

7/1063/88


INTERNAL MEMORANDUM

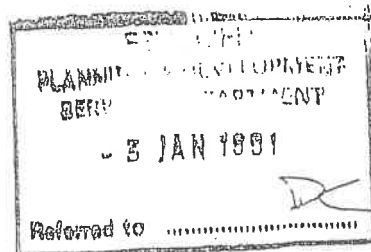
FROM: Borough Solicitor TO: B.P.D.S.O.
REF: MHD/IM REF:
DATE: 1st January 1991

Humberside International Airport Ltd.
Agreement under Section 106 of the
Town & Country Planning Act 1990

Attached is a copy of the Section 106 Agreement which is dated 31st December 1990.

I shall be grateful if you will now issue the planning consent.


Borough Solicitor



7/1063/88

THIS AGREEMENT is made the 31st day of December One thousand nine hundred and ninety BETWEEN GLANFORD BOROUGH COUNCIL of Council Offices Station Road Bridlington in the County of Humberside (hereinafter called "the Council") of the one part and HUMBERSIDE INTERNATIONAL AIRPORT LIMITED whose Registered Office is situate at Kirmington (hereinafter called "the Owner") of the second part and THE COUNTY COUNCIL OF HUMBERSIDE (hereinafter called "the County Council") of the third part

WHEREAS

- (1) The Owner is the owner in fee simple in possession free from incumbrances of the land first described in the First Schedule hereto and proposes to acquire the land or rights over the land secondly described therein (hereinafter together referred to as "the Land")
- (2) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1971 for the area in which the land is situated
- (3) The Owner has by a written application reference number 7/1063/88 applied to the Council for planning permission to develop the land in the manner set out in the plans specifications and particulars deposited with the Council (hereinafter called "the Development")
- (4) The Council is satisfied that the development disclosed by the said application is such as may be approved by the Council under the said Act of 1971 subject as hereinafter appearing

NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is made in pursuance of Section 106 of the Town

7/1063/88

and Country Planning Act 1990 Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 111 of the Local Government Act 1972 for the purpose of facilitating the development of the site

2. THE Council hereby approves the said development for the purposes of the said Act of 1990 subject to the provisions of the Second Schedule hereto and any conditions imposed or implied by statute
3. THE Owner hereby covenants with the Council that the Owner for the time being of the land will observe the restrictions and provisions regulating the development and use thereof specified in the Third Schedule hereto and further covenants to use the land in strict accordance with this Agreement and not otherwise
4. THE County Council hereby covenants with the Council that the County Council will use their best endeavours to ensure that the Owner for the time being of the land will comply in all respects with the provisions of clause 3 hereof
5. THE provisions of Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the covenants in clause 3 hereof
6. THE expressions "the Council" "the Owner" and the "County Council" shall include their respective successors in title and assigns

IN WITNESS whereof the Parties hereto have hereunto caused to be affixed their respective Common Seals the day and year first hereinbefore written

THE FIRST SCHEDULE

FIRST ALL THAT land within the Parishes of Barnetby le Wold and of

7/1063/88

Kirmington both in the County of Humberside shown edged red on the plan annexed hereto and SECONDLY ALL THAT adjoining land hatched blue thereon together in both cases with all buildings and other structures erected thereon

THE SECOND SCHEDULE

- (1) The permission is for the construction of an extension to the main runway the construction of a taxiway the erection of approach lighting provision of emergency access and associated equipment required by the Civil Aviation Authority for the safe operation of the extended runway It does not authorise any other engineering operations or excavations of soil or other material within the existing or proposed airport boundaries Any such operations shall be the subject of a separate planning application
- (2) No development shall take place until details of the means of disposing of the surface water run-off from the development have been submitted to and approved by the district planning authority and any necessary planning permission for the works required has been obtained The extended runway and/or taxiway shall not be brought into use for aircraft before the approved scheme has been completed
- (3) No development shall take place until details have been submitted to and approved by the district planning authority of the source of the material for the proposed embankment(s) upon which the extended runway and taxiway will be built the traffic routes by which the material will be brought to the site the proposed hours during which the material will be brought to the site and the

7/1063/88

proposed timetable for the operation

- (4) No development shall take place until a scheme for the landscaping of the runway and taxiway embankments has been submitted to and approved by the district planning authority. The approved landscaping scheme for the runway extension shall be carried out within 12 months of the extended runway being brought into use. The approved landscaping scheme for the taxiway shall be carried out within 12 months of the taxiway being brought into use.
- (5) Except in the exceptional circumstances detailed in (i) and (ii) below between 2200 hours and 0600 hours local time no air traffic movements shall be permitted other than scheduled movements which involve Chapter 3 NNC noise certificated aircraft of the types specified in schedule 1 of Notam A773/1988 together with successive amendments in addition to exempted single and twin propeller driven aircraft and noise certificated business jets with a Maximum Take-off Weight Available of less than 11600 kg and all other propeller driven aircraft which can demonstrate compliance with NNC Takeoff criteria for jet aircraft.
- The exceptional circumstances referred to in this condition are:
- (i) Emergency flights involving the safety of life or limb or national security. Such flights shall be permitted whenever required.
 - (ii) Operational flights by airlines holding CAA Air Transport Licences in Classes 1 2 3 4 or 7 which are scheduled to use the airport during normal hours of operation and due to unavoidable and/or unforeseen circumstances are unable to do

7/1063/88

so Such flights shall be permitted up to 23.30 hours
(6) Except in the circumstances defined in condition 5 above no aircraft movements or activities involving the running of aircraft engines or auxiliary power units shall take place between 2200 hours and 0600 hours local time once the extended runway is brought into use unless such movements are necessary in the case of any aircraft which has landed at the airport before 2200 hours and is proceeding to an airport apron or stand

THE THIRD SCHEDULE

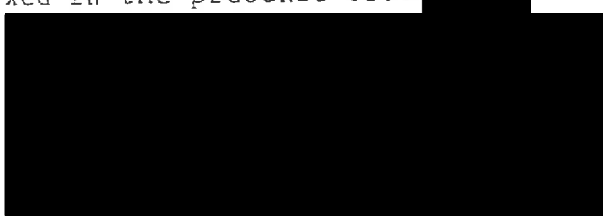
1. No development shall take place until a scheme for the monitoring of air and ground noise ("the noise monitoring scheme") has been submitted to and approved in writing by the Council The noise monitoring scheme shall include details of the amount type and location of the monitoring equipment to be used a timetable for its installation and provision for its retention
2. The noise monitoring scheme shall be completed to the satisfaction of the Council within 12 months of the extended runway being brought into use or such longer period as may be agreed in writing by the Council and shall thereafter be maintained to the satisfaction of the Council The extended runway shall not be used unless the Owner has fully observed and complied with the requirements of this paragraph
3. The extended runway shall not be brought into use until a scheme for the acoustic insulation of residential properties falling within or contiguous with the 40 NNI contour as defined in plan 92/1/RE/21/63 has been submitted to and approved in writing by the Council ("the acoustic insulation scheme") The acoustic

7/1063/88

insulation scheme shall include (inter alia) details of the works to be carried out and a programme for their completion

4. The acoustic insulation scheme shall be completed to the satisfaction of the Council before the extended runway is brought into use unless a later date is agreed in writing by the Council. The extended runway shall not be used unless the Owner has fully observed and complied with the requirements of this paragraph
5. For the purposes of this Agreement "the extended runway" shall mean the area hatched blue on the plan annexed

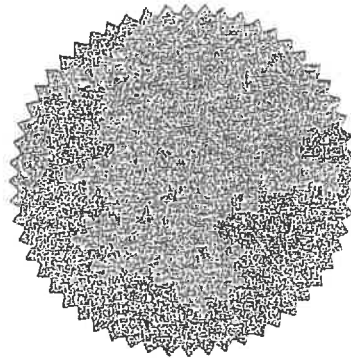
The COMMON SEAL of GLANFORD
BOROUGH COUNCIL was hereunto
affixed in the presence of:-



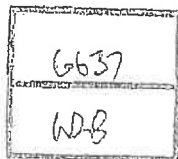
Mayor



Borough Solicitor



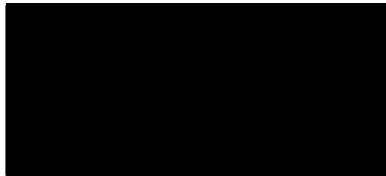
Seal No.



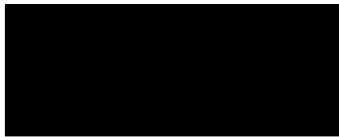
The COMMON SEAL of HUMBERSIDE
INTERNATIONAL AIRPORT LIMITED
was hereunto affixed in the
presence of:-

7/1063/88

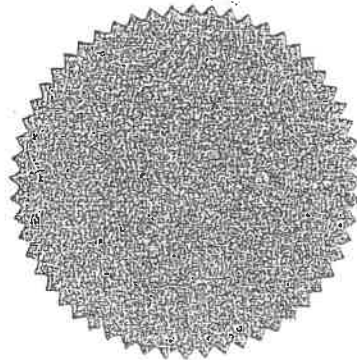
Director



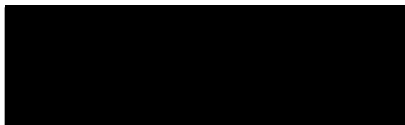
Director



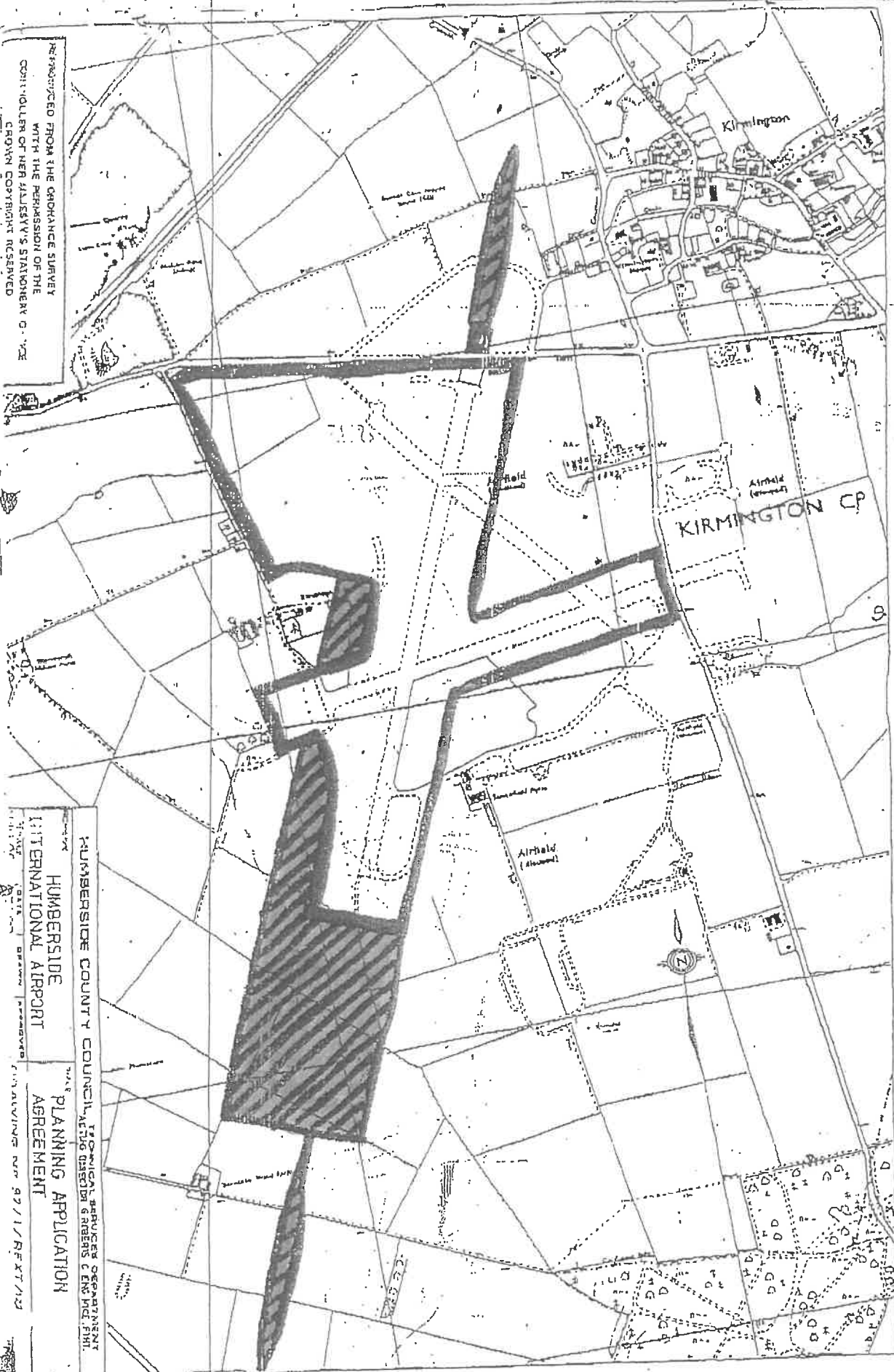
The COMMON SEAL of THE COUNTY
COUNCIL OF HUMBERSIDE was hereunto
affixed in the presence of:-



Assistant County Solicitor
944c.



REPRODUCED FROM THE ORDNANCE SURVEY
WITH THE PERMISSION OF THE
CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE
CROWN COPYRIGHT RESERVED



HUMBERSIDE COUNTY COUNCIL
HUMBERSIDE INTERNATIONAL AIRPORT
 PLANNING APPLICATION AGREEMENT

TECHNICAL SERVICES DEPARTMENT
 PLANNING & DESIGN SERVICES & ENVIRONMENTAL
 PLANNING UNIT 011/1/EXT 22

