

The Network Rail (Leeds to Micklefield Enhancements) Order

Summary of operational restrictions under planning permission 33/174/04/FU and associated S106 legal agreement

- 1 The purpose of this note is to summarise the operational restrictions placed on an air strip development at Sturton Grange Farm of which Mr Christopher Makin is the owner (the **Owner**).

Operative Planning Permissions

- 2 The Owner's agent has confirmed that there are 2 planning permissions which authorise 2 separate air strips at Sturton Grange Farm, namely:
 - (a) permission reference 33/53/97/FU dated 1 February 2002 (**Permission 1**); and
 - (b) planning permission 33/174/04/FU dated 4 November 2008 (**Permission 2**) It is subject to a Section 106 Agreement (as detailed below).
- 3 Permission 1 is for an airstrip (known as Runway 10/28 and referred to in the S106 Agreement as 'the Strip') which is in a west-east orientation, approximately 50m north of and roughly perpendicular to the Leeds-Micklefield railway line.
- 4 Permission 2 is for an airstrip (known as Runway 18/36 and referred to in the S106 Agreement as the "Second Strip") at Sturton Grange Farm in an approximately south-north orientation, perpendicular to and commencing approximately 30m north of, the Leeds-Micklefield railway line.
- 5 Permission 2 was granted subject to a 106 Agreement dated 19 September 2008 which binds the land at Sturton Grange Farm, between Christopher William Makin, Leeds City Council and HSBC Bank PLC.
- 6 The draft decision notice for Permission 2 refers to an earlier section 106 Agreement dated August 2000 and a deed of variation dated 2005. Copies of these agreements and documents relating to Permission 1 are not available on the Council's website and have not therefore been reviewed.

Section 106 Obligations

- 7 The section 106 Agreement applies to 'the Land', as defined on a plan included in the Agreement, which covers both Runway 18/36 and Runway 10/28 (the **Runways**). The Agreement therefore applies to both Runways permitted b Permission 1 and Permission 2. The principal purpose of the section 106 Agreement is to limit the number of aircraft movements to and from the Land on a daily and annual basis, restrict hours of operation, limit

the type of aircraft permitted to use the Runways and regulate the operational use of the Runways through a detailed protocol.

- 8 Under the Agreement, the Owner covenants with the Council as follows.
- (a) Aircraft used to be limited to the Beech Bonanza registration number N-767CM or similar fixed wing aircraft with a noise certification level not exceeding 67 dBA.
 - (b) The Land is not to be used:
 - (i) more than 100 days per calendar year;
 - (ii) more than 5 takes-offs and 5 landings in any one day; and
 - (iii) at any time except between 07.30 and dusk Monday-Saturday and 09.00 and dusk on Sundays (except in emergency).
 - (c) Not to use the Land for commercial business purposes except in connection with the operation of Sturton Grange Farm or by any person other than the developer and guests.
 - (d) To operate aircraft flights in accordance with a Light Aircraft Operations Plan and Protocol, which defines flight paths for take-off and landing. Take-offs from and landings to Runway 10/28 must be to and from the east (avoiding Garforth town).

Interface with the Scheme

- 9 Such a take-off and landing route would approximately in-line with a construction crane located on the TWAO Ridge Road northeast compound. The construction crane will only be required for the lifting out/in of the bridge deck during the times when those aspects of the road works are being carried out (namely the two 29 hour possessions which Mr Harrison spoke to in evidence). Prior to this period, Network Rail would notify the owner of Sturton Grange Farm of the period during which the crane would be erected.
- 10 Network Rail (and its contractors) will also comply with any notification requirements (to the extent applicable in relation to the Runways) to notify the Civil Aviation Authority of the proposed construction crane in advance of it being erected in the compound.