

Dear Sirs

Please find attached Birmingham Airport's comments on the Draft DCO that was submitted by Highways England on Deadline 5.

Birmingham Airport still has a number of issues regarding the Draft DCO. However, given that the application site is in a highly sensitive location directly at the end of our runway, it is vital that the development does not prejudice aviation safety. It is also considered that the amendments we are proposing are relatively minor and should not cause any great difficulty to incorporate within the Draft DCO.

If you require any further information or clarification regarding the letter please do not hesitate to contact me.

Regards

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BIRMINGHAM AIRPORT LIMITED

REGISTERED IN ENGLAND & WALES No: 2078273

REGISTERED OFFICE: BIRMINGHAM AIRPORT BIRMINGHAM B26 3QJ ENGLAND



11 October 2019

Your ref: TR010027

Our ref:

By e-mail to M42Junction6@planninginspectorate.gov.uk

Dear Sirs

**PLANNING ACT 2008 (AS AMENDED) – SECTION 55
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE M42 JUNCTION 6 IMPROVEMENT SCHEME**

Birmingham Airport welcomes the amendments to the latest version of the Draft DCO that was submitted by the applicant on D5. However, we ask that the following further amendments are made to ensure that the proposed development does not prejudice aviation safety both during and post construction.

Page 10, Paragraph 6 (2) - Limits of Deviation

As previously raised by Birmingham Airport, this paragraph, subject to the agreement of the Secretary of State, allows the height of the development to be increased with no maximum limit where that increase would not give rise to any materially new or materially different environmental effects. However, this fails to take into account aerodrome safeguarding in this sensitive location directly to the south-east of the runway.

This paragraph in Article 6 should therefore be amended to read as follows:

(2) The maximum limits of deviation set out in paragraph (1) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and Birmingham Airport Limited, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those reported in the environmental statement or any new or materially different aerodrome safeguarding effects.

This would also ensure that the paragraph is consistent with the approach taken in Requirement 3, paragraph 2 (page 48 of the draft DCO).

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Page 48, Schedule 2, Part 1, Interpretation – Definition of Airport Safeguarding Zone

The definition in the Draft DCO should be simplified to avoid any confusion over which plan is being referred to (there are different plans that set out the OLS surfaces and safeguarding areas which is not made clear in this definition. It is therefore considered that the definition should read as follows:

“Airport safeguarding zone” means the land as shown on the safeguarding map issued for the purposes of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 and certified by the Civil Aviation Authority as the safeguarding map for Birmingham Airport;

Page 48, Schedule 2, Part 1, Interpretation – Definition of Birmingham Airport

EASA certifies Birmingham Airport. The definition should therefore be amended to the following:

Birmingham Airport” means the civil aerodrome certified for use by the European Aviation Safety Agency (EASA) under certificate reference: EGBB-001

Page 48, Schedule 2, Part 1, Interpretation – Definition of Birmingham Airport Limited

We previously advised you that our postcode was B26 3QH. This was a typographical error. The definition should therefore be amended as follows:

Birmingham Airport Limited” means Company No. 02078273 of Diamond House, Birmingham Airport, Birmingham B26 3QJ;

Page 48, Schedule 2, Part 1, Requirements – 3. Detailed design

In our previous letter dated 2nd September we stated that any amendment that exceeds the maximum vertical limits of deviation must not conflict with the European Aviation Safety Agency (EASA) aerodrome design requirements unless an aeronautical study is conducted to the satisfaction of the Civil Aviation Authority, that determines a deviation from EASA requirements can safely be made without any operational limitations being imposed upon Birmingham Airport.

The reason for this request was that such an amendment could potentially result in operational constraints being imposed upon Birmingham Airport that restrict the number of flights. This could then also result in a significant and adverse impact on the economic contribution that Birmingham Airport makes to the region and beyond. The issue is therefore not just one of aviation safety but also of potential operational impact on Birmingham Airport and the economy of the region. It is therefore asked that paragraph 2 of this requirement is amended to the following:

The Secretary of State must not approve any amended details under sub-paragraph (1) that exceed the maximum vertical limits of deviation shown on the works plans and on the engineering drawings and sections within the Airport safeguarding zone, unless the Secretary of State, following consultation with Birmingham Airport Limited, is satisfied that a deviation in excess of those limits would not adversely affect the safety of aircraft taking off or landing at, or flying in the vicinity of, Birmingham Airport or result in significant operational limitations being imposed upon Birmingham Airport.

Page 48, Schedule 2, Part 1, Requirements – 4. Outline Environmental Management Plan

All crane operations must take account of aerodrome safeguarding requirements. Therefore, in our previous letter dated 2nd September we stated that night-time lifting operations should be agreed in advance with Birmingham Airport because aircraft operate 24 hours a day. Without this clause there is a significant danger that any lifting operation will come into direct conflict with aircraft using

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the runway. All lifting/ crane operations should therefore be agreed with Birmingham airport in advance and paragraph 3 (c) ii of this requirement should be amended accordingly.

Page 48, Schedule 2, Part 1, Requirements – 4. Outline Environmental Management Plan

Paragraph (d) (xvi) states that a Management Plan must be produced for the Main Site Compound. This is welcomed. However, any of the site compounds could have an adverse impact on aerodrome safeguarding if matters such as lighting, dust and lifting operations are not managed properly. The Management Plan should therefore encompass all site compounds, not just the Main Site Compound and the requirement should be amended to reflect this.

Following on from the above, Paragraph 4 (b) (v) of this requirement should also be amended to “*the Management Plan for all Site Compounds.*”.

Conclusion

As can be seen from above, Birmingham Airport still has a number of issues regarding the Draft DCO. However, given that the application site is in a highly sensitive location directly at the end of our runway, it is vital that the development does not prejudice aviation safety. It is also considered that the amendments we are proposing are relatively minor and should not cause any great difficulty to incorporate within the Draft DCO.

If you require any further information or clarification regarding the above please do not hesitate to contact me.

Yours sincerely



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