

## NOTICE OF MEETING

Tuesday 7<sup>th</sup> July 2009

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](mailto:secretary@lcacc.org)
2. **THE MINUTES OF THE MEETING HELD ON TUESDAY 7<sup>TH</sup> APRIL 2009 – PREVIOUSLY CIRCULATED**
3. **MATTERS ARISING**
  - (a) **Item 2(e) – Airport Policing**

The Policing *and Crime Bill* completed its Commons stages at the end of May and is now in the House of Lords. As the Committee is aware the Bill seeks to ensure that the majority of airports in the UK agree a local airport security plan with their key stakeholders, based upon an agreed multi-agency threat and risk analysis. It seeks also to ensure that where it is agreed under the terms of an airport security plan that a dedicated policing presence is required at an airport, the airport operator will make payments in respect of the dedicated policing services provided.
  - (b) **Item 6 – Fleet Changes**

At the end of March 2009 the Embraer 190SR visited the Airport for a series of trials in connection with its certification for use at London City Airport, initially by British Airways which plans to use the E190, and the E170, as replacements for the BAe 146/Avro RJ series which they use at present. At the Committee's last meeting Gary Hodgetts confirmed that the new types would be noise-assessed before they came into use at LCY and the Airport would discuss with Newham Council the provisional noise categorisation to be assigned to these aircraft as required by the s.106 agreement. The Airport will report the progress made in securing the approvals required in relation to these new aircraft.
4. **COMMITTEE MEMBERSHIP**
  - (a) **Renewal of the Committee**

The Secretary will shortly be asking participating organisations to nominate a representative(s) to serve as a member of the Consultative Committee for the three years ending October 2012. As previously agreed the nominations received recently from the *West Thamesmead Residents Forum* and *Tower Hamlets Local Area Partnership 7*, the *London Development Agency* and the *Guild of Travel Management Companies* will be treated as being made in respect the new Committee. Local authorities have the option of making their appointments on an annual basis if they choose.

### **(b) Community Representatives - Newham**

As part of the Committee renewal process referred to in (a) above, an advertisement has been placed in the latest editions of *Runway News*, *the Newham Recorder* and *The Newham Mag*, and on both the Committee's website and that of the Airport, inviting suitably qualified residents of North Woolwich, Silvertown, West Silvertown, Custom House & Canning Town and South Beckton (5 areas) to apply for membership of the Committee. At the same time efforts have been made to bring the invitation to the attention of local organisations. The advertisement follows the discussion at the last meeting. The draft advertisement, application form, person specification and appointment procedure document, having been agreed with the Chairman, are being sent to all members with this Agenda. Once the applications have been received members may be called upon to help in the selection process.

Members will note from the procedure document that it is proposed also to invite the *Area Tenants Liaison Committee (South A13 Area)* to nominate a further member representing tenants south of the A13.

### **(c) Representatives of Airport Users**

In order to secure that the groups referred to in *s.35 of the Civil Aviation Act 1982*<sup>1</sup> are represented on the Committee in roughly balanced proportions, as required by the judgement in the case of *R. v. Fair Oaks Airport Ltd. exp. Roads*<sup>2</sup>, it is necessary to look again at the representation of airport users. The Airport has been giving some thought to this and is proposing that henceforth the following bodies should be invited to send representatives to serve as members of the Consultative Committee:

- The Airline Operators Committee x 2
- London Chamber of Commerce and Industry x 1
- Guild of Travel Management Companies x 1
- Docklands Business Club x 1
- Canary Wharf Limited x 1
- Which? x 1

### **(d) Deputy Chairman – Vacancy**

The Airport and the Committee will need to address the question of a successor for Bill Dunlop as the Committee's Vice Chairman.

### **(e) Gallions Housing Association**

Sundeep Pawar has left the Gallions Housing Association and is no longer a member of the Consultative Committee. A successor will be sought as part of the forthcoming renewal of the Committee for the three years ending October 2012. The Secretary has written to Sundeep expressing the Committee's appreciation of his work as a member of the Committee

## **5. CORRESPONDENCE**

Members will have received copies of the correspondence with Mrs Bradshaw Price.

## **6. AIRPORT DIRECTOR'S REPORT**

Gary Hodgetts will report.

## **7. COMMUNITY REPORT**

Elizabeth Hegarty will report.

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<sup>1</sup> <http://www.ukaccs.info/statutory.htm#Act>

<sup>2</sup> <http://www.ukaccs.info/09almfiles/09structure.pdf> (Annex B refers)

8. **STANDING ITEM ON ENVIRONMENTAL ISSUES**

Gary Hodgetts will table the Airport's report.

9. **PLANNING APPLICATION**

The Airport will report the position reached in the processing of the "interim" planning application and the associated s.106 agreement. The application, to raise the limit of the total number of flights to 120,000 per annum, was originally submitted to the London Borough of Newham in August 2007.

10. **COMMITTEE CONSTITUTION**

In consequence of the changes in the Committee's membership structure (see Item 4 above), and the changes agreed at the last meeting in the arrangements for public participation in the Committee's meetings, it will be necessary to revise the text of the Committee's constitution. A new draft is being prepared. This will be circulated to members and there will be an opportunity for discussion at the next meeting.

In drawing up the new draft, attention will be paid to the paper on the Structure and Membership of Consultative Committees discussed at the UKACCs Annual Meeting in Belfast on 28 May last<sup>3</sup>. At that meeting the representative of the Department for Transport said it was planned to look again at the Department's *Guidelines* on consultative committees and a note would be produced for discussion. The meeting suggested to the Department that perhaps the time had come to look again at s.35 of the Civil Aviation Act to see whether the time had come to make changes.

It is understood that the proposed new s.106 agreement will embrace new enabling provisions with respect to the Consultative Committee and accordingly the new agreement will no longer spell out the Committee's constitution in detail. The new provisions will include provision for the Consultative Committee to approve any proposed new constitution before it takes effect.

11. **SLOT ALLOCATION REGULATION – CONSULTATION ON DESIGNATION OF LONDON CITY AIRPORT AT LEVEL 3**

Following the last meeting of the Committee the Secretary wrote as agreed to the Department of Transport saying that the Committee was in favour of the proposal that London City Airport should be designated as 'coordinated' by the Secretary of State for the purposes of the EC and UK Slot Allocation Regulations and that the Committee agreed with the proposed appointment of *Airport Coordination Limited* (ACL) as the coordinator.

The Department wrote subsequently saying that they were looking again at this proposal in the light of updated figures showing that the Airport was now expected to operate over the Summer of 2009 with a margin of spare capacity. On this basis it was thought the case for Level 3 Coordination to be imposed immediately was materially weakened.

After discussion with the Airport, and with the agreement of the Committee's Chairman, the Secretary informed that the Department on 18<sup>th</sup> May 2009 that the Committee continued to support the proposal that LCY should be designated as "coordinated" (Level 3) for the purposes of the slot allocation regulations, not least because it will help to ensure any new limit on the number of flights which may be approved by the London Borough of Newham in response to the planning application submitted by the Airport early in August 2007. However, the Committee recognises that the latest figures do not support the designation of the Airport at Level 3 at this stage and accordingly a delay in the introduction of the measure is necessary and

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<sup>3</sup> <http://www.ukaccs.info/09almfiles/09structure.pdf>

justified. Against this background the designation of the Airport at Level 2 seemed to be the right answer for the time being.

## 12. NOISE ACTION PLANS

At its last meeting the Committee appointed Howard Sheppard, Dennis James, Glynis Webb and Sid Keys and the Secretary to work with the Airport in drawing up the *Noise Action Plan* (NAP). The group is scheduled to meet the Airport on 18<sup>th</sup> June 2009 to discuss a draft of the proposed plan. The members of the group will brief the Committee on the discussions. The next step is a public consultation exercise.

## 13. PLANNING APPLICATIONS – NOTIFICATION/CONSULTATION WITH LOCAL RESIDENTS

At its meeting in January 2008 the Committee noted in relation to the Airport's interim planning application that the arrangements for local notification/consultation had not been consistent as between those living in Newham and those living in adjoining Boroughs. It was agreed that the Committee should take up the question via the Annual Liaison Meeting of ACCs (UKACCs) as a matter requiring review as a wider issue. A paper was accordingly prepared for submission to the UKACCs Annual Meeting at Heathrow on 11/12 June 2008

In July 2008 the Committee heard that the UKACCs meeting had agreed that the issue needed to be addressed and there was approval of the suggestion that guidelines should encourage the planning authorities concerned to discuss among themselves how best to publicise the application on a common basis. It had thus been agreed to take the matter to the *Local Government Association (LGA)* and the *Association of London Government (ALG)*. The Committee felt the paper should also be referred to the *Department for Communities and Local Government (DCLG)* and I wrote to them on the Committee's behalf on 9<sup>th</sup> July 2008. When this was reported to the UKACCs Secretariat it was decided to wait for the DCLG's response before writing to the LGA and the ALG.

For the past several meetings of the Committee the Secretary has reported that in spite of reminders sent by him and, on the Committee's behalf, by Frank Evans of the DfT, there had still been no response from the DCLG.

A reply was finally received via the DfT on 21<sup>st</sup> May 2009 - a copy of this was sent to members the following day and is reproduced in the Annex to this Agenda. The reply was also considered by the UKACCs Annual meeting on 27/28 May in Belfast. The meeting felt the response was inadequate and agreed that a joint approach should now be made to the *Local Government Association* and the *Association of London Government* with a view to a clearer and more positive outcome. The UKACCs Secretariat thus wrote to both these bodies and copies of their letters were sent to members of this Committee on 5<sup>th</sup> June.

## 14. REFORMING THE FRAMEWORK FOR THE ECONOMIC REGULATION OF UK AIRPORTS - CONSULTATION

At the Committee's last meeting there was discussion of the Government's consultation on its Review of the Economic Regulation of Airports. Following the meeting the Secretary wrote to the Department as indicated in the minutes of the meeting – Item 16 refers<sup>4</sup>.

The Review was also considered at the UKACCs Annual Meeting at Belfast on 28 May - a copy of the paper considered by the meeting can be seen on the UKACCs website<sup>5</sup>

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<sup>4</sup> <http://www.lcacc.org/accmins/accmin0409.pdf>

<sup>5</sup> <http://www.ukaccs.info/09almfiles/09regreview.pdf>

In general the proposals flowing from the Government's Review found favour with the UKACCs members but there was much discussion of the Government's suggestion that *Passenger Focus* should take over from the *Air Transport Users Council* the latter's role as the national body responsible for airline and airport consumer matters. In this connection the meeting studied a draft alternative prepared for the Gatwick Airport Consultative Committee (GATCOM) circulated to all UKACCs members just prior to the meeting. The meeting found itself generally in favour of the GATCOM alternative although the meeting discussed and adopted a number of suggested amendments. It was agreed that the paper should be revised to incorporate the agreed changes and that the revised draft should be (a) sent to the Government as the UKACCs alternative; and (b) circulated to all members for the information of individual consultative committees and perhaps for adoption and submission to the Government.

The revised paper was sent to all members of this Committee on 2<sup>nd</sup> June 2009. In a covering note the Secretary indicated that in the absence of any adverse feedback from members it was planned to write to the Department on 5<sup>th</sup> June, the deadline for responses to the Consultation, reiterating that the LCACC had reservations about the proposal that at national level *Passenger Focus* should henceforth represent air passengers instead of the *AUC* and saying that although the Committee had not had an opportunity to discuss the UKACCs alternative it seemed very likely that the UKACCs proposals would find favour with the LCACC members when they looked at the matter again at this meeting. With the agreement of the Chairman such a letter was despatched on 5<sup>th</sup> June and a copy was sent to all members.

**15. UK AIRPORT CONSULTATIVE COMMITTEES - ANNUAL LIAISON MEETING – BELFAST CITY AIRPORT – 27/28 MAY 2009**

On 14<sup>th</sup> May 2009 the Secretary informed members that the agenda and papers for the UKACCs Annual Meeting at Belfast had been published on the UKACCs website<sup>6</sup> and on 2<sup>nd</sup> June 2009 Members received an informal note of the meeting prepared for another Consultative Committee. The official note of the meeting will be circulated, and placed on the UKACCs website, as soon as it is ready

The LCACC was represented by the Chairman and the Committee's Secretary was also present. They will be happy to offer further comment on any of the issues referred to in the informal note of the meeting and to answer questions.

**16. ANY OTHER BUSINESS**

**17. DATE OF NEXT MEETING**

Tuesday 6<sup>th</sup> October 2009 at 16.30 hours at City Aviation House, London City Airport.

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<sup>6</sup> <http://www.ukaccs.info/meeting09.htm>

**ANNEX**

**Item 13 - Planning Applications – Notification/Consultation with Local Residents  
- Response from DCLG**

Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 sets out three circumstances in which a local planning authority in receipt of a proposal that would incidentally affect land in a neighbouring authority's area must consult the other relevant authority. If the development is likely to affect land in Greater London or in a metropolitan county, the local planning authority should consult the other local planning authority concerned (article 10(1)(a)). If the development is likely to affect land in a non-metropolitan county (other than a National Park), the local planning authority should consult the district planning authority concerned (article 10(1)(b)). If the development is likely to affect land in a National Park, the local planning authority should consult the county planning authority concerned (article 10(1)(c)).

[http://www.opsi.gov.uk/si/si1995/Uksi\\_19950419\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1995/Uksi_19950419_en_1.htm)

A local planning authority's duty to publicise the planning applications it receives is explained in Department of the Environment Circular 15/92, Publicity for Planning Applications:

<http://www.planningsanity.co.uk/forums/legal/circulars/cir15-92.htm>

However, beyond the statutory minimum, authorities should have regard to the interests of those who live in neighbouring authorities if they might be affected by a proposal. Each local authority should consider what additional, voluntary publicity would be appropriate to attract the attention of interested parties, including the use of websites. If you feel that a particular authority's policy on voluntary publicity is inadequate, that is a matter to take up with the head of the relevant planning department. If some crucial material consideration is ignored in the determination process, the decision reached might be open to challenge in the courts."