

NOTICE OF MEETING

Tuesday 1st July 2008

**4.30 pm in the Board Room at City Aviation House,
London City Airport**



AGENDA

1. **APOLOGIES FOR ABSENCE** should be notified to the Secretary at 9 Palace Green, Croydon, CR0 9AJ, Telephone: 020 8123 6374 or 01689 843434, Fax: 0208 251 9858, E-Mail: secretary@lcacc.org

2. **THE MINUTES OF THE MEETING HELD ON TUESDAY 1ST APRIL 2008 – PREVIOUSLY CIRCULATED**

3. **MATTERS ARISING**

(a) Item 4(c) - Noise Action Plan

The expected draft guidance from Defra on how these Plans should be prepared has still to be received. There has now been considerable slippage and the timescales for the production of the Noise Action Plans (NAPs) will need to be revised. However it is understood it remains Defra's intention that NAPS will be submitted to the European Commission by the end of 2008. It is expected that airports will be able to draw upon existing material such as Airport Master Plans in the preparation of the NAPS.

(b) Item 16 (e) - Consultation on revised Code of Guidance: “Access to Air Travel for Disabled People

At the last meeting it was noted that only four consultative committees were included on the list of bodies asked for their views on the draft of the revised Code. A number of other Committees had already expressed their concern about this and the Committee asked the Secretary likewise to complain on its behalf. In the event the matter was raised with the Department by UKACCs on behalf of all consultative committees. The Department's response is set out in the Annex A to this Agenda.

4. **COMMITTEE MEMBERSHIP**

(a) London Borough of Newham

The Council have opted to appoint their representatives on an annual basis and this year they have nominated Cllrs Pat Holland and Ayesha Chowdhury and Cllr Alec Kellaway who for many years has served as one of the Council's deputies to attend meetings of the Committee when a nominated member is unable to do so. On this occasion the Council have appointed three Council members. This breaks with the Council's normal past practice which has been to make one of the appointments the senior officer of the Council responsible for planning. In practice that officer has normally been represented by the member(s) of staff interested in the issue(s) to be discussed by the Committee at the meeting in question. It will be important to ensure that Newham officers continue to attend meetings as necessary to advise on such issues

(b) London Borough of Greenwich

The London Borough of Greenwich have also opted to appoint their representatives on an annual basis and this year they have re-appointed Cllr Denise Hyland

(c) Cyprus – Community Representative

Sadly the Secretary has received the resignation of Lyn Juniper who was appointed by the Beckton Community Forum when it proved impossible to secure a nomination by the tenants and residents association in Cyprus. In present circumstances, following the dissolution of the Community Forums, the Committee will need to discuss how to secure a replacement.

(d) ABTA

The Secretary is discussing with Charles Buchanan how best to secure the representation of passengers following ABTA's decision to withdraw from membership of the Committee. The Secretary will up-date the Committee.

5. CORRESPONDENCE

Members will have received copies of the Secretary's correspondence with residents of Tower Hamlets and Barking , both concerned with increasing noise and the membership of the Consultative Committee, and of the Chairman's correspondence with a resident of Thamesmead who has expressed concerns about the Committee's officers.

Members will have noted that the correspondent from Tower Hamlets asked if she could attend this meeting and speak to the Committee.

There has been no response to the Chairman's invitation to the resident of Thamesmead to attend this meeting and to address her concerns directly to the Committee and it is not known if she plans to attend.

6. AIRPORT DIRECTOR'S REPORT

Charles Buchanan will report.

7. COMMUNITY REPORT

Elizabeth Hegarty will report.

8. STANDING ITEM ON ENVIRONMENTAL ISSUES

The report of the Airport's Environment & Planning Officer will be tabled at the meeting.

9. NOISE INSULATION PROGRAMME – PART IV

Dan Townsend will report progress on the implementation of this part of the programme.

10. DLR WOOLWICH EXTENSION PROJECT – PROGRESS REPORT

Ian Thomas of Morgan Est will update the Committee on the progress of this project.

11. PLANNING APPLICATION

It is understood that the Airport's application to vary the limits in the present airport planning permission so as to increase the number of permitted flights is likely to be considered at a special meeting of the Development Control Committee of the London Borough of Newham (LBN) on a date to be decided. The officers' report on the application will be circulated to all members as soon as it is available.

The new annual limit being applied for is 120,000 per annum compared with about 80,000 such flights in 2006. The application was logged as received by the LBN on 6th August

2007 and allocated the number 07/01510/VAR. The responsible officer of the Council is now Sunil Sahadevan. The Airport's *Environmental Impact Statement*, and its December 2007 and April 2008 Addenda and other supporting documents, can be seen on the Archive Page on the Committee's website¹.

Members will have received a copy of a third objection to the application submitted by the London Development Agency in which they express concern about the impact of an increase in flights, and thus an increase in the area covered by the Airport's public safety zone, on the development of their land at Thames Wharf.

The Airport will also be reporting on the application in the Airport Director's report – see Item 6 above - and no doubt questions and discussion will be focussed around that report.

12. NATS CONSULTATION: LONDON TERMINAL CONTROL NORTH - AIRSPACE CHANGE PROPOSALS

Representatives of NATS briefed members on these proposals at a special meeting on 9th May. Following a general overview of the proposals and the reasons for them – including an 11 minute DVD – the NATS representatives went on to describe the impact on London City Airport in particular.

Following the briefing the Committee looked at the proposed changes in considerable detail and there were many questions, not least about the impact of the changes on local residents and on planned developments in the local area.

On 12th May the Secretary circulated to all members a note of the meeting and of the representations it was proposed to submit as agreed by the members present at the special meeting. No adverse comments were received and the Secretary wrote to NATS on 27th May. Copies were distributed that day to all members.

13. COMMITTEE CONSTITUTION

At the last meeting it was agreed that the Secretary should work with the Airport, and with the responsible officers of Newham, Tower Hamlets and Greenwich, in drawing up a completely new scheme for appointing representatives of the local community. Sid Keys and Dennis James would also be asked for their advice and experience. The Secretary would then bring forward proposals to a future meeting. The meeting asked that the Secretary should keep in touch with the Royal Docks Trust (London) which faced similar difficulties.

Since the last meeting there have been further discussions of this issue and the Secretary has been in touch with the London Boroughs of Tower Hamlets and Greenwich about the representation of those living in the eastern part of Tower Hamlets and in western Thamesmead. A further meeting of the group, including a representative of the Royal Docks Trust, is planned to take place on 27th June. Elizabeth Hegarty and the Secretary will update the Committee at the meeting.

14. RED BULL AIR RACE –APPLICATION FOR TEMPORARY PLANNING PERMISSION

On 5th June 2008 the Secretary circulated a copy of a letter received from the London Borough of Newham enclosing an application by the promoters of this event to use the Royals Business Park site opposite the Airport on the north side of the Royal Albert Dock as a temporary aerodrome.

The closing date for comments (23rd June) was before this meeting and it was left to members with comments to send them direct to the Council before the deadline.

¹<http://www.lcacc.org/archive/index.htm#aug07planning>

It should be noted that London City Airport is NOT the applicant. They are neutral on this issue as they believe it is a matter for local people.

15. UK AIRPORT CONSULTATIVE COMMITTEES - ANNUAL LIAISON MEETING - 11/12 JUNE 2008

Details of the *Programme* and *Agenda* for this meeting were circulated to all members on 28th May and on 17th June the Secretary circulated a report of the UKACCS meeting produced for another Committee. The official note of the meeting will be circulated as soon as it is ready. The Chairman and Secretary will report further on the discussions at the meeting.

Members will have seen the submission made to the Annual Meeting on behalf of this Committee about the scope for inconsistency in informing/consulting local residents about planning applications which have an impact on the area of more than one local planning authority. The Annual Meeting agreed that the issue needed to be addressed and liked the suggestion that guidelines should encourage the planning authorities concerned to discuss how best to publicise the application on a common basis. However, they thought it would be best to take this first to the Local Government Association rather than direct to the Department of Communities and Local Government? The UKACCs Secretariat will now do that and the Committee will be notified of the outcome.

16. CIVIL AVIATION ACT 2006

In the DfT's December 2006 *Progress Report* on the White Paper *The Future of Air Transport* it was recommended (on page 32) that airport consultative committees should monitor how well the new powers in the 2006 Act are being implemented by airports. It was thus on 8th April 2008 that the Department wrote to all Consultative Committees in England and Wales to seek their views on how airports have used these powers to date – see Annex B.

The Airport will brief the Committee so that a reply can be sent

17. SUMMER 2007 NOISE CONTOUR

On 10th June the Secretary notified members that the standard (DORA) Summer 2007 noise contours could now be seen on the Committee's website². Hard copies were sent to those members without the necessary online facilities.

18. ANY OTHER BUSINESS

19. DATE OF NEXT MEETING

Tuesday 7th October July 2008 at 16.30 hours at City Aviation House, London City Airport.

² <http://www.lcacc.org/noise/index.html#Contour>

ANNEX A

Code of Practice: Access to Air Travel for Disabled People – Consultation on revised draft Response by Department of Transport to UKACCs letter

Firstly, I formally apologise for not consulting with the other Consultative Committees or Liaison Group. Let me assure you that this was not intentional. We were using a consultation list from a previous consultation and were not aware of the other Committees. You can appreciate that we do not have regular dealing with Airport Consultative Committees and consequently we are not familiar with their work or the number of Committees.

Secondly, I would be pleased to receive either an individual response from each Committee or if you prefer a joint co-ordinated response to the consultation from the Liaison Group.

Lastly, I would be grateful, if you could send me the contact details for each Committee so that I can update the list, to send them the final published Code of Practice document ready for July 2008.

ANNEX B

Civil Aviation Act 2006 – Letter from Department for Transport

To all designated Consultative Committees

8 April 2008

Dear Chairman/Secretary

CIVIL AVIATION ACT 2006 - IMPLEMENTATION OF NEW POWERS

The Department for Transport is currently conducting a review as to the extent to which airports have identified a need to implement any of the new powers they were given on noise and emission controls provided by the Civil Aviation Act 2006 which came into force in March 2007. The Act, among other things, strengthened and clarified powers to control aircraft noise and emissions, in line with commitments in the 2003 White Paper *The Future of Air Transport*. In particular airport operators have been given statutory powers to introduce noise control schemes and fine aircraft that breach noise controls. The Act also provided powers for all licensed airports to introduce charges that reflect the pollution generated by each aircraft type. (A brief summary of the main provisions is attached as an annex to this letter).

In *The Future of Air Transport Progress Report* published in December 2006, the Department recommended that airport consultative committees should monitor how well airports implement the new powers in the Civil Aviation Act 2006. The Progress Report also noted that the Government was continuing to work hard to deliver its aim – set out in the 2003 White Paper – that the number of people in the UK significantly affected by aircraft noise should be limited and, where possible, reduced. The White Paper acknowledged that this was a challenging objective.

Given that the Act has been in force for a year, we are proposing to review implementation of the powers so far. We are therefore contacting airport consultative committees - in respect of those

airports designated under section 35³ of the Civil Aviation Act 1982 - to seek their views on how airports have used these powers to date. We appreciate that circumstances vary from airport to airport both in size and type of usage. Accordingly noise control and mitigation measures introduced by one airport may not be appropriate for another. Local circumstances are the key factor.

During the passage of the Bill the Government emphasised that where existing arrangements were working satisfactorily the expectation would be that such arrangements would carry on but that the enabling provisions were designed to help those airports which may be looking to refresh or enhance arrangements in the future. Although the Government recognised that noise control arrangements were frequently incorporated into planning conditions/agreements or as part of an airport's conditions of use it had given a commitment to clarify and enhance airports powers in statute. The Department had been aware of one major airport for example which was awaiting statutory powers before imposing discretionary financial penalties for aircraft deviating from noise preferential routes. We would therefore welcome your views in respect of your airport both in respect of noise and charging. Given the cyclical nature of consultative committee meetings, it would be helpful to have responses by the end of June.

I trust that this is all reasonably clear but should you have any questions please do not hesitate to contact me on the above number or one of my colleagues Roy Strapp (020 7944 4856) or Jerry Harrison (020 7944 3953). We will do our best to answer any questions that you may have. I am copying this letter to the airport operator.

Yours sincerely,

Frank Evans

ANNEX

CIVIL AVIATION ACT 2006: ENVIRONMENTAL PROVISIONS

Section 1: Aerodrome charges

Section 1 replaces section 38 of the CA Act 1982 with a new section on aerodrome charges. Section 38 applies to licensed aerodromes. These are aerodromes licensed by the Civil Aviation Authority under an Air Navigation Order for the landing and take-off of aircraft which can be used for the public transport of passengers, or for giving instruction in flying to a person, or for conducting a flying test.

The new section 38(1) empowers an authority owning or managing a licensed aerodrome to fix its charges by reference to:

- the noise caused by an aircraft or the inconvenience resulting from that noise;
 - the amount or nature of emissions produced by an aircraft or the atmospheric pollution resulting from those emissions;
 - the effect of an aircraft on noise or atmospheric pollution in the vicinity of the aerodrome;
- or
- any failure of an aircraft operator to comply with noise or emission limits.

The new section 38(2) sets out the purposes for which such charges can be made, namely:

- to encourage the use of quieter aircraft and reduce inconvenience from aircraft noise;

³ Airports/Aerodromes to which section 35 of the Act applies have a responsibility to provide adequate facilities for consultation.

- to encourage the use of aircraft which produce lower emissions;
- to control noise and atmospheric pollution in the vicinity of aerodromes; and
- to promote compliance with noise and emission limits.

The new section 38(4) empowers the Secretary of State to direct specified aerodrome authorities to fix their charges using the powers in subsections (1) and (2) of the new section 38. In determining whether to make use of this power, and if so how, the Secretary of State will be required by new section 38(5) to have regard (amongst other things) to the interests of people who live in the area of the aerodrome.

Section 2: Regulation by Secretary of State of noise and vibration from aircraft

This section amends section 78 of the CA Act 1982. Section 78 enables the Secretary of State to take steps to limit or mitigate the effect of noise and vibration connected with the taking off or landing of aircraft at designated aerodromes (currently Heathrow, Gatwick and Stansted).

Subsection (2) inserts a new subsection (6A) after section 78(6) of the CA Act 1982, to augment the powers of the Secretary of State to give to the manager of a designated aerodrome such directions as the Secretary of State considers appropriate for the purpose of avoiding, limiting or mitigating the effect of noise and vibration connected with aircraft landing or taking off. The manager is placed under a duty to comply with any such directions. New section 78(6A) will allow directions under subsection (6) to be given for the purposes of avoiding, limiting or mitigating the effect of noise and vibration either generally or in any particular area, for example arising from use of a particular runway.

Section 78(8) empowers the Secretary of State to require the manager of a designated airport to install, operate and maintain noise measuring equipment and to provide noise measurement reports as specified by him. The manager is placed under a duty to comply with any such requirements.

Where an airport manager fails to perform any of the requirements set down in an order under subsection (8), section 78(9)(a) empowers the Secretary of State to take such steps as he considers appropriate to remedy that failure, including the provision, operation and maintenance of equipment. The Secretary of State may recover any expenses he has incurred in so doing: section 78(9)(b). Where the airport manager has failed to provide reports to the Secretary of State, he is guilty of an offence: section 78(9)(i) and (ii).

Subsection (3) amends section 78(9) to provide that the maximum fine laid down in subsection (9)(i) is increased to level 5 on the standard scale (currently £5,000) and the daily fine in subsection (9)(ii) is not to exceed 10% of level 5.

Section 3: Penalty schemes

This section inserts into the CA Act new sections 78A and 78B.

Section 78 of the CA Act does not explicitly provide for aerodromes to impose financial penalties on aircraft operators for breaches of noise requirements set under section 78.

The effect of new section 78A is to confer on the manager of a designated aerodrome a power to levy financial penalties on an aircraft operator in respect of any breach by that aircraft operator of noise abatement requirements imposed by the Secretary of State under section 78.

New section 78A(8) requires the aerodrome manager to make payments, equal to the amount of penalties received, for the benefit of persons who live in the area in which the aerodrome is situated.

New section 78B(1) to (4) enables the Secretary of State to direct an aerodrome manager to make, amend or revoke a penalty scheme and sets out the duty to consult before doing so.

New section 78B(5) makes it an offence to fail to comply with a direction given under section 78B(1) with a provision for a daily fine if failure continues after any conviction.

Section 4: Power of aerodrome authorities to make noise control schemes

This section inserts into the CA Act 1982 new sections 38A, 38B and 38C.

Although the CA Act 1982 contains a number of provisions relating to environmental issues, those provisions do not include any explicit statutory provision for aerodrome operators to implement noise control schemes.

New section 38A(1) to (5) provides operators of non-designated aerodromes with powers to regulate noise and vibration from aircraft similar to those conferred on the Secretary of State by section 78 of the CA Act 1982 (as amended by *section 2* of this Act).

New section 38A(8) excludes any aerodrome already designated under section 78 of the CA Act 1982 because in that situation the noise control regime would be set by the Secretary of State rather than the aerodrome operator.

New section 38A(10) provides that the use of the powers contained in the new sections 38A, 38B and 38C does not prejudice the use of any other power at the aerodrome operator's disposal to control aircraft noise.

New section 38B makes supplementary provision for noise control schemes.

New section 38B(2) defines the maximum area within which the aerodrome operator's powers to control aircraft noise apply. There is also provision for the Secretary of State to define (by order) this maximum area, in respect of individual aerodromes.

New section 38B(5) provides for consultation by the Secretary of State before making an order under subsection (2).

New section 38C provides aerodrome operators with the power to impose penalties where the noise control scheme it is permitted to establish is not complied with.

New section 38C(2) and (3) provide for a financial penalty to be imposed on an aircraft operator if he breaches the requirements of a noise control scheme.

New section 38C(4) and (5) ensures that the scheme will provide for aircraft operators to be able to make representations to the aerodrome operator as regards the imposition of penalties and for the aerodrome operator to take such representations into account.

New section 38C(6) requires the aerodrome authority to make payments, equal to the amount of penalties received, for the benefit of persons who live in the area in which the aerodrome is situated.

Section 12: Scotland

Section 12 amends the Scotland Act 1998 (Transfer of Functions to Scottish Ministers) Order 1999 to reflect the amendments to the CA Act 1982 being made by *sections 1, 3 and 4*. The Order provides that certain functions conferred on a Minister of the Crown by the CA Act 1982 are, in or as regards Scotland, exercisable by the Scottish Ministers instead.