



Pinsent Masons

LONDON ASHFORD AIRPORT LIMITED

HEADS OF TERMS RELATING TO OPERATIONAL RESTRICTIONS ONLY FOR SECTION 106 AGREEMENT RELATING TO PLANNING APPLICATIONS Y06/1647/SH & Y06/1648/SH

DISCUSSION DOCUMENT ONLY WITH THE HSE

1. INTRODUCTION

- 1.1 This paper is for summary purposes only and is intended as a discussion document between London Ashford Airport Limited ("LAA") and the HSE. It outlines the planning obligations relating to operational restrictions only (and therefore excludes any noise and night time flying restrictions) that are intended to be included in any future Section 106 Agreement that will be entered into by LAA should Shepway District Council resolve to grant planning permission for planning applications Y06/1647/SH and/or Y06/1648/SH.
- 1.2 The detailed drafting of the planning obligations will occur during negotiations between LAA and Shepway District Council.
- 1.3 It is envisaged that there will be one Section 106 Agreement that will cover planning applications Y06/1647/SH and Y06/1648/SH (should Shepway District Council resolve to grant planning permission to both applications). There will, therefore, be some obligations which apply only to the Runway Extension (application Y06/1648/SH), others which apply only to the Terminal Building (application Y06/1647/SH) and some which will apply equally to both. This will be clearly set out in the Section 106 Agreement once detailed drafting commences.

2. BRIEF DEFINITIONS¹

- 2.1 **"aeroplane"** means aircraft that has a fixed wing and is powered by propellers or jets;
- 2.2 **"aircraft"** means airships, aeroplanes and rotorcraft (gyroplanes and helicopters);
- 2.3 **"Airport"** means London Ashford Airport of Lydd, Romney Marsh, Kent, TN29 9QL which is shown edged in red on [];
- 2.4 **"Air Show"** means any air show held at the Airport;
- 2.5 **"Completion"** means in relation to any works of construction forming part of the Runway Extension or the Terminal Building, the date of issue of a certificate of practical completion of those works by the Owner's architect or other designated project consultant;
- 2.6 **"Continuous Descent Approach"** means the aircraft approach method designed to reduce fuel burn and noise;

¹ Definitions to be finalised.

- 2.7 **"Emergency Activities"** means:-
- 2.7.1 activities to assist in the relief of any danger to the life or health of any person or animal; and
 - 2.7.2 activities (for both operational and training purposes) of the military, police, coastguard, air and sea rescue or any other emergency service; and
 - 2.7.3 the diversion of aircraft from another airport to the Airport due to adverse weather conditions, technical problems, security alerts or onboard emergency;
- 2.8 **"First Public Transport Aircraft Flight"** means the first flight of a Public Transport Aircraft that takes-off or lands at the Airport following the Completion of the Runway Extension;
- 2.9 **"Flight Movements"** means the taking-off or landing of any aircraft;
- 2.10 **"Owner"** means the current operator and leasehold owner of the Airport, being London Ashford Airport Limited (Company Registration Number 04140620) together with successors in title;
- 2.11 **"Precision Approach Path Indicator"** means the light system positioned beside the Runway 03 and Runway 21 that provides a visual indication of an aircraft's (fixed wing or rotor wing) position on the glidepath for the associated runway;
- 2.12 **"Public Transport Aircraft"** means, for the purposes of this Agreement, an aircraft with a take-off or landing weight in excess of 45 tonnes flying or intending to fly for the purpose set out in article 157(3)(a) of the Air Navigation Order 2005 as amended (SI 2005/1970) being the carriage of passengers or cargo in the aircraft for valuable consideration and excluding aircraft flying or intending to fly for the Air Show, charity flights, parachuting, training and support activities;
- 2.13 **"Runway 03"** means the runway shown hatched [] on [];
- 2.14 **"Runway 21"** means the runway shown hatched [] on [];
- 2.15 **"Runway Extension"** means the extension of the existing runway at the Airport by 294m at the northern end to create a runway length of 1,799m with a further 150m acting as a starter extension together with a runway end safety area of approximately 240 meters from the threshold and twice the width of the runway (at 64 metres) and other ancillary infrastructure as more fully described in an application for full planning permission submitted to Shepway District Council on 15 December 2006 and given reference number Y06/1648/SH;
- 2.16 **"Terminal Building"** means the erection of a three storey terminal building on an existing area of hardstanding adjacent to Bravo Apron together with 639 car parking spaces to the north east of the proposed terminal and all other ancillary facilities as more fully described in an application for planning permission submitted to Shepway District Council on 15 December 2006 and given reference number Y06/1647/SH; and
- 2.17 **"UK AIP"** means the United Kingdom Aeronautical Information Publication published from time to time by the Civil Aviation Authority]

SUMMARY OF PLANNING OBLIGATIONS RELATING TO OPERATIONAL RESTRICTIONS

3. OPERATIONAL RESTRICTIONS

[NOTE: Section 106 Agreement to contain provisions confirming that if there is any incompatibility between the Agreement and the UK AIP and SI 1929/2007 (or any replacement) that the UK AIP and SI 1929/2007 take precedence]

- 3.1 Save where incompatible with safe flying operations the Owner will use reasonable endeavours to ensure that the operational procedures contained within the UK AIP for the Airport are followed by every operator of aircraft using the Airport in particular:-
 - 3.1.1 every aircraft to be operated in such a manner as to cause the least disturbance practicable to local residents;
 - 3.1.2 every aircraft to follow procedures promulgated by the Owner for noise abatement and minimising ground noise;
 - 3.1.3 every aircraft making an approach to land at the Airport to follow a descent path which will not result in the aircraft being lower at any time than the descent path which would be followed by aircraft using the Airport's instrument landing system or that as indicated visually by the Precision Approach Path Indicator;
 - 3.1.4 the use of reverse thrust (above idle power) after landing to be minimised consistent with the safe operation of the aircraft at all times;
 - 3.1.5 protocols to be developed to facilitate and encourage the use of Continuous Descent Approaches;
 - 3.1.6 all departing aircraft to climb as steeply as is compatible with safety;
 - 3.1.7 all departing aeroplanes having a take off weight of 5700kg or over not to turn left upon departure from Runway 21;
 - 3.1.8 all departing aeroplanes having a take off weight of 5700kg or over to use the starter extension upon departure from Runway 21;
 - 3.1.9 in accordance with The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2007 (SI 2007/1929) all aircraft that take off or land at the Airport to remain on a flight path that is at least 1.5 nautical miles from the position specified in column 3 of Schedule 2 to the Regulations; and
 - 3.1.10 all departing aircraft on departure to climb straight ahead to at least a height of 500 feet before commencing any turn;
- 3.2 Save where incompatible with safe flying operations, the Owner will use reasonable endeavours to ensure that all helicopters departing from or landing at the Airport will use a north-westerly flight path (as shown in Schedule []).
- 3.3 The Owner will maintain sufficient records of the daily number of aircraft and helicopters taking off from and landing at the Airport together with the type of aircraft or helicopter. Such records will be available for inspection by Shepway District Council at all reasonable hours, upon three working days prior written request.
- 3.4 Within six months of the First Public Transport Aircraft Flight the Owner will establish and thereafter publicise and maintain a noise complaints service which will investigate the cause of all formal noise complaints made to the Owner by the public. The Owner will provide a written response to each formal complaint as part of the noise complaint service indicating the outcome of the investigation and any action proposed to be taken to review or modify procedures as a result of the complaint.

[REDACTED] To HSE – 12 June 2008

3.5 This paragraph 3 shall not apply to the Air Show or aircraft involved in Emergency Activities.

Pinsent Masons LLP

12 June 2008