Planning Reform and Transfer to Local Government: Proposals for Subordinate Legislation The Planning Act (NI) 2011

Consultation response from Belfast City Airport Watch

Question 9

Do you agree with the proposed soundness tests which will be elaborated upon in guidance? Are there other tests which you feel should be applied to the examination of DPDs?

We feel that a requirement only to “take account of” and “have regard to” regional and higher planning policies is too weak and leaves open the possibility that there could be big discrepancies between the approach to applications taken by different Councils. Councils should be required to “conform with” regional and higher policies unless there is an over-riding reason not to do so.

Question 19 and Question 21

Do you agree with the proposed classes and thresholds for major developments indicated in the Schedule at Annex C?

Do you agree with the proposed classes and thresholds for regionally significant developments indicated in the Schedule at Annex C?

Firstly it is clear the preamble at 6.11 does not contemplate development which could be harmful to the whole of or a substantial part of Northern Ireland. This is a major omission which requires correction. Examples of this would be something which damaged the reputation of the Northern Ireland food or tourist industries, or some form of pollution, or the unnecessary duplication of regionally important facilities in a small catchment area such as Northern Ireland, thus making them perpetually sub-scale.

Then Annex C proposes that only the construction of new or replacement airports of more than 2100 metres runway length would be referred to the Department. It further proposes that to be “major”, the category below “regional”, development at airports has to exceed 1km in length or 1 hectare in area.

This is clearly unsafe, and a very major departure from custom and practice in this area. The development of airports and the intensification of use of existing airports, can affect very large numbers of people on the ground. For example the current proposal to intensify use at George Best Belfast City Airport (GBBCA) could result in up to 46,000 people being exposed to average noise levels of 54 Db LAeq 16h, or above, according to documentation which it has submitted. For that reason, the application has very
correctly been referred to a public inquiry where the full pros and cons can be considered together with extensive expert evidence.

There is no justification for deviating from existing practice in the treatment of development or intensification of use at airports; this requires proposals to be considered at the very highest level in the system and, where necessary, referral of the application to a public inquiry.

In addition, it is inequitable to treat GBBCA as “major” at most and perhaps not even “major” just because its runway is below 2100 metres. It is located in a densely populated area, and has many more people under its flight paths affected by noise at 57 dB LAeq 16h or above than either Stansted or Gatwick airports. In 2013, more than 8,000 people (8,247) people were impacted by noise at 57 dB LAeq 16 h and above from planes operating at GBBCA, according to the airport's own consultants’ report.\(^1\) By contrast, the latest figures available for Stansted Airport show just 1,250 people impacted at the same level, while 3,650 are affected at that level around Gatwick Airport.\(^2,\) Moreover, far more people are affected by noise at this level from GBBCA’s operations than from the operations of Belfast International Airport (BIA).

Furthermore, GBBCA is clearly engaged in competition with BIA, while both airports also compete with Dublin Airport. Any significant planning application or application to vary significantly the terms of its planning agreement from either of the Belfast airports will raise serious issues of regional aviation strategy which must be dealt with in a consistent and strategic way. It will not be possible to do this if different bodies are dealing with applications from each of these airports.

Finally, given that the time deadline for “major” applications is 16 weeks, it seems totally unrealistic to ask a Council to organise and fund the processing of an application of the complexity and potential impact of an airport expansion proposal. Even with unlimited funds, the necessary specialist expertise could not be assembled, heard and evaluated in that timescale as is clear from the ongoing GBBCA case.

**Question 25**

*Do you agree with the proposed call in criteria for a notification direction?*

For the reasons given above we believe all matters to do with the development or intensification of use of airports should be treated as regionally significant and dealt with by the Department.
Question 26

Do you agree that the current neighbour notification process should be made statutory?

Yes. We very much welcome the proposal to make this a statutory requirement.

Question 27

Are you content with the proposed definitions of “neighbouring lands” and “affected occupiers”? If not please suggest an alternative explaining what additional benefits this would bring by way of enhanced engagement in the planning system.

The proposed definition is entirely inadequate for the purposes of notifying those who would be most affected by any application which was likely to have an impact on the amount of aircraft noise generated by the airport's operations.

As noted previously, documents submitted by GBBCA show that up to 46,000 people, spread across a very wide area could be affected by noise at 54 dB LAeq 16h or above, while up to 26,000 people, spread across a wide area, could be affected by noise at 57 dB LAeq 16h or above – the threshold at which the UK government considers aircraft noise is likely to cause significant community annoyance. Very few of these people will be covered by the proposed obligation and definition.

We believe that, for the purposes of any application which will or which could result in an impact on the amount of aircraft noise experienced, the legislation must be worded to require that all “affected occupiers” are notified, whether or not their property is located on “neighbouring land”. We would like a definition of “affected occupiers”, in such instances, as “all those who are currently or who could be potentially affected by aircraft noise at dB 54 LAeq 16h or above, if the application is approved”.

We believe it is vital that the threshold is set at 54 dB LAeq 16h as the government's ANASE report and other international research has demonstrated the inadequacy of the government's current 57 dB LAeq 16h threshold. Indeed, the World Health Organisation recommends a threshold of 50 dB LAeq 16h.

This would enable all those affected to engage fully with the planning process by being properly informed at the outset.

Annex D

This Annex details bodies to be consulted by Councils, or alternatively the Department when they have charge of an application. It appears defective in that the Department
should have to consult DRD where an application concerns an airport as DRD have the statutory powers in much of this area. Also, should a Council or Councils be in charge of an application from GBBCA, which for the reasons given above we think would be wrong, there should be an obligation to consult DoE, who have responsibility for BIA and are the counter party to the GBBCA Planning Agreement, and DRD for the reason already given.

Planning Appeals Commission (PAC)

There are several references to the Department appointing persons other than the PAC to review Development Plans etc. The PAC has a good track record of impartiality and professionalism and we consider that it would not help public confidence in the planning process if there were displaced by appointed persons or panels.

About Belfast City Airport Watch

Belfast City Airport Watch is an umbrella group of 20 organisations, including 18 residents’ associations and community groups, opposed to further expansion at George Best Belfast City Airport. It also has a further 787 individual associate members.

Contact details (to be redacted, other than name and title, as the address and other contact details are my personal contact details):

Dr Liz Fawcett,
Chair,
i Bickerdike Allen Partners **GBBCA Airborne Aircraft Noise Contours 2013**, Table 5.

ii CAA **ERCD Report 1303 Noise Exposure Contours for Stansted Airport 2012**, Fig. 13, and CAA **ERCD Report 1302 Noise Exposure Contours for Gatwick Airport 2012**, Fig. 1.3

iii The ANASE report, commissioned by the Department for Transport and published in 2007, which concluded that a significant level of community annoyance began at a lower level than the UK government had hitherto believed, and which highlighted inadequacies in the standard LAeq measure of aircraft noise. It is available at: [http://webarchive.nationalarchives.gov.uk/+/http:/www.dft.gov.uk/pgr/aviation/environmentalissues/Anase/](http://webarchive.nationalarchives.gov.uk/+/http:/www.dft.gov.uk/pgr/aviation/environmentalissues/Anase/)

iv The World Health Organisation (WHO) recommends that community noise (which includes aircraft noise) should remain below 50 LAeq, averaged over 16 hours (50 LAeq 16h) in outdoor living areas, if moderate annoyance is to be avoided. The specific World Health Organisation guidance on noise levels is available at: [http://www.who.int/docstore/peh/noise/Comnoise-4.pdf](http://www.who.int/docstore/peh/noise/Comnoise-4.pdf) (section 4.3.1). The full report **WHO Guidelines for Community Noise**, 1999, is available at: [http://www.who.int/docstore/peh/noise/guidelines2.html](http://www.who.int/docstore/peh/noise/guidelines2.html)

v The list of BCAW's organisational affiliate members is as follows:

1. Carew II Family and Training Centre
2. Connswater Community Centre/Connswater Community Group
3. Cultra Residents’ Association
4. Dee Street Community Centre/The Klub
5. Dee Street Computer Group
6. Dee Street Mums and Tots Group
7. East Belfast Healthy Living Project
8. East Belfast Toddler Group
9. GMB Trade Union Branch 252
10. Hampton Park Residents' Association
11. Holywood Airport Action Group
12. Lagan Valley Group Residents’ Association
13. Marlborough Park Residents’ Association
14. Newtownards Road Women’s Group Ltd.
15. Old Stranmillis Residents' Association
16. Park Road and District Residents’ Association
17. Short Strand Community Forum
18. Titanic Schools Project
19. Ulidia Residents' Group
20. Wise Men of the East Network (network of nine affiliated east Belfast mens' groups)