

**Hampton-In-Arden Parish Council Response to Planning Application PL/2024/01917/M106:**

***Namely: To vary Schedule 5 of the [Birmingham Airport] Section 106 Agreement (including related definitions) and the associated Night Flying Policy***

**Summary:**

Hampton-in-Arden parish council recognises the economic benefits of Birmingham Airport to the surrounding area. However, expansion of the airport operation must be done with due respect for the local environment. The planning authority has a duty to balance the growth with suitable controls to limit environmental pollution in terms of noise, greenhouse gas emissions, harmful gasses and particulates. With respect to this night flying policy the parish council finds that:

- The proposed changes reverse the legal intent of the original section 106 planning agreement by requesting an increase in the proportion of flying at night from 5% to an average of 7.3% rather than a “phased reduction” towards 4%. We believe the existing limits have already been breached by the airport.  
**We call on the planning authority to take firm action to regain control and re-assert this reduction intent to a 4% limit per the original agreement.**
- The proposed policy relies on unreliable forecasts from the airport rather than the existing policy of actual data from the past 5 years.  
**We call on the planning authority to maintain the use of known traffic rather than forecasts to ensure transparency and accountability.**
- Noise data provided with the planning proposal is insufficient to correctly assess the level of harm from night-time noise and its correlation with planning policy.  
**We call on the planning authority to delay the decision in order to allow for correct 8 hour metrics to be considered against planning advice.**
- Night-time noise is known to cause sleep disruption and increased cardiovascular health risks which comes at multi-million pound cost to the economy.  
**We call on the planning authority to restrict the night-time operation towards the 4% limit, in accordance with the original section 106 agreement to protect and maintain health.**
- Night-time noise disturbance is a combination of both noise levels and the number of noise events. We believe the proposed increase in the number of flights falls into the planning category for which the planning advice is that planning “should not normally be granted”.  
**We call on the planning authority to follow planning advice and require the airport to reduce (rather than increase) its proportion of night-flying.**
- The proposed noise level limitations (81dB) do not go far enough and do not represent industry best practices.  
**We call on the planning authority to bring the Birmingham airport at least in line with other airports and reduce the limitation to at least 79dB.**
- The current night flying policy is based on proportions of all air traffic and therefore allows for business expansion. The night period is already shorter than international standards. The airport already has significant concessions to allow for growth  
**Current arrangements already allow for significant and ongoing growth, we call on the planning authority to prevent further unnecessary erosion of the night-time protections and restrict environmental damage.**
- The majority of the planning information was not provided to the Night-Flying Noise sub-group, part of the Airport Consultative Committee (ACC), during their discussions with the airport over the past year. The ACC and sub-group are currently constrained as ‘consultative-only’ and therefore are not able to influence policy making by the airport in a meaningful way.  
**We call on the planning authority to recognise that the consultation phase has not been meaningful, has lacked transparency and therefore has not been fit for purpose.**

**Detailed Response:**

In detail the Parish council responds on with the following detailed considerations:

**The section 106 agreement anticipates a reduction in night flying. The planning proposal does exactly the opposite:**

Schedule 5, part 3 of the section 106 agreement (2009) for the runway extension states that

“...always to include a review of the Quota and the Annual Limit with the Intention of achieving as soon as practicable after the opening of the Runway Extension a **phased reduction of the Annual Limit to 4% or lower** on a programme to be agreed with the Council to the intent that the obligations on the part of the Airport Company in this schedule shall be satisfied”.

Rather than a “phased reduction”, the planning application proposes to increase the limit to 7.6% in 2024-25 and then further increasing number of flights for subsequent years. This is directly contrary to the intention of the original section 106 agreement and represents a complete disregard to the legal objectives of the original agreement that allowed the airport to expand its operation.

***The annual limit should follow the planned phased reduction and be reduced to the 4% or lower as originally agreed.***

**The proposed new policy should not be based on unreliable forecasts:**

The current policy uses 5% of busiest year in the past 5 years actual ATMs to calculate the night flying limit, this is a clear and identifiable number.

The new proposal is a changing yearly percentage of forecast traffic, initially at 7.5%. There is a significant change in and of itself and should not be overlooked. It is not just about changing the percentage of night flights it is actually fundamentally changing how this percentage is calculated. This coupled with an increase has a double impact.

Air traffic forecasting lacks fully independent transparency and relies on data produced by the airport. Put bluntly the airport could create its own forecast, have the amount of night flights based on that forecast, but by the end of a 12-month period in reality the forecast total is never reached. The direct impact of this would be that night flights as a percentage of total flights would be far in excess of the proposed percentage but the airport would technically not be in breach of the new agreement.

***Whilst our primary position is that there should be no percentage increase if one is agreed we maintain that this must be calculated on the same basis as before i.e. the 5 year actuals and not on a forecast basis.***

**Previous breaches of night flying policy have lacked consequences:**

The current night flying policy has limits for all departures and also all movements in general. However, it has emerged that, for several years, Birmingham airport has been incorrectly exempting non-scheduled and positioner flights from 877 departure caps and annual night flying limits. The submitted planning statement (paragraph 3.10) identifies another expected exceedance this year. There have been no apparent consequences to the airport for this misreporting and exceedances and in-fact it appears this apparent immunity has emboldened the airport to request even bigger night flying quota. The night flying policy is part of the section 106 agreement and as such should represent a legal limit. Exceedances and/or misreporting should not be allowed.

***Whilst our primary position is that the agreement should not be increased, if it were increased, we have absolutely no confidence that the airport would in fact stick to the new limits. There is no transparency as to any consequence for the airport's failure to adhere to limits in the agreement.***

**The consultation process with the Airport Consultative Committee has not been fit for purpose:**

Between October 2023 and August 2024, Birmingham airport has discussed the update to the night-flying policy at seven meetings of the Night-flying 'Noise sub group' to which representatives from Hampton-In-Arden have attended. The sub-group is part of the Airport Consultative Committee (ACC). Despite all of these opportunities, the vast majority of the justification and detail provided in the application was not made available to the sub-group during discussions and therefore the group was not in a properly informed position to fully consider the airports position. This includes, but is not limited to, much of the explanations of government planning guidance and economic arguments in the planning statement, the detailed noise assessment (including most of detail in appendices A, B & C), the air quality assessment and the economic case. Although some of this information was presented to a general ACC meeting in Sept 2024, this was as a 'fait accompli' and the overall timings of information release prevented meaningful back-and-forth discussion and the consultation process has thus lacked transparency.

The 'review' only nature of the requirements in the existing section 106 agreement (Section 9, para 3), means we have been limited in the ability to have actual meaningful consultation. There has been no vote or show of hands for support to the proposed policy from the ACC. As evidenced in the 'Statement of Community Involvement', (Planning Statement, Appendix 7) the airport has presented its plans and responded to questions but the committee has no facility to apply any effective pressure on the airport to adjust or change its approach. The consultation process has essentially been one-way traffic and has been ineffective in ensuring that the views and concerns of the community actually make their way through to policy.

***We believe that the community consultation process has lacked transparency and has been ineffective in affecting airport policy decisions on night-flying. The process has been shown to be not fit for purpose and the planning authority should require the airport to demonstrate meaningful community agreement or acceptance of proposed changes.***

**Noise contours provided are less stringent, non-standard contours and do not align with ISO definitions or Planning Policy Guidance:**

The noise contours provided by BAL (appendix 5) are calculated over a much shorter night-time of only 6.5 hours rather than 8 hours as defined in both the International Organisation for Standardisation night-time noise metric (ISO 1996-2: 1987) and Planning Policy Guidance 24; Planning and Noise (PPG 24). An average over the full 8 hours (normally 23:00-07:00) would undoubtedly yield a much higher results as the intensive morning 'rush hour' flights would be included. The World Health Organisation (WHO, Night time noise guidelines for Europe, 2009) states an 8 hour interval is the minimal choice for night protection and therefore an 8 hour contour is needed to correctly inform the planning process and to make correct planning decisions based on noise impact against standard measures.

***The airport data cannot be used to compare against planning policy and health exposure risks. It cannot be used to make informed planning decisions.***

**The current noise levels are damaging to health, they should be significantly reduced:**

According to the World Health Organisation (WHO, 2009) for night-time noise:

- Above 40dB: "Adverse health effects are observed among the exposed population. Many people have to adapt their lives to cope with the noise at night. Vulnerable groups are more severely affected".
- Above 55dB "is considered increasingly dangerous for public health. Adverse health effects occur frequently, a sizeable proportion of the population is highly annoyed and sleep-disturbed. There is evidence that the risk of cardiovascular disease increases".

Furthermore, East Midlands Airport (East Midlands Noise Action Plan 2024-28) states that "noise is considered to be affecting places near the airport if the noise mapping has indicated ... a  $L_{night}$  [over 8 hours] value of 50dB or more"

Even based on the 6.5hour averages, the 45dB noise contours reach as far south as the Kenilworth Abbey and Arden ward and north through Erdington and into Sutton Vesey. In the Hampton-in-Arden Parish the noise contours extend as high as 60dB with very little change between the 2023 and 2027 contours. A correct assessment over 8 hours (e.g. as used by East Midlands airport) would undoubtedly extend these contours out still further and increase the number of households suffering from health impacts, especially cardiovascular disease such as hypertension, myocardial infarction and above 60dB, physic disorders.

The original section 106 planning agreement stated the intention of phased reduction in limits as soon as practicable. The intention was clearly to provide balance for a reduction in health impacts as the airport grew. In fact, in this planning document, limits are being increased at the same time as airport traffic is increasing. Excessive business growth is being prioritised over health.

***The proposed increase in traffic will dramatically increase health impacts across a wide population around the airport and likely lead to increased cardiovascular disease.***

***The lack of standardised reporting in the noise contours under-estimates the noise impact to the community.***

**Health effects cost the economy:**

The Aviation Environment Federation (Aircraft Noise and Public Health, 2016) analysed the department of transport “WebTAG” methodology to monetise noise related health costs. Airport data shows that between 40-46,000 people live within the 48dB contour. Incorporating these DfT costs against the affected population reveals that, at 2016 values, just the sleep disturbance health cost alone could be assessed at above £20M for 2023 flights. This does not consider the cost of cardiovascular disease. As before, this is against the weaker 6.5hour data and would likely be significantly increased if a standard 8 hour night was considered. Clearly health impacts do cost the economy.

***The cost of health impacts of sleep disturbance are not justified by the increased business for the airport. The airport data shows multi-million pound health costs.***

**It’s not just average noise levels, it’s the number of flights:**

Although health impacts are often measured against averaged noise levels, the number of noise events are often more relevant.

The CAA CAP 1588 (Aircraft Noise and Annoyance: Recent Findings) quotes Quehl and Basner (2006) studies which indicated that that not only the energy equivalent noise level (LAeq,night), (as often used in European noise policy) but also the number of aircraft events are a major source of nocturnal aircraft noise-induced annoyance.

The proposed night flying policy dramatically increases the number of flights from the current 5% limit to 7.5%. When comparing the proposed policy to the original section 106 intention to reduce to 4%, for the 24-25 year this represents an average of 3.1 flights per hour rather than 1.7. Although newer aircraft are quieter, they are still generally very noisy vehicles. For many parishioners, the increase in flight frequency will directly lead to a significant increase in sleep disturbance even if ‘quieter’ aircraft are in use.

***Increased numbers of flights will have a determinantal environmental health impact on the local community. The proportion of night flights should be reducing, not increasing.***

**Planning Policy states that planning “should not normally be granted” where a site is exposed to regular noise events:**

According to the Planning Policy Guidance, as presented in the planning application Appendix 5, “a site is exposed to regular individual noise events that exceed 82 dB LAmax, slow (external) several times in an hour should be assessed as being in Noise Exposure Category (NEC) C, even if the LAeq,8hr indicated the site is in NEC A or B”.

The proposed night flying policy averages out at one flight roughly every 20 minutes at night. This would certainly be regular individual noise events and several in an hour. Although aircraft are penalty charged if they are above 81dB(A) at the noise monitors, these points are some 6.5 km from the start of roll. Aircraft will be noisier before this point and aircraft with noise ratings of upto 92.9 EPNdB (QC1) are allowed under the proposed policy.

***At many residential sites, it is likely that there will be “regular noise events exceeding 82dB LAmax, several times an hour”. According to Planning policy guidance, the assessment should be as being in Noise Exposure Category C and the recommended planning advice is that “Planning permission should not normally be granted”.***

**The limit on noise levels does not go far enough:**

As new designs aircraft become quieter and more efficient, the planning policy must play its part in encouraging the use of these by setting limits such as the night-time noise limit. Luton airport handled 39% more passengers than Birmingham in 2023 (CAA, UK Airport Data, Jan 2023) whilst maintaining a 79dB night-time noise limit.

This planning proposal only sets an 81dB limit. Due to the logarithmic nature of the dB measure, this represents an allowance for significantly noisier, older aircraft at Birmingham. Newer aircraft are not just quieter but also more efficient and therefore less polluting to the environment in terms of CO<sub>2</sub>, nitrous oxides, sulphur dioxide and particulates. Birmingham should be leading the way through planning to ensure that we have the best environmental protections whereas in reality the current planning proposal shows Birmingham dragging behind.

***The proposed 81dB night-time noise limit does not go far enough and Birmingham should lead the way in terms of environmental protection planning and set at least a 79dB limit, if not lower, to align with other airports. The planning authority has the power to lower levels to best protect the environment and restrict pollution.***

**“Night-time” is already too short:**

Despite the Planning guidance (PPG 24) and ISO standards being based on a standard 23:00-07:00, 8-hour night-time period, the current night-flying policy is for 23:30-06:00, a full 1.5 hours less at only 6.5 hours. Thus, the airport has already previously ‘won’ the additional capacity needed to maximise aircraft rotations and operating options for airlines within the ‘daytime’ period. Increasing night-time flights will further erode the ability of local residents to achieve healthy night-time rest and the negative health effects will be very costly for the local community.

***The airport already has generous night-time provision to maximise its operation. If anything, the night time period should be extended to follow international standards.***

**Economic Benefits versus Environmental Impact:**

The airport has provided extensive detail on forecast economic benefit and Hampton-in-Arden Parish council recognises the economic benefit that the airport already brings to the region and does not wish to curtail its operation.

However, the airport operation is already very successful as evidenced by the return to pre-covid levels of air traffic movements and is following a similar trend to other airports around the country. The airport already brings economic benefit to the local community. However, this must be balanced by the environmental impact of the airport and in particular the noise and disruption to sleep.

Additionally, the existing night flying limit is based on a proportion of the busiest year in the last 5 and therefore, the existing policy already allows the airport to expand night flying as the whole operation expands.

***The existing policy allows for year-on-year proportionate growth and does not need to be increased to allow the airport to be economically successful.***