

CHESHIRE EAST COUNCIL

REPORT TO: Strategic Planning Board

Date of Meeting: 24 March 2010
Report of: Caroline Simpson, Head of Regeneration
Subject/Title: Manchester Airport Section 106 Agreement Annual Report

1.0 Report Summary

- 1.1 This report summarises the annual report prepared by Manchester Airport on the obligations set out in the existing Section 106 Agreement between the airport and Cheshire East Council. The Agreement is related to the planning permission granted for the development of the airport's second runway. The full annual report (attached in Appendix 1) assesses all obligations against data gathered for 2008 relating to namely the community, aircraft noise, track keeping, public transport and environmental works. The purpose of this report is to allow members to acknowledge that the obligations are being met and continue to fulfil the requirements of the Agreement by accepting this report. This report also outlines the scope of the Agreement. This will inform members when considering the continuation of the Agreement's objectives beyond 2011.
- 1.2 The annual report shows that all the obligations continue to be met and in most instances this is achieved comfortably. It also outlines some of the measures implemented by the Airport to ensure compliance and provide further improvements.

2.0 Recommendation

- 2.1 Receive comments on the fifteenth annual monitoring report on the Section 106 Agreement
- 2.2 approve that Manchester Airport be informed that the Council:
- accepts the findings set out in the monitoring report and the measures taken by the Airport to implement the Agreement;
 - continues to support the good working relationship with the Airport Company and hopes that this will continue in the implementation of the Agreement and in the discussions around other issues affecting the Airport and Cheshire East;
 - wishes to maintain the scope of the Agreement beyond 2011 as part of our on-going discussions towards establishing a new legal framework between the Council and the Airport.

3.0 Reasons for Recommendations

- 3.1 To fulfil the requirements of the Section 106 Agreement.

- 3.2 To confirm the commitment of Cheshire East to the Agreement and its wish to maintain its scope beyond 2011.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications including - Climate change - Health

- 6.1 The aim of the Agreement is to ensure that aspects of the environmental quality in the airport vicinity do not deteriorate as a result of its flight movements. This is in line with Cheshire East Council's policies on sustainable development.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 N/A

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 N/A

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 The monitoring report is required under the terms of the Section 106 Agreement.

10.0 Risk Management

- 10.1 Failure to acknowledge this report would mean that the requirements of the Section 106 Agreement have not been fulfilled.

11 Background and Options

- 11.1 This annual report is the fifteenth related to the monitoring of the Section 106 Agreement originally between the former Cheshire County Council and Manchester Airport as part of the planning permission granted for the construction of the second runway. Since local government reorganisation in 2009 Cheshire East Council has become the responsible local authority.
- 11.2 The Agreement, which dates from 1994, constitutes an agreed environmental mitigation package associated with the development of the second runway. This Agreement runs out in 2011 but contains a provision whereby the parties to the Agreement are required to undertake

negotiations with a view to agreement upon alteration of the obligations so that the existing Agreement is as far as possible maintained in scope. Discussions towards this end have commenced, the progress and outcome of which will be reported to Members.

- 11.3 A detailed account of progress on current obligations is attached as Appendix 1 and a performance table on baseline numerical data is contained in Appendix 2.
- 11.4 The S106 Monitoring Report Review has also been presented to the Technical Advisory Group of Manchester Airport's Consultative Committee in September for their consideration. Background information, including the Appendices referred to in Appendix 1 to this report, is available in Members' Rooms. This includes the following publications provided by the Airport; Sound Insulation Grant Scheme Brochure, Manchester Airport Community Trust Fund Brochure, Photographs of successful Community Trust Fund applicants, Vortex Scheme Brochure, Map of the Noise Monitoring Terminals, Mantis Bulletins for 2008, Fees and Charges Booklet, Night Noise Policy, Environment Plan, Manchester Airport Attendance Scheme, Examples of Enews, Runway 2 Trail Map.
- 11.5 The purpose of this covering report is to examine the progress made during 2008 on what are considered to be the key elements of the S106 Agreement.

COMMUNITY OBLIGATIONS

- 11.6 Obligation A1 requires the Airport Company to operate a Sound Insulation Grant Scheme (SIGS) that will be reviewed annually. During 2008 the contractor fell into administration and this severely restricted the work with only 13 properties having insulation work completed. A new contractor has since been appointed.
- 11.7 Obligation A2 requires the Airport Company to set up a Community Trust Fund with an annual budget of £100,000 plus all income from noise penalties. The Trust Fund is a registered charity administered by the airport to allocate funds to projects that would benefit the community as a whole. During its twelve years of operation the Trust Fund has given over £2.3 million to the community of which over £547,000 has been spent on projects in Cheshire. During 2008 projects supported in Cheshire East included the Cheshire Water Activities Committee, Holmes Chapel First Responders and Marthall, Ollerton and Little Warford Village Hall.

NOISE CONTROL AND NIGHT FLYING

- 11.8 The Section 106 Agreement provides that the noise impact of the Airport's operations shall be no worse than that measured in 1992. For daytime operations this is determined by the average noise level of the noisiest 10% of movements and the area of the specified daytime noise contour. For night flying the specified targets are the average noise level of the noisiest 100 movements and the night-time noise contour.

- 11.9 During 2008 the noisiest 10% of movements level fell by a further 1dB(A) on the previous year and the daytime noise contour area was reduced by a further 1.8 square kilometres on the 2007 figure. Both indices are well below the 1992 baseline figures.
- 11.10 Similarly, the night flying indices were well below the obligatory 1992 levels although the average night time levels for the noisiest movements had increased slightly on the previous year's figure. This has been attributed to the contribution of one particular aircraft in June 2008 and increased flights to and from football matches in May 2008. However, the night time noise contour area decreased by 0.8 square kilometres from the 2007 number.
- 11.11 The Section 106 Agreement includes a requirement for an independent audit of the noise impacts of the operations and to suggest improvements where possible. The 2008 report also looked at the potential noise impacts of Precise Area Navigation. It concluded that it would improve track-keeping, could concentrate noise over smaller areas and in some situations be used to control ground level noise.
- 11.12 The contractors Bureau Veritas have been appointed to carry out the 2009 audit which will include a detailed study of other European airport's noise related charges.

TRACK KEEPING

- 11.13 Obligation B4 encourages the Airport to meet targets of a maximum of 5% of Non-Standard Departures (NSDs) and 5% of Standard Instrument Departures (SIDs) off track by 1998 (i.e. unauthorised track deviations). The Obligation in respect of NSDs continued to be met with 1.3% of all departures being non standard (equal to previous year). In 2008 a new low figure of 1.4% of departures were recorded as unauthorised track deviations, and it is particularly pleasing to note that none of these were classified as extreme deviations for the first time.

PUBLIC TRANSPORT

- 11.14 All Obligations continue to be met. The third rail platform has opened. Following the rejection of the Greater Manchester Transport Innovation Fund proposals, further consideration is required towards the long-term public transport network surrounding the airport. A review of the Airport Ground Transport Plan is proposed.

ENVIRONMENTAL WORKS

- 11.15 Ponds: Great Crested Newts have been recorded in more ponds (70) than at any time since monitoring began. Other amphibian pond numbers have decreased slightly and this is thought to be attributable to low spring rainfalls in 2008. Negotiations with the landowner continue to try to enable

the creation of the three remaining ponds. Botanical species diversity has increased at the new ponds.

- 11.16 Other protected species: Numbers of bats and badgers have remained fairly constant. The report includes details from the 3 “bat barns” constructed as part of the mitigation requirements, 87 bat boxes and an artificial sett.
- 11.17 The Landscape and Habitat Management Plan will be extended from 2011 until 2030. It is monitored by a Steering group, facilitated by an Officer technical group, and has had a significant effect in the close working arrangements with Manchester Airport plc since the second runway was completed.

CONSULTATIVE COMMITTEE COMMENTS

- 11.18 We were asked to be reminded that any funds not used in the Community Trust Fund’s annual budget should be carried over to the following year. It was also believed that the Cheshire East area does not benefit proportionately from this fund in terms of funds allocated to date. It was felt that this was particularly noticeable given the relative impact of the 2nd runway in Cheshire East in comparison to other surrounding areas.

12.0 Overview of Year One and Term One Issues

- 12.1 N/A

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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