

# Northern Runway, Heathrow Airport

in the London Borough of Hillingdon

planning application no. 41573/APP/2013/1288

## Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

## The proposal

Enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport including the creation of a new 'hold area' at the western end of the northern runway, the construction of new access and exit taxiways, and the construction of a 5 metre high acoustic noise barrier to the south of Longford Village.

## The applicant

The applicant is **Heathrow Airport Limited**.

## Strategic issues

The application raises strategic planning issues in respect of **aviation, noise, air quality** and **transport**.

## Recommendation

That Hillingdon Council be advised that the Mayor of London considers the application does not comply with the London Plan for the reasons set out in paragraph 61 of this report. The application need only be referred back to the Mayor if the Council resolves to grant permission, in which case it is suggested that the conditions/section 106 clauses set out in paragraph 62 of this report be incorporated within any such permission.

## Context

1 On the 25 July 2013 the Mayor of London received documents from Hillingdon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor had until the 4 September 2013 to provide the Council with a statement setting out whether he considered the application complied with the London Plan and his reasons for taking that view.

2 On the 3 September 2013 Hillingdon Council was advised that the Mayor of London considered that insufficient information had been provided to allow him to reach a fully informed view on the application's compliance with the London Plan and its acceptability. He also advised that this should be urgently addressed by the applicant, and that GLA officers be given all necessary information and opportunities to fully assess and seek to resolve any strategic planning concerns the application raised before it was referred back to the Mayor at Stage 2. This letter and its associated report are attached as an appendix to this report.

3 The applicant then submitted additional material to the Council in response to Council and Mayoral concerns. This additional material was referred to the Mayor on the 15 November 2013 and under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until the 19 December 2013 to provide the Council with a statement setting out whether he now considers the application complies with the London Plan and his reasons for taking that view.

4 The application need only be referred back to the Mayor if the Council resolves to grant permission. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding how he wishes to respond to Hillingdon Council.

5 The application is referable under Category 3A1(b) of Part 3 of the Schedule to the 2008 Order: (Development which is likely to prejudice the residential use of land which exceeds 4 hectares and is used for residential use). This quantum has been verified by GIS analysis of the submitted maps of noise exposure increases against GLA land use data and shows that over 30 hectares of such land would be adversely affected by the proposals – even if the applicant's own significance threshold is used (as discussed below).

6 Once Hillingdon Council has resolved to determine the application, it must refer it back to the Mayor should it resolve to grant permission. The application would not be referred back to the Mayor should the Council refuse it.

7 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

8 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

9 The application site falls within Heathrow Airport's operational land and comprises of a number of land parcels adjacent to the airport's existing northern runway. Heathrow Airport itself is bounded by the A4 Bath Road to the north, the A30 Great South West Road to the south, the M25 to the west and the River Crane to the east. Both the A4 Bath Road and A30 Great South West Road as well as the A312, The Parkway (located approximately 800m to the east of the airport boundary) form part of the Transport for London Road Network (TLRN). The nearest section of the Strategic Road Network (SRN) is the A315 Staines Road which is approximately 900m to the south.

10 The airport is also connected to the M4 motorway from a spur road at junction 4a which is located adjacent to the northern boundary. Numerous bus and coach routes operate within the airport, mainly from Heathrow Central Bus station but also from Heathrow Terminal 4 and Terminal 5 bus stations. There are direct connections to the Piccadilly line from four respective stations at Heathrow Terminal 1, 2 & 3, Terminal 4, Hatton Cross and Terminal 5. Rail connections to Central London are also available via the Heathrow Express and the Heathrow Connect services from the stations serving Terminals 1,2,& 3, Terminal 4 and Terminal 5. The airport will also be served by Crossrail services from 2019.

## **Details of the proposal**

11 The application is for the physical works needed to allow implementation of full runway alternation during easterly operations at Heathrow Airport and comprises two elements:

The creation of a new 'Hold Area' at the western end of Runway 09L including:

- The construction of a new Runway Access Taxiway (RAT) (A13E) between Alpha Taxiway and Runway 09L (situated between the existing A13 and A12 RATs), with a total area of 6,198 sq.m.
- The construction of a new connector taxiway linking the existing Alpha and Bravo Taxiways situated immediately to the south of the proposed new A13E RAT, with a total area of 5,646 sq.m. to provide greater flexibility for re-sequencing aircraft and to reduce the conflict with the Terminal 5 apron as well as improving ground movement flows and access to the airfield.
- Two small areas of additional pavement to enable A380 aircraft to access and exit the runway to meet CAA safety requirements with a total area of 394 sq.m.
- Concrete break-out areas with a total area of 12,564 sq.m.

A new noise barrier

- A new noise barrier to the south of Longford to be constructed in two sections. The western section would be 280m in length and would predominantly follow the alignment of the existing 3m high timber highway noise barrier that is situated between Wright Way and the Duke of Northumberland River.

12 The eastern section would be 313m in length and follow the alignment of the existing timber perimeter fence surrounding the Terminal 5 business car park. The eastern section would also include a four metre wide access gate to enable maintenance of the Duke of Northumberland River. The majority of the proposed barrier would be 5m high, except a small section around the south-west corner of the T5 business car park which would be 4m in height due to limitations related to the airport's radar. The barrier would probably be constructed of reconstituted wood with a transparent component to its upper 2 metres.

13 GLA officers do not comment on the merits of the physical works themselves (as these are felt to be best assessed by the relevant local planning authorities), but instead focus on the wider strategic implications that they might give rise to.

## Planning history

14 Heathrow Airport has a complex planning history that is summarised in the attached Stage 1 report. As set out above the Mayor of London was initially consulted by Hillingdon Council on the application on the 25 July 2013 and subsequently advised the Council on the 3 September 2013 that he considered that insufficient information had been provided to allow him to reach a fully informed view on the application's acceptability and its compliance with the London Plan. The applicant subsequently submitted additional material which was referred to the Mayor on the 15 November 2013.

## Strategic planning issues and relevant policies and guidance

15 The relevant issues and corresponding policies are as follows:

- Aviation *London Plan; the Mayor's Transport Strategy;*
- Ambient noise *London Plan; the Mayor's Ambient Noise Strategy;*
- Air quality *London Plan; the Mayor's Air Quality Strategy;*
- Transport *London Plan; the Mayor's Transport Strategy.*

16 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Hillingdon Local Plan: Part 1- Strategic Policies, November 2012, the extant saved policies of the London Borough of Hillingdon Unitary Development Plan (UDP) 1998, and the 2011 London Plan (with 2013 Alterations).

17 The following are also relevant material considerations:

- Aviation Policy Framework; (TSO, March 2013).
- Heathrow Operations - Ministerial Statement by Theresa Villiers MP; (Department for Transport, Sept 2010).
- Mayor of London's Response to the Government's Draft Aviation Policy Framework; (Oct 2012).
- Mayor of London's "2020 Vision: The Greatest City on Earth" (June 2013)
- Mayor of London's submissions to the Airports Commission (various, March - September 2013)
- Mayor of London's draft Control of dust and emissions from construction and demolition SPG; (Aug 2013)
- South East Airports Taskforce Report; (Department for Transport, July 2011)
- Early Minor Alteration to the London Plan
- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework.

## Background

### The Cranford Agreement

18 The Cranford Agreement is a Ministerial undertaking given in 1952 that prohibited Heathrow Airport's northern runway being used for aircraft departing in an easterly direction. The aim of the Agreement being to reduce impact on the residents living in and around Cranford from aircraft departure noise.

19 On the 15 January 2009 the then Labour Government announced the ending of this Agreement and also confirmed its support for Heathrow Airport's plans to build a third runway. However in September 2010 the Coalition Government issued a Ministerial Statement that abandoned the previous Government's support for a third runway at Heathrow. The Statement committed the Government to retaining runway alternation and confirmed that it would not approve the introduction of mixed-mode operations. The Statement also confirmed that the Coalition Government would "not reopen" its predecessors decision to end the Cranford Agreement.

20 The Statement noted that a number of infrastructure and operational changes by the airport operator (BAA) and NATS would be needed to implement this decision, and that BAA "was developing proposals for ending the Cranford agreement with a view to confirming the necessary works by the end of this year". It also specifically confirmed that the Government would:

".. look to BAA to ensure that proper consideration is given to appropriate mitigation and compensation measures for those likely to be affected by the proposals".

21 In October 2012, the Mayor advised the Government that:

"In general, the Mayor welcomes moves to improve airport performance and capacity utilisation, but only on condition that they be achieved without adversely impacting local residents. In particular, given the disproportionate noise impact of Heathrow airport, the Mayor cannot accept any change that increases these impacts on Londoners, is deeply concerned by the potential negative consequences for local residents that would flow from the cessation of the Cranford Agreement, (and) expects the data to be made freely available to ensure that the impacts on residents affected by this change could be fully understood."

Paragraphs 24-25, Mayor of London's Response to the Government's Draft Aviation Policy Framework, (Oct 2012).

22 The infrastructure proposed by this planning application is needed to allow Heathrow's northern runway to be fully used for take-offs to the east and to implement the Government decision to end the Cranford Agreement and the submitted technical material is the applicant's assessment of the environmental impact of the proposed change.

#### Westerly operations and preference

23 For safety and technical reasons, aircraft normally take-off and land into the wind. As Heathrow's prevailing winds are westerly, it operates what is known as westerly operations. The Airport also operates a westerly preference which means that during periods of no wind (or light winds from the east); aircraft will usually continue to land in a westerly direction. Taken together, during a typical year, aircraft using Heathrow Airport land from the east and depart to the west around 70% of the time, meaning that most departures (which generate the most noise) take place to the west of London, and most aircraft make their final approach over London. This has the benefit of reducing the worst noise impact of the airport on London, as take-off noise levels are usually higher than landing noise levels.

### Runway alternation

24 Heathrow Airport has operated a system of runway alternation since 1972 which means that under normal daytime operations, one of the airport's two main runways is used for take-off and the other for landing - with switching taking place at 3.00 pm. For example, in week one, the northern runway is used for one week for take-offs and the southern runway is used for landings until 3.00 pm when take-offs switch to the southern runway and landings switch to the northern runway. In the following week, the southern runway is used for take-offs until 3.00 pm and the northern for landings. As this is scheduled, communities and businesses under Heathrow's flight paths usually know in advance when they will be most affected by aircraft noise and benefit from what is known as respite. However, runway alternation currently only fully operates on westerly operations (approximately 70% of the time) because of the Cranford Agreement (see below), which prohibited easterly take-offs from using the airport's northern runway and because the airport is currently not configured to accommodate such movements - hence the current planning application and proposed works.

### The Airports Commission

25 On the 7 September 2012 the Government announced the setting up of an Airports Commission (led by Sir Howard Davies) to examine the need for additional UK airport capacity and recommend to Government how this can be met in the short, medium and long term.

26 The Commission's interim report, published on the 17 December 2013 makes a number of statements relevant to this application:

- It is supportive of the expansion of Heathrow, including both operating changes in the short to medium term, and by the construction of a third runway in the long term. Of the three options for new runways in the South East shortlisted by the Commission, two are at Heathrow.
- It is supportive of implementing the ending of the Cranford agreement. It states that 'runway alternation should be enabled as rapidly as possible for easterly operations'.
- It keeps open the possibility of mixed mode operations at Heathrow, potentially 'as part of a transition strategy to the preferred longer-term option'.

27 The Commission is due to publish its final recommendations in 2015.

### Air Traffic Movement cap

28 As part of the planning permission granted for Terminal 5 in 2001, an annual limit of 480,000 air traffic movements (total movements from arrivals and departures) was placed on Heathrow's operations. While this planning application does not seek to amend this cap, the proposed works could significantly alter how and when the 480,000 air traffic movements are scheduled.

### Mixed-mode operation

29 Mixed-mode operation refers the permanent scheduling of planes taking off and landing from the same runway at the same time. Full mixed-mode could increase Heathrow's runway capacity by around 15% - to accommodate up to 110 movements per hour, but operating the airport in this manner would have serious adverse impacts on noise exposure with the tens of thousands of people currently worst affected by noise losing periods of respite.

30 Paragraph 6.28 of the London Plan confirms the Mayor supports the Government's 2010 opposition to mixed-mode operations at Heathrow in order to mitigate noise effects on local communities. It should be noted that the airport already operates a form of mixed-mode operation, (in the early morning from 6.00 am) when dual use of the airports runways for arrivals is permitted. The recent "Operational Freedom's Trial" tested a number of mixed-mode operating procedures, but the CAA and the DfT are yet to take a formal view on whether the trial was a success.

31 The physical works proposed by this planning application would allow the airport to adopt full mixed-mode on both easterly and westerly operations on both runways, (should current restrictions be removed), and could facilitate a greater degree of mixed-mode operation than is currently possible.

## **Introduction**

32 The original and subsequent material submitted by the applicant includes a wide range of technical material that looks to identify and assess the environmental implications of its proposals. This material also suggests ways to help mitigate these impacts. Both sets of material have been now considered by GLA Officers and consultants acting on behalf of the Authority. As set out above, GLA officers do not comment on the merits of the physical works themselves (as these are felt to be best assessed by the relevant local planning authorities), but instead focus on the wider strategic implications that they might give rise to.

33 It is also important to note that the application and the associated assessment of impacts are based on the premise that the airport continues to operate as it does today in most other respects – i.e. it retains a preference for westerly operations, and arrival and departure slots continue to be allocated on the basis of a schedule that assumes full runway alternation. It is also important to note that there are currently no legal impediments to the airport changing either of these operating conventions; and hence actual impacts could be different from those that are currently predicted, unless for example effective planning restrictions were imposed and enforced as part of any planning permission.

## **Aviation**

34 London Plan policy 6.6 (Aviation) confirms the Mayor's view that adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in a global economy, and that airport capacity serving the capital and wider south east of England must be sufficient to sustain London's competitive position.

35 The policy however also confirms:

- The Mayor's strong opposition to any further expansion at Heathrow involving an increase in the number of aircraft movements because of the adverse noise and air quality impacts already being experienced by residents and others in the vicinity of Heathrow and its environs, (6.6Ba).
- That the aviation industry should meet its full environmental and external costs ... and take full account of environmental impacts when making decisions on patterns of aircraft operation, (6.6C).
- That planning decisions should give a high priority to sustainability and take full account of environmental impacts (particularly noise and air quality), (6.6Da).

36 The Plan then goes on to confirm that the Mayor agrees with the Government that the noise problems and poor air quality at Heathrow have reached such levels that further increases in the number of air traffic movements there are untenable and that development proposals which affect airport operations (particularly those involving an increase in the number of air traffic movements) should be carefully scrutinised, and particular attention should be given to environmental impacts, (paragraph 6.28).

37 The London Plan therefore clearly recognises the importance that aviation plays in maintaining London's world city status, but also that the environmental impacts of changes in airport operations must be very carefully assessed in planning terms, particularly in relation to noise and air quality.

## **Noise**

38 The applicant presented the noise implications of its proposals within its original submitted documentation. GLA officers however had a number of concerns in respect of the methodology and assumptions that were used – as set out in the attached report. Additional material was prepared by the applicant in response to these and other concerns, which was received by the GLA on the 15 November 2013. This has now been assessed and the conclusions set out below reached.

### Policy context

39 Chapter 7 of the London Plan sets out air and noise pollution policy related to 'London's Living Places and Spaces', in which Londoners live, work and visit, with policy 7.15 stating that "development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals".

40 Paragraph 109 of the Government's National Planning Policy Framework (NPPF) states that "the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability". Paragraph 123 of the NPPF then goes on to state that "Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development", and "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions".

41 Finally, the Government's Aviation Policy Framework states in paragraph 3.12 that: "the Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry". It then goes on further to mention impacts in the context of daytime and night noise upon both households and noise sensitive buildings such as schools and hospitals. The next section of this report assesses the proposals against these policy objectives.

### Daytime noise – significant adverse effects

42 Chapter 6 of the submitted Environmental Statement (ES) introduces significance criteria to assess daytime air noise community annoyance and identify 'significant adverse effects' and 'significant beneficial effects'. These criteria are identified as those locations over 57 dB LAeq,16h also experiencing at least a 3 dB increase (or decrease, for beneficial effects) in noise as a result of the proposals. Using these criteria Table 6.12 and para 6.8.13 of the application indicate that 1,700 dwellings and 4,450 people can expect significant adverse effects, whereas no residential dwellings would experience significant beneficial effects.



43 From the information provided in the original submission (Figure 6.8) it is clear that all of these significant adverse effects would occur within the Greater London Authority area (primarily in the immediate vicinity of Cranford in both Hillingdon and Hounslow). Table 6.13 of the application indicates that of these 1,700 dwellings, 525 dwellings experiencing significant adverse effects would qualify for the proposed noise mitigation and compensation scheme, applying to properties exposed to levels greater than 63 dB LAeq,16h and also experiencing a 3 dB increase in noise (as set out in Table 6.5 of the application).

44 Applying the compensation criteria described above would result in approximately 1,175 dwellings experiencing significant adverse effects (according to the ES criteria of locations over 57 dB LAeq,16h also experiencing a 3 dB increase in noise) but who would not qualify for the proposed mitigation and compensation scheme.

45 Table 6.11 of the ES, also highlights that the total number of people exposed to noise levels over 63 dB and 66 dB will increase (by 900 and 400 dwellings respectively) as a result of the proposal. Whilst this figure represents the impact upon all dwellings inside and outside London, it is highly likely that a significant proportion of these dwellings will be located within the GLA area.

46 The submission also provides a secondary assessment of community annoyance effects using the Lden indicator. This assessment indicates that 4,650 dwellings and 12,850 people can expect significant adverse effects while no residential dwellings would experience significant beneficial effects. This assessment has been based upon an assumed modal split of 76% Westerly operations and 24% Easterly operations and it is important to note that an increase in the proportion of Easterly operations (i.e. above 24%) will have greater impacts.

47 It is therefore concluded that this aspect of the application is contrary to London Plan policy 7.15 as the proposal would not 'minimise the potential adverse impacts of noise' and is also contrary to the NPPF as the proposals would not 'avoid noise from giving rise to significant adverse impacts on health and quality of life'. It is also noted that the applicant has not considered the combined effects the adverse noise and air quality impacts of its proposals would result in.

#### Daytime noise – adverse effects

48 The consultant's report also assesses the information the applicant has provided in respect of the *adverse effects of daytime noise* where the applicant's criteria indicate that some 7,050 dwellings and 18,550 people could expect 'adverse effects' as a result of the proposal, while approximately 15,300 dwellings and 36,100 people could expect to receive 'beneficial' effects. As a significant number of both populations would be within London, the consultants advise that this aspect of the application could be considered to be consistent with the aims of the London Plan policy 7.15 as the proposals could 'minimise the potential adverse impacts of noise'.

#### Night noise – significant adverse effects

49 Chapter 6 of the ES presents criteria to identify 'significant adverse effects' of night time noise and concludes that there would be no significant adverse or beneficial effects upon night noise as a result of the proposals. However, if instead, the criteria recommended by the World Health Organisation are used, the night noise assessment provided in Table 6.17 of the ES indicates that the number of people and dwellings exposed to the WHO NNG Interim Target of 55 dB Lnight increases by 450 dwellings and 1,050 people – this being the level where "cardiovascular effects become the major public health concern". The application would therefore be contrary to the aims of the London Plan Policy 7.15 as it would not 'minimise the potential adverse impacts of noise'.

### Assessment method

50 Officers also have strong concerns about the way noise impacts have been calculated and presented by the applicant. In very simple summary, the applicant's focus on one particular measure of noise impact (the 57dB LAeq 16h metric) could further underestimate the significant adverse impacts of its proposals on London and Londoners. There is a substantial body of evidence which suggests that the significant adverse impacts of aviation noise are felt at average noise exposure levels lower than 57dB. Furthermore, averaging noise exposure over a 16 hour period does not accurately reflect the worst case scenario over shorter time periods. Setting out the potential impacts of peak noise events, or focussing upon 30 minute averaging periods, could more appropriately reflect the impacts of the operational changes on nearby schools for instance.

### Noise impact and compensation

51 The way by which noise impact is calculated is also relevant to possible mitigation measures as (again in very simple summary), the Airport will only offer compensation where its own (limited) eligibility criteria are met – which as set out above, can significantly underestimate actual impacts. This is of relevance to homes, noise-sensitive buildings (such as schools and hospitals), and areas of recreational open space; where in all cases the GLA's consultants have identified deficiencies in the ways which these matters are addressed in the submitted documentation.

### Conclusion

52 The proposals would be likely to result in an unacceptable worsening of noise impacts on many homes, communities and noise-sensitive buildings in London.

## **Air quality**

53 The applicant presented the air quality implications of its proposals within its original submitted documentation. GLA officers however had a number of concerns in respect of the methodology and assumptions that were used – as set out in the attached report. Additional material was prepared by the applicant in response to these and other concerns, which was received by the GLA on the 15 November 2013. This has now been assessed and the conclusions set out below reached.

54 Overall, the GLA's consultants advise that the applicant has largely addressed the main concerns raised by the Mayor at Stage 1, although the following matters of detail and potential mitigation are identified.

55 The applicant's modelling shows that 39 residential receptors are classified as APEC B, and Government guidance recommends that 'although refusal on the grounds of air quality may not necessarily be sought, appropriate mitigation measures must be considered'.

56 The applicant originally stated that it would not consider mitigation options for operational activities above that outlined in its current Air Quality Action Plan. However, the later response suggests that it is 'willing to carry out actions to help reduce NOx emissions from airport operations...'. Whilst any such actions are not specified, the applicant's new approach is welcomed and should be explored further by Hillingdon Council should it be minded to approve the application. It will be also important to ensure that strong and appropriate measures are put in place to monitor and if necessary secure compliance with any such actions.

57 The GLA's consultants also advise that whilst likely air quality impacts as a result of the proposed development would be relatively modest, in some cases the proposals might result in NO2 concentrations rising above annual mean NO2 targets, particularly around Longford. This possibility should therefore be recognised and measures agreed with the Airport that in turn would be secured by planning conditions or section 106 clauses should approval be granted.

## **Transport**

58 No new transport implications have been identified as a result of the additional material submitted by the applicant and are therefore unchanged from those set out in the attached Stage 1 report.

## **Local planning authority's position**

This is not known at this stage.

## **Legal considerations**

59 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The application need only be referred back to the Mayor if the Council resolves to grant permission in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## **Financial considerations**

60 The provision of specialist noise and air quality advice has to date been met from existing planning allocations.

## **Conclusion**

61 London Plan policies on aviation, noise, air quality and transport are relevant to this application. As set out above, the proposals are contrary to the London Plan in a number of areas and would be likely to result in an unacceptable worsening of noise impacts on many homes, noise-sensitive buildings and communities in London.

62 The application would only be referred back to the Mayor if Hillingdon Council resolves to grant permission and would not be referred back to the Mayor should it refuse it. In the event that the Council were minded to grant permission, it is recommended that the following restrictions and assurances should be secured through appropriate strongly worded planning conditions and/or section 106 clauses. These should also be considered should the application be refused by the Council and the applicant appeal any such decision. It is acknowledged that some of these conditions go against the Airport Commission's Interim Report's short and medium term recommendations, but are nevertheless suggested to help mitigate the environmental harm the proposals would be likely to result in if permitted.

### Suggested conditions and/or section 106 clauses

- Limit the use of the Northern runway (09L) to departures.
- Prohibit mixed-mode operation (this might for example require the airport to continue to schedule arrival and departure slots on the basis of runway capacity figures which assume runway alternation and might limit the number of flights per day which could be sequenced out of runway alternation in exceptional circumstances).
- Maintain the operation of a westerly preference (i.e. maintaining a preference for westerly operations, even if the winds are from the east and light).

- Provide specific management and mitigation measures for all schools and other noise sensitive uses that might be adversely affected by the proposals.
- Maintain the current movement cap of 480,000 air traffic movements per annum.
- Reducing the current noise levels at which the airport is required to provide compensation and mitigation to homes effected by its operations and activities.
- Appointing an independent noise ombudsman who could for instance have the powers to implement a new charging regime based on the noisiness of different aircraft and time of day, or the ability to impose penalties on airlines and the airport if prescribed noise levels at specific times are breached.
- Imposing maximum thresholds for the level of specific pollutants which can be emitted by the airport's operations and activities in any given year and establishing effective monitoring and enforcement mechanisms.

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