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6th April 2013

Dear Ms MacSween,

Possible Addition to Aberdeen City Council's Aberdeen Local Development Plan, or to the Council's list of planning Policies.

I have received a copy of the Aberdeen Local Development Plan Newsletter: March 2013 with its invitation to attend workshops about main planning issues that might be addressed in the next Local Development Plan. Unfortunately, I shall be away from Aberdeen when those workshops are to be held. Also, I have just read your Aberdeen Local Plan Consultation and engagement report, on line: It said '*However, if you did not [submit views for this questionnaire] and wish to express your views please contact Louise MacSween on 01224 523326 or lmacsween@aberdeencity.gov.uk.*'

I wish to suggest a modification to the Council's present **Policy H8: Housing and Aberdeen Airport**. I describe my modification below and should be grateful if you could, please, ensure that it is entered into the consultation for the Aberdeen Local Development Plan and for Aberdeen City Council's List of planning policies.

Some time before Christmas I spoke with Team Leader Mr Andrew Brownrigg. He told me that a consultation about the ALDP would be opening 'in the New Year' and suggested that I might contribute my suggestion to it. He said that he would place my name on a list of emails of people to be kept informed about the consultation.

Aberdeen City Council's current Policy H8: Housing and Aberdeen Airport states that:

'Applications for residential development under or in the vicinity of aircraft flight paths, where noise levels are in excess of 57 dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.'

My suggestion is that the Council should modify Policy H8 to add the words that I have emphasised below in bold type:

*'Applications for residential development under or in the vicinity of aircraft flight paths, where noise levels are in excess of 57 dB LAeq (using the summer 16-hour dB LAeq measurement) **or where air traffic control regulations allow aircraft to fly closer than 1000 feet**, will be refused due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.'*

Policy H8 (2012) superseded the Council's Policy 44. The Reporter to the Inquiry (2011) that preceded ALDP 2012 had insisted* that the Council's limit of '60LEQ' in Policy 44 should be updated to 57 dB LAeq,16 to bring it in line with the Government's choice of '*the 57 dB LAeq,16h contour as the average level of daytime noise marking the approximate onset of significant*

community annoyance' (*see letter from Jayne Hollas, Directorate for Planning and Environmental Appeals, Scottish Government, their Ref LDP-100-1 of 22/09/2011 to Gale Beattie).

In my representation to the Public Inquiry prior to ALDP 2012, I pointed out that the Council's Policy, H8: Housing and Aberdeen Airport, is out of alignment with the Rules of the Air Regulations: According to the Director of Airspace Policy Environmental Information Sheet No.2 (CAA); (see http://www.caa.co.uk/docs/7/EIS_02.pdf):

'Aircraft, including helicopters are not permitted to fly over a congested area of a city, town or settlement below a height of 1000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft or below such height as would enable it, in the event of a power unit failure, to make an emergency landing without causing danger to persons or property on the surface.'

Away from congested areas, aircraft, including helicopters, are not permitted to fly closer than 500 feet to any person, vessel, vehicle or structure (Note: this is a minimum distance, not a minimum height: the distance of 500 feet is measurable in any direction, not just the vertical).'

Those stipulations are for safety. Therefore, in my representations to the Public Inquiries prior to Local Plans 2008 and 2012, I made the following suggestion (updated here):

“The legal requirement for height does not apply close to airports, but if ‘ - - - Aircraft, including helicopters are not permitted to fly over a congested area of a city, town or settlement below a height of 1000 feet above the highest fixed obstacle within a horizontal radius of 600 metres [1968 feet] of the aircraft - - - ’, then Aberdeen City Council will be irresponsible if it allows new residential developments to be built where the more general height requirement of 1000 feet cannot be maintained.”

If aircraft are not supposed to fly within 1000 feet of ‘congested areas’ then new congested areas should not be built within 1000 feet of where many aircraft are already allowed to fly. Planning permission should be refused for new homes closer than 1000 feet to the actual (rather than theoretical) flight paths and tracks near Aberdeen airport and heliport.

I emphasised that asymmetry, lack of alignment and proposal in a further representation, about BAA's **Aberdeen Airport Noise Action Plan 2008-2013**, that the Inquiry Reporter asked me to provide in relation to ALDP 2012. Neither the Reporters nor Aberdeen City Council's Responding Officer mentioned or commented on my suggestion in their written responses for the Report.

I made that suggestion again in a recent representation about Planning Application P130029 for 65 new houses on site OP20: Hopcroft.

Possibly, Planning Officials or Councillors might wish to alter the limiting height of 1000 feet to some other distance. If so, then they should change it to a distance that relates to the Rules of the Air and to the effect of aircraft-height on people. A different limiting height should not be chosen merely in superficial relation to a range of possible numbers, as was done by Aberdeen City Council when it chose ‘60 LEQ’, for previous Policy 44, because 60 dB appeared ‘more generous’ or ‘less onerous’ than other levels of dB set out in the Scottish Government's Planning Advice Note 56.

I set out further reasons, for that modification to Policy H8, in my Appendix to this letter. If my suggestion is unacceptable, I should like to know why.

Yours sincerely,

Richard Johnson

APPENDIX. Further reason for modifying Policy H8: Housing and Aberdeen Airport to include reference to the height at which aircraft are allowed to fly:

Team Leader Andrew Brownrigg, Local Development Plan, has told me (13/11/13) that the current Policy, H8, is the Council's ' - *only development plan policy relating to noise issues*'. A major problem with Policy H8, in its present form, is that it leads planners to rely on the exact position of the noise contour for 57 dB Laeq,16 as computed by the Civil Aviation Authority and presented imprecisely in Aberdeen Airport Noise Action Plan 2008-2013**. The 57 dB LAeq,16 specified in Policy H8 is the level of aircraft noise used by the Government to mark the approximate onset of significant community annoyance as judged from social surveys round Heathrow and other Airports.

[**More recently, at the meeting of the Development Management Sub-Committee on 15th February 2013, the Council's Planning Officers decided to use a more recent map, for 2011, produced by the CAA and Aberdeen International Airport Ltd early this year.]

The Council's dependence on the 57 dB Laeq,16 aircraft-noise contour has the following practical disadvantages and inconsistencies that could be alleviated if aircraft-height was taken into account also:

(1) There is a lack of connection between Aberdeen City Council's control over planning issues and Aberdeen International Airport Ltd's control over aircraft flight-paths. The Council cannot control where aircraft fly and the Airport cannot ordain where houses should not be built. (The Airport can make recommendations about new building near the airport, but those recommendations are generally for restrictions on bushes or other features that might attract birds or for restrictions on the heights of cranes in the flight path. It is probably not in the Airport owner's interest to emphasise aircraft-noise nuisance).

The inclusion of a maximum distance between aircraft and new residential areas in Policy H8 would help to bring those two aspects of planning control together for new areas of housing.

(2) Currently, land for building is allocated and put up for tender by Aberdeen City Council without regard to its proximity to the Airport: There is lack of connection between the Council's overall allocation of land near Aberdeen Airport for housing via its Structure Plan and the Council's Development Management Sub-Committee's consideration of planning permissions for that land in relation to aircraft nuisance: The suitability of land near the Airport for new housing could be established, much earlier, by reference to the height at which aircraft fly over it, as established firmly in Air Traffic Rules. At present, planning applications for new residential areas near the Airport are decided with reference to uncertain noise contours and to inadequately brief noise-impact assessments that are commissioned 'on behalf of' and paid for by the planning applicants themselves.

For example: In

STATEMENT OF DECISIONS AND REASONS ON REPORTERS REPORT INTO
OBJECTIONS TO THE FINALISED ABERDEEN LOCAL PLAN 'Green Spaces | New
Places, Page 41: Issue 52 Hopecroft OP1; see
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=13582&sID=7762>

the Officer's Evaluation states that '*The Reporter's opinion on the noise issue is not supported by the Council's noise experts, who are of the opinion that issues pertaining to both aircraft and road traffic noise can be addressed by the preparation of a noise impact assessment.*'

However, since then it has become evident that '*issues pertaining to both aircraft and road traffic noise*' have not been '*addressed*' reliably '*by the preparation of a noise impact assessment.*' That is evident from the Council's inadequate handling of noise Reports for Bett Home's Planning Application A5/1536 to build 40 houses on that Site OP1 (Departure Hearing 12/12/2005), granted

but later abandoned. The recent perfunctory **Report on Road and Air Traffic Noise**, submitted with Planning Application P130029 (16/01/2013) for new houses on that same site, and the Council's inadequate MEMO (dated 07/03/13) about that Noise Report, confirms that inadequacy.

Following the Officer's Response to the Reporters' analysis after the Public Inquiry prior to ALDP 2012, the Reporter's *Conclusions* about OP20 were:

*'OP20: (6). This site is allocated for housing in the adopted local plan and on the evidence before me I do not consider that circumstances have changed since its previous allocation. I acknowledge the concerns expressed about traffic issues, aircraft noise, affordable housing, the design of any future housing and existing trees, wildlife and pedestrian links. **However there are in my view adequate safeguards contained within the natural environment, design, housing, transport and other policies proposed in the local development plan, to ensure that these concerns can be adequately addressed at the planning application stage. I therefore do not propose any amendment to the existing allocation. (See also issue 112 – Housing and Aberdeen airport).'***

The Reporter's '*adequate safeguards*' depend on reliable and adequate Environmental Reports and Impact Assessments. Planners have stated repeatedly that the issue of noise is '*best addressed*' by a Noise Assessment. But, there is a major problem in that Noise Reports are commissioned 'in support of the application' and paid for by the applicants. Reference to already clearly established Rules of the Air for the height at which aircraft are allowed to fly over a proposed development site near Aberdeen Airport would provide a complimentary indication sooner and less open to contention.

The Reporter's belief that concerns about aircraft noise can be adequately addressed at the planning application stage appears misplaced. The use of flying height as well as noise level would allow less reliance on partisan noise-reports 'commissioned in support of' applicants for planning permission.

(3) Aberdeen Airport hosts the largest heliport in the World. Helicopters fly low all over Aberdeen and out over Aberdeenshire, often on training flights and often repeatedly and low. The noise made by helicopters is intermittent and irregular. It contains a predominance of low frequencies and impulsive thudding noises that signals their presence long before they arrive. The noise 'metric' dB LAeq,16 is widely recognized to be unsuitable for assessing the annoyance caused by helicopters; e.g., by planning officers in Aberdeen City Council, by the Civil Aviation Authority, by the World Health Organisation and by a variety of noise-experts.

Noise expressed in dB LAeq,16 is averaged over a period of 16 hours (between 07.00 hours and 23.00 hours. The averaging in dB LAeq,16 ignores the effect of the impulsive noise from helicopters. Noise from over-flights by many helicopters was not included in the social surveys that related aircraft noise measured as dB LAeq,16 to annoyance; for example, few helicopters use Heathrow where most of the social surveys were done. Aberdeen Airport is a special case within the UK because so many helicopters are based here. A restriction on new houses in relation to permitted flying height would help overcome that inappropriate use of dB LAeq,16 to determine the 'noise climate' at Aberdeen.

(4) Also, averaging between 07.00 hours and 23.00 hours means that annoyance caused by night flights (between 23.00 hours and 07.00 hours) is ignored by Policy H8. A restriction on new houses in relation to permitted flying height would help overcome that limitation.

(5) The Civil Aviation Authority uses a computer model (ANCOM) to compute the contours of dB LAeq,16 from records (or predictions) of aircraft flight paths and from noise sampled from standard aircraft types. Even if some noise from helicopters is included in that computation, the averaging and A-weighting in LAeq,16 exclude the special annoyance caused by the low-frequency and impulsive noises made by helicopters. A restriction on new houses in relation to permitted flying height would help overcome that exclusion, especially at Aberdeen.

(6) When helicopters land at or take off from Aberdeen Airport, they often turn in or out from the main flight path much closer to the runway than fixed-wing aircraft. Thus helicopters often fly low over existing residential areas here, or over land that might become available for new houses round the Airport. The direction of flight of helicopters and the time for which they may remain overhead are disturbingly unpredictable by people on the ground. A restriction on new houses in relation to permitted flying height would help to overcome that aspect of annoyance.

(7) The Government's chosen level of 57 dB LAeq,16 (07.00 hours to 23.00 hours) is open to debate and might well be modified in the near future:

Recently, the Department of Trade & Industry held a public consultation that included questions about aircraft noise (closing date October 2012). Question 10 in that consultation was '*Do you agree that the Government should retain the 57 dB LAeq,16h contour as the average level of daytime noise marking the approximate onset of significant community annoyance?*'

The idea of a 'threshold' for the onset of community annoyance, to be used as a basis for legislation and thus, for example, to allow or forbid the construction of new houses, is not well supported by the statistical scatter of measurements of noise versus annoyance; see, e.g., Fig.1 in 'Attitudes to noise from Aviation Sources in England (ANASE, October 2007: 1.3.1.):

ANASE (Oct. 2007) 'Attitudes to Noise from Aviation Sources in England' (Executive Summary) Section 1.4.1 concluded that '*However, for a given LAeq, there is a range of reported annoyance indicating that annoyance is not determined solely by aircraft sound as measured by LAeq*'. Also, '*At least 40% of respondents were at least very annoyed for all except one of the areas with LAeq greater than 57 dB*'.

Also, the Government, in its **Draft Aviation Policy Framework, Annex D: Noise Descriptors (July 2012)** has said:

D.6 *The Government acknowledges that the balance of probability is that people are now relatively more sensitive to aircraft noise than in the past. We recognise that people living outside the 57 dB LAeq,16h contour are also affected by aircraft noise and that, for some, the annoyance may be significant. Indeed, many complaints about aircraft noise come from outside the 57 dB LAeq,16h contour.*

D.7 *As there is no conclusive evidence on which to base a new level, for the present time we are minded to retain the 57 dB LAeq,16h contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. - - - -*

See: <https://www.gov.uk/government/consultations/draft-aviation-policy-framework>

A rule against building new houses where aircraft must fly below a particular height would also help maintain a good environment for '*people living outside the 57 dB LAeq,16h contour who are also affected by aircraft noise*' for some of whom '*the annoyance may be significant*'.

(8) Being 'buzzed' repeatedly and low by aircraft can be annoying visually, whatever level of noise the aircraft are making.

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Richard Johnson
6th April 2013