of 4 tonnes.

Reason: To ensure that the level of aviation activity and its potential impacts can be monitored to ensure compliance with the information provided within the applicants' proposals, to protect the environment and to prevent noise nuisance in accordance with PPG 24.

- ~~6) The total number of helicopter movements per annum shall not exceed the movements stated in the letter from Scott Wilson (reference D116772 dated 17th January 2008) in relation to predicted movements for all civilian and military helicopter activity at 2016. The limits permitted are detailed below:~~

Helicopter	ATMs per annum
Military	847
Civilian	4,616

~~**Reason:** To ensure that the level of aviation activity and its potential impacts can be monitored to ensure compliance with the information provided within the applicants' proposals, to protect the environment and to prevent noise nuisance in accordance with PPG 24~~

76) For each Quarter of each calendar year, following completion of the replacement runway hereby permitted, the operators of the Airport shall compile a Schedule detailing all Aircraft Movements which have taken place at Carlisle Airport within that Quarter and all such records shall be permanently retained and shall be made available for inspection by Authorised Officers of the City Council on request. The Schedule shall include, but is not limited to, details of all fixed wing flying operations, general aviation movements, military movements and helicopter movements (civilian and military), and shall include in every case the aircraft type and model number.

Reason: To ensure that the level of aviation activity and its potential impacts can be monitored to ensure compliance with the information provided within the applicants' proposals, to protect the environment and to prevent noise nuisance.

8)7) Within the overall Air Traffic Movements permitted under the provisions of Condition 05, there shall be a maximum number of 8 no. night-time ATM's undertaken between the hours 23.00-06.00 within any 24 hour period. a. A "movement" for the purposes of this condition being shall be defined as:

- i. An aircraft landing between 23.00-06.00 hours that remains on the ground for the rest of that period; or
- ii. An aircraft which lands between those hours and also takes off again within those hours; or
- iii. An aircraft that is already on the ground prior to 23.00 hours but takes off between that time and 06.00 hours the next morning.

Reason: To ensure that the level of aviation activity at night-time is capped at the existing historical level of flights at Carlisle Airport in order to prevent an increased and unacceptable level of disturbance to the residential properties in the vicinity of the Airport.

9) ~~In the event that any part of the site is used for the purposes of testing aircraft engines, such testing shall not take place until details of the location of any such engine testing facility and a detailed schedule of the days and hours when it is expected to be used and the likely duration of use at any period of time have been submitted to, and has been approved in writing by, the Local Planning Authority. The submitted details shall identify the precise location of the engine testing facility, its extent, design, containment and appearance and shall further provide particulars of any measures to minimise noise disturbance to nearby residential properties. No engine testing shall take place anywhere within the overall site other than on any such "approved" location and shall be limited to the time periods identified in the approved particulars.~~

~~**Reason:** To minimise the likelihood of undue noise and disturbance to persons resident within or working within the general vicinity of the Airport.~~

~~10) In relation to the Ground Running of aircraft propulsion engines within the Airport:~~

- ~~the total duration of Ground Running time in any one night period, i.e. between 23.00 and 07.00 hours, shall not exceed 60 minutes; and~~
- ~~No Ground Running time at high power shall be permitted outside the hours between 09:00 and 18:00 and shall take place only on weekdays.~~

~~For the purposes of this condition "Ground Running Time" shall mean: the time during which ground running noise is capable of being heard; i.e. the simultaneous running of two or more engines will count singly; and "High Power" means any setting above ground idle.~~

~~**Reason:** To protect the amenity of existing and proposed residents and to prevent statutory nuisance.~~

~~11) Notwithstanding the provisions of Part 18 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no additional taxiways nor areas for aircraft manoeuvring, parking or loading/unloading shall be provided without the prior approval of the Local Planning Authority.~~

~~**Reason:** To avoid any risk of damage to existing archaeological features or areas, which may have nature conservation significance.~~

C) Highways

128) Before any development takes place, a plan which shall reserve adequate land within the site for the parking of vehicles engaged in construction operations associated with the development hereby approved and shall show the intended means of vehicular access thereto, shall be submitted for the prior written approval of the Local Planning Authority in consultation with the Highway Authority. That land shall be used for or be kept available for these purposes at all times until completion of the construction works associated with the approved development. The proposed means of vehicular access thereto shall be retained for the duration of the construction works unless it is replaced following the formation and the bringing into use of the main site access from the new roundabout junction with the A689.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

439) Prior to the commencement of any construction operations on the new access from the A689 there shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, full constructional details and an associated Safety Audit of the design of the proposed roundabout junction together with full constructional details of the associated internal junction and road system within the development area. The junction improvement with the A689 shall be completed in accordance with such approved details or any such variation to them as may be required as part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980 (unless otherwise agreed in writing with the Local Planning Authority) and those works, together with the works for the internal junction and access routes, shall be fully completed before any part of the proposed accommodation is brought into use.

Reason: To ensure the provision of a safe and efficient means of access from the county highway to the development and an appropriate system of roads within the site itself.

4410) Details (including a full specification, drawings and a programme for implementation) of the The carriageway, footways and footpaths to be provided within the site shall be ~~designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, safety audits shall be~~ submitted to the Local Planning Authority for approval before work commences in respect of them. on highway works. The construction of the carriageway, footways and footpaths within the site shall be carried out in accordance with the approved details. No such highway works shall be commenced until a full specification and drawings have been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide and other current guidance. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies: LD5, LD7, and LD8.

4511) No building hereby permitted, or any part thereof, shall be occupied until a Green Travel Plan has been submitted to ~~and approved in writing by~~ the Local Planning Authority for approval in consultation with the Highway Authority. The Green Travel Plan shall include the following measures:

- i) The provision of short and long-term targets for increasing the proportion of journeys made by employees and passengers to the airport by public transport.

- ii) The development of a strategy for achieving those targets drawing on the best practice available including the identification of sources of funding for implementation.
- iii) A monitoring programme to include modal split surveys of passenger and staff journeys every two years and a full census every five years following the commencement of use.
- iv) A review of bus services for staff including such matters as the provision of bus timetables, relating shift start and finish times to operating times of local bus services.
- v) Organisation and promotion of car sharing schemes.
- vi) Identification of a person to organise and co-ordinate the Green Travel Plan, including raising awareness of alternatives to staff through education and information.
- vii) Measures to aid the access and comfort of disabled users.

The measures identified in the Travel Plan shall be implemented in accordance with the approved details, within ~~12~~ 3 months of approval by the Local Planning Authority, ~~the development (or any part thereof) being occupied.~~

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: LD4 and Structure Plan Policy T31.

4612) The proposed development shall not be occupied until a suitably qualified and experienced person or organisation has been appointed to act as Travel Plan Co-ordinator. The position of Travel Plan Co-ordinator shall be maintained for a period of at least five years from the first occupation of the premises or any part thereof. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the Travel Plan Co-ordinator and submitted to the Local Planning and Local Highway Authorities for approval.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policy LD4 and Structure Plan Policy T31.

4713) The proposed first phase of car, coach, taxi set-down and cycle parking facilities for air passenger use and the proposed first phase of staff parking areas for employees of the proposed development as shown on the "Year of Opening" Parking Provision Plan (drawing number D113877/PL/100) shall be fully completed and available for use prior to the occupation of any part of the buildings hereby permitted.

Reason: To ensure an acceptable level of on-site parking, commensurate with the scale of development, is available to serve the needs of occupiers and users of the development.

~~4814~~) Further to the provision of the parking facilities referred to in Condition ~~47~~ 13, no additional car parking facilities, for either passenger or staff use, shall be provided other than in accordance with a detailed Car Parking Strategy which shall have been previously submitted to, and ~~been~~ approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the phased introduction of additional car parking is only undertaken in accordance with an agreed Strategy that balances an acceptable level of on-site parking with other measures to encourage use by alternative modes of transport.

~~4915~~) Details showing the provision within the site for cycle parking, both for staff, visitors and passenger, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the cycle parking facilities shall be kept available for such purpose at all times and shall not be used for any other purpose.

Reason: To ensure a minimum standard of cycle parking provision is made within the site and to support Local Transport Plan Policies C3, LD7 and LD8.

~~2016~~) ~~Following the completion of the~~ The replacement runway ~~and prior to it hereby permitted shall not be being brought into use for Instrument Landing approaches~~ (other than for testing purposes) unless the proposed Traffic Signals to control traffic on the Laversdale road and on the side road from the Irthington road have been installed and are operational in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the safety of road and aircraft users is protected.

D) Archaeology

~~2417~~) Prior to the commencement of development within the vicinity of Watchclose Woods, a scheme of evaluation to identify the presence and location of Stanegate Roman road shall be submitted to and agreed in writing by the Local Planning Authority in consultation with English Heritage and the County Archaeologist. The evaluation shall be implemented in accordance with the approved scheme and the results of the evaluation will inform the specific location and design of the clean water and dirty water lagoons to ensure that a minimum distance of 10m is kept between the Roman road and the lagoons.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of

archaeological interest within the site and for the preservation, examination or recording of such remains

2218) No development shall commence within any part of the site until the applicant has secured the implementation of a programme of archaeological work in respect of that part. Any such work shall be carried out in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation and, where appropriate, an archaeological recording programme, the scope of which will be dependant upon the results of the evaluation, to be undertaken in the area of the proposed pumping station and two water lagoons on the western edge of the airport in accordance with the agreed written scheme of investigation;
- ii) An archaeological watching brief on any significant ground works associated with the erection of the approach lights to the east and west of the airport and the erection of the security fencing on the south side of the airport in accordance with the agreed written scheme of investigation;
- iii) An archaeological excavation of the area in which prehistoric remains were revealed in the initial evaluation in accordance with the agreed written scheme of investigation;
- iv) The air traffic control tower, Watchclose Farm, and air raid shelter shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and, following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority

Reason: To (1) To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and (2) To ensure that a permanent record is made of the buildings of historic interest prior to their alteration and demolition as part of the proposed development.

19) An archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as previously approved by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a permanent record, and accessible by the public, is made of the archaeological remains that have been disturbed by the development.

E) Design

2320) No development works of construction of any building hereby permitted shall take place until detailed plans and particulars of the proposed that building and its associated parking/circulation areas detailing the incorporation of a range of initiatives in relation to energy harvesting/energy conservation have been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the advice contained within Planning Policy Statement 12, and comply with Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

2421) No development works of construction of any building hereby permitted shall take place until detailed plans, elevations and sections of the proposed that building, together with a schedule and sample of finishes to be used on its external elevations, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals intended to be employed to secure articulation of the principal facades, the intended site and finished floor levels to identify its physical relationship with the existing ground levels, the measures to be incorporated to secure high levels of energy conservation, and the intended use of appropriate materials and colour to assimilate the form and scale of the building within its rural setting.

Reason: To accord with the advice contained within Planning Policy Statement 12, and comply with Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

2522) No development works of construction of any building hereby permitted shall take place until detailed plans and particulars of the proposed surface treatment, drainage, marking out and lighting of all access routes to and within the car, coach, and HGV parking areas and pedestrian routes to and from them have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate and acceptable quality of development.

2623) No development works of construction of any building hereby permitted shall be brought into use until detailed plans of all proposed external plant and machinery, including the proposed electrical sub stations,

LPG Store and Sprinkler Tank have been submitted to and approved in writing by the Local Planning Authority and, where necessary, the submitted particulars shall include details of any associated soundproofing or appropriate measures to limit the transmission of airborne or structure borne sound.

Reason: To ensure the details are acceptable and will, in operational use, result in no adverse impact in terms of noise or nuisance.

2724) Notwithstanding the details of proposed perimeter fencing submitted and shown on the approved plans, details of the visual appearance of all fencing to the site perimeter and between "airside" and "landside" activities shall be submitted to and approved in writing by the Local Planning Authority in consultation with Cumbria Constabulary.

Reason: To ensure the appearance of the fencing is utilisation of an appropriate standard of high security fencing to provide for the maximum safety of users of the airport which shall also be visually acceptable in this rural location.

~~28)~~ ~~Notwithstanding the provisions of Part 18 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no additional external lighting shall be erected/installed without the prior permission of the Local Planning Authority.~~

~~**Reason:** To enable the LPA to review any potential impacts arising from additional lighting upon the living conditions of adjacent and nearby residents, the rural character of the area and upon wildlife interests.~~

F) Landscaping

2925) Notwithstanding the details shown on submitted Drawings Numbered D11672/LA01 Rev E and D11672/LA02 Rev C, within 3 months of the date of this approval there shall have been submitted to, for approval in writing by, the Local Planning Authority, a detailed landscaping and screening scheme for the immediate perimeter area adjacent to the proposed new building and its associated car, coach and lorry parking and servicing areas, loading/unloading and fuelling yards. That scheme shall specify the proposed planting heights and planting densities of all species and shall make particular provision for effective screen planting within the passenger short-stay and long-stay parking areas, within the employee parking areas and for substantial screen planting and/or earth mounding to be undertaken adjacent to the north-eastern gable of the proposed freight and distribution warehouse. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that an appropriate and effective landscaping scheme is prepared and to ensure compliance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

~~3026~~) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first available planting and seeding seasons after completion of each stage of construction operations and shall be maintained thereafter, ~~to the satisfaction of the Council; and any~~ Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

G) Noise and Dust

During The Construction and Operational Stages

~~3127~~) The development hereby permitted shall not be commenced until a Construction Site Management Plan (CSMP) has been submitted to and approved in writing by the Local Planning Authority. Following its approval, the development shall thereafter be carried out strictly in accordance with the approved Construction Site Management Plan.

The Construction Site Management Plan shall, ~~in addition to the works further specified under condition 62 of this planning permission,~~ include; ~~as a minimum:~~

- a) The proposed date and sequence of works/construction phases;
- b) The details of proposed normal working hours and intended start up and close down times;
- c) An outline of any work ~~which that~~ may require construction outside of normal working hours together with any control ~~which that~~ will be applied to mitigate against nuisance and complaints;
- d) The details of how "construction site limits" of 65-67 dB L_{Aeq}, 12h (as specifically mentioned in the submitted Environmental Statement) shall be assessed, monitored and controlled;
- e) The location(s) of any proposed compounds; and, access points, routes for construction vehicles, equipment and plant during construction;
- f) Details of equipment and plant to be used (including type, make and expected number);

- g) The identification of any sensitive receptors (such as trees, water courses, local residents and other commercial businesses) which are likely to be affected by the works;
- h) Method of delivery/removal of materials and plant;
- i) Procedures for (all permanent site staff and temporary) employees undertaking construction site activities, for dealing with major incidents, unexpected occurrences or finds during construction, particularly related to:
- Air Quality (such as dust)
 - Ground quality (contamination issues)
 - Noise and Vibration
 - Light nuisance
 - Water resources
- a)j) Procedures for handling external communication, liaisons and complaint;
- k) Procedures for co-ordinating the monitoring of results to ensure that there are no adverse effects and that the cumulative effects of activities as a whole are considered;
- l) Any In respect of any monitoring proposal protocols detailed shall include:
- Frequency of monitoring
 - Standards/Factors against which monitoring will be analysed
 - Actions to be taken in event of complaints or breached limits/thresholds
- m) measures to minimise siltation of the River Eden SAC during construction
- n) measures to prevent chemical pollution of the River Eden SAC during construction
- o) measures to be undertaken to ensure no contamination of the River Eden SAC through surface water drainage during construction and operation
- p) measures to be undertaken to ensure no contamination of the River Eden SAC in the event of a pollution event/spillage incident during construction
- q) measures to be undertaken to minimise risk of toxic pollutants arising from contaminated ground being transferred to the River Eden SAC via surface and/or groundwater during construction and operational phases.
- r) measures to minimise disturbance of the River Eden SAC and SSSI by way of noise, vibration and lighting during construction and operation.

Reason: To protect the environment and prevent statutory nuisance.

During the Construction Stages

- 3228) During the construction of the development hereby permitted wheel-cleaning equipment shall be made available at any location where HGV, Plant Equipment etc. it is identified that mud or other such material is being carried onto the highway. Measures shall also be taken to remove any material that is deposited.

Reason: To protect the environment and to prevent dust nuisance.

- 3329) Any vehicles travelling to and from the application site development hereby permitted during its construction which are carrying material that has the potential to give rise to the emission of dust shall be covered in such a manner so as to minimise the emission of dust during transit.

Reason: To protect the environment and to prevent dust nuisance.

- 3430) Any material which shall be stored on site which has the potential to give rise to dust shall be stored away from the site boundary and any mounds of material shall be profiled in order to minimise dust to the satisfaction of the Local Planning Authority. Where dust nuisance arises from such stockpiles then dust suppression shall be required.

Reason: To protect the environment and to prevent dust nuisance.
When The Development is Operational:

- 3531) At relevant receptors outside the airport boundary, the locations of which shall be identified in agreement with the Local Planning Authority, the combined incident¹ noise levels from all airport activities including that from the freight depot shall not exceed:
- An outdoor day time value of 575dB $L_{Aeq, 16h}$ (07:00-23:00);
 - An outdoor night time value of 485dB $L_{Aeq, 8h}$ (23:00- 07:00); and
 - An outdoor night time value 60 L_{Amax} dB

Reason: To achieve a noise threshold that will provide an acceptable level of protection within the locality from potential noise nuisance arising from activities associated with the development

- 3632) Upon the request of the Local Planning Authority the The Airport Operators shall calculate and supply to the LPA the 575dB $L_{Aeq, 16h}$ and the 485dB $L_{Aeq, 8h}$ noise contours upon the first anniversary of the use of the replacement runway hereby permitted (excluding for testing purposes) and once every two years of that anniversary. Prior to the

¹ The incident noise level means that no account should be taken of the reflected noise from any façade and implies that 3 dB(A) should be subtracted where the assessment is based on façade measurements.

calculation of noise contours, all input data to be used shall be agreed with the Local Planning Authority.

Reason: To achieve a noise threshold that will provide an acceptable level of protection within the locality from potential noise nuisance arising from activities associated with the development.

3733) No part of the passenger terminal and/or freight terminal warehousing and associated hangars hereby permitted shall be brought into use until a Procedure for Handling Noise Complaints by the public has been prepared and particulars of it have been submitted to and approved in writing by the Local Planning Authority. The procedure shall include the following:

- a) arrangements for the recording and investigation of each complaint;
 - b) arrangements for the production of a Report of the investigation into each complaint and for a copy of that Report to be included in the response to that individual;
 - c) the provision of copies of the completed Report into the investigation of each complaint and the related written response to the complainant to be forwarded to the Local Planning Authority within one month of the completion of the investigation and production of the Report of Investigation; and
 - d) the preparation of an Annual Summary Report of Complaints which shall be made available to both the Public and Local Authority.
- The airport shall not be operated otherwise than in accordance with the approved Procedure for Handling Noise Complaints by the public.

Reason: To protect the amenity of existing and proposed residents and to prevent statutory nuisance.

3834) No part of the passenger terminal and/or freight terminal warehousing and associated hangars hereby permitted, shall be brought into use until a Noise Management Plan to deal with all site operations/activities has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall be implemented as approved and shall be reviewed annually.

- ~~Any restriction in the operation of aircraft;~~
 - ~~How complaints will be managed and who is responsible for collating information;~~
 - ~~What actions are required for mitigation; including the need for monitoring~~
 - ~~the arrangements for the regular review of the Noise Management Plan~~
- ~~be implemented as approved and shall be reviewed annually.~~

Any new or extra on-site activities shall be assessed prior to their implementation and that assessment shall be included within a revised Noise Management Plan.

Reason: To protect the living conditions of residents and businesses living and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.

~~39) Where the Local Planning Authority or the Airport Operator receives complaints associated with the maintenance of aircraft; the testing of aircraft or aircraft ground running noise, an Assessment of the noise impact at affected receptors shall be carried by a competent noise consultant and a Report of the Assessment findings shall be produced and the results forwarded to the Local Planning Authority.~~

~~**Reason:** To protect the living conditions of residents and businesses living and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.~~

~~40) Where mitigation measures are recommended following any Assessment carried out in accordance with the requirements of Condition 39, the Airport Operators shall implement such measures as are identified within the Assessment to secure an acceptable remediation of any adverse impact that has been identified. Following completion of such measures as were identified within the Assessment, the Airport Operators shall monitor those actions and provide documented evidence that their implementation has resulted in the remediation required.~~

~~**Reason:** To protect the living conditions of existing and proposed residents and to prevent statutory nuisance.~~

~~4135) Before the bringing into use of any part of the development hereby permitted the applicants shall prepare (either as a self-contained Document or as part of an overall Site Management Plan) a Service/Haulage Yard Management Plan and shall submit it to the Local Planning Authority for its written approval. It should make particular The Plan shall include provisions for the operational management of any Service/Haulage Yard, of that aspect of the development to ensure that it is operated which shall minimise disturbance to adjacent and nearby occupiers. It should make particular provision to: ~~ensure that no vehicles shall use audible reversing alarms on site between the hours of 2300 to 0700 Mondays to Sundays (during those times a non-audible alternative shall be used and shall also set out the arrangement to ensure that all loading and unloading of HGV's is carried out within the service/haulage buildings:~~~~

- i) minimise the use of audible reversing alarms on site between the hours of 2300 to 0700 Mondays to Sundays ~~(during those times a non-audible alternative shall be used); and~~

- ii) ~~minimise the need to undertake ensure that all~~ loading and unloading of HGVs ~~is carried out within~~outside of the service/haulage buildings.

Thereafter haulage activities, inclusive of the unloading and loading of vehicles, shall be undertaken in complete accordance with the approved Service/Haulage Yard Management Plan.

Reason: To protect the living conditions of residents and businesses living within and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.

- ~~42) Maintenance work on vehicles within the Service/Haulage Yard shall only take place between the hours of 0800-1700 on Mondays to Fridays and on Saturdays between 0800-1200 hours. Emergency repair works shall be permitted outside these hours where the repair is essential to secure health and safety responsibilities.~~

~~**Reason:** To protect the amenity of existing and proposed residents and to prevent statutory nuisance.~~

- ~~43) Where it is undertaken for essential reasons for health and safety purposes, a written record of emergency repairs undertaken outside of the permitted maintenance/repair times set out under Condition 39, shall be kept on site and made available at all times for inspection upon request by an authorised Officer of the City Council. The record shall include information regarding the person authorising the emergency repair/maintenance (name and position); the nature of the repair; and a log of the date, time commenced and the duration of the time spent on the repair work.~~

~~**Reason:** To protect the amenity of existing and proposed residents and to prevent statutory nuisance.~~

H) Contamination

- 4436) No part of the development hereby permitted shall commence until:

(a) There has been submitted to and approved in writing by the Local Planning Authority ("the LPA") a methodology for site investigations and intrusive ground investigations, geophysical site investigations and environmental risk assessments; and in respect of that part; and

(b) Following the approval of the methodology, as required by paragraph (a) above, such site investigations and assessments referred to therein have:

~~(i) been carried out by appropriately qualified personnel in accordance with British Standard 10175:2001 "Investigation of Potentially Contaminated Sites: Code of Practice" and current Government and~~

Environment Agency guidance Conformed to current Government and Environment Agency guidance outlined in CLR11, industry profiles and British Standards framework (in particular BS 5930, 10175: 2001 "Investigation of Potentially Contaminated Sites: Code of Practice");
and

(ii) in the eventuality of land contamination being present, the types, nature and extent of contamination, the risks to receptors and the potential for migration within and beyond the site boundary shall be identified (all laboratories used for testing purposes shall be registered to the ISO 17025:2000 quality standard) If land contamination is identified from the site investigations as being significant to cause harm or have potential to cause harm or pollution to identified receptors within & beyond the site boundary, by means of acceptable qualitative or quantitative techniques, remediation will be required; and

(iii) All laboratories used for testing purposes shall be registered to the ISO 17025:2000 quality standard.

Reason: To protect the environment and prevent harm to human health.

4537) Where such site investigations and assessments as provided for in Condition **44 36** (above) indicates that remediation is required, a remediation scheme ("the Remediation Scheme") shall be submitted to and approved in writing by the LPA. The Remediation Scheme shall:

- (i) Include an implementation timetable ("the Implementation Timetable");
- (ii) Include a remediation and verification methodology comprising a sampling and analysis programme to confirm the adequacy of decontamination;
- (iii) provide for an appropriately qualified person to oversee the implementation of all remediation ("the Remediation Scheme").

Reason: To protect the environment and prevent harm to human health.

4638) All measures as are identified in the Remediation Scheme shall be undertaken in accordance with the Implementation Timetable and any measures at variance with the Remediation Scheme shall be submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken.

Reason: To protect the environment and prevent harm to human health.

4739) In the event of a Remediation Scheme being undertaken, the applicants shall on completion of the scheme submit a Report recording the remediation carried out, and secure approval in writing

from the Local Planning Authority of that Report, The Report shall include details of the following:

i) Results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,

(ii) Confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and

(iii) Proposals for future monitoring and reporting.

Reason: To protect the environment and prevent harm to human health.

4840) If contamination not previously identified is found to be present during development (i.e. building works), no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The written application by the developer shall detail how this contamination shall be dealt with.

Once the remediation measures have been carried out a validation report verifying the remediation shall be submitted.

In complying with this condition, the words "contamination not previously identified" shall mean substances present in soil or groundwater.

Reason: To protect the environment and prevent harm to human health.

I) Foul and Surface Water Drainage

4941) No part of the approved development shall be brought into use until a detailed Drainage Strategy, produced in accordance with the Environment Agency's Greenfield Run-off criteria where relevant, and detailed scheme of proposals for the collection/ containment/ treatment and/or disposal of all foul wastes (including contamination from fuel and/or products used in the de-icer process) and for dealing with all surface water from buildings, roads, car-parks, service yards and uncontaminated run-off from all hardstandings used by aircraft including aircraft stands/ runways/aprons/taxiways and aircraft parking areas in respect of that part have been submitted to and been approved in writing by the Local Planning Authority in consultation with the Environment Agency, United Utilities and Natural England. The Drainage Strategy shall incorporate an 'Emergency Plan' detailing how it is proposed to deal with any specific pollution events during site operation to minimise the risk of potential pollutants reaching the River Eden SAC.

The approved Drainage Scheme shall be fully implemented prior to the bringing into use of that part of the proposed development.

Reason: ~~To ensure a satisfactory system of drainage to fully deal with all foul and surface water arising from the development, to prevent an increased risk of flooding and to prevent pollution of the water environment~~ To prevent the increased risk of flooding and to protect receiving waters by ensuring the provision of a satisfactory means of foul and surface water disposal. in accord with the advice contained within PPS25, Policies ER8 and EQ3 of RPG13, Policy EM5 of the North West Plan (draft Regional Spatial Strategy), Policies ST3 and C42 of the Cumbria and Lake District Joint Structure Plan and Policies CP9, CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

5042) Any proposed liquid storage tanks (e.g. aviation or other fuels, oils, or process chemicals) shall be located within bunded areas having a capacity of not less than 110% of the largest tank. If tanks are connected by pipe work in such a way to allow equalisation of the level of contents, then the bund capacity should be 110% of the largest combined volume. The floor and walls of the bund shall be impervious to oil and water (and resistant to any stored chemicals). Any inlet/outlet/vent pipes and gauges must be within the bunded area. Details of the bunds shall be submitted to and approved in writing by the Local Planning Authority prior to their installation, and shall be implemented in accordance with the approved details. The approved details must also include information on the frequency of maintenance.

If contamination is found within the bund the contents shall be suitably disposed of. A record shall be made detailing the contamination, action taken, and results of any investigation undertaken to identify the cause of the contamination.

Reason: To protect the environment and prevent harm to human health.

5143) Prior to being discharged into any watercourse, public surface water sewer or soakaway system, all surface water run-off, excepting roof water, from any areas serving car/lorry/coach parks shall be provided with appropriate oil/petrol/grit interceptors designed to have a capacity and details compatible with the areas being drained.

Reason: To prevent pollution of the water environment.

5244) All vehicle washing facilities and freight loading/off loading areas shall incorporate effluent containment facilities or otherwise drainage from them should be connected to the foul sewer.

Reason: To prevent pollution of the water environment

INFORMATIVE: For the purposes of Condition 44, discharges to sewer from vehicle washing facilities and freight loading/unloading areas may be regarded as trade effluents and may require the formal consent of United Utilities.

5345) ~~No development approved by this permission~~ piling shall be commenced until such times as a method for piling foundations has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. Piling work shall, thereafter, be undertaken in accord with the approved details.

Reason: ~~The site is contaminated/potentially~~ Should the site be contaminated, and piling could lead to the contamination of groundwater in the underlying aquifer.

G) Nature Conservation

5446) No vegetation or structures suitable for nesting birds shall be cleared/removed during the period 1st March to 15th August in any calendar year unless a breeding bird survey of the area to be cleared/removed has been undertaken and the results have been previously submitted to and ~~been~~ approved in writing beforehand by the Local Planning Authority. If works cannot be avoided during the breeding bird season, vegetation and structures should be checked for the presence of nesting birds within 4 days of the just-prior-to works being undertaken. ~~and a~~ Any active nests found should be left undisturbed until the young birds have fully fledged.

Reason: To ensure no impact on nesting birds.

5547) Prior to commencement of the development works, a Mitigation Method Statement for the assessment of potential presence of, and impact upon, Reptiles shall be submitted to and approved in writing by the Local Planning Authority. The Mitigation Method Statement shall adopt the 'worst case scenario' and shall include the following information:

1. The identification of all areas of habitat suitable for reptiles;
2. An assessment of likely impact of the development based on an assumption of maximum carrying capacity; and
3. Details of a proposed Mitigation Strategy including a programme for its implementation-implementation, proposed method of works, habitat retention, creation and enhancement, and on-going monitoring.

The applicants propose to re-draft the above Condition, as follows:

47) Prior to commencement of the development hereby permitted within those areas where reptiles are most likely to be present (as identified in letters dated 30 January 2008 from Scott Wilson to Natural England

and 26 March 2008 from Scott Wilson to Lloyd Bore, but including specifically habitat associated with the margins of Watchclose Wood and any areas of marshy grassland), a Mitigation Method Statement for reptiles shall be submitted to, and approved in writing by, the Local Planning Authority. The Method Statement shall include the following information:

1. An updated description of all areas of habitat considered to be most suitable for reptiles; and
2. Details of a proposed Mitigation Strategy including a programme for its implementation, proposed method of works, habitat retention, creation and enhancement and on-going monitoring.

The works shall be carried out in accordance with the approved Mitigation Method Statement.

Reason: To ensure no adverse impact on the local Biodiversity resource in accordance with the advice contained within Planning Policy Statement 9: Biodiversity and Geological Conservation and in accord with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan.

~~5648) No works shall commence until a-detailed mitigation schemes and related monitoring programmes for great crested newts and for bats have has been submitted to, and approved in writing by, the Local Planning Authority and a-European Protected Species Licences havehas been obtained from Natural England DEFRA. The applicants shall report all conditions of the Protected Species License to both Carlisle City Council and Natural England.~~

Similarly, the applicants proposes extensive re-drafting of Condition 48 and some text changes to Condition 49 (new numbering):

48) Prior to the commencement of the development hereby permitted within those areas known to (1) support great crested newts or (2) be used by roosting bats as identified (in each case) in the Environmental Statement dated October 2007, a mitigation and monitoring scheme for great crested newts and bats respectively shall be submitted to, and approved in writing by, the Local Planning Authority. European Protected Species Licences shall be obtained from Natural England prior to the commencement of any such works. The works shall be carried out in accordance with the approved mitigation and monitoring scheme and with any Licences obtained from Natural England.

Reason: To ensure no adverse impact on the favourable conservation status of a European Protected Species of wildlife.

~~57) No works shall commence until a detailed mitigation scheme for and related monitoring programme for bats has been submitted to, and approved in writing by, the Local Planning Authority and a European Protected Species Licence has been obtained from DEFRA. All conditions of the Protected Species License shall be reported by the applicants to both Carlisle City Council and Natural England.~~

~~**Reason:** To ensure no adverse impact on the favourable conservation status of a European Protected Species of wildlife.~~

~~5849) A further survey for badgers shall be undertaken by an appropriately qualified ecologist not more than 14 days before the works hereby approved commence and the results shall be submitted to the Local Planning Authority for approval. Should evidence of badgers be found, the applicants shall ensure that all statutory procedures must be followed according to the relevant legislation protecting this species. In addition, if evidence of badger activity is found within the Airport, in terms of site management obligations shall include measures to prevent badgers being injured or trapped within any holes excavated during development work shall be covered at night to prevent badgers from falling into them and being injured;~~

~~**Reason:** To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.~~

~~59) All badger road traffic incidents around the Airport site shall be monitored and reported to Natural England and/or Carlisle City Council; and in the event of an increased trend in badger road casualties being recorded following the bringing into use of the development, the applicants shall prepare and submit for written approval by the City Council a scheme of proposals to afford increased protection from vehicular traffic.~~

~~**Reason:** To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.~~

~~6050) Within six months of the date of this planning permission, the applicants shall prepare in consultation with appropriate bodies, including Carlisle City Council, Natural England and the Cumbria Wildlife Trust, and submit to the Local Planning Authority for its written approval a Biodiversity Management and Enhancement Plan. The Plan shall include the following:~~

Within three months of the start of construction work, a Biodiversity Management and Enhancement Plan shall be submitted to the Local Planning Authority for its written approval. The Plan shall include the following:

1. Details of the proposed long term management of existing and proposed areas of semi-natural habitat within and, where appropriate, on land outside of the application site
2. Details of the proposed Implementation Strategy
3. Details of the proposed Monitoring Strategy to include long-term monitoring of protected species on site

All works shall be implemented in accordance with the approved Plan

Reason: To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

6451) In order to assess the effectiveness of the measures set out in the Plan required by Condition 5060, an Annual Monitoring Report shall be produced at the end of each year for a minimum period of 5 years from the date of submission of the Biodiversity Management and Enhancement Plan and each edition of the Annual Monitoring Report shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

~~62) The Construction Site Management Plan (required to be submitted to and approved by the Local Planning Authority under Condition 30) shall incorporate measures to maintain the integrity of Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs) during the construction phase of the development hereby approved. This plan shall include:~~

- ~~1.measures to minimise siltation of the River Eden SAC during construction~~
- ~~2.measures to prevent chemical pollution of the River Eden SAC during construction~~
- ~~3.measures to be undertaken to ensure no contamination of the River Eden SAC through surface water drainage during construction and operation~~

- ~~4. measures to be undertaken to ensure no contamination of the River Eden SAC through sewage effluent / foul drainage during operation~~
- ~~5. measures to be undertaken to ensure no contamination of the River Eden SAC in the event of a pollution event / spillage incident during construction and operational phases~~
- ~~6. measures to be undertaken to minimise risk of toxic pollutants arising from contaminated ground being transferred to the River Eden SAC via surface and/or groundwater during construction and operation.~~
- ~~7. Measures to minimise disturbance of the River Eden SAC and SSSI by way of noise, vibration and lighting during construction and operation.~~

~~**Reason:** To ensure no adverse impact on the integrity of sites of international (Special Protection Areas; Special Areas of Conservation) or national importance (Site of Special Scientific Interest) for nature conservation.~~

- ~~63) There shall be no changes to the existing Bird Control and Bird Strike Management Plan or to the existing Safeguarding Area for Carlisle Airport without prior consultation with Natural England, the Royal Society for the Protection of Birds, Cumbria Wildlife Trust and Carlisle City Council, in order to ensure such measures are subject to the necessary assessment under the Habitats Regulations.~~

~~**Reason:** To ensure no adverse impact on the integrity of sites of international (Special Protection Areas; Special Areas of Conservation) or national importance (Site of Special Scientific Interest)~~

- 52) In the event that the proposed dirty water lagoon is provided as an above ground structure, appropriate measures to be agreed in writing by the Local Planning Authority shall be incorporated in its design to prevent great crested newts and other wildlife from accessing it.

Reason: To minimise the risk of wildlife being trapped or otherwise harmed as a result of access to the lagoon and to protect the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

The applicants also propose a new Condition 53, which would substitute for the Council's requirement of a S106 Agreement to deliver the necessary compensation/mitigation of habitat loss:

- 53) No part of the development hereby permitted shall be occupied until a scheme for the provision and management of replacement habitat to compensate for the loss of woodland, scrub and grassland arising as a result of the development hereby permitted has been submitted to, and

approved in writing by, the local planning authority. The scheme shall include a programme for implementation. The scheme shall be carried out as approved.

Reason: To secure a satisfactory replacement of habitat which is lost as a result of the development.

AMT/DC 07/1124

15th April 2008 |

APPENDIX 2

CORRESPONDENCE ON BEHALF OF THE APPLICANTS IN SUPPORT OF PROPOSED REVISIONS TO PLANNING CONDITIONS

1. LETTER DATED 14TH APRIL FROM SCOTT WILSON
2. LETTER DATED 16TH APRIL FROM ANDREW TINKLER OF THE
STOBART GROUP

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ROBERT
HARRIS

ROBERT
HARRIS

Alan Taylor
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Our Ref: D118792
Your Ref: 07/1127
Date: 14th April 2008

Dear Alan,

Comments on conditions contained in the document '10.04.2008-Airport Conditions with Lloyd Bore Changes'

I write following our meeting of 10th April 2008 and as agreed during our telephone conversation of the following day, please find below our reasoning behind the amendments to the conditions. The comments are based upon the document titled '10.04.2008-Airport Conditions with Lloyd Bore Changes', which you e-mail to me on 11th April 2008 at 16:30 and which is attached with our tracked changes.

I would again reaffirm what was stated in my 08th April 2008 letter, that our suggested amendments are proposed having close regard both to my client's commercial requirements and the acknowledged need for the Council to secure control in certain respects. Also, our amendments reflect policy guidance in Circular 11/95 and the need to ensure that each of the conditions accords with tests which are contained within it.

Condition 3

We agreed this condition would be amended as per our recommendation (but without the 'or' and the three additional bullet points of airport related development). I would again refer you to the comments of my 08th April 2008 letter, as below.

The condition proposed by the Council is tantamount to a personal condition. Such a condition is inappropriate, as is made clear in Circular 11/95 (see paragraph 93). The Council's reason for imposing this condition is on the basis that the development constitutes "enabling development". Indeed, it is only the provision of enabling development which necessitates referral of the planning application to the Secretary of State. If the application is not called in, following this referral, it can be reasonably be assumed that the Secretary of State has satisfied herself as to the acceptability of the proposed development (having regard to (among other things) prevailing policy). In these circumstances, it would be unreasonable to restrict the enabling development. Furthermore, funding for the development will be jeopardised should restrictions be imposed, which would then jeopardise the income stream required to provide investment for the Airport. My client is prepared to accept a reference to "airport related activities" provided that it is adequately defined.

Condition 4

We had agreed this condition on the premise that an implementation clause would be added. The condition has been amended accordingly, including a minor revision to the reason of the condition. I would again refer you to the comments of my 08th April 2008 letter, as below.

Phasing was reported to Members (Para 5.140 of Officer's Report) and thus, we were expecting a similar condition to be imposed. We are unable to commit to a condition which would restrict occupation of the warehouse until the runway is complete. Such a condition is unreasonable (even if cast in a negative way). Please bear in mind that third party approval (from the CAA) is required in relation to any such works.

We are mindful that Members have sought some 'comfort' that a runway (be it replacement or resurfacing of existing) is to be built. The condition has therefore been amended to ensure that construction of either of the runways will be completed in accordance with a programme of construction, which has been agreed with the Local Planning Authority prior to occupation of the freight distribution warehousing. As such, the Council would have satisfied itself, before these construction works have begun and the warehousing has been occupied, as to the projected timing of completion of the runway works.

Condition 5

The applicant originally provided a breakdown of aircraft movements by the International Civil Aviation Organisation (ICAO) defined categories to enable the internationally accepted method of assessment of hazard to be completed taking a worst case scenario. For convenience, the same breakdown was subsequently used for assessing noise. However, to use such rigid categorisation for the limiting of aircraft movements would severely restrict the operational flexibility of the airport to respond to traffic demands while achieving no benefits in overall or average noise impacts. Indeed the noise assessment noted (Environmental Statement Chapter 6, para 6.24) that even if the commercial passenger and freight flights increased by 25%, the 57db noise contour (the level up to which noise need not be considered as a determining factor in granting planning permission) would not be reached in the village of Irthington.

The applicant is nonetheless willing to accept a limit of the overall number of air traffic movements based on the total number used for the assessments. Two thirds of these are the light aircraft used for pleasure flying and flying training (General Aviation aircraft under 4 tonnes). The condition recognises this but limits the number of heavier aircraft within the overall numbers. In this way the anomalies that would otherwise exist (for example identical aircraft types falling into different categories - executive/ commercial passenger aircraft or RAF / cargo / passenger aircraft) will be recognised and eliminated.

This solution is inline with other smaller airports with a majority of light aircraft activity eg Oxford with an overall limit of 160,000 flights and where larger aircraft are limited by weight. The applicant is not aware of any other small regional airport in the UK where GA flights dominate and where limits, if applied at all, are otherwise than weight based.

The condition has therefore been amended to reflect the above.

Condition 6

As was stated in my 08th April letter, this condition ought to be deleted. The reason given for this condition was essentially about noise and environment. Helicopters were not included in the basic noise assessment (ES Chapter 6, para 6.29). This is standard practice since the noise contours demonstrate likely noise levels of fixed wing aircraft arriving and departing on the bearings of the proposed runway (25 and 07) and helicopters do not use the runway bearings for either approach or departure. As with other airports, the proposed Noise Management Plan ("NMP") will directly address the issue of approved arrival and departure patterns and heights for helicopters and will be enforced by air traffic control instructions at the time. They will also be included in Carlisle Airport's entry in the UK AIP which provides all pilots with specific airport information and local regulations and will be circulated to all Carlisle based helicopter operators and to regular visitors, including the Army and the RAF. As discussed, it is also envisaged that the NMP would include details as to the projected level of helicopter activity.

Condition 10

This has been amended to reflect what was agreed during our meeting. I recall that you agreed it was not necessary for the internal roads to be required to be constructed to adoptable standards.

Condition 11

The triggers have been varied so as to reflect what I recall was agreed at the meeting. In particular, you did not resist Ian Ginbey's suggestion that the relevant triggers comprise submission of the travel plan prior to occupation of any building, and its implementation within 3 months of approval of the travel plan by the Council.

Condition 16

Additional text has been provided to provide clarity that the works which are required to be carried out shall be in accordance with details previously approved by the Council. In addition, the traffic signals are only required to be operational for ILS approaches.

Condition 31

I understand you discussed this condition with Kirsty Stocks today and you clarified the purpose of condition 31 is to protect residents that may be affected by noise from HGVs at the warehouse site (e.g. arriving and departing the yard), particularly at night-time. I have asked my client's noise consultant to advise as to the necessity for such a condition and I would hope to respond to you tomorrow.

Condition 35

I have made a slight amendment to criterion (i) of this condition. The first part of this criterion requires the use of audible reversing alarms to be minimised and that is as far as it ought to go i.e. to include the words in brackets is a positive obligation to use non-audible alternatives which we cannot agree to do in such absolute terms.

Condition 47

I have amended the wording of this condition to reflect what I recall was agreed at our meeting.

Despite the findings of the Environmental Statement that reflect there being no historical records of reptiles within or around the Airport site, and limited habitat on site that might be used to shelter over-wintering reptiles, the applicant has proposed to adopt a precautionary principle and work to a method that will prevent any reptiles that might be present from being injured or killed. Further, the applicant will provide refugia as part of enhancement measures that can be used by both amphibians and reptiles to shelter during the winter.

This condition requires the applicant to set-out these proposals and have them approved by the Local Planning Authority before any works to such areas can commence.

Amendments to the original condition will not dilute the measures required by the applicant, since the Council retains control over approval of the plan.

Condition 48

This condition has been amended for similar reasons as condition 47.

The presence of both great-crested newts and bats on the Airport site is acknowledged, and each is considered within the Environmental Statement.

The requirement for a licence for works to bats or bat roosts, or to great-crested newts or habitats used by great-crested newts is also recognised, and this Condition confirms the need for the appropriate licences to be obtained in advance of works to the relevant areas.

The condition again allows the Local Planning Authority to retain control over works to these species in that works to these areas can only proceed after the mitigation and monitoring plan for these groups has been approved.

Condition 49

As is demonstrated by the Environmental Statement, badgers are not present on site. Nevertheless, you have indicated a requirement that previous surveys be updated. My client is prepared to accommodate this request, as per the enclosed mark-up.

You are, no doubt, aware that badgers are protected to prevent animal cruelty, rather than for nature conservation reasons. This helps to place the large-scale badger culls that have recently been sanctioned by the Government in some areas of the UK in context.

Condition 53

A matter which does not form part of your conditions is that relating to the provision of replacement habitat. I have suggested a Grampian form of condition to agree reasonable measures to address any significant habitat affected by the development (including where it will be situated and how it will be managed). As previously advised, we consider it is lawful to deal with the matter by way of condition (as opposed to planning obligation) provided that it is cast in a Grampian way.

Further information supporting changes to this condition is provided on the attached supplementary note.

(Former) Condition 60

I recall that you requested reasoning why this condition be deleted. As was stated in my 08th April letter, this condition has been deleted as it attempts to supersede and / or duplicate regulations imposed by another authority (the CAA). If this body makes changes to plans or policies, these will already be subject to Appropriate Assessment (if necessary) under the Habitat Regulations.

The proposed Condition did not deal with any issue arising as a consequence of the proposed development, and had the potential to conflict with the health and safety requirements of the CAA. Also, the measures which this Condition would deal with are already part of the existing baseline situation.

However, Natural England has been invited to sit upon the regular meetings of the Airport Forum and take an active involvement in discussing future Airport management operations, related decision, and the aspirations and concerns of third parties (including those of Natural England itself). The Airport would also be happy to consider including other relevant parties, such as RSPB, if this would be constructive.

I trust the above will assist in updating the conditions further prior to their consideration by the Development Control Committee. Should you wish to discuss the conditions further, please do not hesitate to call.

Yours faithfully
for **Scott Wilson Ltd**

Matthew Smedley
Principal Planner

Cc: John Beaton, WA Developments

SUPPLEMENTARY NOTE: ECOLOGICAL CONTEXT AND BACKGROUND TO MITIGATION AND COMPENSATION ISSUES

Background

Carlisle Airport is an existing airport, with an established bird management regime. The application before Members does not seek to change either of these facts, and the level to which birds are actively discouraged from using land within the Airport boundary will not change as a result of the development.

Any significant environmental effects predicted to result from the development can be addressed in three ways, as summarised below. The use of any of these methods needs to be proportional to both the value of the receptor affected and the level to which that receptor is affected.

- Mitigation measures aim to reduce the level of an impact and/ or the resulting effect. For the Airport application, such measures include directing flood-lights into the site and away from habitat used by otters, and undertaking works to vegetation in ways and at times that will avoid disturbing birds or reptiles.
- Enhancement measures seek to improve the value of existing habitats, and include introducing appropriate management of woodland, the planting of new trees, and increasing the level of connectivity between habitats. Enhancement measures may go further than addressing the effects of the development itself, and can lead to net environmental benefits.
- Compensation measures seek to replace valuable features that are unavoidably lost to the development. These features may be located away from the site, and aim to off-set any residual adverse effects on the site. They are normally considered to be a last resort, where mitigation and enhancement measures fail to address environmental effects adequately.

Descriptions of mitigation and enhancement are detailed in the Environmental Statement and subsequent correspondence. Any additional measures that the Council may impose are required by planning guidance to be: relevant to planning; directly related to the application itself; necessary; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.

This short document sets out the reasons why arrangements for managing biodiversity and enhancement measures are more appropriately dealt with by way of a planning condition rather than by a Section 106 agreement. Such a Condition would afford planning officers scope to approve a plan for proposed on-site (and if appropriate, off-site) management measures.

In doing this, the key ecology and nature conservation features present on the Airport site are briefly considered below.

In summary, the measures anticipated to be agreed as a result of such a condition are considered to be reasonable, proportionate and will represent both a real improvement in the biodiversity of the site and meet biodiversity objectives for the sub-region.

The Airport company is prepared to subscribe to a condition requiring the completion of the matters referred.

County Wildlife Site status

The entire Airport site was designated a County Wildlife Site by the Cumbria Wildlife Trust in the 1990s, primarily for its resident bird populations (when some 41 pairs of wading birds were recorded).

Since this time, a succession of Airport owners have worked to meet their obligations to the Civil Aviation Authority in managing the health and safety risks associated with bird-strike. Each owner has successfully reduced the level of risk by employing a variety of measures to discourage large flock forming birds from using the site.

The current situation represents the baseline conditions against which the application currently before the Council is considered.

A consequence of these bird hazard control measures is that the Airport site no longer supports the bird populations for which it was originally designated a Cumbria Wildlife Site. All wading bird populations have decreased in number since the site was designated, although the four pairs of curlew recorded in 2007 still fall within the criteria for the designation of a Cumbria Wildlife Site.

Skylark was the only species of bird that experienced a population increase between the original survey in 1999 and the survey in 2007.

No update survey has been undertaken by Cumbria Wildlife Trust in the last 8 years, nor has there been any request to visit the site over this time. Similarly no interest was expressed over this 8 year period in any ongoing site management.

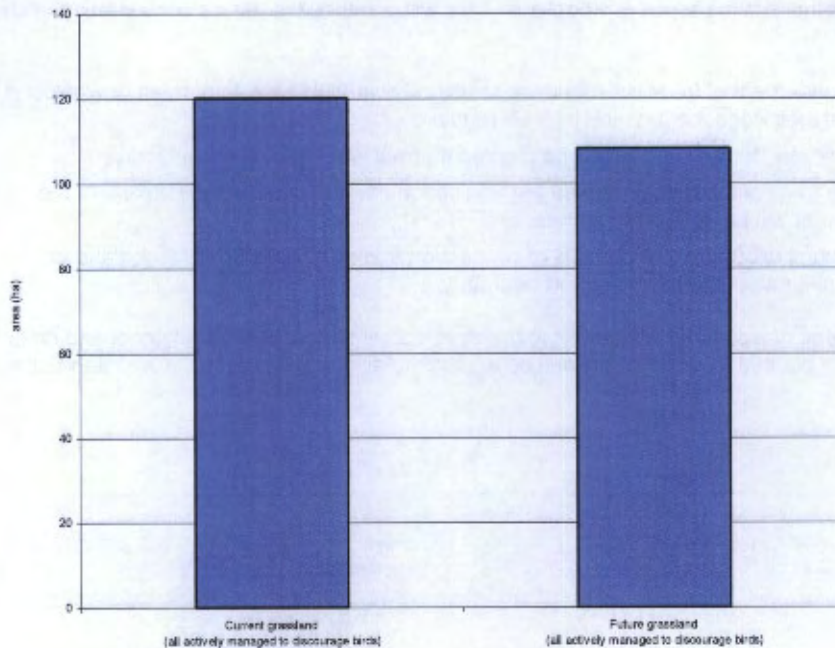
The application does not seek to introduce or change any bird hazard control measures.

The designated status of the site will not change as a result of the application. If the site were reconsidered either today or in the future, criteria for designating Cumbria Wildlife Sites includes for both a great crested newt population similar to that on the site, and for four pairs of curlew. Consequently the Airport can remain a Cumbria Wildlife Site.

Grass

All grassland areas on the site are currently managed (for health and safety reasons) to discourage birds from using them, and consequently the site supports an impoverished bird community. This forms part of the baseline conditions against which the effects of the development are considered.

As a result of the development, there will be a net reduction in the amount of grassland on site of approximately 9.86%.



Compensation of this lost habitat is only necessary if there are features of nature conservation importance that will be displaced, and if the impact cannot be adequately mitigated on site. Taking into account the existing baseline conditions, the development will not result in any significant displacement of any birds.

Only a relatively small proportion of grassland on-site will be lost (less than 10%), and this supports only a very limited number of birds. A literal 'like-for-like' compensation of this area would involve providing alternative habitat that is also actively managed to discourage birds, and would clearly be of little value. Instead, the applicant seeks to include enhancement measures that will improve the nature conservation value of the area as a whole, without compromising the safety of people using the Airport by encouraging birds onto the site.

Woodland

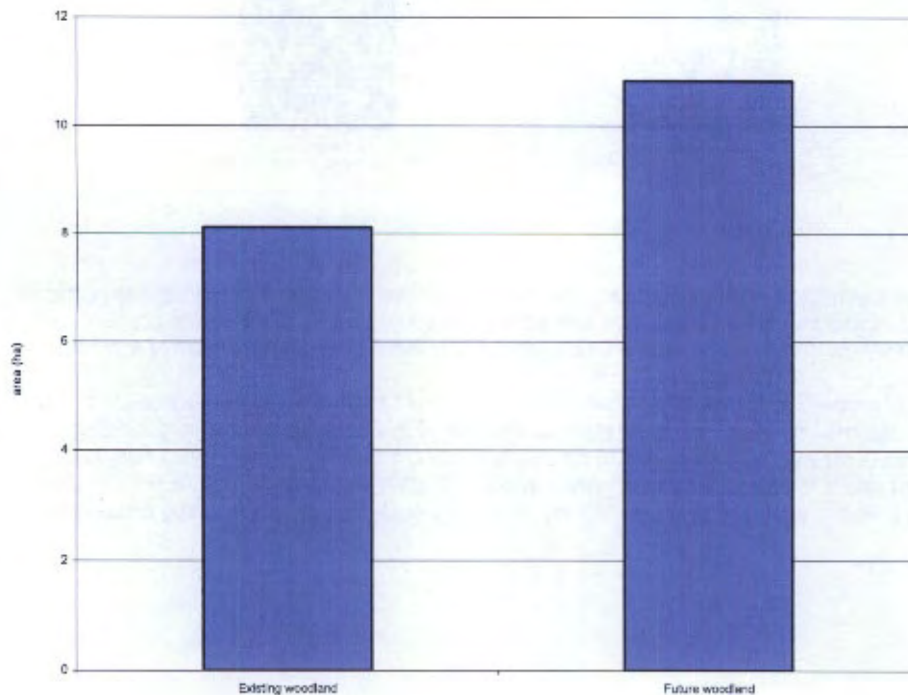
The Airport currently supports an area of woodland (Watchclose Woods). This woodland is of relatively low value for nature conservation because :

- a) it is of a very uniform shape, with straight edges both describing its extent along the ground, and into the air above that ground;
- b) it accommodates only a few species of tree and therefore has a very low biodiversity;
- c) it is plantation woodland, and tree specimens are all relatively immature and of an even age; and
- d) it has relatively low levels of connectivity with other semi-natural habitats outside of the Airport site.

The applicant proposes to plant additional areas of woodland within the Airport site, and to introduce management of the existing areas of woodland. This will enhance the nature conservation value of the site because :

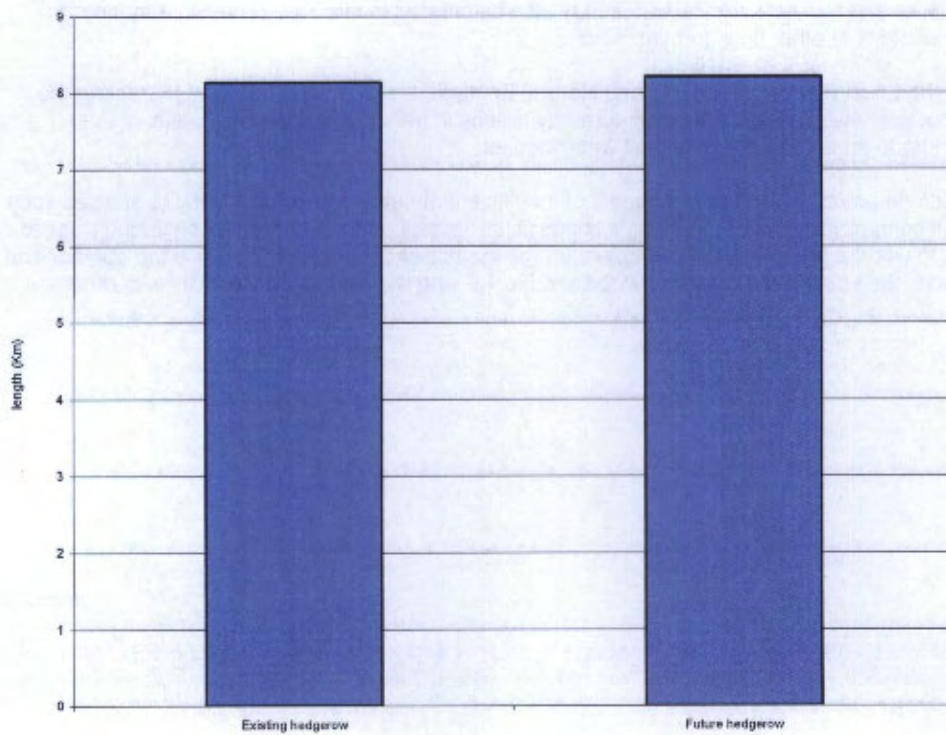
- a) the management of trees will introduce structural diversity to existing areas of woodland, both in terms of their edge, height, and internal regularity;
- b) a greater mix of tree species will be planted that will increase the site's biodiversity;
- c) the new trees planted will increase the age spectrum, and over time complement the existing trees on site that will be allowed to mature; and
- d) the planting will improve the levels of connection that retained areas of woodland will have with other habitats outside of the Airport boundary.

Whilst some areas of woodland will be lost to the development, much will be retained, and other areas of woodland will be planted. Overall, there will be approximately a third increase in woodland as a result of the development.



Hedgerow

Although there will be a need to remove some lengths of species-poor hedgerow, the development includes planting new lengths of hedgerow that will contain more species, and result in there being no net loss of hedgerow length. In fact the proposals will result in the length of hedgerow on the site increasing slightly.



Other enhancement options available for inclusion within a management plan

Enhancement of two grassland compartments in the north-west quarter of the Airport (adjacent to where new woodland planting has been proposed) would be possible in such a way that it would not attract bird species to flock to this area. For example, this could be achieved by creating small glades within the proposed woodland planting. The enclosed nature of these glades would deter flock-forming species bird species such as gulls and starlings that might otherwise cause a bird-strike risk. These enhanced grasslands would be managed to increase biodiversity in general, but in particular for invertebrates (and hence bats), reptiles and amphibians.

In addition to this, one or two new wildlife ponds may also be created in this area (again in a manner to avoid attracting wildfowl or other flock forming birds).

If acceptable to the Local Planning Authority and Natural England, there may be potential to transfer the existing great crested newt population, (which currently breeds in the more vulnerable habitat of the Airport's fire ponds) to these new purpose built water-bodies.

At present, woodland and trees on site are largely of insufficient maturity to provide habitat to species such as bats. Without compromising aircraft safety, it is possible to install artificial bat roosts on young trees to encourage bats to use the area. This will complement the measures proposed to increase the number and diversity of insects, the structural diversity of woodland blocks, and the level of connectivity with other habitats.



Carlisle Airport, CARLISLE, CA6 4NW 01228 573641

16 April 2008

To Members of the Development Control Committee, Carlisle City Council

Dear Committee member

Carlisle Airport

As you know, further to the recent resolutions of the Planning Committee, my professional team has been in detailed discussion with officers of the Council regarding the conditions to be imposed upon any grant of planning permission for our proposals to redevelop Carlisle Airport.

I am pleased to report that those discussions have been positive and we have now reached agreement on the principal points. I thought it would be helpful if I set out for you Stobart's position in respect of two conditions specifically:-

1. **Condition 3** imposes a restriction in relation to the use of the proposed development. Originally, the Council had sought to restrict occupation of the proposed freight distribution warehousing to Eddie Stobart Ltd, Stobart Air, WA Developments and WA Developments International. However, I am advised that planning policy is very clear that an onerous occupancy condition such as this should not be imposed. That said, I can confirm that we are prepared to accept, as a matter of principle, a restriction relating to airport related activities and I can reassure you that the proposed warehousing shall be first occupied by the Stobart Group/WA Developments. Subject to timing, we are absolutely committed to the totality of the proposals which, as you know, will be the catalyst to deliver the much needed regeneration of, and investment in, the Airport (and its related aviation activities). It will also facilitate the relocation of Stobart and secure its future within Carlisle.
2. **Condition 4** deals with the matter of phasing. Our consultants, Scott Wilson, previously provided officers with details of the proposed phasing programme which was incorporated within the report which officers placed before you. This programme does not envisage (and never has envisaged) completion of the replacement runway before first occupation of the proposed freight distribution warehousing; accordingly, any condition requiring phasing in these terms is unacceptable to us. However, I can reassure you that we remain committed to our investment in runway and other aviation related infrastructure at the Airport so as to enable the restoration of (among other things) scheduled services. To demonstrate our commitment, we have agreed that the condition should require us to submit a programme of construction to the Council for its approval, and that the replacement runway (or resurfacing of the existing runway, as the case may be) will be completed in accordance with the approved programme. We would, of course, discuss the detailed component aspects of the programme with officers before submitting it for approval, and it is likely that some parts of the aviation related infrastructure (eg navigational aids) will be commenced before the runway itself. This represents an unqualified commitment that we complete the works in accordance with a programme which has been approved by the Council.

I understand officers will present you (at your meeting on 25 April) with revised wording for each of conditions 3 and 4 which reflects recent discussions between the parties. I trust the assurances which I have set out above provide you with appropriate context to assist in your consideration of these conditions.

Yours sincerely

A handwritten signature in black ink, appearing to be "WAT", written over a white background.

Andrew Tinkler
Chairman



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APPENDIX 3

**COMPOSITE COPY OF REVISED SCHEDULE OF PLANNING
CONDITIONS INCORPORATING ALL AMENDMENTS ARISING FROM
CONSULTEES COMMENTS, THE APPLICANTS PROPOSED
AMENDMENTS THAT ARE ACCEPTED AND INCLUDING RELEVANT
DELETIONS/ RATIONALISATION OF CONDITIONS**

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RECOMMENDED PLANNING CONDITIONS: CARLISLE AIRPORT

A) General

- 1) The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) A Programme for the removal, re-location (where appropriate) or reduction in height of those existing buildings or structures that fall within the likely Obstacle Limitation Surface shall be submitted to the Local Planning Authority. The Programme shall include arrangements for all necessary survey/recording to be undertaken in advance of any demolition or alteration work to investigate, where appropriate, the potential presence or use by Protected Species or to allow a permanent record of the building to be made, where required, for archaeological reasons.

Reason: To ensure that adequate time is available to enable appropriate investigation and/or recording or mitigation to be undertaken prior to the work being carried out.

B) Airport Use

- 3) The premises hereby permitted shall only be used for airport-related activities and freight distribution warehousing with ancillary facilities.

Reason: The Council is only prepared to permit the overall proposals on the basis that they constitute "enabling development" that will facilitate investment in, and lead to resultant economic and tourism benefits to the locality deriving from, the regeneration of the aviation sector at Carlisle Airport in accord with the objectives of Policy T5 of Regional Planning Guidance for the North West, Policy RT5 of the North West Plan (the Draft Regional Spatial Strategy for the North West of England), Policies ST8 and T26 of the Cumbria and Lake District Joint Structure Plan and Policy DP3 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

For the avoidance of doubt, for the purposes of this condition "airport-related activities" are defined as:

- Air taxi
- Air Freight forwarders
- Air Traffic Control Facilities [replacing "Control tower"]
- Aircraft catering facilities (in-flight catering preparation and storage)

- Aircraft sales
- Aircraft parts sales
- Aircraft hire
- Aircraft cleaning services
- Aircraft configuration and cabin dressing stores
- Aircraft maintenance hangars/workshops
- Airline catering facilities
- Airline offices (for on-airport administration)
- Airline sales
- Airline training centres
- Airport medical facilities
- Airport offices
- Animal quarantine
- Airport Facilities museum
- Avionics maintenance and supply
- Baggage sorting and storage
- Banks and Bureaux de Change
- Cargo handling facilities
- Car rental and hotel desks
- Car rental vehicle storage
- Catering facilities for staff and passengers
- Component maintenance including aircraft engines
- Crew check-in and briefing premises
- Crew medical examination centres
- Customs facilities
- Duty free sales and other retail sales for passengers
- Electricity sub-stations
- Fire-fighting and emergency facilities
- Flying schools and clubs
- Helicopter charters
- Immigration and customs positions
- Immigration detention block
- Information facilities
- Leisure flying clubs
- Passenger terminal
- Pilot supplies
- Police air operations
- Service vehicle maintenance and valeting operations
- Staff recreation facilities
- Suppliers of goods and services to airport based-uses (e.g. printers, cleaners, business services)
- Training facilities including flight simulators
- Warehousing and storage of goods which have been brought into or are to be sent out of the UK by air or are transported within the UK for air

- 4) Prior to the occupation of the freight distribution warehousing hereby permitted, construction of either the replacement runway or resurfacing of the existing runway shall have been commenced in accordance with a programme of construction previously submitted to, and approved in writing by, the Local Planning Authority. Construction of either the replacement runway or resurfacing of the existing runway shall be completed in accordance with the approved programme of construction

Reason: To secure the investment in upgrading of the runway to enable the restoration of scheduled and other passenger and freight services.

- 5) Unless otherwise approved in writing by the Local Planning Authority, the total number of fixed wing aircraft movements, using the replacement runway hereby permitted, shall not exceed 22,172 per annum, of which not more than 6,657 movements shall be carried out by aircraft with a maximum take-off weight in excess of 4 tonnes.

Reason: To ensure that the level of aviation activity and its potential impacts can be monitored to ensure compliance with the information provided within the applicants' proposals, to protect the environment and to prevent noise nuisance in accordance with PPG 24.

- 6) For each Quarter of each calendar year, following completion of the replacement runway hereby permitted, the operators of the Airport shall compile a Schedule detailing all Aircraft Movements which have taken place at Carlisle Airport within that Quarter and all such records shall be permanently retained and shall be made available for inspection by Authorised Officers of the City Council on request. The Schedule shall include, but is not limited to, details of all fixed wing flying operations, general aviation movements, military movements and helicopter movements (civilian and military), and shall include in every case the aircraft type and model number.

Reason: To ensure that the level of aviation activity and its potential impacts can be monitored to ensure compliance with the information provided within the applicants' proposals, to protect the environment and to prevent noise nuisance.

- 7) Within the overall Air Traffic Movements permitted under the provisions of Condition 05, there shall be a maximum number of 8 no. night-time ATM's undertaken between the hours 23.00-06.00 within any 24 hour period. . A "movement" for the purposes of this condition shall be defined as:

- i. An aircraft landing between 23.00-06.00 hours that remains on the ground for the rest of that period; or
- ii. An aircraft which lands between those hours and also takes off again within those hours; or
- iii. An aircraft that is already on the ground prior to 23.00 hours but takes off between that time and 06.00 hours the next morning.

Reason: To ensure that the level of aviation activity at night-time is capped at the existing historical level of flights at Carlisle Airport in order to prevent an increased and unacceptable level of disturbance to the residential properties in the vicinity of the Airport.

C) Highways

- 8) Before any development takes place, a plan which shall reserve adequate land within the site for the parking of vehicles engaged in construction operations associated with the development hereby approved and shall show the intended means of vehicular access thereto, shall be submitted for the prior written approval of the Local Planning Authority in consultation with the Highway Authority. That land shall be used for or be kept available for these purposes at all times until completion of the construction works associated with the approved development. The proposed means of vehicular access thereto shall be retained for the duration of the construction works unless it is replaced following the formation and the bringing into use of the main site access from the new roundabout junction with the A689.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

- 9) Prior to the commencement of any construction operations on the new access from the A689 there shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, full constructional details and an associated Safety Audit of the design of the proposed roundabout junction together with full constructional details of the associated internal junction and road system within the development area. The junction improvement with the A689 shall be completed in accordance with such approved details or any such variation to them as may be required as part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980 (unless otherwise agreed in writing with the Local Planning Authority) and those works, together with the works for the internal junction and access routes, shall be fully completed before any part of the proposed accommodation is brought into use.

Reason: To ensure the provision of a safe and efficient means of access from the county highway to the development and an appropriate system of roads within the site itself.

- 10) Details (including a full specification, drawings and a programme for implementation) of the carriageway, footways and footpaths to be provided within the site shall be submitted to the Local Planning Authority for approval before work commences in respect of them. The construction of the carriageway, footways and footpaths within the site shall be carried out in accordance with the approved details.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies: LD5, LD7, and LD8.

- 11) No building hereby permitted, or any part thereof, shall be occupied until a Green Travel Plan has been submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The Green Travel Plan shall include the following measures:

- i) The provision of short and long-term targets for increasing the proportion of journeys made by employees and passengers to the airport by public transport.
- ii) The development of a strategy for achieving those targets drawing on the best practice available including the identification of sources of funding for implementation.
- iii) A monitoring programme to include modal split surveys of passenger and staff journeys every two years and a full census every five years following the commencement of use.
- iv) A review of bus services for staff including such matters as the provision of bus timetables, relating shift start and finish times to operating times of local bus services.
- v) Organisation and promotion of car sharing schemes.
- vi) Identification of a person to organise and co-ordinate the Green Travel Plan, including raising awareness of alternatives to staff through education and information.
- vii) Measures to aid the access and comfort of disabled users.

The measures identified in the Travel Plan shall be implemented in accordance with the approved details, within 3 months of approval by the Local Planning Authority.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: LD4 and Structure Plan Policy T31.

- 12) The proposed development shall not be occupied until a suitably qualified and experienced person or organisation has been appointed to act as Travel Plan Co-ordinator. The position of Travel Plan Co-ordinator shall be maintained for a period of at least five years from the first occupation of the premises or any part thereof. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the Travel Plan Co-ordinator and submitted to the Local Planning and Local Highway Authorities for approval.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policy LD4 and Structure Plan Policy T31.

- 13) The proposed first phase of car, coach, taxi set-down and cycle parking facilities for air passenger use and the proposed first phase of staff parking areas for employees of the proposed development as shown on the "Year of Opening" Parking Provision Plan (drawing number D113877/PL/100) shall be fully completed and available for use prior to the occupation of any part of the buildings hereby permitted.

Reason: To ensure an acceptable level of on-site parking, commensurate with the scale of development, is available to serve the needs of occupiers and users of the development.

- 14) Further to the provision of the parking facilities referred to in Condition 13, no additional car parking facilities, for either passenger or staff use, shall be provided other than in accordance with a detailed Car Parking Strategy which shall have been previously submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the phased introduction of additional car parking is only undertaken in accordance with an agreed Strategy that balances an acceptable level of on-site parking with other measures to encourage use by alternative modes of transport.

- 15) Details showing the provision within the site for cycle parking, both for staff, visitors and passenger, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the cycle parking facilities shall be kept available for such purpose at all times and shall not be used for any other purpose.

Reason: To ensure a minimum standard of cycle parking provision is made within the site and to support Local Transport Plan Policies C3, LD7 and LD8.

- 16) The replacement runway hereby permitted shall not be used for Instrument Landing approaches (other than for testing purposes) unless the proposed Traffic Signals to control traffic on the Laversdale road and on the side road from the Irthington road have been installed and are operational in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the safety of road and aircraft users is protected.

D) Archaeology

- 17) Prior to the commencement of development within the vicinity of Watchclose Woods, a scheme of evaluation to identify the presence and location of Stanegate Roman road shall be submitted to and agreed in writing by the Local Planning Authority in consultation with English Heritage and the County Archaeologist. The evaluation shall be implemented in accordance with the approved scheme and the results of the evaluation will inform the specific location and design of the clean water and dirty water lagoons to ensure that a minimum distance of 10m is kept between the Roman road and the lagoons.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains

- 18) No development shall commence within any part of the site until the applicant has secured the implementation of a programme of archaeological work in respect of that part. Any such work shall be carried out in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation and, where appropriate, an archaeological recording programme, the scope of which will be dependant upon the results of the evaluation, to be undertaken in the area of the proposed pumping station and two water lagoons on the western edge of the airport in accordance with the agreed written scheme of investigation;
- ii) An archaeological watching brief on any significant ground works associated with the erection of the approach lights to the east and west of the airport and the erection of the security fencing on the south side of the airport in accordance with the agreed written scheme of investigation;
- iii) An archaeological excavation of the area in which prehistoric remains were revealed in the initial evaluation in accordance with the agreed written scheme of investigation;

- iv) The air traffic control tower, Watchclose Farm, and air raid shelter shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and, following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority

Reason: To (1) To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and (2) To ensure that a permanent record is made of the buildings of historic interest prior to their alteration and demolition as part of the proposed development.

- 19) An archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as previously approved by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a permanent record, and accessible by the public, is made of the archaeological remains that have been disturbed by the development.

E) Design

- 20) No works of construction of any building hereby permitted shall take place until detailed plans and particulars of that building and its associated parking/circulation areas detailing the incorporation of a range of initiatives in relation to energy harvesting/ energy conservation have been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the advice contained within Planning Policy Statement 12, and comply with Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

- 21) No works of construction of any building hereby permitted shall take place until detailed plans, elevations and sections of that building, together with a schedule and sample of finishes to be used on its external elevations, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals intended to be employed to secure articulation of the principal facades, the intended site and finished floor levels to identify its physical relationship with the existing ground levels, the measures to be incorporated to secure high levels of energy conservation, and the intended use of appropriate materials and colour to assimilate the form and scale of the building within its rural setting.

Reason: To accord with the advice contained within Planning Policy Statement 12, and comply with Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

- 22) No works of construction of any building hereby permitted shall take place until detailed plans and particulars of the proposed surface treatment, drainage, marking out and lighting of all access routes to and within the car, coach, and HGV parking areas and pedestrian routes to and from them have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate and acceptable quality of development.

- 23) No works of construction of any building hereby permitted shall be brought into use until detailed plans of all proposed external plant and machinery, including the proposed electrical sub stations, LPG Store and Sprinkler Tank have been submitted to and approved in writing by the Local Planning Authority and, where necessary, the submitted particulars shall include details of any associated soundproofing or appropriate measures to limit the transmission of airborne or structure borne sound.

Reason: To ensure the details are acceptable and will, in operational use, result in no adverse impact in terms of noise or nuisance.

- 24) Notwithstanding the details of proposed perimeter fencing submitted and shown on the approved plans, details of the visual appearance of all fencing to the site perimeter and between "airside" and "landside" activities shall be submitted to and approved in writing by the Local Planning Authority in consultation with Cumbria Constabulary.

Reason: To ensure the appearance of the fencing is visually acceptable in this rural location.

F) Landscaping

- 25) Notwithstanding the details shown on submitted Drawings Numbered D11672/LA01 Rev E and D11672/LA02 Rev C, within 3 months of the date of this approval there shall have been submitted to, for approval in writing by, the Local Planning Authority, a detailed landscaping and screening scheme for the immediate perimeter area adjacent to the proposed new building and its associated car, coach and lorry parking and servicing areas, loading/unloading and fuelling yards. That scheme shall specify the proposed planting heights and planting densities of all species and shall make particular provision for effective screen planting within the passenger short-stay and long-stay parking areas, within the employee parking areas and for substantial screen planting and/or earth mounding to be undertaken adjacent to the north-eastern gable of the proposed freight and distribution warehouse. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that an appropriate and effective landscaping scheme is prepared and to ensure compliance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

- 26) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first available planting and seeding seasons after completion of each stage of construction operations and shall be maintained thereafter. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

G) Noise and Dust

During The Construction and Operational Stages

- 27) The development hereby permitted shall not be commenced until a Construction Site Management Plan (CSMP) has been submitted to and approved in writing by the Local Planning Authority. Following its approval, the development shall thereafter be carried out strictly in accordance with the approved Construction Site Management Plan.

The Construction Site Management Plan shall, include:

- a) The proposed date and sequence of works/construction phases
- b) The details of proposed normal working hours and intended start up and close down times;
- c) An outline of any work that may require construction outside of normal working hours together with any control that will be applied to mitigate against nuisance and complaints;
- d) The details of how "construction site limits" of 65-67 dB $L_{Aeq, 12h}$ (as specifically mentioned in the submitted Environmental Statement) shall be assessed, monitored and controlled;
- e) The location(s) of any proposed compounds; and, access points, routes for construction vehicles, equipment and plant during construction;
- f) Details of equipment and plant to be used (including type, make and expected number);
- g) The identification of any sensitive receptors (such as trees, water courses, local residents and other commercial businesses) which are likely to be affected by the works;
- h) Method of delivery/removal of materials and plant;
- i) Procedures for (all permanent site staff and temporary) employees undertaking construction site activities, for dealing with major incidents, unexpected occurrences or finds during construction, particularly related to:
 - Air Quality (such as dust)
 - Ground quality (contamination issues)
 - Noise and Vibration
 - Light nuisance
 - Water resources
- j) Procedures for handling external communication, liaisons and complaint;
- k) Procedures for co-ordinating the monitoring of results to ensure that there are no adverse effects and that the cumulative effects of activities as a whole are considered;
- l) In respect of any monitoring protocols shall include:
 - Frequency of monitoring
 - Standards/Factors against which monitoring will be analysed
 - Actions to be taken in event of complaints or breached limits/thresholds
- m) measures to minimise siltation of the River Eden SAC during construction
- n) measures to prevent chemical pollution of the River Eden SAC during construction
- o) measures to be undertaken to ensure no contamination of the River Eden SAC through surface water drainage during construction and operation
- p) measures to be undertaken to ensure no contamination of the River Eden SAC in the event of a pollution event/spillage incident during construction

- q) measures to be undertaken to minimise risk of toxic pollutants arising from contaminated ground being transferred to the River Eden SAC via surface and/or groundwater during construction and operational phases.
- r) measures to minimise disturbance of the River Eden SAC and SSSI by way of noise, vibration and lighting during construction and operation.

Reason: To protect the environment and prevent statutory nuisance.

During the Construction Stages

- 28) During the construction of the development hereby permitted wheel-cleaning equipment shall be made available at any location where it is identified that mud or other such material is being carried onto the highway. Measures shall also be taken to remove any material that is deposited.

Reason: To protect the environment and to prevent dust nuisance.

- 29) Any vehicles travelling to and from the development hereby permitted during its construction which are carrying material that has the potential to give rise to the emission of dust shall be covered in such a manner so as to minimise the emission of dust during transit.

Reason: To protect the environment and to prevent dust nuisance.

- 30) Any material which shall be stored on site which has the potential to give rise to dust shall be stored away from the site boundary and any mounds of material shall be profiled in order to minimise dust. Where dust nuisance arises from such stockpiles then dust suppression shall be required.

Reason: To protect the environment and to prevent dust nuisance.

When The Development is Operational:

- 31) At relevant receptors outside the airport boundary, the locations of which shall be identified in agreement with the Local Planning Authority, the combined incident¹ noise levels from all airport activities including that from the freight depot shall not exceed:

- An outdoor day time value of 57dB $L_{Aeq, 16h}$ (07:00-23:00);
- An outdoor night time value of 48dB $L_{Aeq, 8h}$ (23:00- 07:00); and
- An outdoor night time value 60 L_{Amax} dB

¹ The incident noise level means that no account should be taken of the reflected noise from any façade and implies that 3 dB(A) should be subtracted where the assessment is based on façade measurements.

Reason: To achieve a noise threshold that will provide an acceptable level of protection within the locality from potential noise nuisance arising from activities associated with the development

- 32) The Airport Operators shall calculate and supply to the LPA the 57dB $L_{Aeq\ 16\ h}$ and the 48dB $L_{Aeq\ 8\ h}$ noise contours upon the first anniversary of the use of the replacement runway hereby permitted (excluding for testing purposes) and once every two years of that anniversary. Prior to the calculation of noise contours, all input data to be used shall be agreed with the Local Planning Authority.

Reason: To achieve a noise threshold that will provide an acceptable level of protection within the locality from potential noise nuisance arising from activities associated with the development.

- 33) No part of the passenger terminal and/or freight warehousing and associated hangars hereby permitted shall be brought into use until a Procedure for Handling Noise Complaints by the public has been prepared and particulars of it have been submitted to and approved in writing by the Local Planning Authority. The procedure shall include the following:

- a) arrangements for the recording and investigation of each complaint;
- b) arrangements for the production of a Report of the investigation into each complaint and for a copy of that Report to be included in the response to that individual;
- c) the provision of copies of the completed Report into the investigation of each complaint and the related written response to the complainant to be forwarded to the Local Planning Authority within one month of the completion of the investigation and production of the Report of Investigation; and
- d) the preparation of an Annual Summary Report of Complaints which shall be made available to both the Public and Local Authority.

The airport shall not be operated otherwise than in accordance with the approved Procedure for Handling Noise Complaints by the public.

Reason: To protect the amenity of existing and proposed residents and to prevent statutory nuisance.

- 34) No part of the passenger terminal and/or freight warehousing and associated hangars hereby permitted, shall be brought into use until a Noise Management Plan to deal with all site operations/activities has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall be implemented as approved and shall be reviewed annually.

Any new or extra on-site activities shall be assessed prior to their implementation and that assessment shall be included within a revised Noise Management Plan.

Reason: To protect the living conditions of residents and businesses living and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.

- 35) Before the bringing into use of any part of the development hereby permitted the applicants shall prepare (either as a self-contained Document or as part of an overall Site Management Plan) a Service/Haulage Yard Management Plan and shall submit it to the Local Planning Authority for its written approval. The Plan shall include provisions for the operational management of any Service/Haulage Yard, which shall minimise disturbance to adjacent and nearby occupiers. It should make particular provision to:
- i) minimise the use of audible reversing alarms on site between the hours of 2300 to 0700 Mondays to Sundays ; and
 - ii) minimise the need to undertake loading and unloading of HGVs outside of the service/haulage buildings.

Thereafter haulage activities, inclusive of the unloading and loading of vehicles, shall be undertaken in complete accordance with the approved Service/Haulage Yard Management Plan.

Reason: To protect the living conditions of residents and businesses living within and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.

H) Contamination

- 36) No part of the development hereby permitted shall commence until:
- (a) There has been submitted to and approved in writing by the Local Planning Authority ("the LPA") a methodology for intrusive ground investigations, geophysical site investigations and environmental risk assessments in respect of that part; and
 - (b) Following the approval of the methodology, as required by paragraph (a) above, such site investigations and assessments referred to therein have:
 - (i) Conformed to current Government and Environment Agency guidance outlined in CLR11, industry profiles and British Standards framework (in particular BS 5930, 10175: 2001 "Investigation of Potentially Contaminated Sites: Code of Practice"); and

- (ii) If land contamination is identified from the site investigations as being significant to cause harm or have potential to cause harm or pollution to identified receptors within & beyond the site boundary, by means of acceptable qualitative or quantitative techniques, remediation will be required; and
- (iii) All laboratories used for testing purposes shall be registered to the ISO 17025:2000 quality standard.

Reason: To protect the environment and prevent harm to human health.

- 37) Where such site investigations and assessments as provided for in Condition 36 (above) indicates that remediation is required, a remediation scheme ("the Remediation Scheme") shall be submitted to and approved in writing by the LPA. The Remediation Scheme shall:
- (i) Include an implementation timetable ("the Implementation Timetable");
 - (ii) Include a remediation and verification methodology comprising a sampling and analysis programme to confirm the adequacy of decontamination;
 - (iii) provide for an appropriately qualified person to oversee the implementation of all remediation ("the Remediation Scheme").

Reason: To protect the environment and prevent harm to human health.

- 38) All measures as are identified in the Remediation Scheme shall be undertaken in accordance with the Implementation Timetable and any measures at variance with the Remediation Scheme shall be submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken.

Reason: To protect the environment and prevent harm to human health.

- 39) In the event of a Remediation Scheme being undertaken, the applicants shall on completion of the scheme submit a Report recording the remediation carried out, and secure approval in writing from the Local Planning Authority of that Report, The Report shall include details of the following:
- i) Results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,
 - (ii) Confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
 - (iii) Proposals for future monitoring and reporting.

Reason: To protect the environment and prevent harm to human health.

- 40) If contamination not previously identified is found to be present during development (i.e. building works), no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The written application by the developer shall detail how this contamination shall be dealt with.

Once the remediation measures have been carried out a validation report verifying the remediation shall be submitted

In complying with this condition, the words "contamination not previously identified" shall mean substances present in soil or groundwater.

Reason: To protect the environment and prevent harm to human health.

I) Foul and Surface Water Drainage

- 41) No part of the approved development shall be brought into use until a detailed Drainage Strategy, produced in accordance with the Environment Agency's Greenfield Run-off criteria where relevant, and detailed scheme of proposals for the collection/ containment/ treatment and/or disposal of all foul wastes (including contamination from fuel and/or products used in the de-icer process) and for dealing with all surface water from buildings, roads, car-parks, service yards and uncontaminated run-off from all hardstandings used by aircraft including aircraft stands/ runways/aprons/taxiways and aircraft parking areas in respect of that part have been submitted to and been approved in writing by the Local Planning Authority in consultation with the Environment Agency, United Utilities and Natural England. The Drainage Strategy shall incorporate an 'Emergency Plan' detailing how it is proposed to deal with any specific pollution events during site operation to minimise the risk of potential pollutants reaching the River Eden SAC.

The approved Drainage Scheme shall be fully implemented prior to the bringing into use of that part of the proposed development.

Reason: To prevent the increased risk of flooding and to protect receiving waters by ensuring the provision of a satisfactory means of foul and surface water disposal. in accord with the advice contained within PPS25, Policies ER8 and EQ3 of RPG13, Policy EM5 of the North West Plan (draft Regional Spatial Strategy), Policies ST3 and C42 of the Cumbria and Lake District Joint Structure Plan and Policies CP9, CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

- 42) Any proposed liquid storage tanks (e.g. aviation or other fuels, oils, or process chemicals) shall be located within bunded areas having a capacity of not less than 110% of the largest tank. If tanks are connected by pipe work in such a way to allow equalisation of the level of contents, then the bund capacity should be 110% of the largest combined volume. The floor and walls of the bund shall be impervious to oil and water (and resistant to any stored chemicals). Any inlet/outlet/vent pipes and gauges must be within the bunded area. Details of the bunds shall be submitted to and approved in writing by the Local Planning Authority prior to their installation, and shall be implemented in accordance with the approved details. The approved details must also include information on the frequency of maintenance.

If contamination is found within the bund the contents shall be suitably disposed of. A record shall be made detailing the contamination, action taken, and results of any investigation undertaken to identify the cause of the contamination.

Reason: To protect the environment and prevent harm to human health.

- 43) Prior to being discharged into any watercourse, public surface water sewer or soakaway system, all surface water run-off, excepting roof water, from any areas serving car/lorry/coach parks shall be provided with appropriate oil/petrol/grit interceptors designed to have a capacity and details compatible with the areas being drained.

Reason: To prevent pollution of the water environment.

- 44) All vehicle washing facilities and freight loading/off loading areas shall incorporate effluent containment facilities or otherwise drainage from them should be connected to the foul sewer.

Reason: To prevent pollution of the water environment

INFORMATIVE: For the purposes of Condition 44, discharges to sewer from vehicle washing facilities and freight loading/unloading areas may be regarded as trade effluents and may require the formal consent of United Utilities.

- 45) No piling shall be commenced until such times as a method for piling foundations has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. Piling work shall, thereafter, be undertaken in accord with the approved details.

Reason: Should the site be contaminated, piling could lead to the contamination of groundwater in the underlying aquifer.

G) Nature Conservation

- 46) No vegetation or structures suitable for nesting birds shall be cleared/removed during the period 1st March to 15th August in any calendar year unless a breeding bird survey of the area to be cleared/removed has been undertaken and the results have been previously submitted to, and approved in writing by, the Local Planning Authority. If works cannot be avoided during the breeding bird season, vegetation and structures should be checked for the presence of nesting birds within 4 days of the works being undertaken. Any active nests found should be left undisturbed until the young birds have fully fledged.

Reason: To ensure no impact on nesting birds.

- 47) Prior to commencement of the development, a Mitigation Method Statement for the assessment of potential presence of, and impact upon, Reptiles shall be submitted to and approved in writing by the Local Planning Authority. The Mitigation Method Statement shall adopt the 'worst case scenario' and shall include the following information:
1. The identification of all areas of habitat suitable for reptiles;
 2. An assessment of likely impact of the development based on an assumption of maximum carrying capacity; and
 3. Details of a proposed Mitigation Strategy including a programme for its implementation, proposed method of works, habitat retention, creation and enhancement, and on-going monitoring.

The applicants propose to re-draft the above Condition, as follows:

- 47) Prior to commencement of the development hereby permitted within those areas where reptiles are most likely to be present (as identified in letters dated 30 January 2008 from Scott Wilson to Natural England and 26 March 2008 from Scott Wilson to Lloyd Bore, but including specifically habitat associated with the margins of Watchclose Wood and any areas of marshy grassland), a Mitigation Method Statement for reptiles shall be submitted to, and approved in writing by, the Local Planning Authority. The Method Statement shall include the following information:
1. An updated description of all areas of habitat considered to be most suitable for reptiles; and
 2. Details of a proposed Mitigation Strategy including a programme for its implementation, proposed method of works, habitat retention, creation and enhancement and on-going monitoring.

The works shall be carried out in accordance with the approved Mitigation Method Statement.

Reason: To ensure no adverse impact on the local Biodiversity resource in accordance with the advice contained within Planning Policy Statement 9: Biodiversity and Geological Conservation and in accord with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan.

- 48) No works shall commence until detailed mitigation schemes and related monitoring programmes for great crested newts and for bats have been submitted to, and approved in writing by, the Local Planning Authority and European Protected Species Licences have been obtained from Natural England . .

Similarly, the applicants proposes extensive re-drafting of Condition 48 and some text changes to Condition 49:

- 48) Prior to the commencement of the development hereby permitted within those areas known to (1) support great crested newts or (2) be used by roosting bats as identified (in each case) in the Environmental Statement dated October 2007, a mitigation and monitoring scheme for great crested newts and bats respectively shall be submitted to, and approved in writing by, the Local Planning Authority. European Protected Species Licences shall be obtained from Natural England prior to the commencement of any such works. The works shall be carried out in accordance with the approved mitigation and monitoring scheme and with any Licences obtained from Natural England.

Reason: To ensure no adverse impact on the favourable conservation status of European Protected Species of wildlife.

- 49) A further survey for badgers shall be undertaken by an appropriately qualified ecologist not more than 14 days before the works hereby approved commence and the results shall be submitted to the Local Planning Authority for approval. Should evidence of badgers be found, the applicants shall ensure that all statutory procedures must be followed according to the relevant legislation protecting this species. In addition, ~~if evidence of badger activity is found within the Airport, in terms of~~ site management obligations shall include measures to prevent badgers being injured or trapped within any holes excavated during development work ~~shall be covered at night to prevent badgers from falling into them and being injured;~~

Reason: To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 50) Within three months of the start of construction work, a Biodiversity Management and Enhancement Plan shall be submitted to the Local Planning Authority for its written approval. The Plan shall include the following:
1. Details of the proposed long term management of existing and proposed areas of semi-natural habitat within and, where appropriate, on land outside of the application site;
 2. Details of the proposed Implementation Strategy; and
 3. Details of the proposed Monitoring Strategy to include long-term monitoring of protected species on site

All works shall be implemented in accordance with the approved Plan

Reason: To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 51) In order to assess the effectiveness of the measures set out in the Plan required by Condition 50, an Annual Monitoring Report shall be produced at the end of each year for a minimum period of 5 years from the date of submission of the Biodiversity Management and Enhancement Plan and each edition of the Annual Monitoring Report shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure enhancement of the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 52) In the event that the proposed dirty water lagoon is provided as an above ground structure, appropriate measures to be agreed in writing by the Local Planning Authority shall be incorporated in its design to prevent great crested newts and other wildlife from accessing it.

Reason: To minimise the risk of wildlife being trapped or otherwise harmed as a result of access to the lagoon and to protect the local Biodiversity resource in accordance with the requirements of Policy E35 of the Cumbria and Lake District Joint Structure Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

The applicants also propose a new Condition 53, which would substitute for the Council's requirement of a S106 Agreement to deliver the necessary compensation/mitigation of habitat loss:

- 53) No part of the development hereby permitted shall be occupied until a scheme for the provision and management of replacement habitat to compensate for the loss of woodland, scrub and grassland arising as a result of the development hereby permitted has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a programme for implementation. The scheme shall be carried out as approved.

Reason: To secure a satisfactory replacement of habitat, which is lost as a result of the development.

AMT/DC 07/1124

16th April 2008

