

NOTICE
OF
MEETING
AVIATION FORUM

will meet on

MONDAY, 7TH AUGUST, 2017

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL, WINDSOR

TO: MEMBERS OF THE AVIATION FORUM

COUNCILLORS JOHN BOWDEN (CHAIRMAN), DAVID HILTON, JOHN LENTON,
ADAM SMITH AND MALCOLM BEER

SUBSTITUTE MEMBERS

COUNCILLORS JESSE GREY, DR LILLY EVANS, CARWYN COX, DEREK WILSON,
WISDOM DA COSTA, LYNNE JONES AND SIMON WERNER

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Andy Carswell**

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>WELCOME</u>	
2.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
3.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	7 - 8
4.	<u>MINUTES</u> To confirm the minutes of the meetings held on 25 January and 19 April 2017.	9 - 18
5.	<u>MATTERS ARISING</u> To consider any matters arising.	
6.	<u>CONSIDERATION OF CAA CONSULTATION</u> To receive an update from Chris Nash on the draft response to CAA consultation before September 22 closing date – ‘Core Elements of the Regulatory Framework to Support Capacity Expansion at Heathrow’. https://consultations.caa.co.uk/economic-regulation/core-elements-of-the-regulatory-framework-to-suppo/	To Follow
7.	<u>CONSIDERATION OF THE NIGHT FLIGHT REPORT CONCLUSIONS</u> To receive a verbal summary from Chris Nash on the Night Flight report conclusions. https://www.gov.uk/government/speeches/update-on-the-airports-nps-and-a-decision-on-night-flights https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627890/night-flight-restrictions-at-heathrow-gatwick-and-stansted-decision-document.pdf	
8.	<u>CRANFORD AGREEMENT UPDATE</u> To receive a verbal update from Chris Nash on the progress of the Planning Inspectorate Appeal and recent Heathrow approach.	
9.	<u>PARTNERSHIP BODY UPDATES</u> To receive verbal updates regarding key developments from the Strategic Aviation Special Interest Group (SASIG), Heathrow Airport Consultative	

Committee (HAAC) and Local Authority Aircraft Noise Council (LAANC).

10.

DATES OF FUTURE MEETINGS

November 9th 2017

February 12th 2018

May 1st 2018

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Public Document Pack Agenda Item 4

AVIATION FORUM

WEDNESDAY, 25 JANUARY 2017

PRESENT: Councillors John Bowden (Chairman), Malcolm Beer, David Hilton, John Lenton and Adam Smith

Also in attendance:

Officers: Andy Carswell, Craig Miller and Chris Nash

WELCOME

The Chairman welcomed everyone to the meeting and asked people to introduce themselves. The Chairman went through the fire evacuation procedures and reminded attendees that the meeting was being audio recorded, and the recording would be available on the RBWM website in due course.

APOLOGIES FOR ABSENCE

No apologies were received.

DECLARATIONS OF INTEREST

Cllr Dexter Smith said that residents of the Colnbrook area had been told they would be entitled to compensation in the event of the third runway being built at Heathrow and was declaring a personal interest as he was a Colnbrook resident and Ward Member for Slough Borough Council. Cllr Lenton said that residents of Wraysbury had also been informed they would be entitled to compensation and was also declaring a personal interest as a resident and Ward Member for the area.

The Chairman told the Forum that due to the ongoing Judicial Review into the Heathrow third runway announcement, and the details of it still being examined by the Council's legal representatives, Members may not be able to provide full answers to some of the questions raised by attendees.

MINUTES

The minutes of the meeting held on November 1st 2016 were agreed as an accurate record.

Arising from the discussion on the minutes, remarks from the Leader stating that work on the proposed third runway at Heathrow would not affect the Council's Local Plan were queried. Cllr Hilton said that he was a member of the Local Plan Working Group and explained that because there was so much uncertainty surrounding the Heathrow proposals it was felt best to not consider them while Members worked on producing the Local Plan. He added that it would be possible to review the Local Plan at a later date. The Forum was reminded that the Council's Local Plan was due to be agreed later in the year.

UPDATE ON NPS PROCEEDINGS

The Community Protection Principal reminded the Forum that the Council, along with three London Boroughs, was seeking a Judicial Review of the proposed third runway at Heathrow. Details of the Council's argument to put before the courts were still being discussed between the Council and its QC. The Community Protection Principal said he could not go into full details as they were legally privileged; however he said that the Council would be arguing that

the Heathrow expansion plan was illegal on grounds including air quality and legitimate expectations.

The Community Protection Principal told the Forum that the Secretary of State had sought to 'strike out' the Judicial Review, meaning the Council should not be allowed to bring the case to court. This was alleged to be due to the timeframes referred to within s13 of the Planning Act 2008. The Community Protection Principal told the Forum that no start point had been specified within the law and this was key to the Council's argument. The Community Protection Principal informed the Forum that the verdict on the attempt to strike out the Council's Judicial Review was due to be announced imminently.

Responding to a question from a member of the public, the Community Protection Principal said that the Council would seek legal advice on JR options before it decided on its next steps, once the verdict regarding the strike out was announced.

A member of the public questioned why the Council had agreed to spend up to £50,000 on the legal challenge against the Heathrow announcement, stating his belief that it would be better spent on Adult Services within the Royal Borough. He claimed that the Council had set up a new department specifically to fight the Heathrow announcement, and queried why the action was being taken after a survey was carried out of 2,000 Royal Borough residents.

The Chairman replied that all Council Members had been elected after making campaign pledges to oppose Heathrow expansion, as it was a policy statement of the Council's. He added that, in comparison, more than £200,000 had been spent in legal costs to clear the illegal traveller site at Shurlock Row.

The Head of Community Protection and Enforcement stated that no new department had been set up and the Heathrow legal challenge was being put together by existing Council officers. He added that the survey was carried out by an independent company, which had questioned residents who were overflowed by Heathrow air traffic as well as those that were not in order to obtain a representative sample of views.

Cllr Beer said that concerns over matters including air quality and the impact on infrastructure had been raised, not just aircraft noise over the Royal Borough. Cllr Lenton noted that the survey of residents did not show unanimous opposition to Heathrow expansion.

UPDATE ON NIGHT FLIGHT CONSULTATION

The Community Protection Principal told the Forum that the Government launched a consultation on night flight restrictions for London airports on January 12th, which will run until February 28th. It relates to aircraft movements between 23:30 and 06:00, during which time a noise quota count is also applied.

The Community Protection Principal said that Heathrow currently has an average of 16 aircraft movements per day during those hours, which accounts for 45 per cent of its noise quota count. However these figures are generally higher in the summer months compared to winter.

The Community Protection Principal said the consultation sought to reduce the existing permitted noise quota, without imposing any further conditions. This would mean the number of night flights would not need to be reduced. However it had been claimed that the reliability of measuring the noise quotas was questionable.

The Forum was reminded that the Council was opposed to night flights due to the noise burden it puts on residents, and it was proposed that the Council responded to the consultation to this effect.

The Chairman said that incoming aircraft frequently arrived during the 23:30-06:00 restrictions due to jet streams and improved technology cutting flight times. He added that a large

proportion of flights taking off during the restricted period were Virgin and Nigerian Airways flights going to Africa. The Chairman said that in respect of the Virgin flights, a majority of the delays were caused by having to remove disruptive passengers from the plane. The Chairman said that he had raised these points with the Department for Transport at a recent Consultative Committee meeting.

Cllr Beer said that LAANC received data records from an agency that monitored take off times at Heathrow, which showed that a regularly scheduled British Airways flight landed before 06:00 four times from October-December. Cllr Beer said the agency sends its data to Heathrow, which frequently corrects its data as a result. Cllr Beer said that he could circulate the data to the Forum.

Cllr Hilton suggested that the noise levels of night flights, particularly those that were taking off, should be measured, in addition to the number of movements between the restricted hours. The Community Protection Principal said that the Council had continually lobbied the Airports Commission with a view to changing the night flight recording metrics and how they affect overflow residents.

It was suggested by a member of the public that a clear definition of exceptional circumstances in relation to night flights should be sought.

UPDATE ON INDEPENDENT AVIATION NOISE AUTHORITY

The Community Protection Principal told the Forum that on December 12th Heathrow, in partnership with HACAN, released a discussion paper relating to the concept of an Independent Aviation Noise Authority, an idea which was originally proposed by the Airports Commission in the Davies Report. Heathrow and HACAN had announced its support in principle to the idea and agreed it should be independent and neutral. Its key functions should be to advise on best practice, handle complaints as an ombudsman and provide community assurance to residents. However concerns over its inability to give sanctions and a lack of bite needs to be raised.

Cllr Hilton suggested that the community should be able to nominate half of the members of the IANA panel. He said this would add credibility to IANA in resolving issues between residents and the aviation industry. He reiterated the concerns raised about IANA not being able to apply sanctions to airlines that breach noise limits.

Cllr Beer said that the discussion paper stated appointments to IANA would be made by the Secretary of State, and would be for fixed terms. He queried who would be appointed to IANA, and who would be responsible for the group's funding.

The Community Protection Principal said that a draft response to the discussion paper would be prepared by an AF working group in due course, which would take on board the concerns raised by the Forum.

COMMUNITY NOISE FORUM

Cllr Hilton took the Forum through a presentation on the development of an airspace strategy and action plan for the current operations at Heathrow, along with how operations would run in the event of a third runway being built. The main points of the presentation were:

- Heathrow is clarifying its objectives and priorities in relation to reducing community impact and becoming more efficient and punctual.
- It will be possible for a community group to request a noise analysis of their area. This would measure the number of 'noise events' recorded above 65dB.
- It was possible for residents to analyse the data produced as a result, as it was very accurate. However it was not known what action would be taken as a result.

- Data established that aircraft were climbing away from Heathrow at a slower rate than previously. Trials to increase the gradient of climb away from Heathrow, and make landing approaches steeper, would take place from the second quarter of 2017.
- VOR navigation beacons will be taken out from 2019.

Cllr Hilton also suggested that there needed to be an agreement on the principles of designing new departure routes out of Heathrow.

PARTNERSHIP BODIES

SASIG

The Chairman said there were no updates relating to SASIG matters other than those already covered.

HACC

The Chairman told the Forum that a representative from the Department for Transport had been present at the most recent HACC meeting. The Chairman told the Forum that he had asked when the result of the Cranford agreement would be made available, but was told that this would be a matter for the Department for Communities and Local Government. The Chairman said that he had reiterated the length of time that residents had been waiting for the announcement.

The Chairman stated that 3,500 residents and businesses had been contacted by letter with regards to Compulsory Purchase Orders. He said that 300 acres of land in the Royal Borough could be subject to Compulsory Purchase Order, with the intention of the land being used for spoil storage. It was not known if the land would be reclaimed after all the work had been carried out.

The Chairman informed the Forum that the CAA had requested a trial of warm weather approaches to Heathrow, which will take place from May 25th-October 11th.

The trial of using the 3.2 degree angle of approach to Heathrow had been concluded after 2,469 aircraft were tested. Another trial using a steeper gradient would take place in the second quarter of 2017; however a further trial scheduled for 2018 was not mentioned at the HACC meeting.

The Community Protection Principal told the Forum that the Council had been contacted by the Department for Transport about their plans surrounding the NPS. He said the DfT would be coming to make a presentation in the Borough at some point; however it was not known at this stage what they would be presenting on.

LAANC

Cllr Beer said that the Community Protection Principal had attended the most recent Executive Meeting along with the equivalent officers from Hillingdon and Wandsworth Councils to provide LAANC members with an update on the Judicial Review. LAANC members were also reminded of the upcoming consultations regarding the proposed Heathrow expansion. Cllr Beer said that additional meetings of LAANC had been proposed as members were concerned there would not be enough time to make complete representations on all the matters to be discussed.

ANY OTHER BUSINESS

A member of the public asked how residents could respond to the NPS consultation, when the CAA would not be making an announcement on flight paths until 2021. The Community Protection Principal said the DfT consultation needed to make this clear. This amongst other legal matters, was being discussed with the Council's legal representative.

Cllr Beer said Planning matters relating to Heathrow Airport were being handled by Hillingdon Council. The Royal Borough would be able to make representations as an interested party.

Cllr Dexter Smith said that Slough Borough Council had produced its draft Local Plan, the consultation for which was due to end on February 27th. He stated that the Local Plan policy was not to protect Green Belt land if any airport-related building work was proposed. He also noted proposed new locations for car parks, hotels and infrastructure at Heathrow to be created in the event of the new runway, in a recent briefing document supplied by the airport.

DATES OF FUTURE MEETINGS

The date of the next meeting was noted.

The meeting, which began at 7.00 pm, finished at 9.22 pm

CHAIRMAN.....

DATE.....

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AVIATION FORUM

WEDNESDAY, 19 APRIL 2017

PRESENT: Councillors David Hilton (Vice-Chair, in the Chair), Malcolm Beer, John Lenton and Adam Smith

Also in attendance: Councillor Dr Lilly Evans

Officers: Andy Carswell and Chris Nash

APOLOGIES FOR ABSENCE

Apologies were received from Cllr Bowden.

DECLARATIONS OF INTEREST

There were no declarations of interest.

DEPARTMENT FOR TRANSPORT CONSULTATIONS - AVIATION NATIONAL POLICY STATEMENT AND UK AIRSPACE POLICY FRAMEWORK

The Community Protection Principal informed Members that Officers were seeking clarification on the impact Purdah would have on the DfT consultations, in light of the announcement a General Election was to be held on June 8th. He stated that it was likely the consultations would either be postponed until a future date, or have their deadlines extended until after the General Election. Members were reminded that the deadline for consultation responses is May 25th, with Purdah due to take effect from May 6th. However it had not yet been confirmed that Purdah would take effect, so it was felt necessary to proceed with the meeting and present a recommendation on the Council's responses to the consultations to Cabinet.

The Community Protection Principal stated that the Council had written to the DfT requesting that the consultation be postponed, but had yet to hear a response. The Community Protection Principal also stated that the Leader had been due to attend an evidence session of the Transport Select Committee on April 24th; however, this had been postponed due to the General Election announcement.

Members were then asked to consider the Council's draft response to the Airports National Policy Statement. The Community Protection Principal reminded Members that a technical session had taken place the previous week, where ideas for amendments to the draft response had been proposed. In relation to answers to question 1, the Community Protection Principal said it had been suggested that reference to connectivity to other airports should be made. He stated that the spare capacity at Birmingham and Manchester airports should be mentioned in connectivity terms to HS2. He also suggested that a comment should be made raising concerns over whether Heathrow had included socioeconomic and environmental factors in their assessment of sustainability, and that Heathrow should demonstrate they had done this.

Responding to comments from Members, the Community Protection Principal stated that the legitimate expectations argument mentioned in point 1.1 was a key angle that was explored during the Council's High Court hearing. It was therefore agreed that the reference to legitimate expectations should remain in the Council's response.

It was agreed to re-word point 1.5 to reflect the fact that the DfT was being seen to have not explored any other options in relation to airport capacity and was only giving material planning

consideration to increasing capacity at Heathrow. Members were reminded that it was the Council's position to support an increase in capacity at Gatwick, on economic grounds rather than in totality.

Members agreed that clarity needed to be sought as to how the proposed Heathrow 'Hub' would be set up and guaranteed to have improved connectivity.

The Chairman asked if there would be separate responses sent from the Council and the 2M group, and whether it was essential that the responses are worded differently. The Community Protection Principal confirmed that separate responses would be sent, and that Legal had been advised to look at submissions from 2M and each partner member side-by-side in order to ensure uniformity on answers. Cllr Beer suggested however that the submissions should be worded differently, in order to prevent the responses from being considered as one submission.

In relation to question 2, the Chairman noted that the Appraisal of Sustainability did not draw any firm conclusions. The Community Protection Principal stated that during the technical session it had been agreed to re-word the response to this question to reflect the fact there was no proper way of comparing the three proposed schemes against each other, and as a result any comparison of the schemes was subjective. He added that he would consult with Planning to improve on the response in point 2.4, in relation to the methodology of comparative assessments.

Regarding economic delivery, the Community Protection Principal informed Members that a response stating that the economic claims did not stand up to scrutiny was in the process of being formulated. However this was legally privileged.

It was agreed to consult with Planning in order to formulate responses to the points relating to the Borough Local Plan and the impact on road and rail access within the Royal Borough. Cllr Beer stated that a DfT report was published in February looking at improvements to existing transport links, which suggested access from the M4 at Brentford could only be improved from the construction of a new tunnel. It was agreed that the report would be sent to the Community Protection Principal.

In response to question 3, it was agreed that close reference should be made to the requirements and conformance of the NPPF.

In response to point 4.3, Cllr Lenton said that it was a false assumption to state that 783 homes would be demolished. It was agreed to reword the response to describe the 10,000 people needing new homes as being an 'upper end displacement'. In response to point 4.5, it was agreed a response would be formulated with Transport to state that the current infrastructure provision is already insufficient and was in need of improvements at the present time.

In response to question 5, the Community Protection Principal informed Members that the advice of an air quality expert was being sought. He added that in relation to point 5.2, this was also being examined by Transport for London and the points made in the Council's response were likely to be similar to those made by TfL. The Chairman stated that little evidence of modal shift had been provided, and said that Heathrow should be asked to provide it. The Community Protection Principal informed Members that monitoring at the Air Quality Management Area at J13 of the M25/Wraysbury Road interchange indicated that the air quality was improving, but more slowly than had been anticipated. In relation to point 5.13 it was agreed to include Eton and Datchet in the response, and for confirmation from the DfT that current and relevant noise monitors had been used to collate information. In relation to point 5.18 it was agreed to respond that there should be a recognition that Royal Borough would be overflowed and therefore negatively impacted, even though the Royal Borough was not included within any of Heathrow's designated areas.

In response to question 6, the Chairman stated that the Council's response should note that there are no indicative departure routes or times, meaning there was no publicly available information and therefore no way of residents being informed of the consequences of the proposed routes and/or times. Cllr Beer stated that the Communications Director of NATS had recently addressed members of LAANC and stated that no proposed flight paths had been put forward by the group as it was not felt possible to do so.

In response to question 9, the Community Protection Principal said that the 2M partnership (via legal) had written to Sir Jeremy Sullivan at the outset of the consultation to raise the point that the leaflets sent out to residents informing them of the consultation had not taken into account ethnic minorities who did not speak English as their first language. It was agreed to raise this point again in the Council's response. The Community Protection Principal added that a set of wording in response to the deficiencies in the exhibition process had been agreed by Legal.

Members were then asked to consider the Council's response to the UK Airspace Policy Framework. It was noted that the draft response had not been numbered in the same way as the response to the National Policy Statement, and that this would be done prior to submission.

In response to point 1a, it was agreed to clarify that the figure of 100,000 people referred to in the third paragraph would be newly overflowed only as a result of Heathrow expansion. It was also agreed that the fourth paragraph should be rephrased to confirm that clarification on ICCAN's role – particularly in relation to Development Control Orders – should be given. In response to point 1c, the Community Protection Principal stated that a report published in July 2015 from Anderson Acoustics, outlining the noise effects created by the concentration of aircraft over a certain area, would be referenced.

In response to question 2 it was agreed that a greater level of evidence was needed to demonstrate the impact on health and quality of life, and that other noise level recording metrics were needed as the standalone metric that had been used was not a reliable indicator.

In response to question 3 it was agreed that it needed to be firmly emphasised that ICCAN should be given the power to take action and enforcement against airlines that do not address noise impacts. Members stated that they felt the DfT needed to outline how ICCAN would operate in future Airspace Strategies, and stated that community representation on its board of members was essential. It was noted that the makeup of its board was currently unclear. Members also stated their belief that ICCAN should be independent of the CAA, which was not currently proposed. The Chairman stated that ICCAN also needed to establish its priorities and a set of rules relating to those priorities. The Community Protection Principal added that there was an expectation for the DfT to set out clear parameters of what ICCAN and the CAA would have jurisdiction over.

In response to question 4, the Chairman stated that it was unclear who the competent authority would be. He stated his belief that it should be the Secretary of State. In relation to point 4c, the Community Protection Principal stated his belief that details of aircraft tracks and performance should be made fully public, and that ICCAN should act as the independent enforcer. In relation to point 4d the Community Protection Principal said that another role of ICCAN should be to hold airlines and airports to account if they are found not to have adopted best practice in relation to aircraft noise management. The Chairman stated his belief that there should be greater incentivisation for airlines to adopt better practice.

In response to question 5 it was agreed that the altitude based priority between 4,000 and 7,000ft needed to be addressed, as this had led to a large number of complaints locally.

RESOLVED UNANIMOUSLY: To approve that the skeleton arguments be presented to Cabinet for consideration.

The meeting, which began at 7.00 pm, finished at 9.46 pm

CHAIRMAN.....

DATE.....