

**UK AVIATION UPDATE**

**What this paper is about**

To provide, for the information of Conference, a round-up of current UK activity in the field of aviation *not* covered by reports which appear elsewhere on the Agenda for this meeting including:

- New Government – paras 1/9
- National Policy Statement for Airports – paras 10/14
- Transport Select Committee's Report on *The Future of Aviation* – paras 15-23
- Climate Change – paras 24/43
- Adding capacity at Heathrow – paras 44/51
- BAA Market Investigation – paras 52/57
- Infrastructure Planning Commission – paras 58/60
- Planning Applications – Notification and Consultation – paras 61/65
- Wind farms – Effect on Radar – paras 66/71
- Review of Public Safety Zones – paras 72/75
- CAA Report "Airspace for Tomorrow" – paras 76/78
- Airspace Change Proposals – London's Terminal Control North – paras 79/83
- Aircraft Noise Monitoring Advisory Committee (ANMAC) – paras 84/86
- Attitudes to Noise from Aircraft Sources in England (ANASE) – paras 87/91
- Omega - paras 92/94
- Volcanic Ash – paras 95/96
- Satellite Based Approaches – para 97/98

**Points for Discussion**

- The new Government has to prepare a *National Policy Statement* for airports (paras 10-14 below). What should it say?
- What about Climate Change (various but especially paras 43)?
- Should there be an expansion of Airport capacity in London, and especially at Heathrow (see para 18 and 44 -51)?
- Should the BAA be compelled to sell more of its airports (paras 52-57)?
- Should the new Government issue guidance on who should pay costs incurred by airports in preparing radar assessments as a result of applications for the development of wind farms (paras 66-71)?
- Volcanic Ash – was it right to close airspace (para 95)?
- Should representations be made to the CAA about the documentation for Satellite Based Approaches – para 97

There will be opportunities elsewhere on the Agenda to talk about high speed rail and airport expansion at Heathrow

**Points for Possible Action**

The meeting will wish to decide whether to submit any representations in respect of the various points listed above for discussion by the meeting.

**Note:** Most of the regulations, directives, consultation papers and reports referred to in this report can be readily accessed from the Liaison Group's website at <http://www.ukaccs.info/>. The Secretariat is happy to provide electronic or hard copies of any of these documents if required. The site is regularly updated and is a ready source of current information on UK initiatives in aviation.

## New Government

1. On 6<sup>th</sup> May 2010 there was a general election with the result that the UK now has a new Conservative/Liberal Democrat coalition government. The new Secretary of State for Transport is Philip Hammond, MP for Runnymede and Weybridge which is very close of Heathrow Airport. In recent years, Mr Hammond has held a number of portfolios in the Conservative Shadow Cabinet, including Health, Work and Pensions, Local Government and the Regions, and, most recently, Chief Secretary to the Treasury. He is married with three children. There is more about him on his website<sup>1</sup> He will take personal responsibility within the Department for High Speed Rail and Transport Security – including Transec.
2. The Minister of State in the Department will be Theresa Villiers (Con - Chipping Barnet) who will also be responsible for aviation including the AAIB. The Parliamentary Under Secretaries of State are Norman Baker and Mike Penning representing Lewes and Hemel Hempstead respectively. For short biographical information on these new ministers visit the DfT's website<sup>2</sup> The new Secretary of State and Ministers are all Conservatives except Norman Baker who is a Lib-Dem. Theresa Villiers was formerly the Conservative shadow Secretary of State for Transport.
3. Other new Ministers with interests in Aviation are:
  - Caroline Spelman<sup>3</sup>, *Secretary of State for Environment, Food and Rural Affairs*, is the Conservative MP for Meriden in the West Midlands not far from Birmingham Airport
  - Chris Huhne<sup>4</sup>, *Secretary of State for Energy and Climate Change*, is the Liberal Democrat MP for Eastleigh which is close to Southampton Airport.
  - Dr Vincent Cable<sup>5</sup>, *Secretary of State for Business, Innovation and Skills*, is the Liberal Democrat MP for Twickenham which is close to Heathrow Airport.
4. The detail of the policy of the new Government towards aviation and airports remains to be seen but some idea of the direction of future policy can be gained from the note<sup>6</sup> issued on 11<sup>th</sup> May 2010 of the agreements reached by the two parties in their coalition discussions:
  - the cancellation of the third runway at Heathrow;
  - the refusal of additional runways at Gatwick and Stansted
  - the establishment of a high-speed rail network
  - the replacement of the Air Passenger Duty with a per flight dutySome idea of the attitudes of the parties can be gained from their election manifestos.
5. In the Lib Dem election manifesto there is an explicit statement that “aviation is important for the economy as a whole”. However the manifesto goes on to say that the Lib-Dems would ‘do all we can to ensure people use alternatives where that makes sense’ and that they would impose a higher rate of tax on domestic flights ‘for which alternative and less polluting travel is readily available’. However, they recognise that for some of the more remote parts of the UK flights are a ‘vital lifeline’.
6. There is a paper on Surface Access elsewhere on the Agenda for this meeting but in brief the Conservative manifesto says they would focus on making Heathrow better not bigger, bringing it directly into a new high speed rail network. They say there would be a high speed rail line linking London, Heathrow, Birmingham, Manchester and Leeds with the Continent via the Channel Tunnel with construction to start in five years' time. Later there would be two new lines bringing the North-East, Scotland and Wales into the high speed rail network.
7. The expansion of Heathrow is clearly an issue. The election manifestos of both the Conservatives and the Lib Dems say they would block plans to provide more runway

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<sup>1</sup> [http://www.theyworkforyou.com/mp/philip\\_hammond/runnymede\\_and\\_weybridge](http://www.theyworkforyou.com/mp/philip_hammond/runnymede_and_weybridge)

<sup>2</sup> <http://www.dft.gov.uk/press/ministers/>

<sup>3</sup> <http://www.carolinespelman.com/text.aspx?id=1>

<sup>4</sup> <http://www.chrishuhne.org.uk/>

<sup>5</sup> <http://www.vincentcable.libdems.org.uk/index.html>

<sup>6</sup> <http://www.ukaccs.info/coalitionagreement120510.pdf>

capacity there. The Conservatives manifesto pledge also extends to Gatwick and Stansted and the Lib Dems say they will cancel any expansion of other airports in the South East. The Conservatives say their proposed new rail network would 'provide a high speed rail alternative to thousands of short haul flights at Heathrow, freeing up landing slots at the airport and helping to deal with overcrowding problems'. For more on this see paras. 44-51 below.

8. There is a paper about Air Passenger Duty (APD) elsewhere on the Agenda for this meeting but in brief the Conservatives said that if elected they would "reform" Air Passenger Duty to encourage a switch to fuller and cleaner planes but there is no detail. The Lib Dems said they would replace per-passenger APD with a per-plane duty (PPD) "so capturing freight movements by air for the first time". They say they would impose a higher PPD for domestic flights "for which alternative and less polluting travel is already available". Again, there is no detail.
9. Being cynical it is possible that the realities of government may result in the new administration having to moderate some of its policies. We shall see!

### **National Policy Statement for Airports**

10. As previously reported the Planning Act 2008 Act makes provision for the previous Government to produce National Policy Statements (NPS) which will provide a comprehensive view of the case for national infrastructure development within a wide policy framework, covering economic, environmental and social issues.
11. The previous Government stated its intention to produce a National Policy Statement for airports. This would be based on the Air Transport White Paper (ATWP) and would be subject to an appraisal of sustainability, consultation and Parliamentary scrutiny. It would also be location-specific so that the airports NPS would cover not only national need but also set out the places the previous Government thought suitable for nationally significant development. It was intended to publish the consultation draft NPS for aviation in 2011 along with the second progress report on the implementation of the Air Transport White Paper.
12. It will now be for the new Government to decide the shape of the Statement. In this connection the new Government will need to take into account:
  - the view expressed in the judgement in the Heathrow Judicial Review – see paras 46–51 below – that the nation's entire aviation policy should now be reviewed in the light of the 2008 Climate Change Act; and
  - The view of the Transport Select Committee – see paras 15–22 below – that while the 2003 White Paper, *The Future of Air Transport*, continued to provide a sound basis for aviation policy the Government would need to update its assessment of the economic value of aviation for the UK economy regularly and ensure that its figures are subject to independent external scrutiny
  - The finding of the *Climate Change Committee* – see paras 30-38 below – that aviation policy should be based on the assumption that demand growth between now and 2050 cannot exceed 60% if the UK is to meet the Government's target that aviation emissions in 2050 must not exceed 2005 levels.
13. It was reported last year that after an e-mail consultation with UKACCs members, the Secretariat had told the DCLG in response to a consultation that individual airport consultative committees should be included in the formal list of those bodies and organisations to be consulted in any subsequent guidance to be issued setting out the detailed procedures to be followed in the preparation of any NPS which has a bearing on airports or aviation. It was also mentioned that if needs be UKACCs was happy to operate as an agent in distributing consultation material to its member committees or by providing up-to-date contact details as and when required. The Department's response was

published on 3<sup>rd</sup> August 2009<sup>7</sup> and sadly the representations submitted on behalf of UKACCS were unsuccessful.

14. The Secretariat will keep an eye on the progress being made in drawing up the NPS for Airports and members will be updated from time to time.

#### **Transport Select Committee's Report on *The Future of Aviation***

15. In a wide-ranging report published on 7th December 2009<sup>8</sup>, the Transport Select Committee calls on the Government to ensure that the UK's major airports, particularly Heathrow, are connected to a future high-speed rail system.
16. In publishing the report the Committee's chairman noted that aviation is important to the UK economy, both in the southeast of England and in the regions. Regional airports are important for regional economic growth and transport. Heathrow is a major European hub airport but only six UK cities have flights into it. Even with expansion, there is a need to improve direct access to Heathrow from the national rail network in order to maximise the economic benefits and to reduce the environmental impacts."
17. The Committee concludes that the 2003 White Paper, *The Future of Air Transport*, continues to provide a sound basis for aviation policy but warns the Government that it must update its assessment of the economic value of aviation for the UK economy regularly and ensure that its figures are subject to independent external scrutiny.
18. In view of the economic benefits to the UK, the Committee endorsed the previous Government's support for a third runway at Heathrow, subject to the effective application of tough environmental conditions. However, it questioned the need for a second runway at Stansted and asked ministers to reconsider whether Gatwick might prove to be a better location for expansion after 2019.
19. Stressing the need to curb pollution from aviation, the Committee calls for higher environmental standards to reduce CO<sub>2</sub>, air pollution and noise. With regard to carbon emissions from aviation in the UK, the Committee sets out a number of principles that it believes should be applied to future UK policy in this area, and looks forward to the Committee on Climate Change's report (see paragraphs 30-38 below) detailing how the aviation industry can sensibly reduce its greenhouse gas emissions over the coming decades.
20. The Committee calls for decisive effort by Government to ensure that older and noisier planes are taken out of use promptly. The Committee also asks the Government to review the adequacy of current research into the effects of noise and to revisit its impact assessment procedures and compensation arrangements.
21. The Committee recognises the importance of Air Passenger Duty (APD), but is concerned that, when setting the level of APD, the Government needs to be mindful of the vulnerability of the aviation industry in the current economic climate. It also needs to take account of competition from other European airports.
22. Looking to air travellers the Committee repeats a previous call for the ATOL levy to be increased and extended to cover all international flights and not merely package holidays. They also ask the Government to clarify how much revenue is raised from aviation taxes and to set out the basis for its claim that an additional £10bn could be raised if VAT and fuel duty were applied to aviation.
23. In respect of air passenger representation, the Committee welcomed moves to strengthen the voice of air passengers and the increased emphasis on the passenger in the remit for the CAA. However it felt that the previous Government's proposal to replace the *Air Transport Users Council* with *Passenger Focus* was unclear on how the proposal would influence the airlines or airports. It commented that the Government's influence over bus and rail companies, for example through the specification of rail franchises, did not extend to the aviation sector which is heavily prescribed by international legislation. It recognised

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<sup>7</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/responsesstatutoryconsultees.pdf>

<sup>8</sup> <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmtran/125/125i.pdf>

that the air travel market was highly competitive and operators take a hard-nosed approach to service costs and standards. The Committee concluded that “whatever the Government decides regarding passenger representation, it is essential that the powers of a body defending passengers’ rights match its remit. If not, it may create false expectations”

## **Climate Change**

### **(a) Aviation Emissions Cost Assessment 2008**

24. We ought perhaps to have mentioned last year that following a period of consultation during 2007 the previous Government in July 2008 published the report *Aviation Emissions Cost Assessment 2008*<sup>9</sup>. The aim of the assessment, which was promised in the 2006 Progress Report on the White Paper *The Future of Air Transport*, was to provide a strategic view on the extent to which the aviation sector is covering its climate change costs. The Report said this information would contribute to the evidence provided to inform decisions on major increases in aviation capacity.
25. The Report said the assessment:
  - was a strategic assessment covering the UK as a whole
  - could be used to enhance our contextual understanding of the climate change costs of aviation when considering major increases in aviation capacity.
26. The assessment, which was not intended to cover all the external costs of aviation, would be carried out approximately every three years. It was anticipated that this would coincide with the regular review and report on progress in delivering the Future of Air Transport agenda.

### **(b) UK Aviation: Carbon Reduction Futures**

27. We should also perhaps have mentioned this report<sup>10</sup> by *Manchester Metropolitan University* and *Cranfield University* was commissioned by the Department for Transport in the Spring of 2008 to contribute to the evidence base on future opportunities to reduce carbon dioxide emissions from UK domestic aviation.
28. In commenting on the Report the Department notes it is just one piece of evidence to be considered alongside others work addressing similar issues, but provides a valuable contribution to this important area of research. The Department also comments that the report was commissioned before the announcement of the target to reduce aviation CO2 emissions below 2005 levels by 2050. Hence, the forecasts of UK domestic aviation CO2 emissions included in the Report do not assume this target, and rely on DfT forecasts as published in November 2007, which were the latest at the time. The Department published more recent forecasts in January 2009, which were not however significantly different to those of 2007.

### **(b) Low Carbon Transport: A Greener Future**<sup>11</sup>

29. Described as a carbon reduction strategy for transport this document was published by the Department for Transport in July 2009. The strategy sets out how the Department intends to reduce greenhouse gas emissions from transport. It also shows how transport will make a major contribution to UK efforts to reduce CO2 emissions by 2022 and 2050 in line with the Climate Change Act 2008.

### **(c) Committee on Climate Change (CCC) - Report on options to meet the UK's aviation emissions target**

30. This Report<sup>12</sup>, published on 8th December 2009, says that aviation policy should be based on the assumption that demand growth between now and 2050 cannot exceed 60% if the

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<sup>9</sup> <http://www.dft.gov.uk/pgr/aviation/environmentalissues/aviationemissionscostassess/aviationemissionscost.pdf>

<sup>10</sup> <http://www.dft.gov.uk/pgr/aviation/environmentalissues/carbonreductionfutures/finalreport.pdf>

<sup>11</sup> <http://www.ukaccs.info/low-carbon.pdf>

<sup>12</sup> <http://www.theccc.org.uk/reports/aviation-report>

UK is to meet the previous Government's target that aviation emissions in 2050 must not exceed 2005 levels.

31. The report concludes that fuel efficiency and operational improvements are likely to result in a 30% reduction in carbon emissions per seat km flown and that sustainable biofuels could account for 10% of aviation fuel use in 2050. Faster technological improvements are possible, but unless and until they are achieved, it is not prudent to assume that demand increases of more than 60% are compatible with the target. Fuel efficiency improvements will arise from engine and airframe design innovation, and improved efficiency of Air Traffic Movements and operations. Increased investment in aircraft technology research and development might make it possible to secure more rapid progress than is currently likely.
32. The report finds that the use of biofuels in aviation is likely to be technically and economically viable. However, there are significant uncertainties over the level of sustainable biofuels available for use in aviation, for three reasons:
  - the land area and water resource required given increased food demand resulting from an increasing world population
  - technological uncertainty over the feasibility of biofuels production that does not require agricultural land (e.g. algae based )
  - other demands for biomass feedstocks to produce low-carbon energy (e.g. biofuels for HGVs, biomass power generation). It is therefore prudent to base current policy on the assumption that biofuels cannot account for more than 10% of the total aviation fuel mix in 2050.
33. The report finds that on a "business as usual" path UK air passenger demand would grow over 200% by 2050, reflecting the high income elasticity of demand .This would not be compatible with meeting the UK's aviation or wider economy emissions targets. The report highlights various options for reducing demand:
  - A carbon price rising gradually to £200/tCO<sub>2</sub> by 2050, combined with capacity constraints as envisaged in the 2003 Aviation White Paper (i.e. with addition of capacity at Edinburgh, Heathrow and Stansted but at no other airports) could limit demand growth to 115% by 2050.
  - High-speed rail has the potential to substitute for domestic and short haul flights to Europe; this could result in a 10% aviation demand reduction in 2050.
  - Video-conferencing technology is still at an early stage of development but by 2050 could substitute for up to 30% of business trips based on current best business practice.
34. However, the combination of the anticipated carbon price, modal shift and increased use of video-conferencing in business is unlikely to constrain demand growth to 60%. Clear additional policies (beyond the introduction of a carbon price at this level) will therefore be required to constrain passenger demand in the period to 2050.
35. The report notes that a demand increase of 60% could be compatible with a variety of different policies in relation to expansion at specific airports, which need to reflect a range of factors beyond the Committee's remit. Expansion plans in aggregate however should be consistent with limiting passenger growth in 2050 to a maximum of 60% above 2005 levels.
36. Throughout the report, the assumption is that UK action is in the context of an international agreement which limits aviation emissions in all countries.
37. The report considers non-CO<sub>2</sub> effects from aviation (e.g. water vapour). The scientific evidence suggests that these are likely to result in increased warming, and will have to be included within both international and UK targets as scientific understanding improves. This may mean that the UK's aviation target needs to be tightened in future.
38. The Committee's annual report to Parliament in June 2010 will include an assessment of the latest data on UK aviation emissions.

### **(e) Transport Select Committee's Report on *The Future of Aviation***

39. This Report – see paras 15-23 above - called for higher environmental standards to reduce CO<sub>2</sub>, air pollution and noise. With regard to carbon emissions from aviation in the UK, the Committee set out a number of principles which it believes should be applied to future UK policy in this area, and looked forward to the Committee on Climate Change's report (see paras 28-36 above) detailing how the aviation industry could sensibly reduce its greenhouse gas emissions over the coming decades.

### **(f) Transport Carbon Reduction Delivery Plan**

40. On 31st March 2010 the Department of Transport published its *(CRDP)*<sup>13</sup>. The Plan describes how the Department will deliver the policies set out in *Low Carbon Transport: A Greener Future*. At the same time the Department published the *Climate Change Adaptation Plan for Transport 2010-2012*<sup>14</sup> which sets out how the Department aims to prepare the transport system to adapt to future climate change.

### **(g) Sustainable Aviation – Report on Emissions**

41. As reported last year *Sustainable Aviation* was set up in 2005. It brings together the main players from UK airlines, airports, manufacturers and ATM providers. It aims for a long-term strategy which sets out the collective approach of UK aviation to tackling the challenge of ensuring a sustainable future for the industry.
42. The Group's 2009 Report can be seen on their website<sup>15</sup>. Reference is made to the CO<sub>2</sub> Roadmap<sup>16</sup> which the group published in December 2008 and on which we reported in some detail last year.

### **(h) The Heathrow Judgement**

43. In its March 2010 judgement the Court said the previous Government's entire aviation policy should now be reviewed to take into account the implications of the 2008 Climate Change Act. The judge found that the claimants' submissions added up, in his view, to a powerful demonstration of the potential significance of developments in climate change policy since the 2003 Air Transport White Paper. They were clearly matters which would need to be taken into account under the new *Airports National Policy Statement*. There is more about the Heathrow case at paras 44-51 below

### **Adding capacity at Heathrow**

44. Members will recall that last year we reported that in January 2009, following a period of consultation, the previous Government had confirmed its support for a third runway at Heathrow and associated passenger terminal facilities.
45. It was noted also that on 7 April 2009 a number of environmental groups, together with six local authorities (Hammersmith and Fulham, Hounslow, Hillingdon, Kensington and Chelsea, Richmond upon Thames, Wandsworth and Windsor and Maidenhead) and residents groups, had launched a legal challenge against the previous government's decision claiming there was a failure to conduct a lawful consultation, that the decision was irrational and/or disproportionate and there was a failure to provide an adequately reasoned decision.
46. The case was finally heard in the High Court in February 2010 and the Court's judgement<sup>17</sup> was issued on 26<sup>th</sup> March. The judge ruled that:
- If the Government decides to push ahead with the runway project it must now review the climate change implications of Heathrow expansion, the economic case for a third runway, and the issue of how additional passengers would get to a bigger airport.

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<sup>13</sup> <http://www.ukaccs.info/delivery-plan0310.pdf>

<sup>14</sup> <http://www.ukaccs.info/adaptationplan0310.pdf>

<sup>15</sup> <http://www.sustainableaviation.co.uk/images/stories/key%20documents/sa%20second%20review%20final.pdf>

<sup>16</sup> [Click here](#) to see the roadmap

<sup>17</sup> <http://www.ukaccs.info/lhrhighcourtjudgement.pdf>

- The Government's entire aviation policy must now be reviewed to take into account the implications of the 2008 Climate Change Act. The judge found that the claimants' submissions added up, in his view, to a powerful demonstration of the potential significance of developments in climate change policy since the 2003 Air Transport White Paper. They were clearly matters which would need to be taken into account under the new *Airports National Policy Statement* - see paras 10-14 above .
  - On the economic case for Heathrow expansion the judge said he would be 'surprised' if the recent tripling of the estimated cost to society of emitting carbon did not have 'a significant effect' on the economic case for the runway. The judge also said that it made no sense to treat the economic case as settled in 2003.
  - On the issue of surface access the judge said the claimants' case – that there is no credible plan in place to transport millions of extra passengers to an expanded Heathrow - was 'justified'. Significantly, he noted that the previous Government had been unable to provide a convincing answer in court when it was pressed about overcrowding on the Piccadilly underground line which would result from the construction of a third runway.
47. The judge invited the Government to sign a legally binding undertaking that it would not base future aviation policy solely on its 2003 white paper. There would be a further court hearing to examine the Government's response to the judge's request.
48. Commenting on the Court's findings the BAA said:
- “Permission to build a third runway at Heathrow is an important decision for the country, which demands extensive consultation. This judgement was about the process of consultation, not the arguments for or against a third runway, which we believe remain strongly in favour of new capacity at the UK's only hub airport. As we produce more detailed proposals, those will be open to full public scrutiny.”
49. The previous Government left office saying it continued to support a third runway at Heathrow, subject to strict conditions on environmental impact and flight numbers, but if re-elected it would not allow additional runways to proceed at any other airport during the next Parliament.
50. The new Government says it will cancel plans for third runway at Heathrow and refuse permission for new runways at Gatwick and Stansted. The new Government does, however, say it will establish a high-speed rail network – see paragraph 4 above.
51. More locally the Mayor of London, Boris Johnson, does not believe the third runway at Heathrow will ever be built. He too, believes we should focus on the rail alternatives. And in February 2010 the Environment Committee of the Greater London Assembly endorsed the report *Flights of Fancy Can an expanded Heathrow meet its environmental targets?*<sup>18</sup> It is probably worth mentioning here that the GLA is now preparing a similar report in relation to the increased noise and other effects of the 50% increase in the limit on the number of flights using London City Airport which was approved last year by the London Borough of Newham (LBN) who are the local planning authority. The LBN's decision is now in fact awaiting a judicial review of claims that the Council failed to take into account the previous Government's policy on climate change and failed properly to consult Waltham Forest and Redbridge Councils and people living in those boroughs.

### **BAA Market Investigation**

52. At the last annual meeting we reported that the Competition Commission (CC) had on 19 March 2009 published its final report in relation to Office for Fair Trading suspicions that:
- “a feature or a combination of features of the market or markets in which airport services are supplied by BAA prevents, restricts or distorts competition in connection with the supply of airport services in the United Kingdom”.
53. The report recommended that BAA should sell Gatwick, Stansted and either Edinburgh or Glasgow within two years. They were to be sold in sequence, beginning with Gatwick, then

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<sup>18</sup> <http://www.london.gov.uk/archive/assembly/reports/environment/flights-fancy.pdf>

Stansted, followed by either Edinburgh or Glasgow. The papers relevant to the case can be seen on the CC's website<sup>19</sup>

54. The CC also required BAA at Aberdeen to improve consultation with airlines as well as to publish certain financial and other information. In addition, the CC recommended to the airports' regulator, the Civil Aviation Authority (CAA), that it should take certain specified action at Heathrow, the UK's only hub airport, where BAA would continue to have substantial market power even after the sale of Gatwick and Stansted. Further, the CC made recommendations to the previous Government on aspects of its airports' policy as well as the review of the airports regulatory regime reported elsewhere on the agenda for this meeting.
55. The BAA had already decided to sell Gatwick and in October 2009 it agreed terms for the sale of the airport, the UK's second busiest, to *Global Infrastructure Partners (GIP)* for £1.51bn. The sale was completed early in December 2009. GIP – set up by Credit Suisse and America's General Electric but operated independently – is also the principal owner of London City Airport.
56. Meanwhile BAA felt it had been treated unfairly because one of the CC airports' inquiry panel had "a powerful connection" with the Manchester Airport Group, which had been interested in buying Gatwick. The BAA appealed to the *Competition Appeal Tribunal*<sup>20</sup> who in December 2009 concluded "with the greatest reluctance" that the BAA's claim of "apparent bias" was justified. The tribunal president Mr Justice Barling said it was the unanimous decision of the panel that BAA would not be forced to sell more airports.
57. In a statement the CC said it was disappointed with the Tribunal's decision. "We take the matter of impartiality extremely seriously. We are now studying the judgment and its implications carefully to see if there are any grounds for an appeal." Nothing more has been heard.

### **Infrastructure Planning Commission (IPC)**

58. The IPC is another feature of the Planning Act 2008. It is an independent body which decides planning applications for nationally significant infrastructure projects, i.e. large projects that support the economy and vital public services, including railways, large wind farms, power stations, reservoirs, harbours, airports and sewage treatment works, also weighing the national benefit of proposals against the local impact. In the case of existing airports this means developments which have the effect of increasing the number of passengers by at least 10 million per year or increasing by at least 10,000 per year the number of air transport movements of cargo aircraft. It is planned that the IPC should make these decisions within the framework of National Policy Statements (NPS) but as noted above – see paras 10-14 above - there is, as yet, no NPS for airports.
59. The Commission opened for business in an advice role on 1 October 2009. On 1<sup>st</sup> February the Department for Communities and Local Government (DCLG) issued guidance on how applications for development consent for nationally significant infrastructure projects were to be examined by the IPC. This guidance was to be read alongside the *Planning Act 2008*, the *Infrastructure Planning (Examination Procedure) Rules 2010 (SI 2010/103)*<sup>21</sup> and the *Infrastructure Planning (Interested Parties) Regulations 2010 (SI 2010/102)*<sup>22</sup>. On 1 March 2010 the IPC started to receive applications. A list of the applications currently being handled by the IPC can be seen on its website<sup>23</sup> Thus far the IPC has not handled any airport projects not least because as already noted there is, as yet, no NPS for airports.
60. It remains to be seen what the new Government does about the IPC. Abolition is on the cards - see press item in *The Times* in January 2010<sup>24</sup>. In that item Bob Neill, the Conservative planning spokesman, is quoted as saying that the IPC appeared to be "sitting on its hands". He dismissed the organisation as the "most unaccountable and distant

<sup>19</sup> <http://www.competition-commission.org.uk/inquiries/ref2007/airports/>

<sup>20</sup> [http://www.catribunal.org.uk/files/1110\\_BAA\\_Judgment\\_21.12.09.pdf](http://www.catribunal.org.uk/files/1110_BAA_Judgment_21.12.09.pdf)

<sup>21</sup> [http://www.opsi.gov.uk/si/si2010/uksi\\_20100103\\_en\\_1](http://www.opsi.gov.uk/si/si2010/uksi_20100103_en_1)

<sup>22</sup> [http://www.opsi.gov.uk/si/si2010/uksi\\_20100102\\_en\\_1](http://www.opsi.gov.uk/si/si2010/uksi_20100102_en_1)

<sup>23</sup> [http://infrastructure.independent.gov.uk/?page\\_id=202](http://infrastructure.independent.gov.uk/?page_id=202)

<sup>24</sup> <http://www.timesonline.co.uk/tol/news/politics/article7005417.ece>

quango in existence” and said that a Conservative government would abolish it. “At the stroke of a pen, it will be able to wipe whole communities off the map or blight their lives,” he said.

### **Planning Applications – Notification and Consultation**

61. At last year’s Annual Meeting at Belfast the Liaison Group looked again at the scope for inconsistency in informing/consulting local residents about planning applications which have an impact on the area of more than one local authority.
62. The issue had arisen from a planning application submitted by London City Airport to increase the permitted number of flights. London City Airport lies within the southern part of the Borough of Newham. It had become clear that the same steps had not been taken to inform residents living outside the boundaries of Newham in Tower Hamlets and Greenwich where the impact of the application would be similar and who might wish to make representations.
63. Following the 2008 meeting a letter had been sent to *Department for Communities and Local Government (DCLG)*. At Belfast members felt the response received from DCLG was inadequate and agreed that a joint approach should be made to the *Local Government Association* and the *Association of London Government (London Councils)* with a view to a clearer and more positive outcome. The UKACCs Secretariat thus wrote to both these bodies and copies were sent to all members on 4<sup>th</sup> June 2009. (On 10<sup>th</sup> July 2009 the Secretariat also circulated copies of a Memorandum of Understanding<sup>25</sup> which included common arrangements on the way in which planning applications affecting London Gatwick airport and their publicity would be dealt with).
64. The reply from *London Councils*<sup>26</sup> said that local authorities in London had already recognised the need for greater consistency regarding notification, consultation and publicity in relation to planning applications which are close to the boundary of neighbouring planning authorities. In order to address this, the *Implementation Plans Committee* of the *Association of London Borough Planning Officers (ALBPO)* had produced a consultation protocol to guide the process of identifying properties to notify when an application is close to a local planning authority’s boundary. There is a copy of this protocol at Annex A.
65. In relation to the rather less forthcoming reply from the *Local Government Association*<sup>27</sup> the Secretariat has sent a follow-up letter asking if a protocol on the lines adopted by the London Borough Planning Officers could be introduced on a countrywide basis but a reply has still to be received.

### **Wind farms – Effect on Radar**

66. For some years members have been expressing concerns about the impact which wind farms have on the operation of radar installations and thus on the safety of aircraft and, moreover, there have been concerns about the costs incurred by airports in preparing radar assessments as a result of applications for the development of wind farms.
67. At the Annual meeting last year members heard that the CAA had re-issued CAP 764 CAA *Policy and Guidelines on Wind Turbines*<sup>28</sup> to:
  - Reflect the previous Government’s policy on renewable energy
  - include all aspects of aviation which might be affected by wind turbines.
  - explain how interested parties should interact with each other
  - spell out a simplified method for determining if a wind turbine is in line of sight of an aeronautical radar station.
  - provide guidance on the wind turbine development planning process which encourages a pre-planning application process involving engagement and consultation with aviation stakeholders.

<sup>25</sup> <http://www.ukaccs.info/lgw mou.pdf>

<sup>26</sup> <http://www.ukaccs.info/algtr.pdf>

<sup>27</sup> <http://www.ukaccs.info/lgaltr.pdf>

<sup>28</sup> <http://www.caa.co.uk/docs/33/Cap764.pdf>

This publication was again revised in May 2010 to update references to the Air Navigation Order which has been completely re-numbered and to incorporate editorial corrections. Details were sent to all members on 10<sup>th</sup> May 2010.

68. Members noted, however, that the updated Guidance did not address the issue of who should bear the cost of undertaking a radar impact assessment. It was noted also there was some very useful reference material on the website of the former *Department for Business, Enterprise and Regulatory Reform (BERR)* and in particular the page on *Offshore Wind: Aeronautical and Military Impacts*<sup>29</sup>.
69. In November 2009 the *Department for Communities & Local Government (DCLG)* launched a consultation<sup>30</sup> on the previous Government's proposals to introduce permitted development rights for small scale renewable and low carbon technologies in domestic and non-domestic settings. This included small scale wind turbines. The proposals of course give rise to airport safeguarding issues and it is understood a number of airports sent in comments.
70. Members will wish to be aware of the concerns felt by the *General Aviation Awareness Council (GACC)*. They held a workshop on wind farms in November 2009<sup>31</sup> which centred on the safety worries felt by GACC members.
71. In January 2010 there were reports of a "stealth" turbine blade, based on military technology, which might help to overcome the problem of wind farms interfering with aviation radar systems. For details see the Reuters news item at Annex B.

### **Review of Public Safety Zones (PSZs)**

72. At the Annual Meeting last year members were updated on the progress being made on the review of existing PSZs.
73. On 8<sup>th</sup> March 2010 the previous Government announced that following an internal review within the Department for Transport (DfT), it had been decided that the administration of PSZ policy should henceforth be carried out by the CAA.<sup>32</sup> The CAA has, therefore, taken over responsibility for the implementation of new PSZs and the review and update of existing PSZs. DfT would retain overall policy responsibility for PSZs.
74. Accordingly the DfT has updated Circular 1/2002 to take account of the shift of day-to-day administrative responsibilities for implementing Public Safety Zone (PSZ) policy from the DfT to the CAA (Circular 01/2010)<sup>33</sup>. The PSZ policy itself and the guidance to local planning authorities contained in the Annex to the Circular remain the same. It is understood that the PSZ review will now be taken forward by the CAA. There may be more to report at the meeting.
75. It is understood that following these changes the *Strategic Aviation Special Interest Group (SASIG)* – a lobby group whose members are local authorities with an interest in aviation - recently considered a report on PSZs. At Annex C is a note of the key points kindly provided by SASIG.

### **CAA Report "Airspace for Tomorrow"**

76. At the end of October 2009 the Civil Aviation Authority published *Airspace for Tomorrow*, which set out in broad terms, how they intended to develop the UK's future airspace arrangements in cooperation with the Department for Transport, the Ministry of Defence, NATS and other aviation stakeholders. The Report, which can be seen on the CAA's website<sup>34</sup>, aims to give all those with an interest in the way in which airspace is used, including members of the general public, a summary of:
  - How UK airspace is used and controlled today.

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<sup>29</sup> This page has been archived – [click here](#)

<sup>30</sup> <http://www.communities.gov.uk/archived/publications/planningandbuilding/microgenelectriccars>

<sup>31</sup> <http://www.gaac.org.uk/content/?p=189>

<sup>32</sup> <http://www.dft.gov.uk/press/speechesstatements/statements/clark20100308>

<sup>33</sup> <http://www.dft.gov.uk/pgr/aviation/safety/circular012010/pdf/circular>

<sup>34</sup> <http://www.caa.co.uk/docs/7/Airspace%20for%20Tomorrow.pdf>

- The key factors that the CAA thinks will cause our airspace arrangements to evolve.
  - The CAA's vision for the future airspace arrangements in 2030 — some of the concepts that will be considered to achieve the vision and the associated benefits.
  - The purpose and direction for the *Future Airspace Strategy (FAS)* that is being developed.
77. The CAA letter sent out to stakeholders with the Report notes that development of the FAS - a complex process – would take place over the next two to three years. Once it was complete the Strategy would underpin the CAA's work in airspace terms out to 2030 and beyond, including the relevant application of environmental targets set by the previous Government for 2050. The letter goes on to say that the strategy should be regarded as a flexible framework which would assist the CAA in determining how the operation, management and regulation of our airspace should evolve depending on the circumstances. It would determine the key characteristics of a proposed future airspace system and identify the changes required to deliver it, including the policy and regulatory considerations which may need to be made in support of these changes.
78. Formal consultation on the FAS can be expected later this year.

### **Airspace Change Proposals – London's Terminal Control North**

79. Members will recall that at the meeting at Heathrow on 2008 concerns were expressed about the lack of consistency in the approach adopted by NATS in its consultations with consultative committees on the plans to change the routes taken by aircraft in London's *Terminal Control North (TCN)*. There were also concerns about the manner in which NATS had handled consultation with affected local authorities.
80. At the last Annual Meeting Members in Belfast heard that the CAA had said there were currently no plans formally to revise the procedural guidance on airspace changes contained in CAP 725. However, once a decision had been reached on the TCN proposals the CAA would "review the progression of a proposal in order to identify any areas of weakness in the process or its associated guidance." The Liaison Group's comments on consistency of approach would be considered as part of that exercise.
81. It was also reported that NATS had said that in the light of the feedback received during that consultation period, they would be looking at further options in relation to some of the proposals and later they said they planned a new consultation on revised proposals. However in October 2009 NATS wrote to stakeholder saying they had decided there would be no consultation on revised proposals until September 2010 at the earliest – there had been a downturn in air traffic and there was now less urgency.
82. Arising from the original consultation NATS did pursue plans to make minor modifications to the *Standard Instrument Departures* for London City Airport to accommodate the jet aircraft which use the airport today, rather than the slower propeller aircraft for which the existing procedures were first designed in the 1980s. However the changes have led to an increase in noise complaints and there is to be a review of the changes starting at the end of May 2010.
83. Delegates will also be interested to note that in April 2010 the CAA published CAP 778<sup>35</sup> for use by departure procedure designers, ATS providers and aerodrome operations staff. It sets out requirements against which procedure designs submitted by procedure sponsors will be assessed and spells out how departure procedure design requirements are applied in the UK. This will lead to the uniform application of design parameters which will satisfy airspace safety requirements, provide maximum airspace capacity consistent with both safety and environmental requirements, and which will also be compatible with future Area Navigation (RNAV) procedure design requirements. Chapter 8 of CAP 778 sets out the procedure for making an airspace change.

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<sup>35</sup> <http://www.caa.co.uk/docs/33/CAP778.pdf>

### **Aircraft Noise Monitoring Advisory Committee (ANMAC)**

84. As reported last year this Committee was set up by the Department for Transport to advise them on policy relating to aircraft noise at Heathrow, Gatwick and Stansted<sup>36</sup>. Its membership includes representatives from NATS, BAA, the Environmental Research and Consultancy Department of the CAA, the Scheduling Committees and a representative of the consultative committee at each of the three airports each accompanied by a technical adviser.
85. There had been growing concern that ANMAC was now considering wider aircraft noise issues, not just those relating to the three London airports. An example of this was the further research proposed in connection with ANASE. In consequence it was agreed to ask that the UKACCs support service should be included on the circulation list of the summary so that member committees could be kept informed about the work of ANMAC. This has been agreed and summaries have already been sent round to all members.
86. It has also been agreed that if ANMAC were to suggest changes in the management of aircraft noise or flight procedures of wider significance than just the three London airports, it would seek to involve and consult other airports.

### **Attitudes to Noise from Aircraft Sources in England (ANASE)**

87. We have reported previously on this long running study which was launched in May 2001. Its aim was to research how people feel about aircraft noise and especially how they perceive the relationship between noise levels and annoyance, or sleep disturbance at night, and how they would value lower noise levels relative to other environmental factors.
88. The results of the study were finally published by the Department early in November 2007 - the consultants' report, together with peer reviews and Departmental statement papers have now been archived but they can still be seen online<sup>37</sup>. In publishing the research previous Government said that two key conclusions emerged from the study:
  - that people are more annoyed by all levels of aircraft noise than they were in 1985, when the last major study in this field was carried out.
  - there was no identifiable threshold at which noise becomes a serious problem. Even relatively low levels of noise can cause some annoyance, which rises as the noise increases.

But the previous Government was concerned that the study did not provide a reliable way of attaching a monetary figure to the impact of aircraft noise.

89. At the Annual Meeting last year members heard that the Department had been working with ANMAC (see paras xx-xx above) on the scope for further work to follow up ANASE findings. For example, work was in hand to consider the scope for noise modelling at lower levels.
90. The Department's representative at this meeting will update members on what is happening in relation to ANASE. It is known that the study was referred to in a number of the Noise Action Plans submitted by airports – see paras 68 – 75 above.
91. Meanwhile members may like to note that on the DfT website there is a useful summary of Government sponsored research into aircraft noise and sleep disturbance<sup>38</sup>.

### **Omega**

92. As reported last year Omega is a publicly funded partnership which offers impartial, innovative and topical insights into the environmental effects of the air transport industry and sustainability solutions.
93. The partnership embraces nine UK universities led by Manchester Metropolitan University with Cambridge and Cranfield. Other partners include Leeds, Loughborough, Oxford,

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<sup>36</sup> Heathrow, Gatwick and Stansted are designated for the purposes of s.78 of the Civil Aviation Act 1982 and noise amelioration is thus the responsibility of the Secretary of State.

<sup>37</sup> <http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/pgr/aviation/environmentalissues/Anase/>

<sup>38</sup> <http://www.dft.gov.uk/pgr/aviation/environmentalissues/aircraftnoiseandsleepdisturb2875>

Reading, Sheffield and Southampton. It draws on the expert skills in these institutions including the environmental and social sciences, technology, business, economics, environment, politics and global regulation.

94. The Group's most recent reports are listed at Annex D with links to e-copies on their website.

### **Volcanic Ash**

95. In April 2010 the Eyjafjallajökull volcano in Iceland erupted and the prevailing weather conditions meant that clouds of volcanic ash blew towards the UK and large areas of continental Europe. This led to the closure of huge areas of European airspace, and thus of airports, with for several days giving rise to huge disruption and thousands of stranded passengers.
96. Members will find more about this in our paper on European issues elsewhere on the agenda for the meeting.

### **Satellite Based Approaches**

97. We hear from the Consultative Committee at Manchester (MACC) that Manchester Airport is planning to introduce satellite based approaches and in fact that this type of approach is now in fact published for their Runway 23L<sup>39</sup>. But such approaches are not presently possible because the Airport and ATC have not been unable to agree with the CAA on the detailed scope of the safety assurance documentation. It is understood that some other airports have likewise not been able to agree the documentation with the CAA. It would be helpful if delegates could check the position at their airports and come to the meeting ready to tell members if a similar situation obtains. In any case this might be matter which the meeting might like to take up with the CAA.
98. For the information of members equipment to permit this type of approach has been used in test operations at Bremen in Germany since 2008.

**Stuart Innes**  
**May 2010**

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<sup>39</sup> [http://www.nats-uk.ead-it.com/aip/current/ad/EGCC/EG\\_AD\\_2\\_EGCC\\_8-14\\_en.pdf](http://www.nats-uk.ead-it.com/aip/current/ad/EGCC/EG_AD_2_EGCC_8-14_en.pdf)

## Publicising Planning Application - London Councils Protocol

## ALBPO IMPLEMENTATION COMMITTEE

## CONSULTATION PROTOCOL

This Protocol guides the process of identifying properties to notify when an application is close to a local planning authority's boundary.

**Definitions**

The determining council is referred to as the LPA.

Other councils affected by an application are referred to as an Article 10 Council.

**Protocol**

- The LPA is responsible for notifying all those properties affected by a development and carrying out publicity in the locality.
- It is for the LPA to decide who is affected by a development and how they are notified, save that a borough boundary shall not be a factor in that decision.
- If the LPA decides that properties in an Article 10 Council's area are affected by the development and should be notified about it, the LPA are responsible for notification and publicity unless they agree alternative arrangements with that Article 10 Council.
- If the LPA requires assistance in identifying property addresses in an Article 10 Council's area, the Article 10 Council shall provide all reasonable assistance to the LPA.

All planning authorities in London have agreed to abide by this protocol. These are:

City of London	Hammersmith & Fulham	Newham
Barking & Dagenham	Haringey	Redbridge
Barnet	Harrow	Richmond upon Thames
Bexley	Havering	Southwark
Brent	Hillingdon	Sutton
Bromley	Hounslow	Tower Hamlets
Camden	Islington	Waltham Forest
Croydon	Kensington & Chelsea	Wandsworth
Ealing	Kingston upon Thames	Westminster
Enfield	Lambeth	ODA PTD
Greenwich	Lewisham	LTGDC
Hackney	Merton	GLA

The wording of the protocol was agreed by the ALBPO Implementation Committee at its meeting on 14 March 2008 and issued following agreement by the above authorities on 12 June 2008.

## Wind Farms – Reuters News Item

**'Stealth' wind turbine blade may end radar problem**

*January 27, 2010*

The development of a "stealth" turbine blade, based on military technology, may help overcome the problem of wind farms interfering with aviation radar systems, its developers said.

The issue of turbine blades confusing radar operators accounts for around half the objections to wind farm planning applications in Britain.

Now, Vestas Wind Systems is experimenting with stealth technology, developed to help warplanes escape notice, to reduce a turbine blade's radar signature - the size of the blip it makes on an air traffic controller's radar screen.

"These tips of the blades travel at about the same speed as a light aircraft," said Ian Chatting, head of research in Britain for Vestas, the world's largest wind energy company.

"So you can see this blip and the radar operators don't know if it is a light aircraft...whether it is real, interference or a shadow from the wind turbines," he said.

The confusion is caused by radar bouncing off moving wind turbines, creating a cloud of reflected signals.

"As an aircraft flies into that cloud, you can then never tell whether it is the same aircraft that has come out or if it is a different one or if it has stopped or whether it is just a wind turbine blade that is coming over toward you," Chatting said.

Global wind power capacity is now more than 120 gigawatts (GW), according to the Global Wind Energy Council (GWEC), and Vestas say as much as 9 GW of potential wind power is on hold because of objections by civilian, military and marine radar operators.

In Britain alone the problem has led NATS, formerly the National Air Traffic Service, to object to more than 5GW worth of planning applications.

Brendan Kelly, NATS head of operational strategy, said it was working with industry to solve the problem.

"Whilst we do object to wind farms, our arguments on our objections to wind farms are always based on the operational or technical issues that actually the industry does understand," he said.

Three potential solutions are under consideration, including a software fix and efforts to 'factor out' whole wind farms.

The Vestas solution has to be carefully implemented to make sure aircraft will still be aware of turbine blades.

"It is exactly the same technology as a stealth bomber or a stealth fighter only it is specially tuned again, so that we don't completely disappear from the radar and if you are in an aircraft you can actually still see these things in your radar screen," said Chatting.

The 44 meter (144 ft) long blade incorporates two layers of glass cloth printed with a special ink that are embedded in the structure as part of the normal manufacturing process. The radar passes through the first layer, but bounces off the second and is effectively trapped between the two.

The British Wind Energy Association welcomed all development efforts but said a range of solutions are needed.

"I think the stealth blade has the potential to make a significant contribution. Projects would need to be assessed on a case-by-case basis to see if this would be, as I understand, appropriate mitigation," said BWEA aviation spokeswoman Nicola Vaughan.

"It is unlikely to work in every single case...but if we can address the aviation issue as a whole it will take away a significant barrier to wind energy projects both on and offshore," Vaughan said.

As GWEC estimates of the number of wind farms increasing on average by 30 percent per year, the problem of crowded skies is likely to make a solution to the problem ever more important.

## **Annex C**

### **PSZs – Some simple SASIG points**

1. Circular 1/2002 (para 2) provides for PSZs to be based on forecasts of aircraft numbers and types at 2015. *It needs to be made clear what data informed these forecasts and who made them.*
2. Paragraph 3 of the Circular then provides for the contours to be remodelled in the event of a significant expansion of an airport being approved. *The PSZ contours should be remodelled as part of the material submitted with a planning application for airport expansion so that the planning authority can take that into account when determining the application.*

3. Circular 1/2002 provides the planning authority with advice on how to handle an application for development within a defined PSZ. *Based on experience it may now be time to update advice on how to take account of an existing and an enlarged PSZ when considering an application to expand an airport. For instance what happens if the airport expansion proposed causes a relatively large increase in the population resident in a PSZ?*
4. Paragraphs 6 and 7 of the Circular require the airport operator to buy up residential, commercial and industrial properties within the 1:10,000 individual risk contour. Paragraph 19 makes it clear that transport infrastructure within the PSZ should be treated in the same way as residential, commercial or industrial development. *It may now be time to provide a clearer explanation of how existing and proposed transport infrastructure should be handled within the 1:10,000 contour.*
5. In paragraph 14 of the Circular, planning authorities are invited to consult DfT for clarification. *That appears to have normally resulted in a constructive dialogue. DfT advice must always be clear – development either accords with PSZ policy or should be refused.*

## **Annex D**

### **Recent Omega Reports**

- Final Report-Dispersion of aircraft efflux in proximity to airports - 23.02.10
- Final Report- Fuel efficiency development and prediction - 12.02.10
- UPDATED-Final Report- Project Icarus - 03.02.10
- Final Report-JETCLIM-Executive Summary - 25.01.10
- Final Report-Influence of composite materials on environmental pollution -14.01.10
- Final Report-Balancing noise costs against reduced carbon emissions in advanced open rotary engines - 07.01.10
- Final Report- Non CO2 Workshop Report - 07.01.10
- Final Report-Social costs of Aviation -17.12.09
- Final Report-Contraails: Adding contraails to a climate model -11.12.09
- Final Report-Metrics -11.12.09
- Final Report-Prediction of aircraft emissions with alternative fuels by genetic algorithm - 11.12.09
- Final Report- Sustainable fuels for aviation -11.12.09
- Final Report-Control Strategies for a cleaner exhaust-11.12.09