



Stopping expansion by stealth: The Cranford Agreement Bill

*Cllr Andrew Dakers
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Introduction

The long-standing practice known as 'The Cranford Agreement'¹ has avoided easterly departures off the northern runway over Cranford, wherever possible. It means that when the airport is operating on easterlies, most departures use the southern runway and arrivals generally use the northern runway. Alternation is not therefore used on easterly operations.

Stemming from an undertaking given at a public meeting in 1952, the Agreement was designed to protect the residents of Cranford, close to the eastern end of the northern runway, from the high noise levels experienced on the ground from departing aircraft.²

We condemn the fact that in January 2009 the Labour Government announced it was ending the Agreement, which will substantially reduce the quality of life of Cranford residents. Furthermore, by reducing the restrictions on flight patterns, more intense usage of the two existing runways will be possible: expansion by stealth.

We hope that a cross party consensus can be formed in the boroughs affected by the loss of the Cranford Agreement and "expansion by stealth" to work together in re-securing The Cranford Agreement through primary legislation and delegating monitoring/ regulatory powers to the local authorities affected. This would be achieved by using powers under the 1972 Local Government Act.

¹ *"The Cranford agreement is an undertaking dating back to the 1950s that aims to avoid easterly departures from the northern runway (09L) over Cranford whenever possible. Until the main runways were extended westward in the 1960s, Cranford was the nearest residential area to the airport at that time. It is not a written agreement, but is understood to have been a 'best endeavours' undertaking given at a public meeting in 1952. The main effect of the restriction is to only allow takeoffs from the southern runway (09R) (whenever possible) during easterly operations, which in turn means that most easterly arrivals must fly over Windsor and Poyle to use the northern runway (09L)." Source: 'Revised Future Aircraft Noise Exposure Estimates for Heathrow Airport', Civil Aviation Authority, November 2007, <http://www.caa.co.uk/docs/1653/ERC0705.pdf> - pg.9*

² 'Adding capacity at Heathrow Airport', Department for Transport, 2007

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Noise over Cranford with and without the agreement

The CAA November 2007 report explains how *“The westerly preference procedure was introduced because take-off noise was the dominant aircraft noise issue at London Heathrow at the time. Maintaining westerly operations in this way reduces the need for aircraft to depart in an easterly direction over the densely populated areas of Hounslow, Ealing, Twickenham, etc. The relatively sparsely populated areas to the west of the airport allow the Noise Preferential Routes to pass between the main built-up areas. The operation of westerly preference forms an established part of the airspace arrangements that apply at Heathrow. A proposal to modify or abandon it would be likely to have an effect on the level or distribution of noise in the vicinity of the airport.”*

Drilling into the detail the report models the impact of removing the Cranford Agreement. In summary this concludes:

- To the east of the airport the “57dBA L_{eq} contour area” moves north covering more of Harlington and Heston, noise levels in some areas increasing by more than 3dB, this being associated with the introduction of easterly departures on the northern runway.
- To the southeast of the airport, however, the contours contract, due to the removal of half of the departure operations from the southern runway. Around Hounslow Heath noise exposure levels reduce by approximately 1-1.5dB.
- To the west of the airport, the transfer of half of the arrival operations from the northern to the southern runway during easterly operations, reduces noise exposure in the vicinity of Windsor, whilst increasing noise exposure to the south over Old Windsor.
- One of the effects of removing the Cranford Agreement would be for it to reduce the number of people exposed further away from the airport, whilst near to the airport, where noise exposure levels are already higher (compared with further-out locations) the number of people exposed is predicted to increase. This differential change is due to the shape of the contours changing and also due to the non-homogenous population distribution around Heathrow, where small changes in contour area or shape may result in disproportionate changes in population exposed.³

Whilst the benefits and disbenefits clearly vary depending on location, our overarching concern is that by reducing the restrictions on flight patterns, more intense usage of the two existing runways will be possible: expansion by stealth.

³ Revised Future Aircraft Noise Exposure Estimates for Heathrow Airport, Civil Aviation Authority, November 2007, <http://www.caa.co.uk/docs/1653/ERCD0705.pdf>, pgs. 29-32

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Process and Private Bills powers under the Local Government Act 1972

Private Bills have to be deposited by 27 November in any session. Before a Bill can be deposited by the Council, it must pass a resolution by a majority of the whole number of the members of the Council approving of the promotion of the Bill (Local Government Act 1972 section 239). Therefore, at least 31 of the Council's 60 councillors would have to vote in favour of the resolution.

The meeting of the Council must be advertised in a local newspaper not less than 30 clear days before the meeting. A confirmatory resolution must be passed at a further full council meeting held as soon as may be after the expiration of 14 days after the Bill has been deposited in Parliament. For a Bill deposited in November 2010, the confirmatory resolution would need to be considered in around January / February 2011.

Private Bills broadly follow the same stages as public Bills, namely first and second reading, committee stage, report / consideration stage and third reading. Once a private Bill has been through these stages in the first House, it is passed to the second House where, broadly speaking, the process is repeated.

A Bill deposited in November which does not attract opposition by way of Petitions or objections on the floor of either House should obtain the Royal Assent either by the following summer recess (end of July) or in the spill-over period in the following September / October. In the event of a Bill not obtaining the Royal Assent by the end of a Parliamentary Session the Bill will normally be carried over to the new Session and continue where it left off in the previous Session.⁴

Consultation

It is usually asked at the Committee stage in one or both of the Houses whether there has been a consultation exercise on Private Bills. Rightly committees tend not to look kindly on an admission of a failure to consult.

If the Council decided to proceed with this proposal, it is now in a position where there are 9 months before a Bill needs to be deposited. This provides sufficient time in which to consult fully on the proposal, and also to allow parliamentary agents to begin drafting the Bill.

Consultation could utilise Local Area Committees, the Council's website, and Hounslow Matters, as well as existing evidence such as the 'Say No To Heathrow' campaign.

⁴ Advice note from Sharpe Pritchard, 16 February 2010

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Costs

PROJECT BUDGET - LOCAL CRANFORD AGREEMENT BILL	
Parliamentary Agent fees	80,000
House fees	16,000
Newspaper advertising	3,000
Printing the Bill	7,000
Counsels advocacy fees (note 1)	20,000
Counsels advice fees (note 2)	2,000
Transcript fees (note 3)	2,000
Out of pocket expenses	5,000
Residents consultation (note 4)	5,000
Sub-total	140,000
20% contingency	28,000
Total	168,000
<i>Hounslow total if shared with two other local authorities</i>	<i>56,000</i>

Note 1 - Brief fee of £15k + two days at Select Committee £2.5k

Note 2 - Compatibility of bill with European Convention on Human Rights

Note 3 - Calculated on basis of two days Committee hearing

Note 4 - Additional resource to support Environmental team in taking proposals to residents through Hounslow Matters, Council website/ Facebook and local area committees

Addressing threats to the Cranford Agreement Bill proposal

Lack of political support

London Borough of Hounslow will need to actively seek the support of neighbouring Local Authorities in the months ahead. There is uncertainty as to whether a new Government (post the General Election) would take a neutral stance on this private bill or oppose it? In the run up to the General Election supporters of this proposal should ask parliamentary candidates and national political parties to pledge their support.

Government opposition could mean defeat for the Bill at an early stage, although in a hung parliament scenario support might still be secured.

If there is a lack of sufficient support by the Autumn of 2010, London Borough of Hounslow might decide to put the campaign for a Private Bill on hold, rather than incur further costs.

Interpretation of the 1972 Local Government Act

Whether the subject matter of the proposal is appropriate for a Private Bill might be challenged. London Borough of Hounslow would argue strongly that this noise nuisance directly affects the health and wellbeing of local residents. As such the effective devolution of specific monitoring and regulatory powers for example, which that Bill could be drafted to enable, would be entirely justified.

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Next steps

To bring this proposal into effect we need:

- The Lead member for Heathrow to agree to use the power to promote a local Bill (Local Government Act 1972) to bring back the Cranford Agreement;
- Full Council to give the project expenditure 'in principal' support as part of the 2010/11 Budget;
- The Lead member for Heathrow to instigate a programme of Community consultation with respect to proposals for a Cranford Agreement Bill;
- The Lead member to commission the drafting of a local Cranford Agreement Bill and put a report on the subject to full Council in June 2010;
- Member Services to advertise this report in one or more local newspapers circulating in the area of the authority, in addition to the ordinary notice required to be given for the convening of a meeting of the authority;
- The Lead member for Heathrow to seek the majority support of full council at the meeting for the local Cranford Agreement Bill set out in the report;
- Member Services to work with a Parliamentary Agent to deposit the bill in Parliament before the 27 November 2010 deadline, assuming the necessary support is secured;
- The Lead member to seek confirmation by a like majority at a further meeting of full Council – held as soon as possible subsequent to the expiration of fourteen days after the Bill has been deposited in Parliament;
- The Lead member to target the necessary Council resources at ensuring the bill is successfully promoted in Parliament;
- The borough's MPs to help promote the local bill in Parliament and to the Government.

For further information or to discuss these proposals please contact: Andrew Dakers - andrew@hounslowlibdems.org.uk
