

NOTICE  
OF  
MEETING  
  
**AVIATION FORUM**

will meet on

**TUESDAY, 2ND MAY, 2017**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - GUILDHALL, WINDSOR,**

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: April 21<sup>st</sup>

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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Andy Carswell**

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## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
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 25 <sup>th</sup> January 2017.	7 - 12
5.	<u>MATTERS ARISING</u>  To consider any matters arising.	
6.	<u>DFT AIRSPACE CONSULTATION RESPONSE</u>  To receive an update from Chris Nash on draft representation to be made to the DfT.	To Follow
7.	<u>DFT NPS (THIRD RUNWAY) CONSULTATION RESPONSE</u>  To receive an update from Chris Nash on draft representation to be made to the DfT.	To Follow
8.	<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).	
9.	<u>DATES OF FUTURE MEETINGS</u>  August 8 <sup>th</sup> 2017 November 9 <sup>th</sup> 2017 February 12 <sup>th</sup> 2018 May 1 <sup>st</sup> 2018	



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## 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 1<sup>st</sup> 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 overflown 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 12<sup>th</sup>, which will run until February 28<sup>th</sup>. 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 overflown 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 12<sup>th</sup> 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 25<sup>th</sup>-October 11<sup>th</sup>.

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 27<sup>th</sup>. 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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