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Dear Councillor

## **1. Night/weekend flights at Southend Airport: Legal action**

As we enter the second year of expanded operations at Southend Airport, and flight numbers increase significantly, this group is receiving a growing number of complaints. These indicate that a large section of the local population is becoming increasingly angry about what some see as a violent assault upon the person (sleep deprivation and the denial of any respite at the weekend). There is no doubt that around 20% of people are not overly bothered by noise; a significant proportion in this group being elderly, but most other people near the flight path and airport are troubled. There are some who are trying to come to terms with the misery the council has imposed upon them, but others will cut their losses, sell up, lose many £thousands, and get out as fast as they can. There is another group that is now exceptionally angry, seeking a dynamic response from SAEN.

It is apparent that the key tipping point for many people is the issue of night flights and flights on Sundays. These are seen by the overwhelming majority as cruel, heartless and callous. Quoting comments made to me, I used this language in the recent BBC TV and radio interviews and before the Airports Commission (Sir Howard Davies).

Given that the airport has a responsibility to provide secondary glazing to help people cope with noise, but the recently published airport annual report indicates that just 12 households will be offered grants for noise insulation, I appeal to you to intervene in a meaningful way.

What is needed is a sympathetic approach by councillors to the adverse health impacts the councils and airport have imposed upon local people. So I call upon you to ensure that the council commissions an independent reputable survey company to question the 4,000 homes in the Borough that are closest to the western flight path (Leigh, Eastwood and Westcliff). The council should establish which households report distress or unacceptable noise levels as a result of increased operations, with particular reference to night noise. The council should then take its findings to the airport owner and seek a realistic solution that takes account of the significant public health hazard that the airport represents. The airport owner should be asked to provide grants for secondary glazing to all those who say that noise associated with expanded operations is either distressing or unacceptable.

I am also writing today to every RDC councillor with a similar request, so there exists an opportunity for SBC to coordinate action with that council.

This group has taken legal advice on the potential to challenge the night flights and weekend regime at the local airport. Our solicitors have asked us to liaise with the campaign groups that represent people who live around those other 'non-designated' airports, where councils recklessly permit night flights, and then mount a challenge. In the e-mail version of this letter I have attached a parliamentary paper (SN01252 "House of Commons Library: Aviation: Night flights"). Upon reading this you will see that the government's thinking is incomplete and irrational. Clearly there are some airports, like London City Airport, where councils have curtailed night and Sunday flights. In the light of the Grand Chamber ruling that applied to designated airports (e.g. Heathrow) it is clear that the courts have ruled that Article 8 is being infringed by night flights and it follows we will win a challenge made to the cruel regimes permitted at small regional airports that exist to primarily service the tourism trade.

It is always important to set out options for compromise before embarking upon legal action and I therefore ask that you discuss the steps outlined above with fellow councillors and council officers and inform me whether the council will take the steps requested. Will you do that?

## **2. 'Post Implementation Review' of expansion decision: 8,000 job losses – a catastrophic policy failure.**

Recently SAEN members have begun to press some councillors and council officers on the need to conduct a post implementation review of the decision to expand operations at the local airport. I too have attempted to make progress on this front, with representations made on my behalf by David Amess MP.

In the light of the limited data we have on the first full year of operations it became apparent that the airport is leading to a haemorrhage of UK wealth, with far more Essex/London tourists taking their spending power abroad than foreign nationals using the airport to visit London. Again, seeking the assistance of David Amess MP, I have pressed Alastair Welch (MD at the airport) for data on passenger origins but despite two exchanges of correspondence this has not been released.

In broad terms we understand that the airport fell a little short of its target for passengers in the first full year of operations (1 million), with around 180,000 internal (to UK) passengers and a net tourism deficit of 650,000 passengers (far more more UK tourists flying abroad than the small number of foreign nationals flying here). This indicates job losses caused as follows: -

650,000 divided by 2 (out and back) =	325,000 passengers
Average spend abroad (per SBC data) £557 =	£181,025,000
Average job cost: £23,000 =	7,870 jobs lost

A crucial development, with worrying economic implications, is the fact that the airport is attracting so many new passengers to try new routes and destinations. While some people have been tempted to use the airport instead of flights they would otherwise have taken from Gatwick or Stansted, it is now becoming clear that most airport customers represent that group which is tempted to try a new destination solely because they live relatively close to an airport where new destinations are on offer.

If you have any hard, evidence based, data that contradicts this picture please let me have this.

It is vital that all councillors understand the reality of the economics associated with operations at LSA. At least one councillor (leader of Independent group: Martin Terry) was under the impression that expanded operations would lead to an explosion in foreign nationals spending their cash in local hotels, bars and restaurants but this is obviously not the case. Was Mr Terry misinformed? If he was misinformed were other councillors also misinformed and who gave them the information that led them to the conclusion they reached?

What is needed is a new policy based upon the facts. So SAEN has sought to ensure that a thorough review of the original policy decision to permit expansion is reviewed. Initial responses from some councillors suggest that some may be too embarrassed by what is emerging and so do not want a review to be conducted. While the desire to avoid embarrassment is a natural human instinct, this is dangerous; because the failure to address what has emerged will lead to far greater job losses in the future.

If the airport succeeds in the long term aim to handle 5 million passengers per annum then we could see a net loss of jobs in the Essex/London region of up to 50,000. With all the car journeys 5 million passengers will generate, the area will be locked into a future of ever growing greenhouse gas emissions (from cars as well as planes), congestion and an unwelcoming business environment that will encourage non-airport related firms to move away.

In view of the data that is emerging I ask please that you ensure that council officers prepare a full assessment of the net job losses caused by the aviation tourism deficit that is emerging at LSA and

prepare a range of policy options for councillors to consider in order to tackle the scale of this threat. Will you do that?

### **3. Public Inquiry: JAAP.**

It has now been two months since the JAAP closed but I have not seen an announcement as to when a public inquiry will take place. Please would you inform me when this announcement will be made?

As you will see from 2 above, the councils have been naïve in their dealings with the aviation industry. Had the councils respected British democratic traditions of permitting proper public scrutiny of such a highly contentious and far reaching scheme at a full public inquiry (we were only permitted PIs relating to footpaths and the diversion of a road), we may not be in the mess we now find ourselves.

It is therefore important that the councils permit a public inquiry on the latest JAAP, so the councils can secure an evidence base upon which intelligent policy can be developed.

This whole episode offers a salutary lesson for the future – that the denial of proper public scrutiny will invariably lead to a catastrophic failure of policy.

### **4. The target for 25% of journeys to be by public transport**

Information received from residents living at the Rochford end of the runway, taxi drivers and public transport staff has given the strong indication that the airport is falling short of the 25% target, for passengers to arrive/depart by means of public transport. Local information received on the small scale of use of the new railway station, and use of other modes of public transport, contradict the information provided in the airport's annual report.

Please would you inform me if the council has any independent data on the proportion of journeys made by public transport and, if not, please would you ensure that steps are taken to verify the position with bus and rail operators?

It is important that the council ensures that the airport meets its obligations, because increasing car use causes pollution and congestion will threaten the local economy.

### **5. Sewage and contaminated water**

The situation regarding sewerage drainage at LSA is confused to say the least. Many local people are concerned by the pollution incident earlier this year, the handling of toxic waste e.g. de-icing chemicals, and the capacity of the sewerage system. The initial permitted development application 12/00457/PD/RDC for the pollution pond was withdrawn by LSA. It now appears that the Environment Agency (EA) is in discussion with LSA about a new plan to enable pollutants and runway-run off to be contained and the EA insist that it will conduct a monitoring programme.

SAEN would like to inform local people what is going on and that the local authorities are handling this issue responsibly. Please would you confirm that: -

- i. Is the anticipated flow rate from the Extended Terminal into the Manners Way foul water sewer within safe limits particularly when one considers the age and condition of the existing system?
- ii. Can the system cope with a substantial increase in flow during the operational hours of the airports flight programme, when these hours coincide with the maximum public usage of the sewerage system?

## **6. Civil Aviation Authority covenants on property**

This group has recently been approached by local residents who have sought to sell property close to the airport and have complained that the CAA has placed covenants upon their homes without their knowledge. The covenants apparently restrict such things as aerial height, extensions, trees, the keeping of birds and garden ponds. I have written to the CAA but have not yet received a reply. I ask please if you will establish if the council has any information on this and let me know the position? SAEN would like to be able to inform those affected of the position.

## **7. Airport Consultative Committee: complaints procedure in breach of lease agreement**

SAEN has applied twice to join the ACC but was refused on both occasions. In the light of a number of shortcomings associate with the work of the ACC this issue is now being pressed with government transport ministers. There is a general point of principle that is relevant to all communities that suffer adverse impacts from regional airports.

Our solicitors have informed us that they took a case to court in 1998 and the courts ruled that membership must be granted to groups such as SAEN. A copy of page 1 of the Judgment is attached (with the electronic version of this letter). If you would like the full Judgment please let me know. We have drawn this to the attention of the ACC and I ask please that you do all that you can to ensure that the local ACC acts responsibly, in the interest of genuine public engagement and allows SAEN to join the committee.

One issue that all councillors need to note is that the lease agreement does not permit the airport to ignore complaints from those who are particularly annoyed by operations at the airport – those it has deemed to be vexatious. While it is understandable that the airport might want to massage the figures downwards there really is no need, because there is no PR gain for them. Massaging data would merely embarrass the airport. If it is true that most complaints come from just 10 people then the airport can make this point in its annual report. But the lease agreement should either be adhered to or changed. And, if it is going to be changed, let us ban the inhuman night flights (except emergencies) and Sunday flights.

## **8. Public opposition to expansion at Southend Airport**

Recent correspondence between some councillors and members of the public suggests that some councillors may be under the mistaken impression that the majority of the public supported expansion at the local airport. Councillors are not however permitted to be dishonest and mislead the public.

The original JAAP process indicated that around 75% of people opposed the high growth scenario, with a high proportion of the 25% in favour living outside the area. An opinion poll conducted for this group, amongst people living over 1km from the end of the runway, in Leigh, showed that 61% of people opposed expansion, with 79% vigorously opposing night flights. It is our expectation that public attitudes will have hardened as people come to see that they did not get the very quietest of aircraft they were promised. As the job losses attributable to the aviation deficit become clear to people we would expect support for expanded operations to drop still further.

## **9. The loss of easyJet: will the airport fail and close?**

If, as seems likely, easyJet purchases the new fuel efficient and larger fleet then this increases the chance that the company will eventually return to Stansted. These aircraft will not fit the Southend airport runway. It will need to be lengthened and widened to accommodate them. Another factor that may influence easyJet is the change of ownership at Stansted and the prospect of a more favourable landing fees regime at that airport.

While this prospect may raise the hopes of local people it is important that the public does not plan on this outcome. SAEN will therefore continue to do the job the councils should have done, and help people who

wish to seek financial compensation for loss of value of property. We will continue to publicise the fact that the councils have abdicated their responsibilities to the public and have done so in a callous manner. I can only appeal to you to do all that you can to improve the performance of the council with regard to the range of issues that are of immense concern to local people.

## **10. Killing the world's very weakest and most vulnerable people**

A large minority of SAEN members joined the campaign because of the global rather than the purely local issues. The humanitarians in society object vehemently to the expansion of any polluting industry given that we now know that climate change is killing around 400,000 people per annum (DARA group). The World Health Organisation has confirmed that the largest proportion of deaths is associated with the increased spread of disease and that most victims are children.

I am sure it is therefore obvious to you that the humanitarian section of society will not rest until polluting industries like aviation become carbon neutral and also 'radiative forcing' neutral, and that those in big business and government, who work to increase this level of harm, are stopped.

However, for most SAEN members, and those residents most directly adversely impacted by noise and other pollution from the airport, their immediate concern is the dramatic diminution of quality of life that the councils have caused.

It is important that councillors and councils understand this and start to take account of the views of residents and respond in a compassionate manner. If you can secure agreement for the council to commission the noise survey outlined at 1 above, this would provide an opportunity to assess the attitudes of people towards expanded operations and establish their experiences of the various other problems that are emerging (fear due to proximity of aircraft, oil and other pollutants landing in gardens and the reports of ill-health, etc.).

Local government will then have an opportunity to demonstrate to local people that it will now take its duty of care responsibilities seriously and will initiate a series of steps to make the lives of people more bearable. I urge you to do all that you can in this regard.

I look forward to hearing from you.

Yours sincerely,

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