

CONSULTATION RESPONSE TO BAA HEATHROW'S REVIEW OF NOISE MITIGATION SCHEMES

Cabinet Member	Councillor Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Mike Rickaby & James Rodger, Planning, Environment, Education and Community Services
Papers with report	Appendix 1: Council's consultation response letter to be submitted in response to the consultation. Appendix 2: Letter from DfT Minister of State dated 14 th July 2011.

HEADLINE INFORMATION

Purpose of report	The Council is currently being consulted by BAA on a review of Heathrow Airport's noise mitigation schemes. This report seeks the Cabinet's endorsement of the Council's proposed consultation response.
Contribution to our plans and strategies	The emerging Local Development Framework. A clean and attractive borough. A borough with improving health, housing and social care.
Financial Cost	There are no additional costs to the Council.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	All

RECOMMENDATION

That Cabinet:

1. Endorse the Council's proposed consultation response contained in Appendix 1 and;
2. Note the recent letter from the Transport Minister regarding the South East Airports Taskforce.

INFORMATION

Reasons for recommendation

To ensure the interests of Hillingdon residents are taken into account in developing Heathrow Airport's noise mitigation schemes.

Alternative options considered

Not to submit a response on behalf of Hillingdon in respect of the borough's interests. This would not ensure that the interests of residents in the borough are protected.

Comments of Policy Overview Committee(s)

No comments submitted at this stage.

Supporting Information

Background to Current Consultation

1. BAA has launched a public consultation on a review of Heathrow's noise mitigation schemes. The consultation runs from 9th May to 1st August 2011. Public exhibitions in Hillingdon borough occurred at Heathrow Academy on 1st June and 20th July, and for Longford/Harmondsworth on 23rd and 27th June. The Council will be submitting a formal response to the consultation. The consultation documents can be viewed at www.heathrowairport.com/consultations.

2. It should be stressed that the current consultation is on changes to the noise mitigation schemes. BAA intends to submit a planning application later this year to the London Borough of Hillingdon for determination. That planning application will include the engineering works, such as changes to taxi-ways that would be required to enable the Cranford Agreement to be lifted in practice (although Central Government agreed in principle the lifting of the Cranford Agreement, the planning application will be for the works required to lift the agreement in practice). That planning application will enable the Council to consider the wider environmental and health implications of BAA's proposals to operationally alter flight patterns in 2014. The planning application will be accompanied by an air quality impact assessment and health impact assessment. Officers also anticipate that the proposals will include a noise barrier of between 600m and 700m in length near the village of Longford. BAA have sent letters to all Hillingdon Residents near where they are proposing the noise barrier seeking their initial views on whether the residents do or do not support a noise barrier. BAA have not produced detailed technical information on the noise barrier (e.g. A noise impact assessment) at the time of writing of this Cabinet report and the noise barrier does not form part of the formal noise mitigation scheme consultation BAA are currently undertaking.

3. In summary this Cabinet report and the Council's consultation response purely provides comment on the noise mitigation schemes, and does not consider the wider environmental and health implications of BAA's proposed works to facilitate the lifting of the Cranford agreement in practice, including any noise barriers. Officers understand that a new planning application will be lodged later this year in relation to adjustments that need to be made in order to fully utilise the ending of the Cranford Agreement.

Reasons for making changes

4. The changes to the existing noise mitigation schemes reflect a commitment made in Heathrow's Noise Action Plan. In addition, the schemes are being reviewed to take account of the Government's decision to end the Cranford Agreement.

Existing and proposed noise mitigation schemes

5. Eligibility under the existing noise mitigation schemes is based on LAeq (noise) contours. Under the proposed schemes, eligibility will be based on Lden noise contours. The Lden noise indicator

was introduced by the Environmental Noise Directive 2002/49/EC. It measures noise over the whole 24 hours and incorporates weightings of +5 dB and +10 dB (decibels) respectively for the more sensitive evening and night periods. The Lden (noise) contours used are all for 2014 and assume the operational end of the Cranford agreement. As part of the Councils response the implications of this change are discussed.

6. The four existing noise mitigation schemes and the changes proposed to them are summarised below.

Residential Daytime Noise Insulation Scheme

7. This existing residential daytime noise insulation scheme provides noise insulation to residential properties in the community. Eligibility under the present scheme is determined by the 69 dB LAeq (18 hours) contour for year 1994. Under the present scheme, residents receive either free secondary glazing, or 50% of the cost of double glazing.

8. Under the proposed scheme, the area in which residents are eligible would increase to the outer boundary of the 63 dB Lden contour. Three zones would be defined within the outer boundary. In Zone 1, determined by the 69 dB Lden contour, BAA would pay 100% of the cost of double glazing. In Zone 2, determined by the 66 dB Lden contour, BAA would pay 50% of the cost of double glazing. In Zone 3, determined by the 63 dB Lden contour, BAA would pay 25% of the cost of double glazing.

Residential Night Noise Insulation Scheme

9. The existing residential night noise insulation scheme provides noise insulation for residential properties specifically for noise from night flights. No changes are proposed to the existing night noise insulation scheme.

Community Buildings Noise Insulation Scheme

10. The existing community buildings noise insulation scheme is provides noise insulation for local community buildings. Eligibility under the present scheme is determined by the 63 dB LAeq (16 hours) contour for 2002. The present scheme provides up to 100% of the cost of noise insulation for rooms impacted by aircraft noise (e.g. school classrooms, hospital theatres and wards, nursing homes and community halls).

11. Eligibility under the proposed scheme would be determined by the 63 dB Lden contour, which means that the area covered would be similar to existing. In addition to noise insulation, grants would be considered for projects which support outdoor learning by reducing noise, or allow trips by pupils to quiet areas.

Home Relocation Assistance Scheme

12. The existing home relocation assistance scheme provides financial assistance to help homeowners in the noisiest areas to move away from the airport. Eligibility under the present scheme is determined by the 69 dB LAeq (16 hours) contour for 2002. The existing scheme provides 1.5% of house sale sum, plus a lump sum of £5,000, up to a maximum of £12,500 per sale transaction.

13. The proposed scheme would extend geographic eligibility to an outer boundary of 66 dB Lden contour, and introduce two zones. In Zone 1, determined by the 69 dB Lden contour, maximum payment is increased to £15,000 per sale transaction. In Zone 2, determined by the 66 dB Lden contour, a payment up to a maximum of £7,500 per sale transaction would be introduced.

Comments on the proposed noise mitigation schemes

14. Officers comments on the proposed noise mitigation schemes are as follows:

(i) The proposals assume the operational end of the Cranford agreement. Officers believe that the Government's decision to end the Cranford agreement was based on a consultation which was fundamentally flawed. It needs to be made clear that Hillingdon is strongly opposed to the ending of the Cranford agreement because of the serious noise impacts on residents in Longford, Sipson and Harlington. Furthermore, we need to make it clear that Hillingdon would strongly resist any attempt to introduce mixed mode runway use following the operational ending of the Cranford agreement, and that Hillingdon considers it essential to retain runway alternation, segregated mode and the 480,000 annual limit on air transport movements in order to avoid additional serious noise impacts (BAA argue that lifting the Cranford Agreement will not increase flight numbers as they are capped at 480,000, but changes to taxi-ways will arguably increase potential flight capacity).

(ii) Officers have recently received a letter from the DfT Minister of State (see Appendix 2). That letter refers to proposals for exploring a set of operational freedoms at Heathrow to enable greater use of tactical measures in defined and limited circumstances to prevent or mitigate disruption of flights and to facilitate recovery. These tactical measures would involve operating twin flight arrivals streams and/or twin flight departures streams on the existing two runways. It is proposed to carry out trials of the tactical measures before any commitment is made to implementing them. The letter claims that the tactical measures are consistent with the Government's commitment to runway alternation at the airport and that there would be no increase in the numbers of flights. The letter suggests that the proposals could reduce stacking and cut the number of unscheduled flights in the night period. Nevertheless, the letter recognises that on the occasions when these tactical measures would be used some communities would experience aircraft noise during current respite periods. It should immediately be stated that these tactical measures are a form of mixed mode use of the runways, to which Hillingdon Council has always been opposed, for various reasons including adverse noise impacts. Another obvious comment would be that the introduction of these tactical measures initially on a limited basis, could lead to their future wider and increased use. The proposed tactical measures are therefore potentially at odds with the Council's established viewpoint concerning runway alternation and segregated mode. Whereas the proposals have not been linked to the current consultation process, there is clearly the potential for additional noise impacts from the 'tactical measures' which have not been taken into consideration by BAA when formulating their current proposals for future noise mitigation. It is considered at this stage a comment should be given that the Council is concerned at the potential implications of the Government's proposed tactical measures and that any changes in noise impact that arise from tactical measures must be reflected in appropriate noise mitigation strategies.

(iii) It is believed that particular attention should be given to households which experience noise increases as a result of the ending of the Cranford Agreement. This could be by providing noise insulation at a lower absolute noise level, or by making the offer of noise insulation more generous or comprehensive. We also believe that all possible options to mitigate airport noise should be explored. Financial compensation should be considered for compensating residents for increased noise and for compensating for reduced property values.

(iv) Officers believe that a much larger boundary than 63 dB Lden contour is appropriate for the residential daytime noise scheme. Also, BAA should pay the full cost of noise insulation in proposed zones 2 and 3, rather than the proposed contributions of 50% and 25%.

(v) There are concerns that BAA considers that the proposed residential noise insulation scheme incorporates a measure of night noise because it is based on Lden. We believe that separate specific provision should be made for insulation against noise from night flights.

(vi) It's believed that specific provision should be made to insulate residential properties against airport ground noise in order to protect residents of the borough living near the airport.

(vii) It's believed that the proposed Community Buildings Noise Insulation Scheme should extend to the 55 dB Lden air noise contour.

Financial Implications

There are no direct financial implications for the Council arising from the recommendations of this report. Although failure by BAA to properly mitigate noise from the airport could lead to wider social and environmental implications, these wider implications could impact on Council budgets.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

The recommendation seeks to prevent significant adverse aircraft noise impacts on residents and other occupiers of the borough.

Consultation Carried Out or Required

No consultations have been carried out by Council officers.

CORPORATE IMPLICATIONS

Legal

Following public consultation, the Secretary of State for Transport announced in January 2009 that the Cranford Agreement was to end. This was reaffirmed by the Minister of State for Transport in September 2010. As a result of this, BAA has decided to undertake a consultation process on the proposed changes to their noise mitigation schemes to reflect the commitments made as part of Heathrow's Noise Action Plan. In addition to this, the Government's decision to end the Cranford Agreement has meant that BAA has decided to consult upon a suite of schemes which are designed to take into account any impacts that the ending of the Cranford Agreement may have on local residents.

The consultation runs between 9 May – 1 August 2011 and therefore consultation responses must be submitted no later than 1 August 2011 in order to be taken into account.

When undertaking this consultation BAA must ensure plans are still at a formative stage, they must give sufficient reasons to permit the consultee (i.e. the Council or residents) to make a meaningful response and they must allow adequate time for consideration and response. The results of the consultation must then be conscientiously taken into account by BAA in finalising any proposals, including those which do not accord with their own proposals.

Fairness and natural justice require that there must be no predetermination by BAA of a particular decision which goes beyond a legitimate predisposition to a certain conclusion.

Finance

There are no direct financial implications for the Council arising from the recommendations of this report. Although failure by BAA to properly mitigate noise from the airport could lead to

wider social and environmental implications, these wider implications could impact on Council budgets.

Corporate Landlord

The Corporate Landlord Support's the recommendations of this report.

Relevant Service Groups

The Council's consultation response has been developed by the Council's Environmental Protection Unit in consultation with the Council's Planning Service.

BACKGROUND PAPERS

- (i) European Environment Agency Technical report No. 11/2010 "Good practice guide on noise exposure and potential health effects."
- (ii) The Environmental Noise (England) Regulations 2006.