

COVENTRY AIRPORT CONSULTATIVE COMMITTEE

Minutes of the Meeting held on Wednesday 19th January 2022 at 1600 hours
via Microsoft Teams.

Present:	Mr Peter Burns MBE (PB)	Chairman
	Mr Ron Walker (RW)	Based operator Midland Air Training and Airpark Flight Centre and vice-chairman of the CACC.
	Cllr Roger Horsfall (RH)	Baginton Parish Council
	Mr Peter Jones (PJ)	Chairman Coventry Airport Tenants and Users Association (CATUA)
	Mr John Astle (JA)	Stoneleigh & Ashow and Bubbenhall Parish Council
	Mr Alan Yates (AY)	Campaign to Protect Rural England
	Cllr Trevor Wright (TW)	Warwick District Council
	Cllr Ram Lakha (RL)	Coventry City Council
	Mr Larry Coltman (LC)	Coventry & Warwickshire Chamber of Commerce

In Attendance from Coventry Airport:

Mr Andy Hixon (AH)	Coventry Airport, Operations Accountable Manager
Mrs Tracy Sweeney (TS)	Quality System Manager (Scribe)

In Attendance from Rigby Real Estate:

Mr Mike Murray (MM)	Rigby Group
Mr James Walters (JW)	Rigby Group

Absent/ Apologies:

Mr Richard Pace (RP)	Coventry Airport Oversight Director
Mr Paul Pendleton- Brown (PPB)	Coventry Airport Manager Air Traffic Services

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1. Welcome and Introductions:

The meeting was declared open at 16:00 hours by the Chairman.

2. Apologies:

Richard Pace (RP) – Coventry Airport

Paul Pendleton-Brown - Coventry Airport

3. Declarations of Conflict of Interest:

There were no declarations of conflict of interest raised.

4. Minutes of meeting on 26th May 2021:

The minutes of the previous meeting were read and accepted.

5. Matters Arising:

None

6. Airport Update:

PB handed over to MM.

MM:

- Outline planning application submitted June/ July 2021.
- Went before Coventry City Council (CCC) and Warwick District Council (WDC) for approval.
- Currently sitting with the Secretary of State.
- Could be mid to end of February before a decision is made.

PB:

- Can the airport be used as anything if the application gets rejected?

TW:

- No, under the 106 agreement the planning is for a Gigafactory only and will remain in greenbelt if rejected. The 106 agreement restricts development to nothing other than a Gigafactory so cannot be used for warehousing.

MM:

- Earliest date for closure could be mid 2023.
- Tenants notice periods/ lease terms would be respected.
- A meeting will be set up with MM, JW and individual tenants to discuss further once a decision on the planning application has been made.

PJ:

- Who is the named person from CCC in charge of lease terms?

MM:

- CCC Head of Property is Richard Moon.

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RW:

- Personally, wrote to Richard Moon regarding lease and was advised that it had changed hands from CCC to the Rigby Group.

MM:

- When CCC put the lease in place with Coventry Airport Ltd (CAL), all previous CCC leases were put under CAL.

RW:

- Lease has 100 years to run. If there isn't an airport, I don't have a business, so the lease means nothing.
- What help are the operators going to get?
- MM and RW to have a separate meeting to discuss further.

PJ:

- Councillor Boyle said in his statement the airport has been an identified site for potential Gigafactory since 2016. Why has this not been relayed to the committee until 2021?

MM:

- Can't comment on that statement as I was not involved with the airport in 2016. My knowledge of the Gigafactory proposal was 2020/2021.

TW:

- Need to remember this is an outline planning application only. There are many more elements to pass through first. E.g. Environmental
- Won't know the entire need for the site until a prospective tenant is named with a definitive plan for development.

PJ:

- Questioned the suitability of the site – it is close to population. Others have been built in deserts for a reason. Fires cannot be easily extinguished on batteries therefore they are just left to burn out. Could cause serious implications at this site being so close to dwellings and the city.

TW:

- Once a tenant comes forward then all aspects will be looked at with regards environment and fire impacts. The secretary of state should take all those factors into consideration before deciding.

LC:

- As a solicitor unfortunately leaseholder or landlords can do what they want in terms of lease termination unless they have a prewritten clause within the lease.

MM:

- There is still a lot of work to do to make this a reality and we will be working with the tenants along the way.

RL:

- This development is not an issue of pride but an issue of economic development.

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7. Any Other Business:

RW:

- 5-day operation is causing problems for my business. It is weather dependant so at present lucky to operate 3 days.
- There are no instruments to aid with poorer weather and 2 days indemnity is not suitable for training.

PJ:

- Could we get Richard Moon to appear at the next meeting to discuss the lease issues?

PB:

- PJ to provide a copy of the questions to TS to be attached to the minutes of the meeting. Those questions specifically addressed to CCC, which MM was not in a position to answer at the meeting, can be proposed to Richard Moon at CCC.

8. Date of Next Meeting:

The next meeting will be held on Wednesday 27th April 2022 @ 4pm via Microsoft Teams. An invite will be issued with confirmation date.

The meeting was closed by the chairman at 17:14.

Thank you for your attendance.

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Questions addressed to The Rigby Group

1. Why do the Board of Directors of Coventry Airport think that changes to the operational status from 7 days a week to 5 days a week, without any regard to the impact on based operators, and without any proper and timely communication is acceptable?
Neither CATUA or CACC were properly notified.

The Board reviewed the financial viability of Coventry Airport Limited and concluded that it was necessary to reduce costs to a 5 day per week operation as there was insufficient income being generated to support a 7 day per week operation. A Tuesday to Saturday operation was determined to provide the balance between weekday and weekend operations and feedback from tenants.

All tenants were notified of the proposed changes in May 2020 and consulted on their preferred operational days. Based on their feedback, the decision was taken for the airport to be operational from Tuesday - Saturday. The CACC was updated during the next scheduled meeting in September 2020. The airport attends CATUA by invitation only.

2. The lease requires the tenant to maintain the premises in good operational condition clause 4.8, why has this obligation not been enforced by CCC?

Question addressed to CCC.

3. At the time of the announcement of the proposed Gigafactory in 2021, Councillor O'Boyle of CCC stated that Coventry Airport had been identified as a site for a Gigafactory since 2016. Why was this kept secret for 5 years before it was revealed to the public? There was plenty of time to bring the proposal to the Coventry Consultative Committee for proper consultation and reaction from the companies operating from the airport, why did none of the above take place?

As stated at the meeting, we are not aware of the comment from Councillor O'Boyle. Please can you provide a dated copy of the relevant article and we can review further.

4. WDC document confirming that the application had been approved stated under section 106, the following:- "Applicant has agreed to add an additional clause within the section 106 agreement which requires that the applicant assists the occupiers of businesses which are located within the application site, to relocate to alternative premises using reasonable endeavours.

This begs two questions :-

- a) Surely, WDC as the planning authority should write the section 106 agreement. Why have the WDC planners handed it over to the applicant?

As stated in the meeting, WDC and their legal representatives are leading on the Section 106 agreement.

- b) Why have the majority of the current operators at Coventry Airport been excluded? The airport boundary is clearly shown on the airport lease document AND on

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the Aerodrome Chart issued by the CAA, but the area of the airfield on which they are located has been specifically, and deliberately excluded, this is unacceptable and warrants further investigation!

Any land outside of the existing planning application boundary is not required for the development of a Gigafactory.

5. Sky Harbour engaged with the RG and Coventry Airport Ltd and the Coventry and Warwickshire growth hub in 2020 prior to their relocation to Coventry Airport on 1st February 2021, with a requirement for a 20,000 sq. ft. hangar facility in order to develop their aviation and aerospace activities over a 5 year period, and creating 50 jobs. Were the Coventry Consultative Committee advised BEFORE the Gigafactory announcement mid February 2021 of the Coventry City Councils vote to dispose of Coventry Airport at the meeting on 23rd February 2021? Please answer Yes or No.

Question was answered in the meeting.

6. Will the council commit to holding the leaseholder of Coventry Airport, to the terms of its lease, at least in part, to ensure that an airport remains open, and operational, until such time as all the necessary investment has been acquired to develop the Gigafactory?

Question addressed to CCC.

Failure to protect the site at this moment in time could result in the loss of the airfield, with no Gigafactory to show for it. This lose-lose scenario cannot be an acceptable outcome for Coventry City.

Questions addressed to Coventry City Council

1. Why do the Board of Directors of Coventry Airport think that changes to the operational status from 7 days a week to 5 days a week, without any regard to the impact on based operators, and without any proper and timely communication is acceptable?

Neither CATUA or CACC were properly notified.

This question needs to be directed to the Directors of CAL Ltd. The Council has no involvement in the day to day operation of the airport.

2. The lease requires CCC to allocate an appointed person to ensure the tenant (RG) complies with the terms of their lease. Who is the current responsible officer?

I can identify no such obligation contained within the lease. In any event the Council, as a corporate entity, is the landlord and seeks to manage all its property in accordance with good estate management practice.

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3. Can the responsible officer explain why the tenant has not complied with the terms of the lease?

Specifically:- the lease requires the tenant to operate the airfield in accordance with clause 4.14.2 and not to use the premises other than as an airport, and only for airport related activities. Calls for Clause 4.14.5 keeping the airport open and manned for use as a public airport, and only to use its premises in accordance with the CAA licences. Why has this not be complied with?

The Council is satisfied that CAL are complying with their obligations to maintain the site as an operational airport in accordance with its their CAA licence. The Council has permitted, by agreement with the tenant, dispensation to allow non aviation use to take place on the airport. This is part of a normal commercial landlord/tenant relationship.

4. The lease requires the tenant to maintain the premises in good operational condition clause 4.8, why has this obligation not been enforced by CCC?

The Council is satisfied that the operational buildings are being maintained in accordance with the terms of the lease where appropriate to their use, age and condition at the time the lease was entered into. This is a matter for the Council acting as freehold owner and landlord

5. After requesting at 2 consultative committee meetings for a copy of the original lease between RG and CCC, it was not forthcoming, and when pressed, we were told it was a private document, not for publication! This is clearly not correct, why were we given this answer?

Copies of the long lease and associated registerable documents can be obtained direct from the Land Registry under registered title WK459819

6. At the time of the announcement of the proposed Gigafactory in 2021, Councillor O'Boyle of CCC stated that Coventry Airport had been identified as a site for a Gigafactory since 2016. Why was this kept secret for 5 years before it was revealed to the public? There was plenty of time to bring the proposal to the Coventry Consultative Committee for proper consultation and reaction from the companies operating from the airport, why did none of the above take place?

No decision to pursue a Gigafactory could be taken without the agreement of both Landlord and Tenant and this decision was not taken until 2021.

7. Sky Harbour engaged with the RG and Coventry Airport Ltd and the Coventry and Warwickshire growth hub in 2020 prior to their relocation to Coventry Airport on 1st February 2021, with a requirement for a 20,000 sq. ft. hangar facility in order to develop their aviation and aerospace activities over a 5 year period, and creating 50 jobs. Were the Coventry Consultative Committee advised BEFORE the Gigafactory announcement mid February 2021 of the Coventry City

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Councils vote to dispose of Coventry Airport at the meeting on 23rd February 2021? Please answer Yes or No.

This question should be directed to CAL/C&W Growth Hub.

8. CCC remain the freeholder of the site and in Section 3 of the lease signed with Coventry Airport Ltd in 2010, there is an expectation that the site will only be operated as an airport.

This appears to be a statement rather than a question, however any decision to close the airport will be taken between CCC and CAL.

9. Notwithstanding the joint venture agreement between CCC and Coventry Airport Ltd, there remains as matter of public interest, a fiduciary requirement for the council to ensure Coventry Airport is maintained as an aviation site until such time as the redevelopment becomes possible.

See answer to Q8.

10. Will the council commit to holding the leaseholder of Coventry Airport, to the terms of its lease, at least in part, to ensure that an airport remains open, and operational, until such time as all the necessary investment has been acquired to develop the Gigafactory?

See answer to Q8

Failure to protect the site at this moment in time could result in the loss of the airfield, with no Gigafactory to show for it. This lose-lose scenario cannot be an acceptable outcome for Coventry City.