

None.

89 **LUTON AIRPORT**

Councillor Timmis gave the committee an update on Luton Airport based on her attendance as a representative Councillor for Dacorum Borough Council (DBC) at the London Luton Airport Consultative Committee (LLACC, see www.llacc.com) and its Noise and Tracks Sub-Committee (NTSC).

Background

The Airport has been expanding far faster than anticipated when planning permission was granted in 2013 for a doubling of passenger capacity from 9m to 18m per annum by 2025. In 2017 the airport expects to have carried more than 14m passengers, and to reach its permitted 18m some 7 years earlier than expected. Annual flights will have risen to 140,000 by end 2017, up 40% on 2013, within 4 years rather than 10. This making Luton the 5th busiest and one of the fastest growing airports in the UK. From their point of view this is a very positive increase in finance, business and they would argue, in the local (Luton) and national economy. The holding company LLAL, which owns the infrastructure on behalf of Luton Borough Council (LBC) in Bedfordshire, receives £34m per annum for the operating concession from the Airport Operators LLAOL, and dividends a large part of this to LBC as well as investing in a strategic land portfolio.

Environmental impact

Currently the airspace around Luton Airport is used for Luton Airport take offs and landings, stacking areas for Heathrow, and flights to or from Stansted, Northolt and City Airports, in three tiers. Luton airport has been assigned the lower of these tiers meaning that planes have to keep on a lower trajectory on take-off, so they are closer to the population on the ground and therefore noisier.

The major downside of increased LLAOL activity falls on Hertfordshire and in particular the Westerly flight path out of the Airport which accounts for 70% of flights (98,000) and affects disproportionately Markyate and Flamstead (which Councillor Timmis represents) as well as Redbourn and north Hemel Hempstead. Harpenden and St Albans residents have mounted fierce opposition to the noise and impact on their residents since it has been worsened by the introduction of a narrowed flight path using GPS-based navigation (RNAV).

This system is due to be extended onto all routes from Luton over the next 4-5 years, as part of an initiative to ensure Air Traffic Control safety of the ever more crowded skies.

Community groups have pointed out that government policy tends to favour concentration rather than dispersal of flights, which may be expedient in terms of using GPS navigation to control the ever-more crowded skies, but it does not necessarily guarantee that the objective of minimising the numbers of people affected by aircraft noise is met in a fair way: some people can face a great and increasingly concentrated environmental burden which more dispersed flight paths could even out.

Night flights have also been increased, as Luton has a 24-hour operating license, and the planning restraints set an upper movements limit designed to restrict growth, past the expected maximum.

Mitigating the impact

As a result of the significantly increased complaints since RNAV was introduced, the Airport is looking at a number of mitigations including getting planes to altitude sooner, designing local respite routes and possibly a new route out to the West which then turns North. Faster climbs may help we hope, but increased throttle settings may well make things worse for our area.

Of slower benefit will be the introduction of quieter aircraft, with just one A320neo now based in Luton (offset by the introduction of many more A321 aircraft). However, new airlines such as Vueling have actually increased the proportion of the largest and noisier types of planes at Luton, taking the fleet mix towards the louder rather than the quieter end of the spectrum.

Mean time passenger numbers and aircraft numbers continue to grow, and because the numbers have overtaken the introduction of quieter aircraft, LLAOL are discussing with LBC the possible need to relax another of the planning controls - the night noise contour limit.

Holding to account

The LADACAN campaign group (www.ladacan.org), SADC and myself have challenged the growing impact of airport operations within the context of the LLACC and NTSC Committees mentioned above. There is a level of frustration however, that despite clear Government Guidelines designed to encourage meaningful engagement with Consultative Committees (albeit with no backup powers,) community representatives are often “fobbed off” by the Airport Operators, and attendance by LBC and by airline representatives has been allowed to lapse. Partly as a result, St Albans recently held a very well attended (100+ residents) public meeting of its Scrutiny Committee specifically to hear community presentations and the response from LLAOL, with some useful outcomes by way of new information about moves to increase altitude and use respite routes – however these will take years to materialise.

National policy consultations

The Department for Transport (DfT) has recently run a public consultation on UK Airspace Policy and the CAA ran a consultation on Airspace Design which closed at the end of June.

I have submitted consultation responses to the DfT on aviation policy and the CAA on airspace change, as a representative councillor of DBC, as have LADACAN and LLAOL.

Conclusion

Given the dynamics of all that is happening both locally and nationally – increased air traffic, systems which concentrate flights, the likelihood of new route designs and changes to the climb rates, and the changing mix of the aircraft fleet, it seems imperative that Dacorum should be well-engaged with what is going on at Luton Airport, given that many of its residents live close to the airfield and are severely impacted by the noise and pollution.

Councillor Hicks asked if the consultative committees had lobbied organisations and MPs to deal with the issues.

Councillor Timmis said the MP had been involved and the Chairman had a letter from the MP.

Councillor Anderson explained that he wrote to Mike Penning MP to make him aware of the committee's discussions about the airport. Mike Penning MP wrote to the airport after the general election on 19th June to express his concerns about the number of flights over Markyate after numerous complaints from his constituents. He received a response from Neil Thompson the Operations Director on 26th June. Councillor Anderson asked Councillor Timmis to her knowledge how much work Mike Penning MP had been doing on this issue.

Councillor Timmis said she wasn't aware of any further work. She said the airport will always refute claims and will refer back to the measures it has already put in place. However, the airport does fine airlines that do not follow the prescribed flight paths but the fine is so small it doesn't really act as a deterrent. The noise is now concentrated along one flight path and is distressing as there are flights every few minutes. Councillor Timmis said that she had a noise monitor in her garden and the constant, regular noise has a greater impact than on a more dispersed flight path. The airport is not offering real solutions and the economic arguments always wins.

Councillor Birnie asked if the flights can be accurately plotted.

Councillor Timmis said yes. They have new navigation equipment

Councillor Birnie said a more proactive approach might be to lobby for an increase in fines for not following flight paths.

Councillor Anderson said that was a very specific solution to ask for. He asked Councillor Timmis what role she thought Dacorum Borough Council should have.

Councillor Timmis said there should be a higher profile of holding the airport to account. The economic benefits are felt in Bedfordshire but the detrimental impact is felt in Hertfordshire as the flights do not fly over Luton. St Albans District Council have had a much bigger impact and have sent letters to the airport committee and have made their case forcibly. There has been a huge increase in complaints in the last two years.

Councillor S Hearn asked about the future of the airport and if an extension of the runway has been discussed.

Councillor Timmis said it hasn't been discussed but a second runway was previously turned down. The runway is currently long enough for larger aircraft and there is a large number of private aircraft at Luton. Budget airlines operate the majority of flights and there is an increase in the number of flights to Eastern Europe which fly over the flight path.

Councillor S Hearn said he was aware of concerns from residents in villages surrounding the runway that their homes might not exist in ten years.

Councillor Timmis said she was not aware of any immediate expansion plans.

Councillor Hicks asked if MPs could push to make Luton airport fall under the same regulations as Heathrow, Gatwick and Stansted.

Councillor Timmis said it was under the same airport regulations but it is a privately owned airport so they have self-imposed regulations on night flights. Heathrow has mandatory hours it must close the runway overnight. Luton airport has a large number of transport flights flying overnight. MPs are conflicted as national policy encourages airport expansion. Mike Penning MP has indicated that he is supportive of the cause but hasn't been as involved as he could be.

Councillor Anderson said he felt there were a few options open to the committee. He asked the officers if Luton airport had invited members to visit.

J Doe said the airport was invited to attend the committee meeting in January but turned it down. Instead they offered to host a visit from committee members.

Councillor Anderson said there were two options – to contact the airport and arrange a visit or send a letter on behalf of the committee setting out the concerns.

Councillor Birnie questioned why the committee couldn't do both. It might be useful to visit the airport to gain the facts and then follow up with a letter if answers are unsatisfactory.

Councillor Timmis said there are lots of documents on the airport's website which will set out the facts. The problem with a visit is that they will show off what a wonderful success the airport has been and wouldn't adequately address the concerns.

Councillor Anderson invited the Portfolio Holder to comment.

Councillor G Sutton said he felt it would be better to invite airport representatives to the committee and invite the local MPs to give it a higher profile. Questions need to be answered about rumours circulating about the future of the airport. However, he felt that in the future, aircraft would get quieter and he has witnessed this at Heathrow which he regularly passes.

Councillor Anderson said there might be a greater chance of success if the meeting is held in private.

Outcome

That the Strategic Planning and Environment Overview and Scrutiny Committee alongside the Portfolio Holder for Planning and Regeneration write to the airport and the MPs for Hemel Hempstead and South West Hertfordshire to ask if they will attend

a private meeting to discuss the future of the airport, noise concerns and nights flights.

90 REVIEW OF CIL AND INFRASTRUCTURE PLANNING

J Doe ran through the main points in the report regarding an update on managing CIL and s106 receipts.

- On page 7, section 2 – there is an ongoing government review of CIL as nationally, it is raising less than anticipated and it is a complex system to run. Page 8, paragraph 2.4 onwards – a review group has suggested a hybrid system to set a local tariff for smaller sites like the system in London where developers pay two tariffs – one the local authority and another to the Mayor of London.
- The Council started collecting CIL in July 2015 but there has been no expenditure yet as revenue is still coming in. An advisory group meets every three months and includes the borough council, the county council and other stakeholders and it is their job to prepare an annual business plan.
- The Infrastructure Delivery Plan sets a long list of necessary infrastructure provision. It is updated regularly with changing priorities. A report went to Cabinet in June to delay inviting bids from service providers as currently, there is £450,000 available but it was felt it was not a meaningful amount to distribute.
- The Council has permitted a lot of new developments but CIL is only paid when the development begins. Page 11 shows there is almost £7 million in assets - £3 million coming from The Beacon development.
- There are costs associated with collecting CIL – 5% of the money collected is allowed to be spent on administration costs.
- In the New Local Plan, there will be a review of the CIL charging schedule as it is inflationary. Also, changes to the property market should be monitored and an increase in house prices should be reflected in the CIL charges.

Councillor Birnie asked about the structure of the Infrastructure Advisory Group (IAG) and the distribution of funds. He said he found it odd that it includes LEPs and outside bodies yet only two members of the council are involved – it does not seem very democratic.

J Doe said it was a working group and the democratic element comes from Cabinet sign off. Member representation on the group is for political input and more technical input is required.

Councillor Birnie asked if the IAG only makes recommendations to Cabinet and the expenditure decisions are made by Council.

R Freeman said yes that was correct.

Councillor Hicks asked how the IAG got the ideas for spending.

J Doe said the process starts through expression of interests which will be opened later this year. Officers will assess their relevance and effectiveness.

R Freeman explained that submissions had to be scrutinised to find out if it is deliverable. A scoring mechanism is being developed and those with the highest score will be promoted as options to recommend for approval.

Councillor Birnie asked if the IAG covered neighbourhood submissions.

R Freeman said no. Core allocation of CIL funds go to the IAG. Town and Parish Councils have set up their own processes. Neighbourhood funds are allocated proportionally. In unparished wards, projects are to be decided in consultation with the community.

Councillor Birnie referred to the tables in the report and asked what they showed.

R Freeman said the table in the appendix show the funds transferred to each area in the last financial year.

Councillor Anderson asked the members on the committee who represent unparished wards if they were aware of the neighbourhood mechanism.

Councillor Howard said she wasn't and she was unsure what the money was reserved for.

J Doe said they are allocated to the wards for use on one off infrastructure projects that do not commit the council to further spending.

Councillor Birnie asked on what basis these allocations were made.

J Doe said it was 15% of the CIL receipts in each ward. The Council collects 100%, 5% is used for administration and 15% has to go to Town and Parish Councils or the ward by law.

Councillor G Sutton thanked the officers for the report. He said there seemed to be some doubts with the technicalities of how funds are administered. It might be helpful to produce a document explaining the process for all members.

Councillor Anderson said there was a sharp difference parish and non-parished areas and it would be useful to produce two documents.

Councillor G Sutton said that Dacorum were pathfinders for this scheme in the County. Many boroughs are not getting involved.

J Doe said Dacorum were third to introduce it in Hertfordshire and some borough do not have it at all.

Councillor Anderson felt a copy of a document should be emailed to members. He mentioned there was a member development session on this topic and was shocked that there was such a low turnout.

J Doe said when Cabinet first approved the scheme, there was some documents which accompanied the main report and this might be good to start with. He said he will liaise with Member Support to recirculate that information.

Councillor Barrett asked if those that receive the 15% of CIL wouldn't be able to apply to the IAG.

J Doe said 80% is allocated for core funds. After inviting bids, the receipts collected were lower than expected. There are no restrictions on who can apply but competition for the funds will increase. The 15% for Town and Parish councils are for more localised projects but there is no reason why they couldn't pool their resources.

Councillor Hicks asked the IAG published its criteria so applicants knew what they were looking for.

J Doe said yes, the process had to be transparent. Cabinet had set the priorities.

Councillor Birnie asked if the obligation on developers to provide affordable housing could be bypassed by a larger CIL payment.

R Freeman said no, it couldn't be bypassed. Affordable housing provision is guided by planning policy and is controlled by S106 agreements. There is a CIL payment deduction for affordable housing but it does not override the developer's obligation.

Councillor Birnie said many developments are failing to meet the much needed affordable housing.

J Doe said any developer can make the case the build less than the set 35% affordable housing if it is not viable for the development. Officers will assess this claim through a viability assessment. Affordable housing is not subject to CIL payments and if it is not viable to reach the prescribed 35%, then a community payment will be made to the Council which is what has happened in The Beacon case.

Councillor Barrett asked if the £3 million from The Beacon was CIL or s106 payments.

R Freeman said the £3 million was purely CIL. There was an extra £2 million of s106 contributions.

Councillor Barrett asked what the cost per square metre was.

R Freeman said it as £100 per square metre in Hemel Hempstead.

Councillor Birnie said it was interesting to hear that a liability notice is served but no commencement notice.

R Freeman said it was a two stage process. The liability notice is served when planning permission is issued. Once the development has commenced, a demand notice for payment is served.

Councillor Fisher asked if the provision of affordable housing was set in stone and who checks the developer are providing what was agreed.

J Doe said it is known from the outset. If they want to provide less than 35% then they must let the council know from the start in order to provide a viability assessment which is then checked by officers. Any large schemes will go to the Development Management Committee.

Councillor Barrett asked if demolition classed as commencement.

J Doe said yes it did. Demolition did begin at The Beacon but after advice from the council, they stopped. At the moment it can't begin as they haven't fulfilled all the planning conditions.

Councillor Hicks asked there was any problem with the legal obligations to tell the department when work has commenced.

R Freeman said a failure to submit commencement notices came with severe penalties. However, it is an on-going issue and is being dealt with through regular site visits and working alongside the Town and Parish Councils. There is a lot to monitor and not enough resources.

Councillor Anderson said he was concerned about the level of money not being collected. Relying on Town and Parish Councils doesn't look good from a procedural angle. He asked if anything new had been considered to improve the process.

J Doe said they were doing all they can to monitor the process. Planning permission is live for three years so there can be a delay in collecting CIL payments. He said he would take away the committees views for discussion within the department. R Freeman spends time dealing with claims of exemption. It is a bureaucratic process and takes longer to get money because of these claims.

Councillor Birnie asked if there was an issue with under resourcing of staff.

J Doe said there was two members of staff – R Freeman dealt with the legal and technical aspects and there was an administration colleague too.

Councillor S Hearn suggested getting the Town and Parish councils involved and maybe the Clerk's could notify the Council when development has commenced.

Councillor Anderson said this has been happening informally but to make it a formal duty it might be too much responsibility. He asked if it was possible to drill down further into the data to find developments in each parish and send out a list of developments every six months to the parishes to find if development has started or not.

R Freeman said his colleague currently undertakes regular weekly inspections from a prepared list but said he would be more than happy to circulate this on a quarterly basis.

Councillor Timmis asked if permitted developments were subject to CIL payments.

J Doe said they only charge CIL on residential developments and there is provision to charge it on extensions of a certain size.

R Freeman said that large house extensions often submit relief claims.

J Doe said there might be an opportunity in the future to revisit the classes that are charged CIL. For example, storage and distribution developments are increasing in the borough.

Councillor Barrett asked if the size of a property that is demolished is taken away from the total floorspace of the new dwelling when calculating CIL payments.

J Doe said it was calculated on the net increase in floorspace.

Councillor Barrett referred to the reclassification and asked if retirement homes would be included.

R Freeman said they would be looking at all usages and that class was on the agenda.

Councillor Anderson said he sat on the task and finish group when this was originally discussed. Retirement homes mean different things – sheltered accommodation, care homes or residential.

J Doe said it wasn't programmed but the council needs to make sure they are charging the optimum rate in the economic climate.

Outcome

That the Strategic Planning and Environment Overview and Scrutiny Committee endorse the amount of work undertaken by officers and thank them for their work and hope to see some improvement in collection and spending of CIL revenue when it returns to the committee next year.

91 WORK PROGRAMME

Councillor Anderson encouraged the committee to look at the work programme and wanted members to become more proactive in requesting items to scrutinise to add value to the scrutiny process. Also, if any members identify a training need then contact Member Support who can organise the training.

The Meeting ended at 9.10 pm