

ITEM 6: SASIG RESPONSE TO AIRPORTS COMMISSION DISCUSSION PAPER 7: 'DELIVERY OF NEW RUNWAY CAPACITY' (SUBMITTED 21 AUGUST 2014)

Recommendation

That this response to the Airports Commission discussion paper 7 be used by the SASIG membership in local conversations.

Introduction

- 1 This report supplies the Group's response to the Airports Commission Discussion Paper 7: 'Delivery of New Runway Capacity'.
- 2 This submission represents SASIG's response to the Airports Commission Discussion Paper 7, 'Delivery of new runway capacity'. The submission provides answers to the following questions posed by the Commission from SASIG's point of view:
 - What do you think of the options for securing planning consent on new airport capacity? What are their particular strengths or weaknesses?
 - Are there any other options the Commission should consider?
 - What are the factors the Commission should consider in relation to local communities and the delivery of new airport capacity?
 - What are your views on the potential roles of the State in enabling the delivery of new airport capacity?

Discussion

- 3 In this response to their Discussion Paper, SASIG made a series of recommendations consistent with existing SASIG policy in this area.
- 4 SASIG believes that the Airports Commission should recommend, were the Government of the day to progress with aviation capacity expansion through the Planning Act 2008 and thus produce an Airports National Policy Statement (NPS), that the Government identify in the NPS the site it has selected.
- 5 The Commission should apply a process through which compatibility with other policies and legislation is fully evaluated.
- 6 The Commission should seek to build upon the work carried out during this Parliament by all contributing stakeholders, not just the Commission and scheme promoters as stated in the Discussion Paper.
- 7 The response also includes a checklist of areas the Commission should cover in relation to local communities and the delivery of new airport capacity.
- 8 The Commission should make recommendations for securing the necessary insulation, ventilation and compensation provision for residential and noise sensitive development.

- 9 The Commission should recommend mandatory provision of insulation, ventilation and compensation to address the existing conditions for communities impacted by aviation noise.
- 10 The Commission should also recommend mandatory measures through which the full costs of mitigation and compensation measures are met for new residential, and other noise-sensitive development, in areas impacted by aviation noise.
- 11 Finally SASIG urges the Commission to embed these factors in final measures, such that surface access improvements are incorporated as essential pre-requisites of aviation development. These factors should form part of the Commission's recommendations on the role of the State

Conclusion

- 12 SASIG also commended that where clear gaps have been identified in the evidence needed to inform policy-making, not only should these gaps be filled, but there should be a presumption in favour of the precautionary approach, applied relevant to each situation, in order to account for this lack of information.

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## SASIG RESPONSE

### AIRPORTS COMMISSION DISCUSSION PAPER 7: 'DELIVERY OF NEW RUNWAY CAPACITY'

#### Introduction

- 1 The Strategic Aviation Special Interest Group of the Local Government Association (SASIG) represents its Local Authority membership across the country with an interest in strategic aviation issues (see [www.sasig.org.uk/links-external](http://www.sasig.org.uk/links-external) for more details). These Authorities comprise a population of around 11 million people, more than a fifth of the population of England.
- 2 SASIG represents the coordinated voice for local authorities on national aviation issues. SASIG's mission is to ensure that UK aviation policy is implemented in a manner that reconciles economic, social and environmental issues.
- 3 The SASIG membership welcomes this opportunity to contribute to the Commission's programme, and has developed this response collaboratively. We trust that these comments will be taken on board in the Commission's Final Report.
- 4 The Discussion Paper questions that have been addressed are dealt with below.

#### Legal and planning issues

##### **Question: What do you think of the options for securing planning consent on new airport capacity? What are their particular strengths or weaknesses?**

- 5 The Nationally Significant Infrastructure Project (NSIP) and Hybrid Bill processes both have their merits and omissions. The lack of information about the timescales involved reduces the opportunity to comment further on the expected effectiveness and adequacy of the processes. However, the process applied needs to contain the following features:
  - local input at early enough stages;
  - sufficient time allowed for local input to be derived and supplied;
  - requirement for all input to be scrutinised in a manner that derives a full understanding of it; and
  - opportunity for challenge/redress.

##### **Planning Act 2008 - National Policy Statement (NPS) and Nationally Significant Infrastructure Project (NSIP) process**

- 6 The Airports Commission should recommend, were the Government of the day to progress with aviation capacity expansion through the Planning Act 2008 and thus produce an Airports National Policy Statement (NPS), that the Government identify in the NPS the site it has selected.

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- 7 Site-specificity should not be at the level of detail included in the Air Transport White Paper (2003) (i.e. expanded airport boundary and specific runway location) which was tantamount to approving outline planning permission. That approach compromised local negotiations between private and public interests, antagonised local communities, and undermined appropriate consideration of local impacts.
- 8 An appropriately detailed, site specific Airports NPS will enable focussing of limited resources that are available to represent local authority, resident & community stakeholders, in order to, ideally, support the effectiveness of these resources.
- 9 The degree of clarity and commitment that would accompany the selected site having been specified will not necessarily reduce the extent of blight affected areas, however, the nature of that blight is likely to be made clearer, i.e. due to expansion of local airport (including areas where the local airport is some distance away), knock-on effects at other airports of that expansion, or due to closure of an airport. This clarity could assist application of relevant and effective measures to address each type of blight.
- 10 The Commission has received considerable detail about the local implications of airport expansion, and these details should be included in the Final Report such that the Commission is recommending to Government that they address these details through mandatory conditions required for the selected expansion scheme to be deemed appropriate in planning terms.
- 11 It is understood that the decision-making party at each stage of a planning process takes that decision based on existing information deemed relevant at that time, and that this means it is possible for scheme promoters to develop proposals and for these to be considered by the Planning Inspectorate (PINS) in the absence of a draft or finalised National Policy Statement (NPS). However, the full implications of this are not yet clear.
- 12 This factor is being mentioned here in order to promote understanding that this is the situation, and to highlight that airport development is continuing to be considered in the absence of the national policy clarity that other sectors have been afforded.
- 13 This is another instance whereby the aviation sector is handled differently to other sectors - sectors in which there is policy clarity, delivered through the NPS in place for that sector. The absence of an Airports NPS is a damaging omission - for communities, the industry, and the progression of integrated transport nationally, with all the associated interactions.

**Question: Are there any other options the Commission should consider?**

- 14 The Commission should apply a process through which compatibility with other policies and legislation is fully evaluated.
- 15 As described below, there are conflicts between the Aviation Policy Framework, progression of the Government's priority agenda for economic growth and the recognised national need for housing.
- 16 Compatibility with domestic climate change legislation is compromised by the absence of demand management measures and the reliance on a potential, projected technological trajectory to reduce the aviation industry's carbon intensity.

- 17 The Commission should seek to build upon the work carried out during this Parliament by all contributing stakeholders, not just the Commission and scheme promoters as stated in the Discussion Paper (see par. 2.30).

## Local communities

### Question: What are the factors the Commission should consider in relation to local communities and the delivery of new airport capacity?

- 18 Below is a checklist of areas the Commission should cover in relation to local communities and the delivery of new airport capacity:

#### Consultation & engagement –

- Local input at early enough stages.
- Sufficient time allowed for local input to be derived and supplied.
- Requirement for that input to be scrutinised in a manner that derives a full understanding of it.
- Opportunity for challenge/redress.
- Remedying the deficiencies of public consultation carried out to date by promoters of major airport capacity expansion schemes.

#### Health & wellbeing –

- Social provision & facilities - housing, health, education & recreation.
- Mitigation & compensation payments in line with the social cost of noise-induced health and welfare impacts.
- Blight compensation – beyond the legal minimum requirements.
- Compulsory purchase of properties, along with the associated loss of community and impacts of blight.
- Supply of safe air quality conditions.
- No night flights (23:00 – 07:00).
- Reduction of local unemployment - net labour market effects, clearly differentiated into jobs that are essential for safe provision of aviation operations, and those that are ancillary to this core purpose, in the context of local provision.
- Protection mechanisms to be in place during construction.

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## Land use –

- Opportunity costs of sterilised land, i.e. reduced or zero development potential, and compulsory safeguarding of land for future airport development.
- Loss or modification of existing connectivity – via all transport and communication modes.
- Provision of associated surface access, in a manner that reduces the need to travel, increases the use of less polluting travel modes, reduces congestion, and improves air quality.
- Availability of land for business development attracted to the airport, along with the associated increase in pressure on the local transport network.
- Comprehensive approach to infrastructure use, requirements and provision, addressing both direct and indirect impacts of growth.
- Loss of land – by use type – and associated implications/impacts due to development.
- Transport network accessibility and disruption likely during construction.
- Compatibility with other applicable policy drivers (see section below: ‘Aviation noise & compliance with other policies’).

## Local economic mechanism -

- Mechanism for local spend of taxes, rates, charges, fines & penalties.

19 For further detail around these factors, please see the SASIG response to the Commission’s ‘Sift Criteria’<sup>1</sup> (document title refers to ‘Assessment Criteria’) and SASIG’s subsequent ‘Key Issues’<sup>2</sup> submission.

## Aviation noise (i) – (vi)

### (i) Compliance with other policies

- 20 The policy driver towards reducing the number of people affected by aviation noise is incompatible with the policy drivers of economic growth, housing provision and sustainable development (e.g. access to facilities and public transport). Application of the ‘polluter pays principle’ should yield appropriately-constructed development.
- 21 The practical end point of the Government’s priority agenda for growth, and pressure on the need for housing, is that even areas deemed to be substandard in terms of noise impact are suitable in terms of other criteria: use of brownfield sites, conversion of existing properties, access to facilities, and within reach of public transport services.

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<sup>1</sup> <http://www.sasig.org.uk/category/freepublications/>

- 22 One means by which the Government is pursuing the priority agenda for growth is through extending the granting of permitted development rights for conversion to residential property. This allows for existing buildings – some in areas affected by aviation noise – to be converted into residential use without the need for planning permission. This means there is no mechanism by which the Local Planning Authority can impose conditions on that conversion in order to render the property suitable for residential use, in areas impacted by high levels of aviation noise.
- 23 The issue is less one of ‘encroachment’ and more one of incompatible policies combined with inadequate mitigation and compensation.
- 24 It is impractical to exclude all residential development from areas impacted by aviation noise. It is obviously the case that high numbers of people already live in areas affected by aviation noise, and this will remain the case.
- 25 The Commission should make recommendations for securing the necessary insulation, ventilation and compensation provision for residential and noise sensitive development.
- 26 It is recognised that not all types of housing are suitable for heavily noise impacted areas. However, the necessary mechanisms for the provision and marketing of appropriately insulated and ventilated properties to residents (tenants and/or owners) should be developed and applied. This needs to include the property construction and buildings regulations professions in order to ensure provision and thorough certification of noise insulation and ventilation.
- 27 Mitigation measures in the form of insulation and ventilation obviously do not provide for enjoyment of outdoor space nor satisfactory conditions indoors with windows open. However, the current situation where funding is either not forthcoming or is only provided after a decade of battling must not be allowed to persist.<sup>2</sup>

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<sup>2</sup> The current process for parties to claim compensation for the physical development of airports is the Land Compensation Act, through which payments are made when the development is brought into use. This has worked well for road and rail developments, however, in relation to airports, there can be a long delay between land being taken for development and that development coming into use. The compensation process must be improved to address this unreasonable delay.

It must be embedded as common practice that compensation is tied to activity levels at airports not physical infrastructure. The experience at Stansted Airport where payment has not been forthcoming despite activity levels having increased illustrates the inappropriateness of setting infrastructure as the trigger for compensation, as opposed to activity levels.

Compensation claims must be settled and payment supplied in advance of the noise-producing activity becoming operational. The experience of claimants around Manchester Airport waiting 9-10 years before receiving payment for noise compensation claims must not be repeated (the second runway at Manchester Airport opened in February 2001; compensation payment settlement was eventually reached in July 2010, with payments then following).

## **(ii) Annoyance**

- 28 Measures that reflect the accepted feature of annoyance in relation to aviation noise need to be developed and applied. A stronger focus on addressing the triggers of annoyance is necessary, not only reducing the number of people within a noise contour.
- 29 On the basis that averaged noise contours do not reflect annoyance, it is encouraging that the Commission's Appraisal Framework improves upon this through application of N70 daytime and N60 night 'number above' contours.
- 30 However, use of such frequency contours should not focus on any one upper noise limit alone, as this would mask the cumulative effects of all flights. Hence a range of frequency data need be supplied, starting, for instance, at 50dB LA<sub>max</sub> (N50), clearly illustrating the number of events in each banding, and thus better illustrating the overall cumulative impact.

## **(iii) Social response survey**

- 31 The ongoing absence of the application of social response survey findings undermines evaluation of aviation noise impacts and must be rectified in order to supply a sound basis for policy-making.

## **(iv) Economic evaluation**

- 32 The argument that late night or early morning flights provide flexibility necessary for international connectivity is undone by the fact that when additional capacity has become available it has been used to add frequency to existing services and not to serve emerging economies.

## **(v) Powers to mandate mitigation**

- 33 The Commission should recommend mandatory provision of insulation, ventilation and compensation to address the existing conditions for communities impacted by aviation noise.
- 34 The Commission should also recommend mandatory measures through which the full costs of mitigation and compensation measures are met for new residential, and other noise-sensitive development, in areas impacted by aviation noise.
- 35 Such a scheme would need to have application criteria developed, improving upon the boundary areas currently used for noise mitigation and compensation schemes, and improved triggers for requiring payments.
- 36 Existing powers that the Secretary of State holds to introduce noise insulation grant schemes funded by airport operators should be activated for this purpose.<sup>3</sup>

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<sup>3</sup> Par. 3.23 of Discussion Paper 7: "...The Secretary of State has powers to introduce noise insulation grant schemes, funded by airports [sic], although, these powers have not been used for many years. ..."



- 37 Despite the body of aviation noise expertise that sits within the Civil Aviation Authority, as aviation industry regulator their appropriate priority focus is on the consumer, which leads to the CAA's preference for incentives rather than enforcement powers when it comes to penalising aircraft operators for their noise impacts. Thus, such measures must be forthcoming via a body that has the necessary priority focus and powers.
- 38 With regard to the potential planning process, SASIG recognises that in bringing forward applications the developer will need to show in their Impact Assessment how they have sought to mitigate the impacts of the proposal on existing and already consented development. This sequential approach to assessing and mitigating impacts would not currently require the developer to propose mitigation for developments that have not yet been permitted. SASIG considers that as part of either the Hybrid Bill or NSIP process the developer should also be required to set out mitigation for development that may be permitted within the areas impacted by the new or expanded airport. Alternatively, the process to secure such mitigation, outwith the planning process, for new developments permitted after the approval of new capacity should be specified by the Airports Commission in their Final Report.

#### **(vi) Helicopter noise**

- 39 For the reasons set out in the SASIG response to the Commission's Discussion Paper 5: 'Noise'<sup>4</sup>, the issues associated with helicopter noise also need tailored regulation and policy in support of delivering major airport expansion.

#### **Role of the State**

**Question: What are your views on the potential roles of the State in enabling the delivery of new airport capacity?**

##### **Infrastructure pressures**

- 40 Government funding must be forthcoming for infrastructure provision – in its broadest sense – resulting from the wider pressures of growth.

##### **Surface access**

- 41 SASIG is encouraged that the Commission has taken on board that (i) improving or providing road and rail links enables aviation expansion; and (ii) the associated attraction of businesses to airports involves increased pressure on the local transport network. (par. 4.8 in Discussion Paper)
- 42 Consideration of surface access must reflect the wider impacts of growth in the form of surface access serving additional housing and social development (health, education & leisure facilities).
- 43 SASIG urges the Commission to embed these factors in final measures, such that surface access improvements are incorporated as essential pre-requisites of aviation development. These factors should form part of the Commission's recommendations on the role of the State.

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<sup>4</sup> [http://www.sasig.org.uk/wp-content/uploads/2013/10/2013.09.13\\_SASIGresp\\_ArprtsCmmssn\\_Noise.pdf](http://www.sasig.org.uk/wp-content/uploads/2013/10/2013.09.13_SASIGresp_ArprtsCmmssn_Noise.pdf)

**Relocation/transition costs**

- 44 The Commission discusses impacts on existing airport businesses in the context of new aviation capacity being delivered in the Thames Estuary. The Commission suggests that blight would occur at these businesses only once operations began at a new airport.
- 45 SASIG considers that impacts on businesses blighted by any selected expansion option take effect considerably in advance of this stage - businesses will have made investment decisions years earlier than the point at which airport activities commence.
- 46 The impacts on all businesses affected by their proximity and access to an airport need to be assessed.

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