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NOTICE OF MEETING



AVIATION FORUM

will meet on

WEDNESDAY, 25TH JANUARY, 2017

At 7.00 pm

in the

YORK HOUSE CONFERENCE ROOM

TO: MEMBERS OF THE AVIATION FORUM

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

SUBSTITUTE MEMBERS

COUNCILLORS JESSE GREY, DR LILLY EVANS, CARWYN COX, LYNNE JONES AND
SIMON WERNER

Karen Shepherd - Democratic Services Manager - Issued: 17 January 2017

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. | 5 - 6 |
| 4. | <u>MINUTES</u> To confirm the minutes of the meeting held on 1 November 2016. | 7 - 10 |
| 5. | <u>UPDATE ON NPS PROCEEDINGS</u> To receive a verbal update from Chris Nash on NPS proceedings relating to the third Heathrow runway announcement, including DfT engagement. | |
| 6. | <u>UPDATE ON NIGHT FLIGHT CONSULTATION</u> To receive a verbal report from Chris Nash regarding the DfT's consultation on night flight restrictions. | |
| 7. | <u>UPDATE ON INDEPENDENT AVIATION NOISE AUTHORITY</u> To receive a verbal update from Chris Nash regarding the proposed implementation of an Independent Aviation Noise Authority. | 11 - 16 |
| 8. | <u>COMMUNITY NOISE FORUM</u> To receive an update regarding key developments from the Community Noise Forum. | |
| 9. | <u>PARTNERSHIP BODIES</u> To receive an update regarding key developments from Strategic Aviation Special Interest Group (SASIG), Heathrow Airport Consultative Committee (HAAC) and Local Authority Aircraft Noise Council (LAANC). | |
| 10. | <u>ANY OTHER BUSINESS</u> To raise and discuss any other items for noting. | |
| 11. | <u>DATES OF FUTURE MEETINGS</u> To note the next meeting is scheduled for 8 May 2017. | |

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs 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 license 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.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you 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' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Agenda Item 4

AVIATION FORUM

TUESDAY, 1 NOVEMBER 2016

PRESENT: Councillors John Bowden (Chairman), Malcolm Beer, Simon Dudley, David Hilton and John Lenton

Also in attendance: Councillor Dr Lilly Evans

Officers: Andy Carswell, Chris Nash and Victoria Gibson

WELCOME

The Chairman welcomed people to the meeting and asked the Panel to introduce themselves. The fire evacuation procedures were explained and the Chairman reminded people that the meeting was being audio recorded, and that a member of the public had requested to video the proceedings.

APOLOGIES FOR ABSENCE

No apologies for absence were recorded.

DECLARATIONS OF INTEREST

Cllr Lenton suggested that all Members should declare an interest on the item relating to the third runway at Heathrow Airport because, as residents of the Royal Borough, they were interested parties. The Leader said that Members should declare a personal, non pecuniary interest in item 6. All Members of the Panel agreed to declare such an interest.

MINUTES

The minutes of the previous meeting were agreed as an accurate record. They were signed by Cllr Hilton, who chaired the meeting.

MATTERS ARISING

It was agreed that all matters arising relating to the announcement regarding the Government's preference for a third runway at Heathrow Airport should be discussed under item 6 of the agenda. There were no further matters arising for discussion.

ACTIONS FOLLOWING DECISION ON THIRD RUNWAY

The Leader informed Members that an urgent meeting of the Cabinet Prioritisation Sub Committee was held on October 13th to discuss the Council's position in the event that the Government announced a preference for a third runway to be built at Heathrow Airport. He explained that, following lengthy debate and discussions, the Sub Committee had approved a budget of up to £50,000 on a Judicial Review of the decision.

The Leader reminded Members that the Royal Borough had a long-standing opposition to the possibility of Heathrow expansion. He explained that since 2008 there had been two manifesto pledges to oppose expansion and that at the last local election all 57 Councillors, irrespective of their political party, were elected to the Council after making the same pledge.

Members were reminded that the Council had instructed Ipsos Mori to conduct a research poll of Royal Borough residents in 2015 to gauge views on proposed airport expansion in the south east. The interviews had been weighted to survey residents from each council ward and of all different age categories, among other criteria. The survey results showed a net opposition of 4 per cent for construction of a north-west runway at Heathrow Airport, compared to a net 50 per cent approval rating for Gatwick expansion. Following the most recent General Election and the EU Referendum it was decided to re-run the survey, with the results being broadly the same.

The Leader said the Cabinet Prioritisation Sub Committee unanimously agreed to delegate to a working group to build a robust Judicial Review case, if required should the Government announce that their preferred option was to expand Heathrow.

Subsequent to the Sub Committee meeting, the Government announced that its preferred choice was to build a third runway at Heathrow.

The Leader said the Royal Borough was working on its review into a possible Judicial Review alongside the local authorities of Wandsworth, Richmond and Hillingdon, in addition to Greenpeace. He said that immediately after the Government's announcement was one of three opportunities when a legal challenge could be made; the others being after the publication of the National Policy Statement, and at the time of any planning decision.

The Leader said that the Royal Borough was, along with the other local authorities, involved with analysing the evidence the Government used to make its judgement and scrutinising the decision. The Royal Borough would also be exploring the possibility of establishing a Memorandum of Understanding with the other local authorities as to the manner in which any Judicial Review is undertaken. He said that a meeting with the Royal Borough's partners was planned within the next two weeks, where the strength of the case would be assessed. The Royal Borough would not be making any decisions by itself.

The Leader informed Members that the main issues to be assessed ahead of any legal challenge included air quality, noise pollution and possible breaches of human rights. He added that the Department for Transport had queried the economic value provided in the Davies Report.

Cllr Beer stated that the Department for Transport report was not published until after the Government's announcement of its decision on a third runway, and suggested that the Parliamentary Cabinet Sub Committee therefore did not have chance to consider it before making any recommendations.

A member of the public asked for clarification if the Council had agreed a budget of £50,000 for the legal challenge. The Leader confirmed this, and stated that the three local authorities that the Royal Borough was working in partnership with had agreed similar budgets. He added that the budget was modest, when the £120,000 recently spent on the legal case relating to the unauthorised traveller encampment in Waltham St Lawrence was taken into consideration. The Leader reiterated that money would only be spent if it was felt that the Council had a strong case.

A member of the public asked if any expansion of Heathrow would have any impact on the Royal Borough's Local Plan. The Leader said that it would not affect the current Local Plan process. He added that, should current timescales be kept to, any construction work at Heathrow Airport would not begin until 2022, by which time The Royal Borough's Local Plan would have been formally adopted.

Cllr Beer suggested that an Aviation Forum working group should be set up to feed information back to the Council, in the same way that problems relating to the construction of Terminal 5 were discussed previously. The Chairman said that this suggestion would be considered by the Council in due course, but added that a working group had already been

established amongst the relevant lead members for consideration of the potential Judicial Review content.

Members were asked when the public consultation on the proposals would begin. The Leader stated that he believed that would take place at the time of the National Policy Statement being made. The Acting Head of Community Protection & Enforcement Services said that a vote on airport expansion would likely take place in the House of Commons in either winter 2017 or the first quarter of 2018. He said that a planning process would then be commenced, to which the Council would likely comment.

COMMUNITY NOISE FORUM UPDATE

Cllr Hilton reminded Members that the Community Noise Forum was set up in 2014 following a number of complaints about aircraft noise. He explained the meeting process and Sub Committee arrangements of the group.

Cllr Hilton told Members that he raised the issue of noise over the Royal Borough at the most recent Forum meeting, specifically mentioning that air traffic was now flying, on average, 300ft lower than it had been after changes in operations had been made. Cllr Hilton had asked if this change could be reversed but was told that there was no mechanism for doing so.

Members were told that the Chief Executive Officer of the CAA had been invited to the next Community Noise Forum meeting to explain the organisation's position. Cllr Hilton explained that there was a feeling amongst Forum members that tackling noise pollution was not a priority for airlines or NATS. A website was set up to monitor the flying height and positions of air traffic but concerns were raised over its veracity. An independent group from the Netherlands had monitored the information provided and found it to be correct.

Cllr Hilton said that monitors were in place at the end of airport runways to register noise levels. He said that community campaign groups were able to ask to use noise monitors in areas where aircraft noise was a major issue; however a suitable location away from other background noise would need to be found to install the monitors, in order to ensure they provided accurate information. Members were told that a presentation on night flights, and the noise levels that they create, had been given at the most recent Forum meeting.

Cllr Hilton said the Forum had made representations to the CAA on its consultation relating to the Air Space Change Policy. These included asking for a right of appeal, and for there to be a scrutiny panel to challenge the CAA's actions.

PARTNERSHIP BODIES

SASIG

The Acting Head of Community Protection & Enforcement Services informed Members that a consultation on the Airports Policy Framework is expected to take place next year. It was explained that the consultation addressed, amongst other matters, the balance between CO2 emissions and noise levels from aircraft that were taking off.

HACC

The Chairman informed Members that the most recent HACC meeting had been attended by representatives from the CAA and NATS. The Chairman stated that during the meeting he had raised the question of air traffic taking off from Heathrow's northern runway and heading west interfering with eastbound landing traffic over the Royal Borough. The Chairman informed Members that the CAA and NATS representatives said that their organisations had not taken this into consideration while producing their future airspace strategy.

The Chairman said that Heathrow had announced plans for a 'Brexit boost' of an additional 25,000 air traffic movements. These would start later than at present, at 5.30am, but it was not clear what impact this would have on air traffic heading east towards Heathrow. However it is

likely that the amount of air traffic over Windsor would reduce. The Chairman stated that Heathrow would require planning permission before being able to implement this proposal.

The Chairman said that representatives from the Council were among those to be invited to a briefing on the proposed third runway by Heathrow's CEO John Holland-Kaye. Information on the briefing would be published in due course.

LAANC

Cllr Beer told Members that the group's most recent meeting had had to be cancelled as it clashed with one being held by SASIG. LAANC's next meeting was being held at Staines Town Hall on November 17th.

Cllr Beer said that LAANC was currently focusing on issues relating to the potential Judicial Review of the third runway announcement and hoped to keep community groups informed of its progress.

The Chairman asked if anyone had any other matters that they wished to raise. Cllr Dr Evans queried an assertion that Heathrow was the fourth largest cargo handling airport in Europe. The Chairman explained that figures relating to cargo handling referred to the value of the cargo, not the weight or amount of it, and that Heathrow receives a large amount of valuable goods due to its location as a major distribution point.

A member of the public raised the Prime Minister's previous stance of being opposed to a third runway at Heathrow. The Leader said that this was a matter that should be dealt with by the Maidenhead Conservative Association.

DATES OF FUTURE MEETINGS

The Chairman stated that, following discussions with the Leader, it was felt the next meeting should be brought forward from the scheduled date of February 27th 2017. The meeting date was revised to January 25th 2017.

The meeting, which began at 7.00 pm, finished at 8.39 pm

CHAIRMAN.....

DATE.....



14 December 2016

Dear Secretary of State,

Independent Aviation Noise Authority

Following the recommendation of the Airports Commission in its final report published in July 2015 that an independent aviation noise authority should be established, HACAN and Heathrow Airport have been working together to produce a discussion paper outlining our shared view of the purpose and structure of such a body.

We are pleased to enclose our Discussion Paper on an Independent Aviation Noise Authority, which sets out our joint position on the principles, roles and structure of the Authority, ahead of a Government consultation.

The two organisations support the concept of an independent aviation noise authority, recognising that noise-exposed communities would value an independent assessment of whether aircraft noise is being managed as effectively and fairly as possible. We believe that the Authority's main role should be to provide an impartial source of expert advice and sit independently of the Government, industry, NGOs and the Civil Aviation Authority.

We also believe that policy-making should continue to be a Government responsibility and the Authority should instead focus on making recommendations to ensure that airports meet their obligations around noise and undertake measures to mitigate the impact of noise on local communities.

Our two organisations collaborated on the enclosed paper, and we hope it is a useful document in order to progress the development of an independent aviation noise authority. We would be happy to continue the dialogue and engage either together or individually.

Yours sincerely,

John Stewart
Chair, HACAN

John Holland-Kaye
Chief Executive Officer, Heathrow Airport

*The Rt Hon Chris Grayling MP
Secretary of State for Transport*

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Discussion Paper on Independent Aviation Noise Authority (IANA)

Summary of common ground between HACAN and Heathrow Airport (HAL)

12 December 2016

1. Introduction

The Airports Commission's final report (p 303) recommended the establishment of an Independent Aviation Noise Authority (IANA), "in particular to help address the considerable lack of trust that remains between communities close to the UK's airports and the airports themselves." We understand that an alternative name under consideration is Independent Commission on Aviation Noise (ICAN).

The two organisations, HACAN and HAL, support the concept of IANA, recognising that noise exposed communities would value an independent assessment of whether aircraft noise is being managed as effectively and fairly as possible.

This paper presents some points of common agreement by the two stakeholder organisations. It covers the potential principles, roles and operation of an IANA. The final section identifies some pitfalls that we agree need to be avoided when establishing an IANA.

Further analyses and discussion are still needed to better define the specific roles where such a body can most add value and integrate with existing institutions.

We believe that this joint position emphasises the strong support of an IANA from both organisations and we would like to take the opportunity to provide constructive input into the DfT consultation to be published early in the New Year.

2. Principles behind an IANA

IANA should be **independent** of government, the aviation industry, local authorities, NGOs and community organisations. **Credibility** among noise affected communities and the industry as well as political **neutrality** are key.

IANA should have functions which airlines, airports, community organisations, local authorities, the CAA and Government all feel aid them in their work. It needs to be effective in **building trust** and **mutual understanding** between airports (and airlines, air navigation service providers and other industry stakeholders) and their noise affected communities.

IANA should recognise Government policies on aircraft noise, including the application of the ICAO **balanced approach** to aircraft noise management. It should also be cognisant of operational and environmental trade-offs such as safety, air quality and greenhouse gas emissions.

It should be a **permanent** body rather than one focussed on a single project or issue.



On the issue of **geographic scope**, Heathrow recognises that other UK airports do not see the value of an IANA as a national body. As Heathrow does not own any other UK airports, we have not taken a view on the merits or otherwise of a national body. Heathrow believes that an IANA could initially start as a body focused on Heathrow, with a review after two years to evaluate progress and the case for expanding this to cover the whole of the UK. The members of HACAN feel strongly that the Government should take forward a national IANA from the outset.

In order to maintain its independence and that it is seen as independent, the IANA should be a body separate to both the CAA and the DfT.

3. Roles of an IANA

3.1 Key Roles

The main role of the IANA should be to provide an **impartial source of expert advice**. We believe it should start with a small number of key roles as listed in this section. As the IANA evolves and matures and stakeholders feel comfortable with its role, it could take on additional tasks discussed in the next section.

Best Practice and Research

- Establish a framework for noise management which is rooted in best practice, encouraging airports and Air Navigation Safety Providers (ANSPs, air traffic control companies) in an advisory capacity to go further where they fall short;
- Provide an independent view of the latest international and national research in relation to aviation noise impacts;
- Review consultation engagement strategy and materials, including if local communities are being given sufficient and clear information about noise and where airports are managing issues well;
- Identify the need for and make recommendations on independent research such as noise effects on health;
- Provide advice to Government.

Ombudsman or Assurance Role

- An ombudsman-type role to investigate complaints that have not been resolved locally, how they were handled and to make recommendations toward bringing about resolutions of the complaints;
- A back-stop role in mediating high-level disputes (with communities);
- Arbitration or mediation between airport and community where requested to do so. (Note that criteria would be needed to define when requests can be made).



3.2 Options for Further Roles

This section provides roles that could be considered once IANA has been set up and has established a track record on the Key Roles described above.

Best Practice and Research

- Be a source of informed and impartial advice with regard to the airspace change consultation content and engagement;
- Assist with the design of noise envelopes where called upon either by the airport, airlines, the ANSP or the local community;
- Be available to provide an independent view on significant planning and airspace change – CAA should then be required to consider this view as part of the airspace change process.

Reviewing Role - Assessing progress and achievements

- High level overview of noise action plans against best practice based on the size and scale of the airport and its impacts;
- Where airports (aerodromes) are not required to produce noise action plans, high level overview of airport noise mitigation plans.

Ombudsman or Assurance Role

- Provide auditing or quality assurance;
- Be available to provide independent monitoring of airport performance against noise commitments such as planning conditions, corporate social responsibility commitments and Noise Action Plans, while taking into consideration both the planning system and the Community Engagement Board;
- Be available to review the processes, systems and effectiveness of forums aimed at improving compliance with noise abatement procedures contained within the UK AIP;
- Be available to support the competent authority responsible for establishing new operating restrictions under EU Regulation 598.

4. Composition and Funding

IANA should be a small, flexible body – harnessing different skills from complimentary backgrounds (industry, community etc.), served by a small secretariat and/or a technical advisory group.

Appointments should be made by the Secretary of State for Transport for fixed periods, such as 3 years, with the possibility of reappointment for an additional 3-year period.



Direct funding must be independent from industry or other interested parties such as from Government or public funds.

5. Pitfalls to be Avoided

IANA should not be a policy-making body; policy should remain with the Government.

It should not have a role as the “noise police”. It should not have enforcement powers nor the ability to fine airlines or airports but Government and other stakeholders would be required to give clear reasons why they chose not to follow its recommendations.

It should not take the lead on major pieces of research or noise surveys, although a project management role could be appropriate.

It should not be an arm or branch of the CAA or DfT.

It should not be a ‘crisis-management’ body.

6. Further Comments

The Aircraft Noise Ombudsman (ANO) in Australia has reported some success in assisting certain problematic and long standing noise complaints and bringing them to a resolution. The Terms of Reference of the ANO is a public document (see www.ano.gov.au) and some of its ideas have been incorporated in the ideas above.

By contrast the French ACNUSA is viewed by some as being cumbersome and ineffective, often driven by the need to impose fines in order to fund itself.

7. Closing

HACAN and HAL have collaborated on developing these comments in order to progress the development of an IANA. We hope that they are constructive and helpful. We would be happy to continue the dialogue and engage either as a group or individually.