

14 June 2007

Ian Ginbey
Macfarlanes
10 Norwich Street
London EC4A 1BD

Our Ref: APP/T3725/A/05/1189038
Your Ref:

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY WEST MIDLANDS INTERNATIONAL AIRPORT LTD
COVENTRY AIRPORT, SISKIN PARKWAY WEST, COVENTRY CV8 3AZ**

1. We are directed by the Secretary of State for Communities and Local Government and the Secretary of State for Transport (“the Secretaries of State”) to say that consideration has been given to the report of the Inspector, Neil Roberts, BA DipTP MRTPI, who held a public local inquiry between 10 January and 31 July 2006, into your client's appeal against the failure of Warwick District Council to determine within the prescribed period an outline proposal for the construction of a passenger terminal (10,250m²), associated car parking (3,825 spaces), expansion of aircraft apron (15,875m²) and improvements to existing accesses at Siskin Parkway West, Coventry CV3 4PB, in accordance with application number W2004/1939 dated 1 November 2004.

Inspector's Recommendation and Summary of the Decision

2. The Inspector, whose conclusions are reproduced in Annex A to this letter, recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretaries of State agree with the Inspector's recommendation, and refuse planning permission. All references to paragraph numbers, unless otherwise stated, are to the Inspector's report.

Post-Inquiry Correspondence

3. Since the close of the Inquiry, the Secretaries of State have received a number of written representations related to the proposals. These are listed in a schedule attached to this letter at Annex B. The Secretaries of State have carefully considered all these representations. Nothing in these representations appears to the Secretaries of State to constitute new evidence, or to raise a new issue which needs to be referred back to parties before the Secretaries of State proceed to a decision. Copies of these representations may be obtained by written request to the addresses above.

Procedural Matters

4. At the inquiry, applications for costs were made by West Midlands International Airport Ltd (WMIAL) against Birmingham International Airport Ltd (BIAL); the West Midlands Regional Assembly (WMRA); and the West Midlands Joint Committee (except Coventry City Council) (WMJC). Applications were made by BIAL and WMJC against WMIAL. These applications are the subject of separate letters.

Environmental Statement

5. For the reasons in IR20.126-20.128, the Secretaries of State are content that the Environmental Statement complies with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 ("EIA Regulations"), and agree with the Inspector's conclusion in IR20.128 that the information contained in the Environmental Statement, the Supplementary Environmental Statement, and response to the Regulation 19 Direction, together with the mass of evidence from all parties at the inquiry, is sufficient to ensure that the environmental effects of the development can be rigorously assessed as part of the appeal procedure. The Environmental Statement, and the other environmental information have been taken into account in reaching this decision.

The Interim Passenger Terminal

6. The Secretaries of State have taken into account the current planning position regarding Coventry Airport. They agree with the Inspector that granting planning permission for the Interim Passenger Terminal introduced controls over what had previously been an unregulated airport (IR2.18), and the Interim Passenger Terminal decision is a material consideration in this particular case.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan comprises RSS11 (formerly RPG11) of June 2004; the Warwickshire Structure Plan 1996-2011, adopted in August 2001; and the Warwick District Local Plan 1995, adopted in April 1995.
8. There is also an emerging Local Plan (IR4.7). Since the close of the Inquiry, the Inspector's report following the Examination in Public has been published. The Secretaries of State have compared the changes to the emerging Local Plan contained in the Inspector's report with the emerging Local Plan which was before the inquiry. They consider that the changes are not so material as to constitute a need to refer back to parties before they proceed to a decision. They afford the emerging Local Plan policies considerable weight.
9. The Secretaries of State consider that those development plan policies detailed by the Inspector in IR4.2-4.6 are of greatest relevance to these appeals, along with policy SSP7 of the emerging Local Plan.

10. Other material considerations which the Secretaries of State have taken into account include: Planning Policy Statement 1 (PPS1): *Securing Sustainable Development*; Planning Policy Guidance note 2 (PPG2): *Green Belt*; Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*; Planning Policy Statement 9 (PPS9): *Biodiversity and Geological Conservation*; Planning Policy Guidance note 13 (PPG13): *Transport*; Planning Policy Guidance note 15 (PPG15): *Planning and the Historic Environment*; Planning Policy Statement 23 (PPS23): *Planning and Pollution Control*; Planning Policy Guidance note 24 (PPG24): *Planning and Noise*; and Circular 05/2005: *Planning Obligations*.
11. The Secretaries of State consider in addition that a key document is the White Paper *The Future of Air Transport*, published in December 2003, and that this document is a material consideration in this case (IR4.9). For the reasons in IR4.9-4.12, the Secretaries of State agree with the Inspector that the White Paper offers no specific support for a passenger terminal of any size at Coventry Airport (IR4.16). They have had regard to the fact that the White Paper acknowledges the importance of airports for the development of local and regional economies, and their potential for attracting inward investment to a region, and that encouragement is also given to the growth of regional airports to serve regional and local demand, subject to environmental constraints, and to making the best use of existing infrastructure (IR4.13). The Secretaries of State have also had regard to the White Paper published in July 2004 "The Future of Transport – a Network for 2030" (IR4.14), and to the Warwickshire Local Transport Plan 2006-2011, published in March 2006 (document CD43a).
12. The Secretaries of State also agree with the Inspector's Interim Conclusions on Policy in IR4.16 that the starting point of Government policy is that the best use should be made of existing airport capacity where possible; that Coventry Airport is recognised as having a role complementary to Birmingham International Airport; that any new development should be assessed in terms of the balance of positive benefits and harmful impacts; that where possible harm caused should be mitigated, and unavoidable harm which cannot be mitigated should be compensated for; and that the provision of scheduled passenger services should be subject to the availability of public transport to serve the airport.

Main issues

13. The Secretaries of State consider that the main issues involved in determining this case are:
 - Noise;
 - Air Quality;
 - Ecology and Nature Conservation;
 - Bird Strike Risk and other Ornithological Issues;
 - Socio-Economic Impact;
 - Cultural Heritage;
 - Other Visual Matters;
 - Hazard Assessment;
 - The Fall Back Position;
 - Surface Access;

- Sustainability matters;
- Airspace Management;
- Green Belt and Countryside matters;
- Mitigation and Compensation; and
- Development Plan.

Noise

14. The Secretaries of State have taken into account the Inspector's consideration (IR 20.2 to IR20.26) of noise issues. They acknowledge that, partly due to the type of aircraft used, the proposed development would cause disturbance and annoyance and general loss of amenity through noise, and that this is the virtually inevitable effect of any airport development. They have carefully considered the Inspector's comments on the noise mitigation measures and set out their conclusions below.

Aircraft Noise

15. For the reasons set out in IR20.3-IR20.5, the Secretaries of State agree with the Inspector that the assessment in this case should be based on the guidelines set out in PPG 24 in preference to WHO guidelines. They also agree that the thresholds in PPG24 are of considerable assistance in considering the noise issues, and offer a reasonable way forward in assessing the impact of the New Passenger Terminal development (IR20.4).

16. The Secretaries of State acknowledge that aircraft noise is already a significant feature of the local noise environment in the vicinity of Coventry Airport, and has been so for many years (IR20.7). They have had regard to the Inspector's view that he has found the noise generated by the Thomsonfly aircraft to have the greatest impact, by reason of the loudness of the engine noise and its distinctive sound, and that the appellant's acknowledge that the impact of noise cannot be avoided. The Secretaries of State agree with the Inspector that this sets the scene against which the impact of the proposed development should be assessed (IR20.7).

17. The Secretaries of State agree with the Inspector that the noise contours relied on by the appellant give a reasonable indication of the likely level and distribution of aircraft noise (IR20.8). They also agree with the Inspector that, drawing from those contours, a substantial number of residential properties will be affected by aircraft noise at levels likely to cause disturbance (IR20.8).

18. The Secretaries of State agree with the Inspector, for the reasons set out in IR20.9 - IR20.13, that the New Passenger Terminal Development would increase the number of passenger air transport movements and thus cause further loss of amenity, in addition to the loss already experienced through the granting of the Interim Passenger Terminal facility, by reason of aircraft noise (IR20.11).

Ground Operations Noise

19. For the reasons in IR20.14, the Secretaries of State agree with the Inspector that it is unreasonable to attribute disturbance from ground activities at Airport West to the proposed development. They also agree with the Inspector that the proposed construction of a bund between the airport and Oak Close, and the eligibility of single facades of Oak Close properties for sound insulation would be of some benefit to local residents (IR20.14).

Road Traffic Noise

20. The Secretaries of State agree with the Inspector, for the reasons set out in IR20.15, that road traffic noise is not a factor which should influence the outcome of the appeal.

Noise Mitigation and Compensation

21. For the reasons in IR20.17 and 20.20, the Secretaries of State agree with the Inspector that the mitigation/compensation package now offered would provide significant benefits.

22. However, like the Inspector, and despite the improved benefits mentioned in paragraph 21 above, the Secretaries of State remain concerned about the extent to which the loss of residential amenity is mitigated and compensated for (IR20.21). Having regard to paragraph 21 above, and the Inspector's comments in IR20.21-IR20.23 and IR10.129-IR20.131, they consider that, despite the mitigation/compensation package offered, there would still remain a significant loss of local residential amenity. This loss of amenity would be in addition to the loss already experienced as a result of the Interim Passenger Terminal facility.

23. The Secretaries of State have had regard to the fact that new Noise Preferential Routes were proposed and were about to be promulgated towards the end of the inquiry (IR20.24). They agree with the Inspector, for the reasons set out in IR20.24, that there is uncertainty about the overall net benefits of the proposed new Noise Preferential Routes, and so these routes should be accorded no weight in assessing the impact of aircraft noise.

Fall back position

24. The Secretaries of State have had regard to the fall-back position, where control of night noise exists through the Section 106 Agreement on the Interim Passenger Facility (IR20.25). They recognise that Coventry is an active airport, accommodating a range of services and that, regardless of the outcome of the appeal, aircraft noise will be a feature of the local environment (IR20.25). However, they also consider that, for the reasons set out in IR20.25, the new controls on the Airport, introduced as a result of planning permission for the Interim Passenger Facility Terminal, may well have some effect in restraining growth of freight activities.

Conclusions on Noise

25. Overall, for the reasons given above, the Secretaries of State agree with the Inspector that, notwithstanding the significant benefits of the mitigation/compensation package offered, and the new Noise Preferential

Routes proposed, the proposed development would add significantly to the loss of amenity local residents already experience, particularly at unsocial hours, from the noise of Thomsonfly passenger aircraft (IR20.26). They agree with the Inspector that this is an important factor weighing against the proposal (IR20.26).

Air quality

26. The Secretaries of State agree with the Inspector, for the reasons set out in IR20.27-IR20.33, that the mitigation/compensation package offered is sufficient to address any adverse air quality impact arising from the proposed development (IR20.34). They consider that the proposal complies with RSS policies QE4 and T11 and with PPS23 in this respect.

Ecology and nature conservation

27. The Secretaries of State agree with the Inspector, for the reasons in IR20.35-IR20.37 that there is no conflict with PPS9 or with development plan policies intended to protect nature conservation interests (IR20.38). Like the Inspector, they accord significant weight to the views of English Nature, now Natural England, who consider that the nationally and internationally designated sites would not be affected by the development.

Bird Strike Risk and other Ornithological Issues

28. For the reasons in IR20.39-20.40, the Secretaries of State consider that there is no sound basis, in terms of bird strike risk or any other ornithological issue, to resist the appeal proposal.

Socio-Economic Impact

29. For the reasons in IR20.41-20.46, the Secretaries of State agree with the Inspector that the development would generate a substantial number of new permanent jobs, both directly and indirectly, in an area where there have been major job losses in recent years, and where there are local areas of deprivation whose residents would benefit from the new jobs created (IR20.47). They agree with the Inspector that this is a factor weighing in favour of the proposed development. They recognise that, regardless of the appeal proposal, there are encouraging signs of substantial job creation in the local economy (IR20.47) but, like the Inspector, consider that this should not significantly reduce the weight accorded to the socio-economic benefits of the scheme.

Cultural Heritage

30. The Secretaries of State agree with the Inspector, for the reasons set out in IR20.48-IR20.54, that, on balance, the proposed development would give rise to some adverse impact on the local cultural heritage (IR20.55). Like the Inspector, they consider that it is necessary to assess whether the compensation measures proposed by the appellant are sufficient to outweigh the harm caused to historic landscapes and buildings (IR20.55).

Other visual matters

31. For the reasons set out in IR20.57, the Secretaries of State consider, like the Inspector, the visual effects of Thomsonfly aircraft on the broader landscape, and on residential properties, to be relatively slight.
32. The Secretaries of State have had regard to the scale of the buildings proposed for the airport terminal (IR20.58). They consider that the buildings will have a substantial visual presence but that, having regard to their setting being closely related physically and visually to the Middlemarch Business Park, they would fit well into the character of their surroundings (IR20.58). They also consider that, for the reasons in IR20.58, the additional lighting from the proposed development would have only a very marginal effect on the character and appearance of the area and on residential amenity, and is a factor which does not weigh against the appeal. The Secretaries of State also consider that, subject to suitable screening, which is proposed as part of the submitted landscape proposals, the car park would not be out of character or visually harmful (IR20.58).

Hazard Assessment

33. For the reasons in IR20.59-20.75, the Secretaries of State agree with the Inspector's overall conclusion in IR20.76 that the risks associated with current operations at Coventry, and in the event of the proposed development going ahead, are within acceptable limits, and should not weigh against the grant of planning permission. The Secretaries of State also consider it relevant that risks associated with alternative development scenarios are likely to be greater than in respect of the proposed development, freight aircraft having a poorer safety record than scheduled passenger flights (IR20.76).

The fall-back position

34. For the reasons in IR20.77-IR20.81, the Secretaries of State agree with the Inspector that, if the appeal is dismissed, there is potential for growth in freight and business aviation operations (IR20.82). However, given the appellants' intention to expand such operations in any event if the appeal is allowed, and that a quiet operations policy and an air quality programme were introduced by the Section 106 Agreement accompanying the Interim Passenger Terminal decision, they, like the Inspector, treat with considerable caution suggestions that such growth would be dramatic with severe environmental consequences. They also agree with the Inspector's view that there is no basis for the notion that Coventry Airport would close if the appeal were dismissed (IR20.82).

Surface access

35. The Secretaries of State agree with the Inspector that the access arrangements to the appeal site from Siskin Parkway West are satisfactory (IR20.83). They also consider that, for the reasons in IR20.84, the operation of the Tollbar End junction is not expected to be adversely affected. They also agree with the

Inspector that the issue of limiting traffic impact in Baginton has been suitably addressed (IR20.85).

Sustainability matters

36. The Secretaries of State agree with the Inspector that the proposed development is a major generator of travel demand, given that it is intended to serve 2 million passengers per annum (IR20.88). They also agree that the airport cannot be regarded as being a major transport interchange, nor is it near such an interchange. They consider that by far the most convenient means of travelling to and from the airport is by car; and that the substantial amount of car parking now proposed, and its proximity to the proposed development, would continue the attractiveness of travel by car (IR20.88).
37. For the reasons set out in IR20.89, the Secretaries of State agree with the Inspector that Coventry Airport is always likely to experience a relatively poor public transport provision, when compared to Birmingham International Airport.
38. The Secretaries of State agree with the Inspector that it is relevant to bear in mind that there is an alternative airport (Birmingham International) only a few miles from Coventry Airport, offering services to similar destinations (but within a much wider range of destinations), itself a major transport interchange, and serving a very similar catchment (IR20.90). They have had regard to the fact that if the appeal is dismissed, virtually all the services which would have been provided would be readily available a relatively short distance away at Birmingham International Airport. On that basis, they agree with the Inspector that, on the face of it, there is some merit in the argument that there is no need for the proposed development, and it also has a bearing on the sustainability objective of reducing the need to travel by car (IR20.90).
39. For the reasons set out in IR20.90, the Secretaries of State agree with the Inspector that, in line with guidance in PPS23, in this particular case, the availability of alternative sites may be a material consideration. They agree with the Inspector that the extra passenger services associated with the proposed development would undoubtedly be polluting in terms of extra aircraft noise and odours.
40. The Secretaries of State agree with the Inspector, for the reasons set out in IR20.91-20.92, that the proposed improvements to public transport accessibility do not represent the step change mentioned in the Local Transport Plan. They accord this lack of such a step change significant weight.
41. The Secretaries of State have had regard to the possibility of a new shuttle bus service between the proposed development and Warwick/Leamington Spa (IR20.93), and that this service is being examined as part of the Bus Strategy that is being developed as an element of the Airport Surface Access Strategy. Like the Inspector, given the uncertainties surrounding this proposal, they accord it limited weight.
42. The Secretaries of State have had regard to the targets for modal shift set out in the Airport Surface Access Strategy (IR20.94). They agree with the Inspector that the targets are challenging, and they consider that the targets are

consistent in this respect with the Inspector's report into the emerging Local Plan. However, for the reasons set out in IR20.95, they consider that, in this particular case, there is little prospect of these targets being met (IR20.95), and, like the Inspector, they are not persuaded that they are realistic or achievable. They agree with the Inspector that it would be a nonsense to allow a development on the basis of a challenging target having been set, if there were little realistic prospect of that target being met (IR20.95). They also agree with the Inspector, for the reasons set out in IR20.96, that the proposed development should not be regarded as modest, in contrast to the Interim Passenger Facility.

43. For the above reasons, the Secretaries of State agree with the Inspector that the proposed terminal would not meet sustainability objectives in terms of integrating sustainable development and reducing the need to travel by car (IR20.97).
44. The Secretaries of State agree with the inspector that, in considering matters of sustainability, it is also relevant to take into account the Government's objectives in respect of existing aviation infrastructure (IR20.98). For the reasons set out in IR20.99, they agree with the Inspector that to encourage increased passenger operations at Coventry Airport, over and above levels which, in the case of the Interim Passenger Terminal development, had the crucial benefit of achieving significant controls over a formerly completely unregulated airport, is at odds with sustainability objectives.
45. For the reasons set out in IR20.100-20.101, the Secretaries of State agree with the Inspector that passenger services at Coventry are likely to contribute in small part to clawing back passengers, but that this might well be at the expense of claw back achieved by improvements at Birmingham International Airport, given the proximity of the two airports and the similar services offered. Overall, they agree with the Inspector that the clawback point should be regarded as inconclusive, and that it should be given little, if any, weight (IR20.101).
46. The Secretaries of State have also had regard to the extent to which Coventry Airport would be complementary to Birmingham International Airport, as is required under RSS policy T11F (IR20.102). They agree with the Inspector that the spirit of the policy attaches some importance to the notion of complementarity (IR20.102).
47. The Secretaries of State agree with the Inspector, for the reasons set out in IR20.103, that there is the beginning of a conflict with policy T11F. They agree with the Inspector that for Coventry Airport to be complementary to Birmingham International Airport it should add to or make complete what is available at Birmingham International Airport. They agree that passenger services at Coventry Airport would largely duplicate services which are already provided at Birmingham International Airport, and that passenger growth at Coventry would also to some extent constrain the growth of cargo, where Coventry Airport has an important niche in the market.
48. The Secretaries of State have had regard to objectors' concerns about emissions from aircraft and their contribution to climate change and global warming (IR20.104). Whilst they acknowledge that an increase in passenger

flights might cause an adverse effect on the climate, they consider that such an effect would be likely if such passenger numbers were simply transferred to Birmingham International Airport. On this basis they give this issue little weight.

Conclusion on sustainability

49. For the above reasons, the Secretaries of State agree with the Inspector that, on balance, the proposed development would not represent a sustainable form of development, conflicting in particular with sustainability objectives for transport (IR20.105). They agree with the Inspector that this as a very important factor weighing against the appeal, and that it is decisive in itself.

Airspace Management

50. The Secretaries of State consider that airspace management is a material consideration which should be taken into account in deciding this appeal. For the reasons set out in IR20.107, they agree with the Inspector that Mr Wildin's written evidence, which has not been tested in cross-examination, must be accorded less weight than evidence which has stood up to cross examination. They also agree with the Inspector, for the reasons set out in IR20.108-IR20.120, that, having regard to airspace capacity, the proposed development would not conflict with national or regional policies which aim to develop and expand Birmingham International Airport as the West Midlands' principal international airport (IR20.121).

Green Belt and Countryside matters

51. The Secretaries of State agree with the Inspector that PPG2 is of little relevance in this particular case since, although a large part of the airport lies within the Green Belt, the appeal site does not (IR20.122). They also agree with the Inspector, for the reasons set out in IR20.123, that the proposal is neutral in terms of compliance with PPS7.

Mitigation and Compensation

52. The Secretaries of State agree with the Inspector that the quiet operations policy would represent an improvement on that offered in connection with the Interim Passenger Facility, and in that sense could be a benefit of the New Passenger Terminal development, though the greater number of passenger air transport movements would have to be offset against any benefit (IR20.131).

53. Overall, they share the reservations expressed by the Inspector in IR20.130 regarding the mitigation/compensation package offered as part of the proposed development, for the reasons set out in that paragraph, and consider that, despite the significant benefits of the mitigation/compensation package, the proposed development would give rise to a significant loss of local residential amenity.

Development Plan

54. The Secretaries of State agree with the Inspector that there has been no change in development plan policies since the decision on the Interim Passenger

Facility was made (IR20.132). However, they recognise that the Inspector's report into the emerging Warwick Local Plan has been published. The Secretaries of State also agree with the Inspector that each case has to be assessed on its own merits, and that the proposed development is of a substantially greater scale than the Interim Passenger Facility (IR20.132).

55. The Secretaries of State consider that the essence of RSS policy T11 is that new development at Coventry Airport will be acceptable, provided its environmental impact is thoroughly assessed and any adverse effects controlled, mitigated or compensated for. They consider that structure plan policy ER.2, which requires the adverse environmental impact of any new development to be mitigated to acceptable levels, is also relevant. They have also had regard to the fact that Structure plan policy T.12 encourages the focus of aviation activity in Warwickshire on Coventry Airport subject to various criteria being met. The Secretaries of State agree with the Inspector that there would be an adverse environmental impact from noise and to a lesser extent from odours of aviation fuel. They consider that, despite the benefits of the mitigation/compensation package offered, the proposed development would give rise to a significant loss of local residential amenity. They consider that the impact of noise weighs against the proposal, and that the proposed development does not comply with these policies.

56. In this particular case, for the reasons set out in paragraphs 36-49 above, the Secretaries of State agree with the Inspector that, in terms of sustainability, there is conflict with RSS policies T2 and T11F. They also agree that the proposal would conflict with the Local Transport Plan in that there would be over-dependence on use of the car for travel to and from the airport, public transport serving the airport being poor at present and unlikely to improve significantly.

57. The Secretaries of State also agree with the Inspector, for the reasons set out in paragraphs 46-47 above, that the complementary role of Coventry Airport would be diminished, in conflict with RSS policy T11F. They also consider that, as the proposal would not represent a modest increase in capacity at Coventry, there would be a conflict with structure plan policy support for modest increases in capacity (IR20.134).

58. The Secretaries of State agree with the Inspector that the development proposals would not prejudice the review of airports policies set out in RSS11 (IR20.136). They also agree with the Inspector, for the reasons set out in IR20.137-IR20.138, that the proposed Master Plan for Birmingham International Airport does not have any significant bearing on determination of the appeal.

Section 106 Agreement

59. In assessing the Section 106 Agreement, the Secretaries of State have had regard to the policy tests in Annex B of Circular 5/2005 *Planning Obligations*, and they consider that the provisions of the Agreements accord with these.

Conclusion

60. The Secretaries of State conclude that the proposals are in conflict with the development plan. They consider that no overriding objections arise in respect of airspace management, landscape and visual matters, ecology and nature conservation, ornithological matters, and risk. There are significant socio-economic benefits arising from the development which would benefit the local economy, including: job creation and training initiatives close to areas of deprivation, increasing the profile of Coventry and Warwickshire nationally and internationally as a tourist and business destination; and offering increased choice to local business and leisure travellers.
61. The Secretaries of State consider that the various noise related measures offered as part of the mitigation/compensation package in the Section 106 Agreement offer an improved level of control over flying activities that were established with the Interim Passenger Facility. However, whilst these measures would indeed benefit the local community, they would be offset by the increase in Passenger Air Transport Movements, the noisiest aircraft movements at Coventry airport.
62. The Secretaries of State consider that there would be significant adverse impacts in respect of noise and, to a lesser extent odours, primarily from aircraft exhaust fumes. Despite improvements compared with the Interim Passenger Terminal development, they consider that the mitigation and compensation measures offered do not outweigh such harm by reason of noise and general disturbance from increased Passenger Air Transport Movements which would be caused by this significantly larger scale development.
63. The Secretaries of State also consider that public transport serving the airport, whilst being improved, would remain poor and, whilst they consider the targets for modal shift away from the car challenging, they do not, for the reasons in paragraph 42 above, consider them to be realistic or achievable under the circumstances proposed in this case. They also consider it relevant that passenger services would be increased at an airport with poor public transport accessibility and provision, in a situation where those services are provided only a short distance away at an airport with far superior public transport accessibility and provision, and serving essentially the same catchment. They also consider that there would be harm by reason of noise and, to a lesser extent, visual impact on the local cultural heritage, the latter of which cannot be mitigated.
64. Although the development would make beneficial use of existing airport infrastructure, the Secretaries of State have considerable doubts as to whether it would represent the best use as required by the ATWP, given that it would detract from Coventry Airport's specialist niche role for freight operations, for which the availability of public transport is less important, and would duplicate passenger services already available at a nearby airport much better served by public transport.
65. In this particular case, having weighed up the arguments for and against the proposal, the Secretaries of State have concluded that the harmful impact caused by the proposal and the conflict with sustainability objectives, is not outweighed by the socio-economic and other benefits, including the proposed mitigation/compensation package proposed through the Section 106

Agreement. Overall, the Secretaries of State consider that the proposal would not accord with development plan policy. They do not consider that there are any material considerations to lead them to determine the proposal other than in accordance with the development plan.

Formal decision

66. Accordingly, for the reasons given above, the Secretaries of State agree with the Inspector's recommendation. They hereby dismiss your client's appeal and refuse planning permission for a passenger terminal (10,250m²), associated car parking (3,825 spaces), expansion of aircraft apron (15,875m²) and improvements to existing accesses at Siskin Parkway West, Coventry CV3 4PB in accordance with application number W2004/1939 dated 1 November 2004.

Right to challenge the decision

67. An applicant has a statutory right of appeal to the Secretaries of State if consent, agreement or approval required by a condition of this permission is refused or granted conditionally.

68. This letter does not convey any approval or consent which may be required under any other enactment, by-law or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

69. A separate note is attached setting out the circumstances in which the validity of the Secretaries of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

70. A copy of this letter has been sent to Warwick District Council and those who appeared at the inquiry.

Yours faithfully

Yours faithfully

Mark Plummer
Authorised by the Secretary
of State for CLG to sign in that behalf

Jonathan Sturrock
Authorised by the Secretary
of State for Transport to sign
in that behalf

Post inquiry correspondence

<u>Name</u>	<u>Date of correspondence</u>
Mrs Anita Gilmour	2 August 2006
Mr Steve Williams	7 September 2006
Mr Tony Reece	12 November & 16 December 2006