

<b>Meeting:</b>	Highways, Transport & Parking Working Party
<b>Date:</b>	11 October 2023
<b>Title of Report:</b>	<b>London Southend Airport Monitoring Report – Reporting Year 2022-23</b>
<b>Executive Director:</b>	Alan Richards and Claire Shuter
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<b>Executive Councillor:</b>	Councillor Kevin Buck

## 1. Executive Summary

- 1.1 The extension of the runway at London Southend Airport was granted planning permission in 2010. Alongside this a Section 106 Planning agreement places various legal requirements on the operation of the Airport and these must be monitored through an Annual Report.
- 1.2 The 2022-23 Report has recently been published and covers a 12-month period from 01/03/2022 to 28/02/2023. It sets out the airports' performance against the different criteria in the Section 106 as well as providing contextual information. This Report has to be presented to the Airport Consultative Committee, on which the Council is represented, for discussion.
- 1.3 The Council's Section 106 officer receives monthly information about air traffic movements. They also independently audit performance against the matters identified in the S106 and reported on in the Annual Report. This Working Party Report sets out the key points of interest in the latest Airport Annual Report and confirms that officers consider that the information contained within it is accurate.

## 2. Recommendations

- 2.1 **It is recommended the Working Party note the contents of the London Southend Airport Annual Report 2022-23 and the Section 106 Agreement Year Summary 2022-2023, which demonstrates general compliance with the obligations contained in the relevant planning agreements and leases.**
- 2.2 **To note the details of complaints received in the 12-month period 1<sup>st</sup> March 2022 to 28<sup>th</sup> February 2023 as contained in the Annual Report.**

## 3. Background

- 3.1 The Council owns the freehold of London Southend Airport ("the Airport") which has been leased to London Southend Airport Company Limited ("the Airport Company") since 1994. The Airport Company is owned by Esken Limited

though it was announced shortly after the end of the reporting year that the Airport has been put up for sale.

- 3.2 The full London Southend Airport Annual Report 2022-23 (Annual Report) is included at **Appendix 1** and is available on the Airport website.
- 3.3 Key points from the Airport CEO's message in the Annual Report are as follows:
  - John Upton started as the new CEO in September 2022.
  - The sustained impact of world events and post covid issues continued to impact the industry.
  - A multi-year contract was signed with Easyjet with initial summer flights to Palma, Malaga and Faro.
  - New flights to Amsterdam were announced to commence in Spring 2023 providing onward flights to over 300 destinations.
  - Further destinations are currently under discussion.
  - A new user-friendly website was launched which has proved to be very successful.
  - The Airport continues to develop its "net zero" ambitions with an initial focus on reducing energy consumption and reduce the Airport's carbon footprint
- 3.4 The Section 106 Agreement (as modified in 2012) attached to the planning approval for the Airport expansion (09/01960/FULM) requires the preparation of an Annual report which has to be presented to the London Southend Airport Consultative Committee (LSACC). The Chairman of LSACC confirmed on 15th June 2023 that the Annual Report satisfied the requirements of the Section 106 Planning Agreement Schedule 1 paragraph 1.1.
- 3.5 The planning consents for the Airport development consented in 2010 imposed much more stringent controls than had existed previously on aircraft traffic movements, ("ATMs") particularly at night, as well as take-off and landing procedures and noise restrictions. In particular, the maximum number of ATMs at night was reduced from more than 900 to 120 per month.
- 3.6 The Airport's operational controls are repeated in the leasing arrangements. The controls are designed to achieve a balance between protecting residents from the environmental impacts of the Airport, while delivering the benefits to the local economy of a revitalised Airport, as envisaged when the Council gave planning permission.
- 3.7 General information about the Airport appears on the Council's website. This includes a Frequently Asked Questions document, which was published on-line in February 2020 in response to common enquiries and complaints regarding the Airport. The FAQ document is a useful reference document for Councillors and members of the public.
- 3.8 Attached at **Appendix 2** is an "Operational Controls Summary Table" which identifies the key controls which now apply to the Airport operations, including the important controls on night flights.

- 3.9 Ensuring that the Airport Company complies with its obligations is very important. In this regard the Council receives regular data on ATMs from the Airport Company and the Section 106 Agreement Year Summary 2022-23 is attached at **Appendix 3** of this report.
- 3.10 The data supplied by the Airport Company is taken from air traffic control logs maintained by controllers individually licensed by the Civil Aviation Authority (“CAA”). The data is supplied to the CAA, the Council and the LSACC. Checks carried out by Planning Officers, including an annual audit/ spot checks have confirmed the integrity of the data supplied.
- 3.11 In addition, on the 19<sup>th</sup> July 2012, the Council established an Airport Monitoring Working Party (now part of the Highways, Transport & Parking Working Party) as a further mechanism to check that the Airport Company is complying with its obligations. Attached at **Appendix 4** are the terms of reference of this Working Party, which now undertakes the role.
- 3.12 The Working Party meets approximately once per year and the last meeting was held on 27<sup>th</sup> October 2022. At this last meeting, the Working Party noted the London Southend Airport Annual Report 2021-22 and the satisfactory position in terms of the Airport Company complying with the obligations imposed on it during the period up to 28<sup>th</sup> February 2022. The papers of this meeting are available on the Council’s website.
- 3.14 The Council liaises with the Airport throughout the year and discusses any matters arising. This includes the quarterly Airport Liaison Group, quarterly Transport Liaison Group and annual Airport Transport Forum, together with this annual Working Party.
- 3.15 Senior Officers of Esken Limited (previously ‘Stobart Group’) will be attending the meeting to answer any queries Councillors may have relating to the 2022-23 Annual Report (including the monitoring and complaints information contained therein) and the Section 106 Year Summary 2022-23.

#### **4. Aircraft Traffic Movements (ATM) Controls & Noise Preferential Routes**

- 4.1 Pages 44-49 of the 2022-23 Annual Report contain key monitoring data relating to ATM controls and compliance with Noise Preferential Routes for the period 1<sup>st</sup> March 2022 – 28<sup>th</sup> February 2023, together with commentary.
- 4.2 The Section 106 Agreement Year Summary 2022-23 at **Appendix 3** contains additional information in this regard.
- 4.3 In summary, there has been general compliance with the obligations contained in the relevant Section 106 Planning Agreements and leases with regard to ATMs:
- The total number of ATMs (excluding “Exempt” ATMs) was 28,445 (53% of annual permitted movements) against an annual limit of 53,300.
  - There were 377 Cargo ATMs (1.3% of 28,445 total ATMs) against an annual permitted number of the lesser of 5,330 or 10% of total ATMs.
  - There were zero Boeing 737-300 ATMs against a limit of 2,150.

- Up to 1,440 ATMs per annum are permitted during the night (subject to a number of strict limitations in terms of types of aircraft and noise levels and reduction penalties). The actual figure in 2022/23 was 361 (after discounting 91 diverted, delayed or exempt ATMs). The exempt flights (86) were primarily for HM Coastguard though these declined over the year. There was no need to apply the penalty provisions.
- The permitted provision to allow up to 90 passenger flights per month to be scheduled to land within the 'shoulder period' of 2300 and 2330 hours was complied with. No passenger flights were scheduled in the shoulder period in the Reporting Year
- No passenger flights took off or landed in the Reporting Year between 2300 and 0630 hours unless they were Delayed or Diverted (5 in the Reporting Year).
- Over the 12-month period, only 25% of aircraft (112) took off at night towards or landed from the south-west and in every case this was in accordance with one of the six prescribed safety reasons in Schedule 1 paragraph 3.39b the Section 106 Planning Agreements (including safety; any reasonable requirements of ATC to ensure safe operations; standard separation requirements of National Air Traffic Services; weather conditions prevailing at time of ATM making it unsafe; performance capabilities of aircraft in the prevailing conditions; limitation of the approach aid facilities).
- During the daytime over the 12-month period, 37% of aircraft landed from the south-west (against a maximum permitted figure of 50%) and 47% of all arrivals and departures were from the south-west (against a maximum permitted figure of 50%). All such take-offs and landings were in accordance with one of the six prescribed safety reasons in Schedule 1 paragraph 3.40b the Section 106 Planning Agreements (including safety; any reasonable requirements of ATC to ensure safe operations; standard separation requirements of National Air Traffic Services; weather conditions prevailing at time of ATM making it unsafe; performance capabilities of aircraft in the prevailing conditions; limitation of the approach aid facilities) or were dictated by movement volumes.
- There has been full compliance with the daytime and night-time noise restrictions. Zero aircraft with a Quota Count (QC) of more than 2.0 (EPNDB 95.9) have taken off or landed at the Airport during the daytime in the Reporting Year; and zero aircraft with a QC of more than 1.0 (EPNDB 92.9) or any helicopters have taken off or landed in the night period.
- In terms of compliance with the Noise Preferential Routes which apply to departing aircraft over 5.7 tonnes, there were 20 infringements, details of which are set out on page 49 of the Annual Report. No fines were levied as these were first time infractions though the airlines were reminded again of the procedures that were in place. The majority were due to early turns by Executive Business Jets operating from the Jet Centre due to the pilot's lack of familiarity with the Airport. The remainder

were due to RAF display teams (e.g., the Red Arrows) not being aware of the arrangements in place.

- As set out on page 32 of the Annual Report, *'The airport has written to all of the properties that qualified for the Sound and Noise Insulation Grant Scheme between 2012 – 2020. Six properties have now had sound and thermal insulation improvements completed, at a total cost to London Southend Airport of £19,828.14.'*
- Under the terms of the Section 106 Planning Agreements, the Airport is required to monitor nitrogen dioxide (NO<sub>2</sub>) levels around the Airport. Concentration levels of NO<sub>2</sub> measured around London Southend Airport have consistently remained below Government limits. 2022/23 levels of Nitrogen Oxides were well within permitted limits. The Council's Regulatory Services team have verified the data provided. The approach taken to calculating the monthly figures has been checked and verified following discussion at the ACC.

## 5. Complaints

- 5.1 Complaints about the Airport operations during the 12-month period 1<sup>st</sup> March 2022 – 28<sup>th</sup> February 2023, are essentially a matter for the Airport Company to deal with, as made clear on the Council's website.
- 5.2 The Airport Company has a comprehensive complaint handling service which responds to comments and complaints about aircraft noise and routing. Complaints data, including information on complaints resolution, is considered by the LSACC. LSACC minutes are published on the [London Southend Airport website](#) providing opportunity for review. The LSACC has been satisfied with how complaints have been dealt with during the Reporting Year.
- 5.3 London Southend Airport utilises an online self-service complaint system called "**WebTrak**" which enables the user to view all aircraft movements in the vicinity of London Southend Airport and gain further information about a specific flight e.g., aircraft details, location, height and whether it was operating compliantly. It also provides quick and easy access to a noise form to register a complaint if necessary. Residents retain the option of complaining in writing to the Airport should they not wish to submit a complaint via WebTrak, which is the easiest, quickest, and most efficient way of registering a noise complaint. Should a complainant be dissatisfied with the Airport's response, the matter may be referred to the LSACC for further consideration.
- 5.4 Included on page 23 of the Annual Report is reference to engine testing. No complaints were received about engine testing in the monitoring year.
- 5.5 Included on pages 28-31 of the Annual Report is a summary of noise complaints received and investigated by the Airport Company between 1<sup>st</sup> March 2022 and 28<sup>th</sup> February 2023. The total number of noise complaints was 2,894 which was a reduction of 72% compared to the previous year which in itself had seen a considerable drop (there were over 15 000 complaints in 2020-21). There were 83 complainants from 75 households. The number of households responding has seen a substantial drop in particular, by 57%. By far the greatest number of complaints (nearly 41%) come from the SS9 postcode (Belfairs/Leigh/Eastwood) followed by SS0 (Westcliff/Chalkwell) and

SS4 (Rochford) each with 22%, and SS2 (immediate vicinity of the Airport as well as parts of Prittlewell and Southchurch) at 14%. Complaints from other locations are minimal. 92% of complaints derive from 20 properties while around 46% of total correspondence was received from just 3 individuals.

- 5.6 Of the complaints, only three related to non-compliant aircraft. 79% of the complaints related to night-time flights with around two thirds (66%) relating to cargo operations. 209 complaints were received about the HM Coastguard flights and the operation of the Police Helicopter which is a reduction of around three quarters on the previous year. 278 complaints were received about training circuit flights by light aircraft which is an increase on the previous year. These aircraft are not covered by routing and noise restrictions because of their size but can cause disturbance because of the generally quieter background noise levels, frequency and because of the lower number of commercial flights.
- 5.7 Where complaints are received by the Council, they are generally passed to the Airport Company to respond to. Where the complaint relates to the Council, then these are responded to by an appropriate officer. And where a resident has referred a matter to the LSACC, but is dissatisfied with the LSACC response, then the Council would investigate the matter further.

## **6. Key issues raised by complainants**

### Cargo ATMs

- 6.1 Page 13 of the Annual Report sets out details of the Global Logistics Centre, which was established in 2019. Following the decision of the main user of the facility to transfer movements to road the facility ceased operation in September 2022 with the loss of over 90 full and part-time posts, though the number of flights had already dropped prior to that to one rotation per night. A temporary freight contract ran for another logistics operator from January to March 2023 with three flights per week. There are no current plans to re-open the Global Logistics Centre. A total of 377 cargo movements occurred over the reporting year, of which 198 were at night. Total freight movements over the year comprised just 1.3% of total Air Traffic Movements, well within the Section 106 limit of 10% of total ATM's.

### Night-time flights

- 6.2 The reduction of night flights has been a key factor in the reduction in the total number of complaints about the airport, which overall are only 27% of what they were the previous year. 79% of all complaints that were received were about night flights with 66% of these relating to cargo operations.
- 6.3 Whilst a core group of residents remain dissatisfied with any night flight operations, the Airport is operating within its agreed night-time flight parameters as set out in the Section 106 Planning Agreements and Leases. Members will also be aware that the Council cannot unilaterally change the terms of the Operational Controls in the Section 106 Planning Agreements (or associated leases relating to the Airport). Both parties (i.e., the Council and the Airport Operator) would need to agree to any amendments.
- 6.4 Noise at airports is not currently regarded as a 'statutory nuisance' under law.

### Quiet Ground Operations

- 6.5 The Airport has confirmed that aircraft taxi using Auxiliary Power Units (APU) but that APU is shut down once aircraft are on stand as it is very expensive. APU is only used if Ground Power Units (GPU) are not available. The Airport monitors APU operation as they charge for its use.
- 6.6 Cargo flights finished operation at the end of reporting period. The Cargo Warehouse is not fitted with Fixed Electrical Ground Power (FEGP) unlike the main passenger terminal due to cost and its relative remoteness. However, when cargo flights were operating in early 2023 the Airport hired in electrical generators in a new initiative to minimise noise impacts.
- 6.7 The Airport has continued to operate in accordance with the approved Quiet Ground Operations Scheme and within the requirements of the Section 106 Planning Agreements within the Reporting Year.

Monitoring of daytime use of preferred runway

- 6.8 During the daytime there is a greater degree of flexibility, in terms of the directions for take-off and landings, than at night-time. This is set out in Q.15 of the Council's Airport Frequently Asked Questions document. The Airport needs such flexibility in order to conduct normal operations. While there is a preference for aircraft to take-off towards or land from the north-east to minimise noise impacts, this is only 'where movement volumes allow' (i.e. it is not always possible to change the runway direction if a number of aircraft are scheduled to take off or land in quick succession). It can also be influenced by wider air traffic control issues out of Southend's control. Changing runway direction can take around 30 minutes to implement. Safety is a key factor (hence the six prescribed safety reasons set out in paragraph 3.40(b) of the Section 106 Planning Agreements that apply during the daytime). Wind direction and speed is the most frequent reason why planes take off and land over Leigh. Where adverse wind speed is greater than 5 knots it is usually necessary to change the runway direction used.
- 6.9 In order to ensure overall compliance with the Preferred Runway Procedures the Section 106 Planning Agreement imposes two controls, calculated on the basis of an annual average. If there is a prolonged period of adverse wind directions it may result in landings and departures in any given month being predominantly southwest focussed (i.e., over Leigh). However, as long as the annual average is satisfactory the terms of the Section 106 set out below are met:
- Fewer than 50% of the landings in the daytime can be from the southwest; and
  - Fewer than 50% of all landings and departures in the daytime can be over the south-west when assessed annually.
- 6.10 In 2022-23 37% of daytime arrivals were over Leigh, well within the 50% Section 106 requirement. 47% of all landings and departures were over Leigh and were therefore within the Section 106 requirements. At night 25% of all landings or take-offs were over Leigh.
- 6.11 It is neither necessary (as a requirement of the Section 106 Planning Agreements), nor practical or proportionate for the Council to routinely monitor

or investigate the direction of every individual flight during the daytime over the course of the year.

- 6.12 Complaints have been received from the public in respect of the level of compliance monitoring. However, when spot checks of the reported data provided were carried out, including picking days at random, full compliance has been found on every occasion.

#### Noise Monitor Data

- 6.13 Data is provided on a monthly basis from two fixed noise monitors (to the south west of the runway at Blenheim School in Leigh and to the north east at Winters, Rochford) in accordance with the requirements of the Noise Monitoring System approved pursuant to the terms of the Section 106 Planning Agreements. Monthly analysis of the data is provided by the Airport to the Council.
- 6.14 The Airport also owns a mobile noise monitor that is available for direction in terms of its use by the public, subject to meeting a number of criteria and following approval by the ACC. At this period of relatively low levels of operation, the Airport has tested the effectiveness of the unit by utilising it near the runway for a limited period. This has enabled calibration with the permanent monitors and has confirmed the accuracy of all the units.
- 6.15 Due to the current low level of flights requests use of the mobile noise monitor would be likely to show that noise levels are well within permitted limits.
- 6.16 London Southend Airport is one of four Airports nationally to have a Community Noise Forum (CNF). The Forum was advertised via social media, interested individuals invited to apply and applicants interviewed. The operation of the Forum has been reviewed over the year with Terms of Reference reviewed to widen community involvement. The Forum meets quarterly to discuss issues and receive presentations. Among the topics discussed have been night flights; light aircraft training flights over Eastwood and the measurement of noise (Page 27 of the Annual Report).

#### Car parking in local residential areas

- 6.17 There continue to be sporadic complaints about car parking on neighbouring streets but there is no evidence these are a result of Airport customers.

#### Operation of the London Southend Airport Consultative Committee (LSACC)

- 6.18 The ACC continues to meet on a quarterly basis though there was one longer gap between meetings in 2022/23 for practical reasons which was agreed by the Committee. There has continued to be a search for new independent members which is progressing.

### **7. Review of other Section 106 Operational Control Documents**

- 7.1 The following documents were approved prior to the opening of the extended runway in 2012, pursuant to the Section 106 Planning Agreements:

- Carbon & Environmental Management Plan
- Air Quality Monitoring Scheme
- Wake Vortex Repair Scheme

- Quiet Ground Operations Scheme
- Sustainable Procurement Policy
- Public Noise Complaints Procedures
- Engine Testing Best Practice Plan
- Scheme of Fines and Surcharges (for failure to comply with Preferred Runway Scheme, Engine Testing Best Practice Plan and Noise Preferential Routes)

7.2 The current policies/procedures are available on the planning file for application ref. 09/01960/FULM via [PublicAccess](#) for Planning on the Council's website.

7.3 To secure compliance with the terms of the Section 106 Planning Agreements, the review of these documents must be completed by the Airport in liaison with Southend Borough Council and Rochford District Council. The documents have a variety of renewal periods. The review of these documents will take into consideration key issues arising in this Reporting Year as set out above.

## **8. Reasons for Decisions**

8.1 The accuracy of the data within the Annual Report, demonstrating general compliance with the obligations contained in the relevant Section 106 Planning Agreements and leases, has been accepted as correct by the LSACC as part of the sign off procedure referred to in paragraph 3.4.

8.2 Officers are also satisfied that the Airport have complied with the requirement to produce an Annual Report addressing the specified content as set out in the Section 106 Planning Agreements for the Reporting Year 2022-23.

## **9. Other Options**

9.1 It is considered that the Annual Report meets the requirements of the Section 106 agreement and that other options are therefore not relevant.

## **10. Financial Implications**

10.1 No direct financial implications arising from noting the annual report.

## **11. Legal Implications**

11.1 Details of the main controls imposed on the Airport Company are set out in the report and the Appendices.

## **12. Policy context**

12.1 The original planning application considered national and local policy issues including those set out in the Core Strategy.

## **13. Carbon Impact**

13.1 The purpose of the report is to address compliance with controls designed to minimise the environmental impact of the Airport, including carbon management.

**14. Consultation**

14.1 None – although the planning approvals for the Airport development were subject to standard consultation processes.

**15. Appendices**

<b>Appendix 1</b>	<u>London Southend Airport Annual Report 2022-23</u>
<b>Appendix 2</b>	<u>Operational Controls Summary Table</u>
<b>Appendix 3</b>	<u>Section 106 Year Summary 2022 to 2023</u>
<b>Appendix 4</b>	<u>Terms of Reference of the Working Party</u>