

**SAEN / Compensation Meeting 10<sup>th</sup> Feb 2013**  
**Freight House Rochford 7:00- 9:00pm**

**GW = Graham Whitehouse --- JF = Jon Fuller -- CH = Chris Hunt  
and questions from unnamed public = PB**

GW>>>Good Evening & thank you for coming along tonight.

I'm Graham Whitehead the Chairman of SAEN and later on our Vice Chairman Jon Fuller will be taking the Microphone.As you know this public meeting is being held & hosted by SAEN, it is our 3rd meeting to tell you about your rights to claim compensation from the airport for the loss of the value of your homes, your property, that has occurred as a result of the 2 councils allowing the airport to expand in such a massive way as to put a blight on your property.Jon will be speaking more on this latter. There are a few things that we need to let you know about tonight's meeting.

When we ask for questions from the floor, because we are recording tonight's meeting, so we can produce & publish the minutes, we ask you to wait until we get the microphone to you, before you speak. I do appreciated how heated your comments may be, but we need to have a good record of tonight's meeting so we can get a true record. Trust me, I will be pushing my own self-control because my house is blighted by the airport, such that we cannot afford to move.As for car parking, I understandwe do not need to pay.

The format of the meeting will be for me to give a short potted history of SAEN & our campaigns against the expansion of Southend airport. I shall then take any questions on SAEN & our aims before handing over to Jon Fuller for the Compensation part of tonight's program.

We are lucky to have Chris Hunt with us again. Chris is a Chartered Surveyor & one of the 3 surveyors that we are aware of who are taking an active roll in the claims for compensation against the airport.

Chris spoke at our first meeting & is well worth listening to. He does know what he is talking about & believe me there are plenty out there who do not.

Ok then I shall begin my short session on SAEN.

I am happy for you to see this, as an advert & recruiting speech, as well as letting you know what & why SAEN exists.SAEN is a democratic association of residents from the areas affected by the expansion of Southend airport..It was spawned from another group who were trying to protect St Lawrence Church from the desires of the airport to push all out of its way. SAEN started life in 2008. Things really started to hot up when the 2 councils published the First JAAP (Joint Area Action Plan) for comment. They got their wishes as those comments there were, were in abundance. The councils offered a number of alternatives ranging

from high expansion to low expansion or no expansion (with dire problems attached). Well you voted in overwhelming majority for low or no expansion. So the councils, in true local democracy style (!) decided to push ahead with the high expansion option. Some time & a lot of hot air passed and the JAAP 2 was published (a more detailed plan that also asked for comments). Again, High Expansion to Low or No Expansion options were offered to the public.

Yet again the residents (even some from as far away as Carlisle) voted. But RDC decided that they could not release the figures as the postal ones, (a small minority), had not been counted. It took a Freedom of Information Order before the results were published. This showed that, again, the Low to No Expansion was preferred by the vast majority. The Carlisle voters were in favour of High, but I think we can work out why, as that is where Stobart's employees were based. Even with some very dubious counting errors, which seemed to see many anti-expansion votes added to the pro-expansion votes (seldom the other way round though - odd that!) it was still clear that the majority did not want high expansion at the airport.

Anyway it was very obvious that they (the 2 councils) were not getting enough public support & a public enquiry was likely.

Suddenly the airport put in a planning application just to extend the runway (but nothing else at that time). The councils suspended the JAAP, stating that the runway extension was a major part of it. But they had, by law, to deal with the planning application in a short time scale. It turns out that SBC had been fully aware of the impending runway extension request for some time & had even been offering suggestions/amendments to ease its path forward.

Well you all know that our elected representatives passed the application. Mind you, the document that they had to vote on was some 50 plus pages long & only given to councillors an hour or so before they voted & some had no idea what the maps in the documents meant.

So SAEN started legal proceedings against this planning application approval. The laws on this are very constraining on us. We gave it our best shot & a not inconsiderable amount of money, but we lost at the High Court in London. While this was going on we also had to fight against the desecration of St Lawrence Church & the closure of Eastwoodbury Lane, which went to a public enquiry stage. Again, we were unsuccessful on these occasions.

Currently we are fighting against the permanent closure of yet another footpath and the continuing request for, and granting of, planning permissions for more building work on the green belt within the airport. These are the numerous extensions to the new terminal. They pass them knowing that the sewage/foul water drainage did not meet Anglian Waters (AW) needs, so they just forgot to tell them. We did not forget.

Anglian Water put a stop to all work until a solution could be found but Rochford DC let them continue to illegally build. Bet they would not have let Graham do that! Why do they keep having to build extensions when they have not finished the first part yet! Because if they applied for it all (the entire project) a Public Enquiry may be needed. Certainly a decent environmental impact survey, etc. It seems doing it piece by piece, they get what they want with minimal fuss & delay (as long as RDC's planning department like the shiny airport).

There are other things that are going on about Stobarts & the way they deal with airports, etc. you only have to read in the national press.

We, in SAEN, need to know that we are still fighting for the local residents, and meet their wishes. So we need to have a your support & I urge you to join us now. One of the first questions the Press always ask is "how big is your membership"? It is still growing, steadily, but we always welcome new members. There are forms available for you to complete to join SAEN and/or the compensation group.

The compensation group is separate to SAEN, for legal reasons. SAEN cannot directly get involved in the decisions made by the compensation group, but we are funding their start up costs, including tonight's venue. Some of us will be members of both, but SAEN cannot run the compensation group, apart from anything else, we are so busy running SAEN.

My final point expands on this. SAEN would dearly like some more volunteers, including some specialist help. So if you feel you would like to help us continue the struggle, there is a tick box on the membership form available. We are particularly looking for some specialist help in: -

- ❖ The legal field
- ❖ Planning Applications/Regulations
- ❖ Web page writer or webmaster
- ❖ Archivist

And I believe that the compensation group could do with some more help in the admin of the information & membership field.

Thank you & are there any questions from the floor on SAEN & its activities, before I hand you over to Jon for the start of the Compensation section of this meeting.

JF: I hate microphones I prefer to just boom out at people.

I am Jon Fuller, vice chairman of SAEN. I've been associated with working against expansion of the airport since the days when they were trying to demolish St Lawrence and All Saints Church. When the former

campaign group CAAG was formed, we fought and eventually managed to save the church from demolition. But, of course, the airport runway extension later went ahead.

GW actually touched a fair bit on the work of the compensation group that we formed. So I just want to mention a couple of brief things about that compensation group. We held a public meeting to which CH came to, in Leigh-on-Sea last year, and then Michael Marriot came to a meeting held in Eastwood. This is the third meeting and we now have CH back again. We found after the first meeting that some people were happy to just to sign up with a surveyor. They were absolutely certain that they were going to exercise their right to legal compensation for the loss of value to property and they signed up with either CH or Michael Marriot, after his speech at the second meeting. Other people felt that there was a certain amount of comfort with being in with a large group with others. We decided that we would set up this other group to be called simply the Compensation Group and that we would remain at arms length from that group. The two people who run this group just act in an administrative function, if you like, to get all relevant information from surveyors. There is also another company "Carrick & Co" down in Cardiff. The two people who run the group get information from these surveyors, finding out what their backgrounds are and whether they have done this sort of work before. They then make this information available to the members of the compensation group and, very soon, the group will make a decision of which firm they want to go with.

The one really important point I want to stress is that any decision, is your decision as an individual. If, after listening to CH, you may well reach the conclusion that, yes I am entitled to compensation for the loss of value to my property, and I will sign up with him. You may not want to join the compensation group. What you do then is entirely up to you. You have to make a decision whether you wish to go with one of the surveyors, on a personal basis, or whether you want to join the compensation group. As I said, for various reasons we (SAEN) will be separate; we do not dictate what the decision of the compensation group will be or which surveyor people should go with or anything like that. SAEN is adamant that we merely want to be involved organising these public meetings so that people are aware of their statutory rights, then leave the decision to you. So you are absolutely in charge of the decision you make with regard to any surveyor you appoint. So in a moment I'm going to turn straight to Chris Hunt and he will talk to you about the legal position. Then after he has given you a good explanation as to what the position is regarding the right to claim compensation there will be a Q&A session. In previous experience a lot of people will have a lot of questions. My roll will actually be really just chairing the meeting and making sure that people are not talking over the top of each other and that kind thing. So without any further ado I am going to turn to CH of Hunt Scot, surveyors. "Thank you" (applause).

CH>>>Good evening everyone.

First question I've got for you; has anybody had a Part One claim before? No?

Until the Act was passed, back in 1973, you used to have to lose property to have any claim to compensation. In the early seventies there were a couple of big schemes being built, ironically in London, and the MPs reacted to that and as a result the 1973 Land Act was enacted. This gives you the right to claim compensation if you are affected by the use of new road, airport runway or other public facility. Now obviously, to be affected by the use, you can either be next door to it or further away. The way the act has been interpreted over the years is those closest to the source of the discomfort received the greatest percentage and those further away would receive a lower percentage. So it looks a little like an Ordinance Survey map with contour lines. With something like an airport it's a bit more complicated because you have not just one point of noise like a road. It is not only the runway and a contour close to the airport, it is also the flight line.

It has been explained before - just because you have put a claim in, the airport is not just going to turn around and ask for your bank account details! You have to prove what the loss in value has been. If you have read the local paper you will have seen, in some instances, Southend property prices have gone through the roof. The question is has your property gone through the roof, because as a region prices have gone up by 10-15%. If your property has not met the benchmark, which has now been put in print, then perhaps your property has been affected by the planes. One thing that surveyors like myself and other people do is we look at property values in your area. We compare it over time with a similar style of property in a similar type of place and then see if this relationship has kept track, now the larger and more frequent planes have started to use the runway. It maybe that the gap (in price) has closed, in which case you can still put a claim in, of course, but you would not get compensation. But then that is fair as you have not lost anything in terms of value but if the gap in the relationship with that similar house has got wider then, in theory, you have suffered a loss.

Over time we have seen examples of compensation payments on other schemes. If you ask any surveyor that specialises in this, they will have other schemes that we can refer to, but key pieces of evidence that the Land Tribunal, the alma mater court, will come back to is what is the effect on your property, in your road with your locality. So we could do 100 other schemes with this key evidence, but the local evidence is vital. Now obviously you look at that, stand back from that and ask, does it fit in with other settlements made in the past. Maybe it doesn't. It may be that this particular scheme is slightly different. Maybe because you lengthen the runway people suddenly may want to use this local airport and are prepared to live here. Perhaps they are not, but maybe they would be prepared to live 2 -3 miles away. We will have to see what the sales evidence on sales comes through on things like that. So, anyway, you have got this right to make a claim.

You put the claim in and you have to wait this first year. Some people have put early claims in where they have been selling. If you are in the process of selling and if you are due to complete by the 8th March you still have to put an early claim in. If not, you wait until the 8th March. You then come into what is called 'the claim period' that actually lasts six years, so you could put a claim in in five years 11 months and 364 days time. That's leaving it a bit tight. Most people put it in early. Not only does it leave more time for the claim to be negotiated but, in theory, you are earning interest from either when the claim is first put in or the first claim date. So if you put your claim in first in theory interest is topping up. But, at the moment, because base rate is on 0.5%, the statutory rate of interest is only 0%. That's because it is always ½ % lower than base rate. Having said that, base rate can only probably go one way; and over the next 6-years it's likely to drift slightly upwards, so the claims would be attracting interest. Compensation is paid tax free just like when you sell your house. If it's your home, you don't pay Capital Gains Tax when you sell it. Any interest is paid gross so if you pay tax each year you are meant to declare that on your tax return. If you do get any interest that is something to watch.

One of the big issues of a Part One claim is 'what does it cover'? It covers noise, dust, vibration, liquid discharge or it could be oil or just dust. It doesn't cover the visual impact of having an aeroplane flying over your house and it doesn't cover any extra traffic on local roads if they haven't been altered. It doesn't cover the fear of an accident. So it's just for those defined factors. So you could be living next door to the end of the runway and you would obviously qualify for the noise disturbance. You might get some solids or liquid discharge; you might get lighting from the landing lights. If it can be shown that there is a nuisance that is a valid valuation technique. As for lighting, this usually applies to roads (when they put new lights up or traffic lights, that sort of thing). But if you are very close to the runway, you might qualify under the lighting heading as well. For most people I would suggest it's going to be noise, maybe some vibration and maybe some dust, and a bit of discharge can be shown.

So in a year or two years time, when the claims are maybe being settled, you may be getting some good news that you are getting some compensation. You may be getting some good news that your prices have not been affected. Remember – you may get compensation but it will soon go; people will spend it on a holiday or a car and it has then gone - the impact is still there.

You might be getting some different news. If the airport authority turn round and say that the evidence may be there but we are not going to pay, we will see you in the Land Tribunal, that's then the next stage. The Land Tribunal is a special court that effectively deals with compensation and boundary disputes. There is, in a Part One Hearing, the risk that whoever loses pays the other side's legal costs. They have to have been unreasonable in taking the case to the Tribunal or unreasonable in trying to defend it against a claim. If you've got what you think is a reasonable case, and this would obviously be something decided at the time; as long as you have acted reasonably you will not pay the other side's legal costs. You might lose the

case and yes you may lose your own side's legal costs, but if you were very unlucky you could pay the other side's costs. Now that's a threat that hangs over both sides and as a result normally both sides (the claimant and the authority who will pay, usually come together to reach a sensible compromise. This is because nobody wants to pay legal costs on top of compensation. So that's something that may occur. In my experience the vast majority of claims are accepted via negotiation.

But we all know, for everybody times are tight. It may well be that the airport authority may say they will see you in the Tribunal without prejudice to that position. I would hope there would be discussions to see what the impact was. It's no good if you don't think compensation is going to be paid anyway and it's no good them fighting their case if they feel they are going down/ are going to lose, so usually it would be 'without prejudice' discussions going on in the back room to try and sort things out.

In the terms of the process of putting in the claim, normally an agent (a surveyor) would do that but, you as residents could do that yourself. There are always schemes where people will do that. What you need to do if you want to do that (and I am not coming here to sell my services), is prove the value of your property and know what the impact is on that value. Obviously the surveyor, who is used to handling loads of claim, can take an overview, to see if this individual settlement fits in with the general tone. As an isolated person you may say that you know the value of your property best and as you know your neighbours and you will sort things out yourself. But a word of caution – if you act in isolation, you might settle too low. The Act gives you the right to put the claim in or you could have somebody do it for you. The Act says that if you do have somebody do it for you, their fees will be paid for by the other side, so it won't come out of your compensation. I know there are some firms that do take a slice as well but if you ask the firms they should tell you that the fees are being paid for by the other side. That is probably all I want to say at this stage and I will be happy to answer any questions (audience applause).

JF>>>Ok, you have probably got a chance now to start formulating some of your own questions, but I am going to be cheeky and ask CH one right away. The Evening Echo ran an article about 'airport lowers some house prices by 15%' and that in other cases the value dropped to around about the 10% mark. Chris, what is your view of that; do you think it's reasonable, or supposition by the local press (The Evening Echo) or is that a bit askew?

CH>>>That follows a conversation that I had with one of their reporters. Actually, as I said, we put in some early claims where people have been selling and some of the evidence we have is extremely good, I have to say, including correspondence from one solicitor to another, which is very good. And effectively a sale was withdrawn because people could see over-flying planes. When they went back the solicitor had been put in funds so the purchase was serious but they withdrew because of the over-flying. But it was then sold at a lower price. So obviously not everybody's house is sold, that's why the sales evidence is critical and this is

where we come back to the contour map ---- being the impact there and the percentages would flow from there so it's a debate we will have to have with the other side. That's what the figures showed on that one case.

PB>>>If a house is on the market for sale and somebody then sells and moves on has their claim gone?

CH>>>No, is the simple answer. As long as you put your claim in before you complete the sale. If you put your claim in on the 8th March, or the day after the first claim date, you would be fine. You could move away a hundred times as long as you tell either the airport (if you are acting for yourself) or your agent or surveyor where you are. The new purchaser has bought what's called 'value for money'. They have seen the over-flying planes (or they should have) and they have certainly heard them, so they don't have a claim because the runway has already been altered. As long as you put your claim in before you have actually completed the sale will be okay.

PB>>>Good evening everybody. I don't know if I should be at this meeting but I don't own a house. I am a resident and also the representative for Genesis housing and I look after the residence in Lever Lane, which is just off the middle of the square (Rochford) and everybody is of the same opinion as I am; do we have the same rights as the lease holders/owners?

CH>>>I am afraid we are governed by what the Law states. In the legislation the 1973 Law says, a freeholder has a right to claim. A leaseholder has a right to claim if you have a lease of three years or more, which has a market value. So, in essence, what they are actually saying is for owned property you can have a right to compensation. You don't get compensation as a person. On some schemes where I had examples where there's one person living in the house and there might be five people living in the house next door; they don't get five times the amount of compensation. It's based on the value of the property now. For housing associations and registered social landlords - the housing association or the RSL, has a right to claim as well. The value of their property is subject to the tenancies or whatever form of tenancy they've got. Unfortunately the occupiers or residents don't have the right to compensation. But, in my experience, because housing associations are not-for-profit organisations, they've got quite a good social conscience and the rent for the occupiers may be reduced, or maybe frozen, to reflect the fact that that property isn't as valuable as one that wasn't affected. I even know of an MOD case - that reduced some of their rents around Farnborough airport because it is over-flown by planes, and that was noise caused by the planes/people who worked for the MOD! So the simple answer is - the residents do not have the right to claim compensation. The housing association does. If they get the compensation, residents need to ask for this to be reflected in the rent.

PB>>>This is the situation I'm in - I've had meetings with James Duddridge(MP) who has been in contact with Alistair Welsh, who is the managing director of Southend airport. I also went to Parliament and he (the MP) stated that the flight path is a nuisance and noise. We have a block of flats in front of us, Winworth Court,

which is run by Genesis housing, which is mainly for disabled people, old and frail and elderly, and do they have any rights? Or does the housing association have to do it for them?

CH >>>(answer). I'm afraid it's the freeholder, unless you've got a lease of more three years. So something that has a market value or has an interest in the property.

PB>>>Thank you very much.

PB>>>Sorry, can you just let me know. I can understand the compensation and you put a claim in but it doesn't take into account if they are increasing the flights over and over again, and they expand further.

CH>>>That's a good question about the increasing number of flights. The Act talks about 'intensification of use'. The first claim date effectively is like a camera picture, and that sets the scene for the valuations and the conditions of the property and we base the valuations of the impact and what is known of 'intensification of use', or most likely anticipated, and it is often the case (as with a new road), it is often built in phases. So you could get to the first claim date on a new piece of road, and the whole link road has not been completed. So you can take into account what is the known intensification, even though at the evaluation date it does not exist, as with the runway extension. The airport capacity does not get reached immediately, because it depends on the time it takes for the airport to expand its operations. For example, as we heard, the terminal building needs to be expanded to meet the new parameters for the runway and apron arrangements. So what we will have to do is look at the noise over time and the long term business case of the airport and consider the impact on the valuation date. If operations expand, we can successfully argue there will be 'an intensification of use'. From my experience it is very rare that one year after a runway opening you are at the peak. I would anticipate that the intensification would continue. Experience would be five or six years before the airport would be at capacity. They then may well want to do further expansion which would lead to a further claim. The Act says, for an airport, it is either the runway extension or eight significant alterations to the apron areas that count. It's very interesting that aprons are often the key (which are the concrete pads where airports come up and people get on or off planes) issue relating to the efficiency of the airport. This is because you can have a wonderfully long airport, but if the aircraft can't turn around and be serviced there will be long gaps between the flights coming and going. The Act could foresee that. Back in 1973 they knew how airports would run, so it's either apron areas or runway extensions, or obviously it could be both. But in terms of your question(I'm sorry I had gone off at a tangent !) we can take into account known intensification of use and look at the evidence. Well, we could say that if this only reflects a third of the total expansion, it should be reflected in the bigger picture,in the terms of a greater percentage of the expansion.

PB>>>What you said earlier - would I be right that if I said, if you have moved within the last nine months then you wouldn't have a right to compensation because the airport is already there?

CH>>>(answer) You have to have owned the property since before it (the new expanded airport) was first used so if you moved in as the works were going on you will be okay. If you moved in before 8 March last year you are too late I'm afraid, because you would have purchased after the works started. I'm sorry if that does apply to you.

PB>>>(question) Hello. I bought my property about six years ago. I'm not near the airport but I'm right under the flight path. The aircraft are really low over my house. I have got quite significant cracks now in my property (it's a bungalow) from the roof down from where my chimneystack is now. I am pretty sure it is due to vibration but would they (the airport) admit this? I had the survey done, obviously, when I bought the property and there was nothing wrong. The survey showed there were no cracks. Would this be classed as subsidence or would that be something you would think have something to do with the vibration? I'm pretty sure it is to do with the vibration. But because the cracks are coming down rather than coming up would it be classed as subsidence?

CH>>>(Answer) I would say that you would have to have it examined. Subsidence can actually cause cracking from the top down.

PB>>>(comment whist CH was delivering answer) "It can?"

CH>>>(answer cont:) On the basis of that, if you have two walls, a little bit of movement at the base could open up a bigger crack at the top.

PB>>>(comment whist CH was delivering answer) "Right."

CH>>>(answer cont:)Some properties in Leigh where cracking, is particularly if it's due to the style of the construction where you often get vibration between the panels, and that leads to horizontal cracking on some of the houses. I've seen if the area is not known for subsidence, you know clay, trees, underground river, if it doesn't come up as a hot spot for subsidence, as a surveyor, I would ask why have you got subsidence. Have a drain survey done; see if the drains are the problem as this could lead to subsidence but otherwise I would suggest that you proceed with the claim.

PB>>>(comment whist CH was delivering answer) "Right."

CH>>>(answer cont:)If you can rule out that your drains haven't given way, ok, because it's a very common form of subsidence. To be honest - check that out first, as I don't want to raise your hopes. If it is subsidence, it could be your insurance company could pay. If you have your drains checked and they say you have no subsidence, that puts you in a stronger position when it comes to the compensation claim.

PB>>>(comment whilst CH was delivering answer). Surely if it was subsidence that would have been picked up on the survey when I bought the house” wouldn’t it?

CH>>>(answer cont.): Well in one theory yes. But subsidence always starts at a certain date. It may be if there is a cause (and that’s why I said the drains), but it could be leaking water that might create a channel under the house, which the foundation then sinks into. That is a very common cause of subsidence and obviously that may not have been a problem six years ago, but if your drains have cracked, that would need to be checked.

PB>>>(comment whilst CH was delivering answer) Would that come under house insurance?

CH>>>(answer cont:) You would need to check the terms of the insurance but normally it would be. If it can be proved that an event of some description has caused it, perhaps if it had been going on for ten/ twenty years the insurance company will need to investigate and know what has happened.

PB>>>(answer to CH question). Well, I have only really noticed it in the last year and you know that’s when the flights have increased

CH>>>(answer cont:). Have you looked at other houses near by to see if they have similar pattern?

PB>>>(answer to CH question). As far as I know there are no others that have got anything but both my neighbours have had work done on their house and extensions and bits and pieces. They have had their fronts done so they would have dealt with or covered up any problems.

JF>>>OK, let’s move on to another questioner.

PB>>>I have a couple of questions really. I just wanted to check. Number one - that I have understood everything clearly as there is a lot of information. If we feel that we have been affected we have the option to go with the group for compensation or pursue this legally with someone independently. We have two different situations. I have had a survey carried out recently that shows we have lost a considerable amount of money on a property we bought in 2010. So my first question is:- it was a new build so how do you effectively prove how much it has lost due to the airport, or whether it’s a loss of the premium as a result of buying a new build? Secondly, from a rental point of view - if you rent out a property and you lost rental income because, maybe, the airport deterred people from renting, where it was keenly rented in the past. I understand that I come at a completely different angle from many, but can you come at it from that angle - that you are losing income from lack of attraction? I know it can go in swings and roundabouts but some people may find it very useful being near transport links, etc. but some people, it deters them moving into the area. So a couple of questions really. Can you go at the angle of rental loss? As we have two different

situations. And how do you prove this? I know, as I have checked other houses, in the last four weeks, so I have effectively proved how much money we have lost in such a short space of time. So - is that a premium from a new build, or is that due to the airport?

JF>>>To CH.So – two questions there.

CH>>>Yes, that's a really good question, because it is an example of what could be another reason for a lower price being achieved. Other examples could be, you have a terrible neighbour move in and that's going to affect the value of your property as well, So we have to tease apart the impact of one against the impact of the other. The loss of a new build premium is something that a valuer should be able to look at because they may have access to sale prices and we can see what typically happens to new properties over time and there would normally (Questioner interrupts and says it was £4K) CH continues: four ..... off the top of my head that sounds high, I have to say. But new build premium includes incentives, legal fees paid, moving fees paid, even deposits partly paid. So, as valuers, we have to analyse all of that. We take away what was the actual sale price for the property, get rid of all the white goods and all the things like this. People do like, and pay a little bit more, for a new build premium. That is true. But without knowing the precise details of your case, whoever took on your case would look at that evidence to see what the value should have been. The surveyor would look at the other valuation evidence you have, that shows a bigger impact. It may not be the whole 10% is relative in your case, but a proportion might be. Questioner interrupts again and says: - Someone else sold in the same type of property in the same estate, before the airport was in motion and effectively made profit. But then, a year later down the line from that, we have effectively been told we have a very, very detrimental loss, so you could go on the angle that - here's proof that it was making money, even over and above what was paid, even if it had a premium on it, or not, and effectively now with everything in motion you know there is detriment in that way.

CH>>>No, that sounds good. Sorry I had not picked up that the neighbour had sold a year after. So, effectively, they had sold a non new-build premium anyway so the new build premium isn't included in their sale price. And you are being told your property is 10% below that, even though Southend has meant to have gone up in value by 15%. That's useful and I'd say yeah that sounds a good case. In terms of the question about the rented property - as a freeholder, if you do have any buy-to-let investments, yes you can claim. When you claim the property has to be subject to a tenancy. If the property's empty, when you claim, you don't have a valid claim, if you're not living there. That's to stop house builders building estates and claiming for the whole estate. You've got to have somebody living in it. If you've got a buy-to-let home, you've got to have a tenancy live and you send a copy to them with the claim. Whoever puts the claim in to show that you, as the owner, are precluded from actually living there (because there is a legal tenancy with somebody else). Again, as with the RSL's, the occupiers don't have a right to claim unless they've got a lease of three years or more. Most short hold tenancies are one year or maybe even six months, so they don't have a right to

claim. In terms of how we look at the value of your property, normally it's assessed as if it's a freehold. They can apply a slight discount to reflect the fact that there's a tenant in there. (PB: yes). Some markets in different areas may actually have a real strong rental market which drives up the prices above that of the owner-occupier market. I think here the two exist sort of side by side, and I don't see buy-to-let people really out-bidding owner-occupiers to a large degree. So I suspect it would be looking at the market level and then reflecting the fact there's a tenancy. What we do is, at the valuation day, the tenancy might have eleven months to run, or it might have one month left to run- so we look at the value of the property, that you'd achieve effectively, when a sale was concluded based on whatever the tenancy is.

PB>>>But that leasehold would be exactly the same as the freehold. You'd move out if you wanted to sell it. And the price you felt had dropped considerably due to the airport. That would be the same thing?

CH>>>Let me come back to the lease: - if you've got a long leasehold property, yes that's assessed whatever the market value of the leasehold interest is. If it is (for example) a 999 year lease, or a 90 year lease, or whatever, you know that value; but if you live in a house and you are claiming on another property, that's got to be tenanted subject to a lease. You can't claim on that as an empty property, unless you are actually living there

PB>>>(comment whilst CH was delivering answer) Thank you

PB>>>If I can just make a couple of points? Number one is, we had our property surveyed last year. When the surveyor was there easyJet flew over his shoulder (and we are the first bungalow to be hit when the flight comes up from Southend airport end over to the Rochford Way). We are the first property that virtually is hit by the flight out. Now with Thompson is coming into it again in April, I believe this year, there are more and more flights coming our way in the future. Again this is reducing our property value. It is up for sale, we're into our sixth week, we haven't had one person yet, not one. We are hoping we are going to sell but all we get from the estate agent is it's no good - "you'll have to bring your price down". So far its gone down 15 grand. We're still waiting for somebody to come along. It looks like it will go down another ten grand before we might even have somebody walking up the pathway. This is how it's gone. The planes reach us first of all the houses - that's coming from the Southend end of the airfield. That is - coming straight past the Anne Boleyn, it don't even follow the flight line, it steers left at the Anne Boleyn and we're the first property. You see it going over the houses opposite and we are the first to get the noise, everything over our back garden. Who is going to buy it?!

JF>>>You have my sympathy. We in SAEN argued for years that this was the wrong place for a busy regional airport.

PB>>>We've been there ten years and ten years ago it was peace and quiet. Christmas Day was beautiful, there wasn't one flight and it was just like it was over nine years ago.

JF>>>Question to CH – this is a clear case of loss of value?

CH>>>All I would say and I can only echo it's an awful position to be in, I've got some clients who have bitten the bullet and sold making a large loss. This is because you know it was an offer that had effectively been market tested thoroughly. And I think one case, they had 48 viewings of the property. So you know, so nobody can say they just took the first offer that they could, but other people in a similar position to yours, they're getting offers, but they're so low they don't know what to do. Are they going to trust that the compensation will make up the difference. There can be no guarantee that it will. Or are they going to sit there and hope that a higher offer comes in. The only advice I would give is that if you don't have to move, and you can afford to run the gamble that the compensation will make the loss good, then stick there. My experience is that people are not getting any higher offers though. It is not as if that was just a fluke offer, they came in. If they got a low offer, that is the level that they're coming in at.

PB>>>The other point I would like to make is when even watching the television we are getting complete no signal time and time again, even watching your own television screen.

CH>>>The 1973 Land Act is about compensation. I have to say it is all about the value aspect. Issues like mobile phones being interfered with, or television aerials, unless it gets generally known and people say "oh I want to watch my Sky TV or my Coronation Street and I can't and that affects the price"; unless that starts to happen, I'm afraid that's something that isn't specifically covered by the legislation.

PB>>>My husband and I would like to ask just a few questions. We live right near the airport runway and there's a couple of things that I wanted to point out that maybe people don't know or perhaps other people have experienced. We have a problem at nighttime. There's a high-pitched 'whoooooo' and it's almost like you've got tinnitus and it goes on. I don't know what sort of machinery or whatever, but it's continual all night. I have to put earplugs in. It is still with me. I've even tried sleeping in the bathroom, on the floor and it goes around the whole house and it's just started up again 2 nights ago. This was last night and the night before. The other issue that we have is that, in the summer time, I felt incredibly nauseous and sick and there was this overwhelming smell of the kerosene or fuel. It is like a vapour, so that's another issue and I've had really bad headaches and, just you know, a friend's been with me and she's felt very sick as well.

CH>>>Ok dealing with those two. Firstly, contact Environmental Health on something like that.

PB>>>I have done, they haven't done anything.

CH>>>They haven't?! You need to keep pressing them, because that sounds serious. Is there an electric fence nearby, because those can hum in damp weather?

PB>>>No, I did contact the airport when it did start up last year and contacted Marchetti, the lady that was representing any complaints. She did get back to me and she said it was due to the fact that they were doing the range of works for the extension but obviously that would have been finished now and it actually is coming from the airport. And the other issue that I wanted to say was that we can actually hear washing the planes down and it is an incredible noise. So in the summer obviously you want to have your windows open, I know they've spoken to people and said that (*inaudible*) but no one wants to, you know, to sweat and shut windows in the summer. That is another problem, but this humming noise - it just drives you crazy. So it's not anything to do with the fence, its actually from the airport.

GW>>>Hi, I'm also a member of the Rochford District Council Residents, so I know exactly what you're talking about and there is only one way. You have to keep on and on and on and I would recommend you don't just get on to them, you copy it to your Councillor, you copy it to your MP, all of which will turn around and say shiny, shiny airport and sod all else will happen. But at least you'll feel better and also please copy to us, ok? [info@saen.org.uk](mailto:info@saen.org.uk) is our email address. Or you can find it on our website as well. That's all I can suggest there is nothing else you can do. The Environmental people, eventually, if you tie them down and say 'I can't stand the smell of this kerosene' then they must come round and investigate it. So far, when I heard about them, they said 'oh, it didn't smell like that when I walked past there', which was when the wind was in the opposite direction and they weren't filling any planes up. There was something else I was just going to add - oh, it's gone!

JF>>>To GW - It'll come back to you.

GW>>>It'll come back to me, yeah.

JF>>>Let me just say one thing. That is definitely one of the issues for the campaign group that SAEN needs to focus on. We are aware of people suffering a lot with this kind of issue. If you are not getting satisfaction then please just contact us and then, when we've got several people suffering with this kind of issue, we've got far more clout and we will really push hard for you on this.

PB>>>Yes. Others are suffering and something has to be done.

JF>>>Yes. Ok- but primary reason for this evening's meeting is, of course, the compensation issue. So please contact us.

GW>>>Oh. I've just remembered what it was I was going to say. They can double glaze, triple glaze my house as much as they want, but they 'ain'tgonna' do the garden and I like sitting in that in the summer!

JF>>>The issue of sound proofing is something else we have got to press.

CH>>>Yes. Certainly, in terms of compensation with noise, dust, solid liquid discharge, the noise of that humming: if it has an impact on the value of the house. Obviously people tend to sell their properties in the daytime, so if this is a noise that is only heard in the middle of the night, there won't be many perspective purchasers. So it could be arguable to say that's an impact and it should be brought up in any negotiation on the claim. I certainly will. I'm a surveyor so I am paranoid ! I went to my house (when I was buying) at half eleven (pm) one night before I bought it, to make sure there were no rowdy teenagers living nearby with parties or things like that. Now it may be, if you are spending hundreds of thousands of pounds on a house, everybody does that. I don't know, but you know, if it's something that could be heard, certainly it should be brought up. It is part of the noise, the question is: would the average purchaser reflect the price, if they didn't turn up and hear it? You would have to tell them (laugh). You would have to tell them.

PB>>>I guess there would be people you would represent and there are others that you wouldn't because they are in and out of a certain area. Is it possible, at some stage, to put lines on a map for people you believe would qualify and those who really wouldn't?

CH>>>That is a very good idea. That would save a lot of disappointment and wasted work. I'm seeing out the corner of my eye some maps here which basically follow 53-55 db contour lines. Those are the most obvious compensation zones, but there are some areas beyond those zones where I have had reports of noise as the planes sort of rise and turn. You get a peak, which is perhaps not fully reflected in those contour maps. The other thing to bear in mind is the pre-work level of noise, because in some of those zones there were noises to start with and they maybe going up 1-2 decibels, but in other areas, it's much quieter, so to impose a 50 odd decibels zone is a bigger impact and, from the compensation point of view, you would then have a contour of percentages around those areas that perhaps spread wider than an area that was effected by more noise anyway. You have to establish what is the impact on prices. So summarising, yes I think it would be a good idea, but I'm always open at looking at fresh properties, because I've been involved in many claims over the years. You can find a house on a hill a long way away. Well you think that's miles away on a map, but you go there and it's actually noisier than properties down in the valley. It's the way the noise works so it reverberates against the hill and so you know producing a map maybe helpful, but I think it would have to have a big caveat that it is not the final position and you have to, just as with the valuations of each property, look at each property on it merits.

JF>>>I think that is such an important point. I just want to pursue that for the moment further. Chris has seen me holding up a little map here which is a noise contour map. I just simply brought it along for a reference. I can pass this out to you and people can look. But we have got a large number of people all round and about that complain to us about the noise, and their fears about the possible impact that this will have on the value of their properties. We have even had people from Burnham-on-Crouch complaining, because sometimes planes take off and go right over the river Crouch, and they actually appear to be very low over Burnham-on-Crouch. I've been there when an easyJet plane was coming into land at Southend airport and it is surprising just how much disturbance there is there. If I were thinking of buying a house I would not buy a house in Burnham-on-Crouch. Chris - I've just marked on this map a little dot where I live. I'm not directly under the flight path, I'm off to one side (shows the map) in Westcliff-on-Sea, and I wouldn't buy my house if I were looking to buy a property in the area now. So the key point is - there will be a lot of people here tonight, and I think it an important issue for people, who don't necessarily live directly under the flight path but they're not far from it. Could you give a little indication of your view about people who live near but not directly under the flight path?

CH>>>Sure. I am going to give you an example of something that's not near here. You may have heard recently that the A259 Bexhill to Hastings relief road was given approval. After years of on-off, on-off, nothing happened. I was involved with a case 15 years ago when there was a noticeserved on a property, because at this time the scheme was on again, and it was a wonderfully high valley, a lovely farm house. The average noise that property had was just over 20 decibels and even the inspector who came along to investigate had said that it was exceptionally quite. Now, that property was going to have a road a couple of hundred meters away and the anticipated noise was going to be about 35 decibels, so it wouldn't appear on these maps at all, but in impact terms, because noise is logarithmic, it's not straight lines, it goes up like that (CH demonstrates with his hands the noise shape). It was a huge impact, particularly for something that was so quiet before. So what I would say is that these contour maps are produced because of noise legislation. 53 and 55 decibels mean a lot to noise experts and certain things kick in at certain noise decibels.

I don't know of any purchaser that has gone out with a noise meter to a property when they've gone there. You just go there, don't you, and ask 'is it noisy? Is it off putting? A little bit of noise most people can put up with. An annoying noise and, I have to say planes and trams, which are often intermittent, are more annoying than a constant noise, because you switch off to road noise or motorway noise. But something that comes and goes, it's a bit like an alarm clock, isn't it? So these are average figures as well. These are average - it's not when the plane goes over - that is going to be 53db. These are average, so think of the minutes when it's quite and then the minutes when it's noisy and that's averaged out. Think about when it goes over. I've got figures of certain types of plane noise called 'event noise'- when it goes over on the flight path at certain distances from runways. These figures will be much higher. They will be 89-90 decibels as 'event noise' of certain types of planes going over. That's what you and I hear. We don't hear the 55

because these are averages. But what you can do, obviously, if that's the flight line - if you are going to be miles off the flight line, the chances are you are not going to succeed with a claim. But if you are more inline with that general contour line, you may well have more of a chance. Again I say you have got to have a look, you may be off, you may be on the line. But on a really busy/ noisy location, this will be one of the other factors and that will all be taken into account in the valuation of your property. Anyway, it tends to be off the main road in quite residential roads where you feel the impact more or you hear the impact I should say of over-flying. So the fact that you are beyond this 53-decibel line, that is a factor. The legislation doesn't say your noise has to be over 53 decibels to claim. Let's be clear about that. The legislation says, "if the value of the property is affected". There is no noise limit thing. These are produced, as I said, for noisy people. Purchasers don't go around with noise meters.

PB>>>My point was purely around environmental impact. If you are going to be judged on what impact the airport extension has had, and we have to have some base dates when it started, are environmental impact assessments undertaken?

CH>>>I have to say I am not an environmental expert. The legislation is concerned with the impact on prices. If, due to airport pollution, ground water pollution, values are affected in that way then you can claim. The 1973 Act doesn't deal with resolving the problems that are causing the environmental damage. It only proves claims in respect of residential properties. It does not prove claims in respect of schools, hospitals, or anything like that, even though they may also be affected. It is purely as homeowners. It all comes back to when the 1973 Act was being debated in Parliament. There was a road going through Ted Heath's constituency when he was Prime Minister and there was the elevated M4 running in west London, where a lot of MPs have their homes, and I am not a cynic at all( ! ), but suddenly this piece of legislation was passed. So, yes, it's all to do with the values of property.

GW>>>Just add one thing in there myself. Talking about the schools being affected, of course if you've got children and you are moving to a new area, one of the things that you tend to find out about is; what are the schools like? Are the schools badly affected by the aircraft going over it? This would add to concerns about that area, so perhaps it will have some affect on property prices. But, as Chris keeps saying - the whole end of all this is how much has a house lost in value. That is going to be the nuts and bolts of the issue all the way.

PB>>>You have probably answered some of my previous questions but we had a previous surveyor here at the last meeting and I rang him up. I live in Woodside. Do you know Woodside? It backs onto Belfair's Park/woods. It's pretty quiet. I rang up this surveyor, he said it was not worth claiming as I am too far away from the airport.

CH>>>I must say, I never like to be different from other surveyors. Surveyors don't like to say that another surveyor was wrong. All I would say is that in my experience it would not seem too far away for me. At the end of the day it doesn't depend on what I say or any other surveyor says. It's what is the effect on the value. If it can be shown there is an impact, and just to correct any misunderstandings, it's not just claiming against the fact that the airport is there, it's the impact of the extension of the runway. So we have to take account of the fact that Southend Airport has been there for years. The issue is the extra impact after it had expanded - opened up. What that has allowed the airport to do. Obviously, the feeling is, with extra flights, because of it's a longer runway and reconfigured apron, it has led to a reduction in value of property. And we are seeing an expansion of the airport in the decision of operators to start moving in to use the airport.

JF>>>To CH – so you would encourage people to contact a surveyor for advice?

CH>>>Yes. The legislation does not give a mileage limit as to who can claim. If you lived in Scotland in theory you could claim, but it would be very hard to prove it ! Very hard ! But if there is any evidence, for example, from when you put the house on the market, that viewers loved the house, they loved the location, but they don't like the over-flying planes. Agents do record that and give this information as feedback to you. If you can build that as a database and perhaps, I would suggest, it needs more than one viewer to say it, because one person may be particularly fussy. But if it's a trend that's come through and then you can see how the value of the property has been affected.

JF >>>If I may interrupt briefly for one moment. I'll emphasise, we have the hall beyond 9 o'clock so there's plenty of time for people to still ask their question but I notice that there are some people that probably have heard an awful lot of really valuable information from Chris and may feel that they have everything they need. But please, if at any point you do feel you have got the information you need, then please do remember to keep in touch with us. Complete the membership slips if you would be willing to do so on the way out. Roger is out through the door there. And make sure you have our e-mail address and web address so you can make contact. Also one person here just mentioned to me that the noise contour map I used is out of date. I brought that in solely for a guide – information. It just occurred to me that I could put the question to Chris about where people must live in order to be able to claim.

PB>>>I'd like to speak about these contours. In the beginning when we went to a meeting where Alistair Welch was speaking, the actual contours were much bigger than those shown now. Well, now the contours are where they say, and we have letters from Mrs Marchetti saying that we are not quite in the contour area, and she seemed to think that the noise stops at the edge of that line. Well, I'd like her to be in my house at half past six in the morning! The other thing is - did you know they are going to decommission the easyJet planes because they are deemed to be unsafe and they are going to make them slightly bigger with a longer

wingspan? Another thing is I've been told that the airport apron is going to be expanded so that small Boeing planes can use it. When they take off it's going to knock the walls of the church !

JF>>>One of the reasons Peter Elliot is taking action through the Courts and seeking the closure of Southend airport is because the CAA was not supposed to have agreed to any protrusions into the... help me out. I have a mental blank... (GW – The public safety zone). Thank you. There should be no protrusions into this zone. So, you know, it's not a safe airport. It doesn't conform with CAA guidance. I was very closely involved with the earlier campaign group called CAAG (The Church and Airport Action Group) and the last thing we wanted to see was the demolition of the church. Anyway, we saved the church but the airport later expanded anyway. But I will mention that closure on safety grounds is an issue that's being pursued very vigorously right now. I don't know if the chap behind you – (JF points) - Bernard Free - if you are willing to mention something on this?

Bernard>>>(member of public answer). With regard to the aircraft standing area being wider than the others to accommodate the larger wingspan, I'm still scratching my head to find out what aircraft they are considering putting in there because of all the ones they suggested I can't find one with a bigger wingspan, so at the moment it's a mystery to me. That's all I can say about this.

PB>>>There are two points I would like to make about compensation- about over viewing from the terminal. What about the new station which is right opposite my house? Also no one mentioned about the control tower - which they can actually look into my room, if you have a pair of binoculars, otherwise you have to have good eyesight. How the hell they got away with putting it right there by the road I don't know (JF clarifies: So this is a privacy issue?). PB carries on: - also the station is an eyesore. I mean I'm all for rail expansion; new station, lovely, but why did they not fit it in with the landscape? It looks awful especially the control tower.

CH>>>OK. Here's some not very good news and some potentially helpful news. In terms of compensation, just like loss of view, visual impact doesn't come into it I'm afraid. So the control tower could be at the end of your drive looking into your bedroom. Part One of the 1973 Act does nothing, I'm afraid. In terms of the railway station, if that's been re-configured, if there's been a new entrance for all these extra people going through, that maybe a Part One Claim in itself. That is because that's an alteration of the public highway. So if there was a new roundabout or a new entrance area, then there would be a new piece of road on that, so that could be a Part One Claim. But again, it's noise, light, dust, vibration rather than 'it looks rather ugly'.

PB>>> (Same person - return comment). People up the road are trying to sell their property. It is right opposite the control tower and that is out of order. How they got away with planning permission on that I don't know.

Also the station at the moment is on the airport side of the road. I'm glad it is where it is, it's on the airport side. But will they decide to open up the other side on the Southend Road? That's more worry?

CH>>>I don't know the answer to that. What the legislation tries to do, it's a bit like if your neighbour puts in planning permission for an extension and that gets approved - you can't claim compensation or do anything about having that new building. If they have noisy parties or things like that then you can call the police. This legislation allows you to cope with the extra noise from the new facility rather than what it physically looks like. So for the railway station, or if the road was diverted; if people are getting noise from any new highway that's a Part One Claim.

GW>>>I'll just give you a quick answer as to how they got planning permission for the control tower. Permitted Development has been granted to the airport to cover anything in the airport that is needed to run the airport. That is classified as Permitted Development. They just build what they want, where they want and say thank you afterwards !

PB>>>I know it's my second go but you said something that triggered another question. You said about the fact that it is all about the impact on the price, on the value, of the property. But something that two or three people have brought up and especially you with your little children (referring to another speak), I've got children and part of the reason I bought my house where I bought it is my house is at the back of Blenheim Schools and it's a brilliant school. I am five houses down from the gates but we are in what is known as a 'low impact zone'. Now I don't really understand what that is. Maybe you could clarify that with the impact it has on the value of the property. Anything with 'impact' in the title concerns me. We are literally right under the flight path, you can see the pilots eyes as they fly so close and my concern is that it goes right over the school and then over my house. If like you were saying earlier about the lady, who was talking about the low noise that she has constantly, if enough people bring up the fact that it is a concern to them, that we are on the flight path and therefore by value of the fact that we are on the flight path we are more likely to be crushed by a plane if it came down. Surely if enough people are concerned about the fear of accidents or things falling off of planes, as they do, things like that, then if we get enough people together to say about their concerns would that then possibly something that could be against the law do you think?

JF>>>Can I just mention that you have strayed between two issues here. That is absolutely fine but from a campaigning point of view, then you want to be talking to us in SAEN about the issues that are affecting you. David Amess is your MP and he has got a special surgery coming up in connection with Southend Airport and related issues. It's done on a one-to-one basis. You go in there, if you are brave enough, with him, an easyJet representative and Alistair Welch from the airport. Now some people might find that a daunting thing to do. Going to that meeting is one option. The other is to talk to us after this meeting about the

impacts on you personally. We have to think in terms of campaign strategy, putting more and more pressure on the local authority & the MPs. There is a point about property value there and I will come back to Chris: -

CH>>>Yes thank you. If there is an area that is well known for being in the catchment area of a school, that reflects itself in the market value of the property. When the airport expanded this suddenly affected the pool of people that might purchase your property. That is naturally going to be reflected in the market price, isn't it?

PB>>>On a personal note, one of the reasons I bought the house was because it was so close to the school, you know, and that if I am buying because of that, then other people would see that as a positive thing. However, I am sure now it's in this low impact zone, people would think twice about buying a property near a school as they won't send their kids to a school where they think a plane is going to fall in through the yard. And the other thing, coming back to the vibration side of it, and the danger side of it- it's not just about the planes crashing, as I know that is quite a rare occurrence, but my son came home the other day and in the night part of the ceiling in his class room had fallen down.

CH>>>Public Safety Zones aren't anything to do with this legislation I'm afraid. The fear of an accident doesn't come into the compensation consideration. Obviously plaster falling off of ceilings would suggest there is vibration wouldn't it? So that may be a factor. There may be other factors associated with that building, although it seems like there's an issues that needs to be looked at.

PB>>>Okay

JF>>>Ok. Just whilst the microphone is brought to the front I'll just mention as regard Blenheim School: we are aware there is also an issue with disruption to classrooms there and disruption to children when the planes go over. Everything stops in the classroom and it's difficult to get childrens' concentration back again (absolutely). I'll just reiterate it's the wrong place to put a very busy regional airport. (Pointing to the next speaker): - This gentlemen here.

PB>>>Two questions; One concerns complaints about the way the planes were taking off. The airport have changed the way they accept complaints. It seems to be making it more difficult than ever to complain. The second question is: you briefly touched on it earlier, if they continue to expand the airport will you be able to make any additional claims for loss of value of property?

GW>>>Can I answer the first part?

JF>>>Yes. If Graham tackles the first point and CH tackles that very important point about further claims.

GW>>>Should you complain? It does not make any difference to your compensation claim. The two of them will not be related BUT and here's the big BUT, if no one ever complains about the airport your councillors and your politicians will tell you what a wonderful shiny thing it is and everybody loves it and they won't put any more block on any new development, should they decide that they want to do that in the first place. So yes, do keep complaining and yes, they do put blocks on complaints if you don't complain within a fortnight; i.e. if you were to go on holiday and come back after two weeks you are too late. You can't do it. If you don't go by their own special little route, which nobody else can monitor, except them. At the end of the day, all the complaints that they do have are then passed on to the ACC (Airport Consultative Committee) which seems to be made up of ex-politicians who now look after a Residents Association of about 12 people - well a bit more than that. But there are not many people who own property, or do work on the airport themselves, so they have a positive outlook on the airport. The ACC also has the airport themselves and a few councillors who are also in favour of the airport. Guess what! They cannot find anything wrong with the shiny airport. All I can say is send copies of your complaints to us via our website. It's now not as easy as it used to be, you will literally have to copy to us what you fill in on their form, as you can't do a copy/paste. What we do with them is to act independently of the ACC. We can turn round and say, well you reckon there haven't been any complaints but we know of at least 50. We do know of one they have managed to lose from the time it was sent in on their website to when they reported it at the end. Nobody's perfect, just to give them the benefit of the doubt, but if they can lose something like that nobody knows if they lose 50% of them. Or they might count your complaint as a comment, which they were very keen to do in the beginning. So you don't need to complain if you want to claim your compensation but you need to complain if you want to stop the buggers doing anything else and letting the councillors just walk all over everything. I am not sure it will do any good but it can't do any harm.

CH>>>Yes. That a really good point and something I did not speak on before. You put your claim in; you get an agreement form to sign, hopefully saying that you will be paid compensation. Be careful if there is any small print, or even big print attached to it ! Normally it's all fine, it will say 'this is in settlement of compensation' - that is fine. There are some authority bodies which try to expand that and say it is "in full and final settlement of any claim you might make in the future against the airport". You DON'T want to accept that because if they were to expand further, or add another runway, or anything else, you would have signed to say that you were never, ever, going to claim against them in the future. You would not only have shot yourself in the head and the foot, but in the chest as well ! So I would say if you are represented by a surveyor and you have any doubts about the forms you have been asked to sign, email them a copy, post them a copy of it. If it says, "this is full and final settlement of this claim", fine. If it says "full and final settlement of all claims that I am ever going to make against the airport"... but I am sure they won't do that. So be careful. There was only one other airport authority body that tried to get away with that and I don't think anybody accepted that, but just watch out for that, just in case it did slip in. I'm sure it would be a slip of the word processor!

PB>>>A couple of questions. Who is the claim actually against? Is it against the Council for granting the planning or against Stobarts as owners? And what happens if Stobarts then sell it, if it's against them? Secondly, when do you base the start of the claim from? Because from what I read it's the loss incurred since the start of the action, i.e. when the airport opened but the house had already lost - I don't know how much - before we even got to that as soon as people knew of the planning permission being granted. So, how far back does the claim go?

CH>>>Yes, two very good questions. Who you are claiming against? You are claiming against Southend Airport not the Council because the Airport is the body that oversaw the works. Again, the legislation says that the responsible authority is the body that oversaw the works, so that's the airport. And on that basis the early claims we put in, where people are moving, before putting the first early claim in, we had it confirmed by the Airport that they are the responsible body. So we have got the name of the right body. If they sell then they sell with their assets and liabilities, so claims would transfer with the liabilities of that company. Just like, I'm sure they are very successful, but if they have financial problems, if they go into liquidation, you would all claim as creditors against that company because you are owed something from them. And if you put a claim in, a recognised claim, this has to be settled at the appropriate level if there are the funds there. Now if this did happen, then you would all be part co-owners of an Airport at the end of the day. If they did not have the cash funds to pay claims then you would all have a charge on the property. Turning to the question about losses over a longer period - how do we wipe away 3-4 years of uncertainty and all the building and activities, that's something that the valuer has to try to do. They look at how values were going in your road years ago compared with the other areas and see how that relationship has gone over a number of years. The valuation date, which will be 8th March, you know, is fixed, so if that relationship changes in the future, during the claim period of six years, we still have to look back to values then, so they could go up 10% in the next year. We are still looking at March for this year's figures. If the impact has increased because of known 'intensification of use', because the airport has a certain capacity, well we could say we knew about this in March then that's covered. If there is something that is added that, in all honesty, nobody could have predicted, then that's not covered, but I would have thought that we now know the design capacity of the Airport. We know the permitted noise contours, if they did want to have a huge increase, that would be another physical alteration of the runway or aprons, so that's another claim we can process. So, yes, we don't just say what was happening on the 7th March, and then what's happening on the 8th March, we go back quite a while to try to get to the unaffected prices, to plot what's happened. It is often the case that, from my experience, we start really as soon as the application was learned of and the planning application was made, and often it's a big impact you have to start with, and then it settles down and then it increases again as actual usage begins comes through. People see what it's like because people get very worried to think it's a big expansion and then they read some of the positive things and they think that 300 metres is okay and I'm a mile or 3 miles away from it, so it settles down again and they are not affected by the

construction activity because they are too far away. It's only when the planes start flying that they notice things. That's why we have this first year period so you can see what the actual impact has been. It is not just based on the theoretical impact. If you are no longer with us, if you die, then your children, or whoever you have as the inheritors of your estate, would have a qualifying interest. They would have to prove that they had the interest, so a trustee or people who are administering the estate of anyone who has died get it paid to the estate and then split it as you have put it in your will, or the husband or the wife, that kind of thing.

PB>>>I'd like to ask a question about what was the maximum being paid out so far, if there was one?

CH>>>No payment have been paid on this scheme so far because we have not even got to the first claim date yet. In terms of big percentages, well you would probably have to look at some of the big motorways. When the M25 was built it was rolling countryside then suddenly it's a six lane motorway. They were paying, I think, the highest I heard was 24 %, so effectively it was a quarter of the value of your property. With a motorway there is noise but it does also open up communications and travel for people, so there was an argument at the time, I remember, that the impact is tempered by the fact that suddenly you can live next to the motorway and you can travel and commute further. The same could be said for an airport, although I would suggest that fewer people commute via planes than by road. So perhaps there is less benefit associated with an airport than a road – a road could allow you to earn a salary and live in a slightly cheaper bigger place with a garden and things like this. Because you are prepared to drive more. So therefore this is a positive impact on price for a motorway as well as the national stuff. Whereas, with an airport, you are more likely to use it once or twice a year as an average individual.

PB>>>On noise, the decibels I was given to understand a long while ago, they said that this noise was measured at 60 decibels and excess of 60 decibels in your house. Does that still hold true regarding compensation? The other question I is the deviation of flight path. As we hear now there seems to be an incredibly wide flight path from that airport and it might be they are trying to avoid the impact on the people directly beneath it by spreading it out. Making it look as though it's not as bad as it is, because when you are directly under it, as we are in our area just at the very end of the runway at the opposite end of the Arterial Road, it is much different to what some of these people are saying. I have sympathy for everybody but when they are living two–three miles away and are hearing the aeroplanes and seeing them as close as what they say, there is something terribly wrong with the width of this, where they are deviating from a so called flight path, so that in itself is causing much more impact than anything else. And just one further thing, it was further back; no-win no-fee, I wonder if this is still going to be the case or not after the 8th March, because I understand from the press that no-win no-fee is going to be abolished as from April so is it pertinent to get in now at this present moment?

CH>>>Ok, three points I picked up. There is the 60 decibels in the house the legislation. I keep coming back to the legislation. The legislation does not give that as a test or does not give that as a requirement at all. Impact from noise, all those other factors, on the value of the property so it's; how would Joe Public react to a certain situation, and here it's overflying planes. It could be 59 decibels or 64 decibels or even 50 decibels. If there is an impact on the value of the property this is what the legislation says – that's where it kicks in. There is nobody who has asked the obvious question: 'why they are called Part One Claims'? Why not part twos? Because the '73 Act has a part two to it as well, which is all about adding insulation to property to cut down the noise. Certainly in the early 70s most houses were single glazed and they came along with this lovely thick double glazed secondary unit, which they added in an attempt to reduce noise. The downside was, not only did they look a little bit ugly but they then deducted the cost of that window from any compensation you claimed under Part One. So you didn't gain at all, but people thought I'll get my free insulation. So the criteria for having the noise isn't there. Your second point "the flight path" with the deviations - that's something shown on a plan. It is often the signal that pilots pick up from plans that can get slightly distorted with other buildings or with landform. Sometimes they can be 2-3 degrees off quite close to take off so that once it gets magnified, as they go further away from the airport, and it's only a defect which perhaps pilots pick it up. Airport operators themselves acknowledge that as an issue, because the planes are coming and going safely they have to maintain their flight path for the first kilometre accordingly. There is much greater control over that. But there is a little bit more leeway. But, as you say, the type of noise you hear when you are very close to the runway is much different to an over-flying plane. You will find, if we can sort out the percentages, that there will be almost like a bell shape, that's what I think we would end up with at either end of the runway. Where the compensation zone comes out like a bell and then it tapers away as we get further away, that reflects the fact you get this really intensive noise that comes out of the flight path and at right angles to the end of the runway. That's something that would be reflected on. The third point you raised, 'no-win, no-fee' - there are solicitors who go around, that advertise on the radio 'no-win, no-fee, blah, blah,blah ! Surveyors will set their own fees. Please note that the '73 Act legislation isn't being abolished. The legislation says the surveyor, or you could be represented by an agent, whose cost would be met by the compensating authority are paid. Now the terms of appointment for the agent will be that this agent is either going to take a share of the compensation or it's going to be paid by the others side. As far as I'm concerned they are changing that; it's not as if it's an injury claim and as solicitors are getting worried how they will earn their crust. So this is different - this is a claim for compensation devised by an Act of Parliament. What the government are trying to get at is, unlike these solicitors who are chasing compensation claims, for whatever, this is compulsory purchase compensation. It's something that has a long historical background to it. It's been a principal of compulsory purchase since the middle of the nineteenth century, that if you are losing something from your property value, not your personal enjoyment, but the property value because it concerns property, that you can have an agent act for you and the compensating authority has to pay for it. So this process is not changing.

PB>>>Can you confirm if a solicitor will be required?

CH>>>Most people don't need a solicitor. At the end of the process the other side will ask you to prove you are the owner. Sometimes a solicitor is used then but, to be honest, a lot of compensating authorities are cutting that out as they can go straight to the Land Registry, or they can go to your bank or building society, if you have a mortgage, and will get confirmation that you are the owner that way. There is always, on some schemes, tenants or other occupiers who put in the claim. They think they're going to get the compensation and then it's shown they are not the owner of a house. That's why they have to do those tests to check, otherwise the freeholder is going to turn up the next day saying you just paid my tenant, I want some money as well. So they have to cover themselves. Will the terms and conditions change? I think what you need to look out for is anything that is sent out after March 8th is just confirmation that the fee is paid by the compensating authority. There will be no fee if there is no compensation. It's a slight tweak on no-win no-fee, but it's provided for by the legislation, so you shouldn't really fear this. The only other thing to do, I suppose, is to make sure you have instructed somebody before the 8th March. If it gets to the stage of Lands Tribunal, and there are a few cases going through Tribunal from other schemes, where solicitors are starting to think, can I stand up? Well a barrister should never appear in front of a court on a contingent fee basis, which means they can't be giving evidence. Only if they get paid, if their case is successful, because otherwise it's viewed as tainted evidence. Just like a surveyor, if they're called to give evidence they should be paid for regardless of the outcome. I'm sad to say, that's always been the case when you are at court stage.

GW>>>I've got a question for Chris as well now. As I understand it there could be a possibility that we might need to instruct solicitors if we get to the point where we can't agree the compensation rates with the airport. Then at this point SAEN are looking to perhaps be able to instruct just one solicitor to cover one case that everybody else could then piggyback on. I don't know if this is possible, what do you think Chris?

CH>>>Personally I would say that is the best scenario. You have one solicitor representing all the cases regardless of there being different agents or whether individuals have put the claims in themselves. That's far better from a case management point of view. In terms of the court time it's far more efficient because you've got all the claimants sharing the cost of that one solicitor rather than having others. I've been in some enquiries where you have two different people's representatives and one always seems to take the lead and the other one just follows and, if they don't follow they're saying, perhaps something that contradicts what the other person said, you don't want that from a practical point of view.

GW>>>Hang on one second, just one thing, I sort of half knew that would be the answer which is why I asked the question, but the end result is; if you join the compensation group they will be the ones to advise you the best way forward. Whether or not there is one solicitor that is willing to act for all the people or all the

people sign up with one surveyor, or whatever conclusion they come to. It's free, but join the compensation group. Listen to what they have to say then make your own mind up. That's what I'm going to do.

PB>>>We are all very grateful to SAEN. Would it not be possible for SAEN to employ a solicitor to work on our behalf and we all put money into the pot.

GW>>>Ok. a) That would have to go by the Committee and possibly by an Exceptional General Meeting because it could be a change to what we're doing. b) From personal experience from being involved in the claims, when we were trying to get the planning permission thrown out, it just costs you hundreds of pounds to say good morning to a solicitor. We haven't got that amount of money now. A very generous benefactor allowed us to pursue our claims. All I can say is the only way we're going to get the money is from donations & membership fees from those who haven't already joined us. So please join us. Please complete the forms that are available. There is a basic £10 membership fee, but feel free to give whatever additional donations you like.

PB>>>Do you have a solicitor in mind?

GW >>>Yes. But I suggest that would probably be more likely to be decided the compensation group, who may be thinking along those lines. Do we have a solicitor in mind? Sort of, we have one who is very keen to, and I'm trying to use the words that he meant rather than what I heard, and I heard him say "shaft the airport" but I think, 'do as much as he could for the residents against the airport' is what he actually said.

JF>>>In view of the time we need to make sure anyone who hasn't posed a question now gets a chance to do so. We don't have to worry about leaving dead on 9 o'clock, but I do think that we probably ought to be thinking in terms of any final closing question, that kind of thing. If you haven't had a chance to pose a question yet then now's the time. If you can think of any short, snappy points you want to make please do so.

PB >>>For those most affected by the noise directly under the flight path, is there likely to be compulsory purchase on them?

CH>>>There's no compulsory purchase now the scheme has been built. Apart from the alterations to the road - Eastwoodbury Lane, there's been no need to expand beyond the fence. So there is no prospect of compulsory purchase.

PB>>>What about if they're deemed unsalable?

CH>>>>Ok, there is a case that I'm looking at for a 'blight notice'. Technically 'blight' is where the, when a property is shown on a map as being unsalable. Going through the blight process is almost a formality. The next stage is called a 'discretionary purchase'. Now any individual or corporate group can buy property on a discretionary basis. For roads, the impact tends to be 15%. As an impact they will consider buying that property on a discretionary basis, because the impact is going to be construction and then use. Because we now have a facility, which is built, it really is at the airports discretion to buy anything of this nature. Obviously they face a choice, they can either buy property discretionary, at the unaffected price and then sell it, and then prove to everybody that the impact is nil (!), or they can buy it and sell it with the impact loss. Or they can refuse and say no, we don't want to buy it but face the Part One Claim instead. So it would really be down to the airport to make that call, whether they take any 'hit' or they can show that there is no 'hit' or whether they'll just sit back and face the Part One Claims. Personally, if I was them, I'm obviously not, if they buy the property they've got an asset which they could let out to anybody. For example, a worker there or do what they want with it. If they wanted to sell it on, who knows, that could be the piece of evidence that they want that shows that there's been no impact on prices.

PB>>>>>(inaudible) What I'm asking is, some time ago it was explained on the website how to join the compensation group. Because the compensation group at the time, over the period, hadn't done much or said much or anything else. I took the jump and went with Chris because of the fact that time was getting on and you told me about six weeks ago that we should not delay. Does that mean to say that if I am in the compensation group and I put down that I wanted Chris Hunt, if you employ a solicitor I won't have to fork out my own fees, as I am also a SAEN member?

GW>>>>Ok. This is the impossible question to ask because the compensation group haven't got a solicitor. A number of people have joined the compensation group after they had elected to go with one of the three surveyors. Some others hadn't decided yet and some are quite happy to go with the decision that the group makes. Some of us have sat back knowing we have until the 8th March before we have to make our mind up. As regard to: will it be paid for by SAEN? As you will have heard it will at least have to go to committee, probably to an extra ordinary general meeting, before we make such a commitment to fund which could be a fairly large chunk of money. So in answer to that question – I have no idea. But certainly, if you're not in the compensation group we are not going to be paying your solicitors fees, that's for sure. Also, as Chris just said, it makes good sense to have one solicitor between all, assuming the surveyors can talk to each other. And, so far, I believe they are. Of course one of the chartered surveyors happens to have a very good interest in a solicitor because it's his sister. Now at a guess you would think that would be the person but it may not be her area of expertise, so she may not want to act anyway. Certainly we know of one who is very keen to act for us.

PB>>>The reason is Graham, if it's going to be one case and just for instance the person is Marriot right, and it's going to cost twenty thousand pounds, it would be better for the likes of me; it would be better for me, with Chris to be able to use the ruling and spread the cost out between all of us. Also, when we were fund raising for the court cases, and everything else in the past, being on the fund raising committee I found that every penny helps towards the legal cost. It doesn't matter who your surveyor is if that one ruling is going to apply to all three surveyors.

GW>>>The end result of this is SAEN or the compensation group do not tell you which surveyor to use, so if you pick a surveyor, Charlie George, if he then refuses to use a solicitor that we fund or recommend (should we go down that route and it's not certain that we would), then there is nothing we can do about it. You have chosen to go with Charlie George and that's it (I don't know why I chose an old arsenal football player) but anyway it will only be applicable if the surveyors wish to come in with us on the scheme - wish to have some of the legal cost borne by SAEN or the compensation group. If either of those two wishes, to bear some of the cost as well comes about. We spent a shed load of money on previous battles. What we have got in our bank account at the moment is enough to run a couple more of these meetings and nothing much else. So we have not got a pot of gold waiting for a solicitor to come take it off our hands. We would have to do some serious money raising and, as you probably know fundraising takes weeks to earn enough to say hello to a surveyor a solicitor.

JF>>>Yes, It is incredibly expensive. And we learned that from our court cases.

GW>>>This is very true. But we may not need a solicitor and if we decide to sponsor him, one way or another then it will be up to the three or more surveyors that are involved to decide whether or not they wish to run with the solicitor. They might like Charlie George, or they really may not like that person, they might want their own guy or lady, or whatever, we certainly won't be able to influence them and all we will be doing is suggesting to you that this is the information we have on the surveyors that we know about in this moment of time. It is your choice. If you want to ask me what choice I am going to make feel free. I won't tell you whilst the microphone on. I will tell you afterwards privately, but that is just Graham, not the Chairman of SAEN. It's nothing to do with SAEN - just Graham talking.

PB>>>By listening to Chris earlier he has more or less said that he would be willing to abide ....not 'abide', but more likely to go with the other two into one joint venture with a solicitor.

CH>>>Can I just say that whoever you appoint to put the claim in for you, it is not their claim. It is still your claim. So the surveyor may say; actually I would like you to use Charlie George but they should not force this upon you. If you want to use your own solicitor, if you want to represent yourself, you can. It's your claim. If you want to de-instruct me at any time, you can, because it your claim. I put the claim in I'm grateful to you and

for others, but at the end of the day they are your claims. You have asked me to do some work for you. If you want to have a particular solicitor, if you know somebody who is a solicitor, you can have that. My advice would be everybody uses the same legal team. You don't want to start diverting and paying fees because they all have their own set up costs. You know they are all experts but they will still need to spend 20 hours reviewing case law, so share that cost amongst yourselves.

PB>>>What would happen if the airport went into liquidation?

CH>>>Yes I think I did touch on that. If you have put your claim in (providing it goes in after the 8th March), you are a creditor, because you have a claim against the authority. So when the liquidator gets appointed you should be one of the people who get paid out. You may not be paid the full amount and obviously there would be a debate about the actual value of your claim and how much you would be due, but you have a claim against the company that owns the airport. So therefore if they go into liquidation you are somebody that should be paid out along with all the other suppliers and the staff that have money due.

PB>>>You would be in line with the creditors and take less than the value that you originally agreed?

CH>>>Sorry I didn't catch that.

PB>>>If your claim has gone through, would you be in line with the rest of the creditors against the company?

CH>>>Yes, because you have a claim against the company. The Part One Claim is very much like a legal claim submitted against this statute, giving you the right to claim so it's a claim that they can't just dismiss.

PB>>>Thank you very much

JF>>>Ok. I think it is time to start wrapping things up now. Please remember to complete the membership forms on your way out. Roger will help you with these.

GW>>>I have just a couple of things to say: one of which is, there are three surveyors. Two who are Chartered and one who isn't, that we are aware of. The compensation group will be gathering information on all three of them. They are three different people, if you put three people in a room and ask them a question you will get three different answers ! So, as regards to, if nothing else, 'how far away can you claim' and 'still put in claim', you have at least got the different opinions - between at least two of them. It's only opinion, but that's what they're there for, to give their opinion and the end result is if you join the compensation group they will give you as much information as they can. They will be gathering more information that we in SAEN have. I know the compensation people will keep you informed by email or post, if you so require.

Then any information will be put on our website, but that is slow and takes us a long time to update and there is a shed load of this information as well ! So it is up to you guys to make your mind up. One other thing that I must do is thank Chris for bothering to come down and see us. This is the second time he has come down. He doesn't get paid by us, he doesn't even get a drink get out of it ! So thanks very much Chris (applause). Okay I have one other thing to wrap up with, all these chairs, all these microphones and everything else didn't just happen by magic. can you help put these away? Thanks guys and that's it (applause). And thank you guys for coming out on a snowy night thank you (more applause).

END

Andy Penn completed 15:11 / 17thFeb 2013

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JF inserted his missing comments on 24/2

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