

REPORT OF AIRPORT WORKING PARTY

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REPORT OF THE AIRPORT WORKING PARTY – SEPTEMBER 2007

1.0 Introduction

- 1.1 In early 2005 the Airport Working Party was formed. At that time airport expansion plans were pending, and these had generated considerable public interest. Recognising the potential significance to not just Thanet, but the remainder of East Kent, Thanet District Council established the Airport Working Party. It contained Members from both political groups.
- 1.2 Formation of the Working Party emanates from Full Council in October 2004. It agreed;
- ‘the issues raised in the report (Section 106 Manston Airport) be the subject of public consultation and the Chief Executive or his nominee be authorised to prepare appropriate questionnaires and leaflets for the public in consultation with the Leader of the Council and the Leader of the Opposition’. Minute 54 (A) of the meeting refers.
- 1.3 Subsequently that decision of Full Council was carried forward to the Finance, Best Value and Performance Review Panel. It met on 25 January 2005 and agreed that;
- a) a Member Working Party be formed to meet as required to oversee the evaluation of the existing Section 106 Agreement and the process of public consultation, analysis feedback and production of reports; and :-
 - b) names of participating members from within this panel be forwarded to the Scrutiny Manager. Should this response be limited, additional Members be invited to participate. Minute R317 of the meeting refers.
- 1.4 The Working Party met several times between Spring 2005 and March 2006. It received background briefings from officers on subjects, including noise control and the current position in respect of night-time flying at the three main London airports. The Working Party also commented separately, met and took views from Sir Alistair Hunter, and the former Airport Director Alastair Robertson. Using such background information three main areas were considered;
- a) recommendations of how the public consultation process could be of maximum effectiveness, and then review of the final report was made to Full Council.
 - b) the Night-Time Flying Policy that applied during the summer months of 2005. Two streams of work were produced in this respect. First a report on noise levels, which is not included in this report but is available separately. Second a commentary and general conclusions were drawn on how the subject of night-time flying may be considered by the Council in the future.

- c) the effectiveness of the Section 106 Agreement, dated September 2000. The conclusions on the Working Party on the agreement are included in this report at section 5. The document was reviewed on a section-by-section basis.

2.0 Background information

- 2.1 The Working Party received information on noise monitoring and noted that even though monitoring at the airport is funded by the Airport Owner there are cost implications to the Council. Provision of technical, environmental health staff, capable of interpreting and reporting data retrieved. It is an obligation the Council must meet and no income stream is available to meet that cost. Members were clear that noise monitoring of the airport must remain a high priority because of the level of public interest, none the less it was unfortunate that the cost of this work is borne by the Council itself.
- 2.2 During 2005 the Airport Working Party received information about the law and night-time aircraft movement. Of particular interest was the review of night-time flying at the three London airports. It being the case that is ultimately what is decided at those three airports usually becomes adopted elsewhere in the UK. It was further observed that within the European Union there is a merging trend of night-flying curfew. On the other hand there was the exceptional case of Aberdeen lifting its night-flying ban during the same period.
- 2.3 Sir Alistair Hunter told the Working party he held that the Airport Owner was quite strong on operational work but less successful on complaint handling. There were, in his opinion, two specific issues. Whether or not complaints were satisfactorily answered and punctually. And also whether adequate technical information existed for complaints to be responded to. In this area he was thinking of the inability of the Airport Owner to fund secondary radar capability. So the whereabouts of aircraft could not be definitively tracked and then reported back. This was a frequent cause of frustration for those who complained of 'off route' flying. Sir Alistair foresaw further problems with the content of the September 2000 Section 106 Agreement in respect of night-flying. The content had been designed to progress cargo flights, but increasingly (in 2005) passenger aircraft were the subject of complaint.
- 2.4 As the Chairman of the Airport Consultative Committee Sir Alistair was conscious that the planning framework documents (Environmental Statement, Travel Plan and Master Plan) provided in accordance with the Agreement could be better coordinated. In fact in part the documents were still draft. As the Airport moved towards being the subject of a redevelopment proposal the Town and Country Planning process would undoubtedly require comprehensive review and coordination of such background papers. This was important because they set out the information that will be publicly available and set the agenda for balancing business expansion with sustainability. The Working Party subsequently met the Airport Director and he explained that the Airport Owner considered the Section 106 Agreement a very important document. He assured Members of the Working Party that the airport understood how the Section 106 formed an essential link between the airport, its activities and the interest of the local

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community. He believed that it is vital that the Section 106 visibly works in the interests of all parties.

- 2.5 On the subject of night-time flying Mr Robertson explained that within the industry, freight is normally flown during the night-time hours. This is for various reasons. The aircraft are not as strictly scheduled as those carrying passengers, and business at some airports is so busy during the daytime that capacity for cargo needs to extend into the night-time period. He accentuated the significance of the 'shoulder' period. That period just after 23.00, or before 0700, when a quota of a specified number of flights, related to their noise output, might be permitted. This in his opinion would enable the airport to develop its business, without unreasonably disturbing local residents.
- 2.6 Members understood the point made by Mr Robertson but reminded him that at the present time the daytime period was not exceptionally busy, such that it could be said that cargo flights would not have to extend into night-time period, at the shoulder period or otherwise.
- 2.7 The 'Stratford Report' commissioned by the Council to coincide with its review of the Section 106 Agreement was reported to the Working Party. The document provides a commentary of the airport in Thanet by comparison with others in the UK. It also makes observations of good practice, and potential changes in the law. The report was made available on the Thanet website.

3.0 Public Consultation

- 3.1 The Working Party was aware of, and made comments about, the design of the public consultation process.
- 3.2 The process resulted in 2,3330 questionnaire being completed and returned to the appointed consultant MORI. Nine public meetings were held in Thanet, and a further two in the Canterbury District. Almost 300 people visited the consultation bus, which spent three days touring 13 locations in Thanet. MORI also conducted a telephone survey in Thanet and a number of key stakeholder in-depth interviews.
- 3.3 Before the results of public consultation were reported back to Full Council the Working Party reviewed the final report made to Full Council. Its comments, as reported back, regarding the report are included herewith. They stand as a matter of record, and should be read in conjunction with the report to Full Council at appendix A.
 - 3.3.1 The framework for collection of information and reporting, at section 3.3 of the report is satisfactory. But the timescale of achieving a draft Agreement by December 2005 is tight, and dependent upon some factors outside the control of the Council. Therefore, it was suggested that after each Full Council meeting the figure at 3.3 will read 'discussion and negotiation with Planestation'.

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- 3.3.2 The issues and corresponding subject matter to be taken from the results of public consultation and market research, set out in section 2.6, were satisfactory, with one minor addition.

At (iii) the issue could say:

“noise is more likely to be a problem for those living beneath, and adjacent to, the flight path”. The words ‘and adjacent to’ being added.

The Working Party also noted that whilst the list at 2.6 represented the broad areas raised during public consultation, this will not preclude other issues being added to S106 negotiations if and when they emerge.

- 3.3.3 At appendix II; the analysis of Focus Group Feedback from Ramsgate, Margate and Broadstairs, could be better reported to enable those who were present to understand how their participation in focus groups had been recorded. Further, it would be helpful background information to include a table showing the numbers of people attending each of the 13 public meetings.

The approximate numbers attending the 13 meetings were as follows:

Margate	14	- (all participated in Focus Groups, which included a members group)
Broadstairs	14	- (all participated in Focus Groups, which included a members group)
Ramsgate	350	- (94 participated in Focus Groups)
Acol	37	- (including some Parish Council members)
Minster	100	- (including some Parish Council members)
Manston	80	- (including some Parish Council members)
St Nicholas	110	- (including some Parish Council members)
Monkton	41	- (including some Parish Council members)
Cliffsend	39	- (including some Parish Council members)
Sturry	24	
Herne Bay	250	

- 3.3.4 The Working Party was of the view that because it had been established by the Finance, Best Value and Performance Review Panel, and reported to it, that, all words after “Finance, Best Value and Performance Review Panel”, should be deleted from recommendation 6.3.

4.0 Night-time Flying Policy, the Working Party Comments

- 4.1 The Council had agreed for a six-month period only, to a Night-time Flying Policy. The Policy was sought by Planestation in order that EU Jet could complete sufficient rotations of their passenger aircraft each day to make business operations viable. It transpired that the business did not succeed, and the six-month period was never completed with Planestation going into administration. None the less the Working Party observed that the monitoring period, and opportunity for the public to consider impacts had been valuable. Lessons were learned for future reference.

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- 4.2 These were synthesised in the conclusions of the Working Party at its 9 February 2006 meeting. They were as follows;
- 4.2.1 There was some discussion regarding the fact that Infratil presently intended to run one scheduled charter flight per week between the months of May and October 2006, departing at 23.30 hours. The Head of Development Services had already e-mailed the lawyer for Infratil, explaining that, in the Officer's opinion, such flights were to be described as 'regular' and therefore, if and when they take place, will constitute breaches of the Section 106 Agreement. The Council had received no advance notice of the post-23.00 hours departure flights being scheduled*. No such flights ever took place, the schedule was altered.
 - 4.2.2 Members discussed, in the context of the previous Agenda Item, the experience of the Summer Night-Time Flying Policy during 2005. It was observed that, even during the generally kinder Summer weather, the Airport Owner had been unable to ensure that all 11 no. scheduled arrivals each week arrived from the west, ie: the opposite end of the runway from Ramsgate. It was assumed that an even greater proportion of aircraft movements would need to take place over the Ramsgate end of the runway if Night-Time Flying was agreed on a 12 month basis.
 - 4.2.3 Again reflecting on the experience of the Summer 2005 Night-Time Flying Policy, some Members observed that the intention of the clause endorsing departures to European destinations, between the hours of 06.00 and 07.00, was to enable business flights onto Mainland Europe – not departures to other UK destinations. In a future Agreement, this matter would need reconsideration.
 - 4.2.4 There was general consensus that, in terms of ad-hoc aircraft movement during the night-time hours (23.00 – 07.00), the existing Quota Count (QC) of four or less was now an inappropriate target. Aviation standards had improved, and it would definitely be appropriate to set, by Agreement, a lower QC.
 - 4.2.5 Some Members felt that the public regarded humanitarian Night-Time Flights in a different manner from commercial flights, this being because it might be accepted that flights into, for whatever reason, 'dangerous' locations need to be scheduled to arrive at their destinations during daylight hours. On the other hand, Members could recall the position some two years ago when the Council could not agree with the then Airport Owner that certain flights were humanitarian; in short, the definition needs to be clarified.
 - 4.2.6 It was generally agreed that the level of fines ought to be increased for contraventions.

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- 4.2.7 There was discussion regarding the need for the Airport Owner to provide at least six months' notice to the Council of any proposed Night-Time Flying Schedule. This was seen as essential in enabling the Council to consult and, in general, seek the views of the local community. It was also felt that it provided some rigour in making sure that the Airport kept the Council, as Planning Authority, informed of its proposals.
- 4.2.8 Although there was no agreement, one way or the other, some Members observed that there might be circumstances when Night-Time Flying could be permitted by the Planning Authority. This was more likely to include passenger arrivals which would, bearing in mind the type of aircraft generally deployed, be quieter than cargo flights. In respect of cargo flights, it was understood that, generally, the industry moves cargo during night-time hours but, until and when KIA is operating at busy levels during the daytime, it could be difficult for the Council to countenance regular/frequent night-time cargo. Again, no conclusions were made but, in discussion, it was said and noted that noise quotas into the night-time period, ie: limiting the total noise, rather than a specific number of aircraft movement, would encourage the Airport Owner to schedule passenger aircraft (which are quieter) as opposed to cargo.

5.0 The Section 106 Agreement

- 5.1 The Working Party was aware that there is an obligation on the Airport Owner, under the terms of the Civil Aviation Act to put in place arrangements for local consultation with the community. Although the Act and Department of Transport Guidance does not stipulate that liaison must be via a Consultative Committee in practice all airports have such committees. It was noted that the role of the Consultative Committee is very different from that of the Council. The Council has a statutory role as the Planning Authority and broad Local Government duties. Whereas the Consultative Committee is essentially a mechanism for disseminating information into the public domain from the airport, and listening to feedback. The Working Party noted that a successor Section 106 Agreement would need to refer to the Consultative Committee, as the Kent International Airport Consultative Committee, or successor in name if the title is changed.

5.2 General Noise Limitations

- 5.2.1 The Working Party agreed that the engaged Aviation Consultant, Stratford, should be requested to provide commentary on the success of this particular section. In particular Officers, however, needed to check that a 63 dBLAeq Noise Contour Map had been produced by the Airport for each of the 12 month periods since the Planning Agreement was signed in the year 2000. This was thought not to have been the case.
- 5.2.2 Officers reported that, when the previous Company owning and operating the Airport, went into Receivership, some information was lost to the Council. This needs to be pursued by Officers.

5.3 Dwelling Insulation Scheme

- 5.3.1 The scheme had provided insulation to some homes in Newington, and others in Cliffsend. The scheme had not been particularly controversial.

5.4 Preferred Departure Runways

- 5.4.1 There was general agreement throughout the Working Party that the target of 70% of all departures using Runway 28 (ie: away from Ramsgate) had been appropriate and recognised the close proximity of the urban area. Definitive statistics exist for the period that the S106 Agreement has been in place.

- 5.4.2 It was felt by Members that a future Agreement would justifiably seek to be prescriptive on arrivals as well; this on the basis that the majority of local people experiencing noise from the Airport are in the Ramsgate area, and therefore it is appropriate to endeavour to protect that centre of population.

- 5.4.3 Previously, the Working Party had received statistics on a 'year by year' basis, regarding runway usage; the statistical reporting had been available and successful in providing Members and others with an interest in this subject, with data on how this section of the Agreement had actually worked.

5.5 Noise Abatement Routes

- 5.5.1 In principle, this section had been sensible and laudable. It had, though, been unenforceable because secondary radar capability is not available at the Airport. This means that it is not possible to track, and report later, the flight path of individual aircraft.

- 5.5.2 It was generally agreed that a future Agreement must insist on improved radar capability to enable tracking, and therefore enforcement of a similar clause to this, but at the appropriate trigger point, this being because the equipment is likely to be expensive and can therefore only reasonably be justified when total aircraft movements reach a threshold at which business (and therefore income) and commensurate overall environmental impacts make the improved radar essential.

5.6 Noise Monitoring Terminals

- 5.6.1 Members were concerned that the Mobile Noise Monitoring kit had been removed by Manchester Airport personnel whilst the Airport was in administration. Officers were asked to ensure that the equipment is returned.

- 5.6.2 There was discussion on the overall noise monitoring capacity needed, and at what sort of future aircraft movement levels additional monitors

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would be needed. There are sound monitoring instruments at each end of the runway.* Manchester Airport no longer provide noise monitoring services. A new supplier has been appointed. New instruments are insitu.

- 5.6.3 Against this, it was noted that past complaints had not necessarily been about noise levels on their own, but more about the time of day that aircraft movement took place.
 - 5.6.4 In conclusion, Members wished to receive more specialist advice on how well this section had performed. General comment was made that, at some future time, it would be appropriate for the Airport Owner to fund Environmental Monitoring and Reporting, duties presently falling to the Council's Environmental Health Service. In keeping with other Local Authorities hosting Airports, Members felt that the burden of this important work ought not to be borne by Local Council Taxpayers alone.
- 5.7 Pollution Monitoring
- 5.7.1 This section was seen as successful.
 - 5.7.2 It was noted that the Environmental Health Team produce reports, but work and equipment is funded by the Airport Owner.
- 5.8 Noise Monitoring
- 5.8.1 It was noted that this section is to be read in conjunction with production of the Annual Noise Contour (see Section 2).
 - 5.8.2 Members did note that, once again, this particular section needed expert advice. Engaged consultants will require full access to the Noise Reports produced annually by the former Airport Owner. *Reports on peak noise levels and average (Laeq) have been consistently reported to the Council, and the Consultative Committee. There is a period of missing data during transition between contractors.
- 5.9 Engine Testing
- 5.9.1 Statistics have been produced by the Airport Owner on annual figures in terms of hours, during which engine testing was carried out, almost all of which had been within the first two years of the Agreement.
 - 5.9.2 However, Members noted that the present owner of the Airport, if and when aircraft are based at KIA, may need to carry out engine testing – which might be needed during night-time hours, eg: when aircraft based at KIA are not operational; therefore, in some form, a similar section will be required.

5.10 Green Travel Strategy and Environmental Statement

5.10.1 It was understood by the Working Party that, should a new Agreement not be put in place before the first significant planning application is submitted by the Airport Owner, the Planning Authority will almost certainly require a full Environmental Statement from the Airport Owner. In addition, the Planning Authority will almost certainly attach a Planning Agreement to the planning consent, thus avoiding the need to separately negotiate a voluntary Agreement.

Nonetheless, review of the existing Agreement remains a valuable process to go through because describing the strengths and weaknesses of the existing Agreement prepares Thanet for future negotiation.

5.10.2 Members noted that much background environmental data now existed regarding the Airport, but from different periods. The benefit of an integrated Environmental Statement is that it will draw together this data, providing a useful Central Database – which certainly does not exist at present.

5.11 Payments

5.11.1 It was noted again that these will need to be revisited, with potential reviews built in, if the next Planning Agreement is attached to a specific consent.

5.12 Third Parties

5.12.1 The Agreement would need to refer to the Consultative Committee or its successor in name

6.0 Conclusions

6.1 The September 2000 Agreement had been relatively successful. Especially in the years immediately following 2000. However technical improvement in the quality in aircraft (reducing noise levels) plus new national and international guidance, make review, and changes to the Agreement desirable.

6.2 This can only be done against a background of known business plan from the Airport Owner. Since the year 2000 the UK Government has introduced the process of master planning for airports. Once a draft Masterplan is available regarding Kent International Airport the Council will be in position to use the information is now holds regarding public opinion, and appraisal of the existing Section 106 Agreement.

7.0 Recommendations

7.1 The Working Party, believed that the scale and scope of the airport and its implications for the future of Thanet make it vital that the Council maintains an awareness and overview of how Kent International compares and performs against national and international standards. Because this cannot be achieved through intermittent receipt of receipt of reports to Cabinet it is recommended

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that arrangements be sought and put in place to establish either a Standing Committee, or other suitable alternative.

- 7.2 Finally the Working Party recommends Scrutiny and Overview to accept its reports and recommend that be carried forward and fully considered in any future decisions regarding the Kent International Airport.

8.0 Appendices

- 8.1 Appendix 1. Schedule of meetings and Members (to follow)
- 8.2 Appendix 2. The Report to Full Council on Public Consultation and the Airport 106 Agreement.

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