

# THE EFFECTIVENESS OF AIRPORTS' CONSULTATION AS REQUIRED BY THE UK CIVIL AVIATION ACT 1982

by

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A Research Project Submitted in Partial Fulfilment  
of the Requirements for the Degree of Master of Science

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12<sup>th</sup> September 2001

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An abbreviated **Project Summary** prepared for the  
Annual Meeting of Consultative Committee Chairmen and Secretaries, 31<sup>st</sup> May 2002.

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## **1 Project Scope and Approach**

UK legislation requires certain airports to provide consultation facilities for users, local authorities and local interest groups. This study sets out to assess the effectiveness of the consultation processes and asks three questions:

- Are the arrangements as required by the legislation actually in place?
- Are the purposes of consultation achieved?
- Are the interests of the community reflected by the consultation arrangements?

The emphasis of the study is to ascertain the views of the people actually involved in the consultation process. The airport consultation process is assessed against current UK Government Consultation Criteria.

The above aspects of the consultation process are explored through a number of study approaches: -

- A case study of the East Midlands Airport (EMA) Consultative Committee
- A survey of consultative committees at a number of other UK airports
- An analysis of relevant responses to a Consultation Paper on civil aircraft noise
- An analysis of data and views from a variety of other sources

The studies took place during June – September 2001.

## **2 Study of EMA Consultative Committee**

The study included a survey of the members of the Airport Consultative Committee (ACC) to assess their views of how effectively the purposes of consultation are met. Survey questions were based directly on the purposes of consultation from the 1987 DoT Guidelines for Consultation Committees. Over 90% of members responded and there were several follow up interviews.

The consultation arrangements at EMA closely follow the form recommended in the DoT Guidelines. The survey reveals very different views between the different groups member categories: users being highly satisfied; local authority members are moderately satisfied; local interest groups are generally dissatisfied; and residents' groups are very dissatisfied. These levels of satisfaction broadly reflect how well the consultation process reflects the differing interests of the groups, and how well airport operations serve these interests. The residents' groups believe that the consultation process cannot deliver voluntary operational constraints, for instance on night flying controls.

Night flying is a major issue at EMA and the representatives of a residents' group and of an integrated parcels carrier, at opposite ends of the debate, shared remarkably similar expectations of the consultation process. Both wish to use the consultation process to achieve a balance between business and community interests, though they may hold differing opinions as to where this balance should lie. However both reported that the process frustrates their wishes even to discuss the issues, never mind reach any compromise.

## **3 Survey of Consultative Committees**

A survey of Consultative Committees included:

- The survey by the Annual Meeting of Consultative Committee Chairmen in 2001,

- A separate project survey of several committees, including analysis of the form of consultation meeting observation and sample members' surveys

In all, twenty consultative committees were included in the survey. The survey did not include smaller general aviation aerodromes.

For the committees surveyed, the consultation arrangements are broadly within the DoT Guidelines, though with some variation in appointment of officers, publicity, and the level of representation of local interest groups. Some committees have a low number of local interest groups, which may not meet the DoT Guidelines suggestion of "balanced proportions". Publicity arrangements are variable and not well regarded by members.

Aircraft noise is a dominant issue at many committees – no other single issue takes so much committee time, and there are dangers that this can crowd out the other valid interests of members. Discussion of noise issues can be heated, and differences do not seem to be reconciled. From the meetings observed, it appears that this can lead to airports taking defensive attitudes, possibly denial, obfuscation, partial information (all attitudes openly mentioned by members), and there is evidence that this leads to feelings of suspicion and distrust between some members and the airport.

#### **4 Public Consultation – Control of Aircraft Noise – 2000**

The consultation paper Control of Aircraft Noise 2000 included a series of questions concerning airports' consultation. 543 responses made available by the DTLR were analysed in detail. Within each category of respondent, there were diverse views and a proportion who did not express specific views on particular questions. A complete analysis of responses is included in the full project report - this section summarises the more strongly expressed views, and illustrates significant differences of views between airports and local groups. Responses expressing no specific view are not shown. The other categories of respondent generally held more mixed views.

The balance of views should be treated with some caution. Responses to the consultation paper would be mainly from groups and individuals concerned with aircraft noise issues. There may be a body of opinion with more positive views of the arrangements, who did not respond because they are not primarily concerned with noise control. This could affect the balance, rather than the strength of the views.

<b>Question</b>	<b>Respondents</b>	<b>Positive view</b>	<b>Negative View</b>
<b>Do you have views on the current consultative arrangements</b>	Airports	64%	11%
	Environmental & Residents Groups	11%	67%
	Parish Councils	5%	62%

Airports are highly supportive of the current consultative process, but it is notable that they are the only category of respondent to demonstrate strong support. Other organisations in civil aviation show less than 20% positive views and the groups who are consulted report less than 15% positive experiences.

The Airport Operators Association (AOA) states - "There is total agreement among members (*of the AOA*) that the present consultation arrangements work very well and do not need any major overhaul". The major airports support this stance. Some suggest

that the current arrangements can result in variable quality of consultation, or that costs should be borne by the local authority.

The local organisations show a predominantly negative response and their comments are instructive. Positive comments tend to apply to the larger airports - there are specific mentions of ACCs at Heathrow, Gatwick and Stansted working well. Typical of the negative comments are: “Sop”; “ACC ignored”; “long running battle”; “farcical”; “no faith in the process”; “abused”; “very insensitive to the concerns of local communities”. The comments reflect deep feelings of frustration and distrust of the consultation process and of the civil aviation business. These feelings are widespread and can be bitterly expressed. Clearly, many of the local groups believe that the balance of interests in the legislation is weighted very heavily in favour of airports and airlines and against the local interests.

Question	Respondents	Yes	No
<b>Is the legislative framework adequate?</b>	Airports	64%	7%
	Environmental & Residents Groups	4%	60%

Other categories of respondent held less polarised views.

<b>Should there be a dispute resolution procedure?</b>	Airports	14%	36%
	Environmental & Residents Groups	47%	5%
	Parish Councils	43%	3%
	County Councils	43%	14%

Rather mixed views, with significant support from the local groups.

<b>Should there be fiscal penalties for track keeping?</b>	County Councils	79%	0%
	Local Authorities	63%	3%
	Environmental & Residents Groups	58%	13%
	Parish Councils	57%	5%
	Airports	32%	36%

General support for fiscal penalties for track keeping. Airports show a mixed view.

<b>Should there be continued exemption from nuisance law?</b>	Airports	68%	0
	Aviation related Organisation	55%	0
	Environmental & Residents Groups	20%	42%
	Local Authorities	31%	27%
	Parish Councils	32%	24%

Airports and Aviation related organisations totally support continued exemption from nuisance law. A number of respondents, while agreeing with continued exemption, express unease. Others suggest mandatory noise controls should be imposed or that the Environmental Protection Act should be extended to cover aircraft. Several local authorities comment: “Protectionist - now out of step with modern and open government”; “Continued protection of Aviation industry cannot be justified and restricts the legitimate rights of individuals and local authorities”. There is some (albeit minority) support for removing this exemption from nuisance law, not merely from environmental groups but is also from significant local authorities.

## 5 Other Aspects

**Monitoring** - There is no legal requirement for the DTLR to attend any ACCs, though representatives of DTLR do attend meetings of the consultative committees at the three designated airports.

**Co-ordination** - A number of organisations have membership of several committees e.g. CA and AOC, but do not yet have any co-ordinated approach. The AEF shares members' experiences and acts as a voice into Government on members' behalf.

**Publications** - The larger airports produce various publications on behalf of, or for the ACCs, including annual reports, environmental reports etc. These reports normally contain much valuable information about the particular airport, but rarely any comparative information across airports. At the time of the project only two ACCs had websites (London City at [www.lcacc.org](http://www.lcacc.org), and Redhill at [www.redhillaerodrome.com](http://www.redhillaerodrome.com)). Since the study London Heathrow has launched a site ([www.lhr-acc.org](http://www.lhr-acc.org)).

**Consultation criteria** – In March 2001 the DETR publicised a set of Consultation Criteria for public consultations which embody a number of principles including:

- Clarification of the questions and purposes of consultation
- Openness and accountability
- Monitoring of the process

In these respects, the provisions of the 1982 Act and DoT Guidelines fall somewhat short of these more modern consultation criteria.

## 6 Conclusions

At major airports, the current arrangements generally follow the Form of Consultation suggested in the DoT Guidelines, though some committees have small numbers of local groups and may not achieve a balance of membership as suggested by the guidelines.

The purposes of consultation cannot be objectively measured. There is a very strong opinion among local groups that, when applied to the local disbenefits (noise, predominantly), the process is failing, and is not meeting the purposes of consultation as outlined in the DoT Guidelines. For other issues, the user organisations and some local authorities see the consultation process as more effective.

The local groups (parish councils and residents' associations) feel that the consultation process has failed to address their local issues (noise, predominantly) and does not effectively reflect the interests of the community.

The study suggests that consultation guidelines can be improved by incorporating the principles of the UK Government's Consultation Criteria, and by encouraging best practice between airports and consultative committees. The study further suggests that resolution of the aircraft noise issue is unlikely to come from voluntary action by airports, but will require some structural change to airport regulation or to the existing exemptions of civil aviation from nuisance and environmental protection laws.