

Regional airports

Nienke Saanen
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Groningen Airport Eelde



Gic.nl

The project



rtvnoord.nl

Background info

- 60s: wish for extension of the runway to strengthen the economic position of the airport and the region → it made access for bigger planes possible
- 80s: first environmental studies but no final decision
- 1995: EIA, to be used as input for an official authority decision
- Additional study (*belevingsonderzoek*)
- 15 May 2001: amendment of two Decrees regarding GEA in order to make the extension possible

The two Decrees

1. Ruimtelijke ordening besluit (*Spatial planning Decree*): holding a map of the area and defining location, size, amount of runways etc.
2. Aanwijzingsbesluit (*Instruction Decree*): obliges the surrounding local authorities to adjust their zoning plans to comply with the RO-Besluit

Objection, appeal and judgment

- ABRvS (2003):
- For the calculation of noise by large air planes the Ke-method was used
- Inaccurate and already replaced by the Lden and Lnight-method
- Same goes for the calculation of noise by small air planes
 - ➔ Decision was taken without reliable data on noise hindrance
 - ➔ Also new SACs and SPAs are designated so EIA 1995 is not accurate anymore



Maps.google.com

And then?

- Additional (environmental) studies (EIA 1995 is still the basis):
 1. Noise and air quality (Adecs)
 2. External safety (NLR-ATSI)
 3. Birds and Habitat assessment (Waardenburg)
 4. Economic value of GAE (Buck)
 5. Expected developments of air traffic on GAE (GAE)
 6. Expected environmental effects (DHV)
- Again, amendment of A- and RO-besluit

Appeal and judgment

- ABRvS (2008):
 - New environmental studies on alternatives not necessary
 - Calculation of noise is accurate; inaccuracies are eliminated because of preventing measures
 - No indication that incorrect data were used for air quality prognoses; no violation of Blk 2005
 - Report on external safety does not lack completeness
 - Also the Birds and Habitat assessment was accurate

BUT.....

Who financed the new airport infrastructure?



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State aid?

- December 2003: contract between the State and GAE
 - The State would contribute € 18,62 mln
 - 1955 Explanatory Memorandum: “the State will finance infrastructure on airports”
 - Dutch authorities did not notify this intended measure
- ABRvS: likely that it constitutes state aid, so until the Commission declares it compatible, the decisions are suspended
- 19 November 2009: compatible
- NL did not appeal

What's next?

- In 2009 3 reports were updated (economic value of GAE, Birds and Habitat, Noise and air quality)
- 19 februari 2010: objections rejected (*beslissing op bezwaar*)
- Public procurement procedure has come to a succesful end → 1 October 2010: Dura Vermeer / Imtech
- 15 february 2012: ABRvS rejected appeals → Decrees have legal force and can be operationalised
- 5 March 2012: request in summary proceedings to suspend the development consent on the basis of the Flora and Fauna Act was rejected → several compensatory measures will be taken e.g. a safe flyway for bats
- End of April 2013: extension should be ready

Lessons learned?

- Make sure to conduct the necessary assessments
 - Use the most recent and accurate data
 - Always check the financial contributions with the state aid rules
- ➔ If the Dutch authorities had done this, all barriers would have been taken by 2003

International Airport Antwerp



Background info

- Location as an airport exists since 1923
- Runway is 1.510 m
- Private and business flights, charters
- Destinations: London and Manchester (City Jet)
- 2012: 140.139 passengers (charters, scheduled flights, local flights, training flights)
- Brussels Zaventem is about 35 km away

RESA

- International Civil Aviation Organization (ICAO): runway end safety area (RESA) is mandatory by February 2013
- At least 90 m (240 m recommended) beyond runway strip ... on both ends!

Uhhhhh Where???



Maps.google.com

Safety
Noise
Pollution
No space left



derelectie.be



gva.be



gva.be

Accidents

- 12 October 2010: a business plane interrupts the take off en goes into the barbed wire; runway and Krijgsbaan are closed down for a couple of hours
- 1 April 2011: inexperienced pilot lands on the Krijgsbaan instead of the runway

Uhhhhh Where???



Maps.google.com

Monument Habitat of bats



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Wikimedia.org



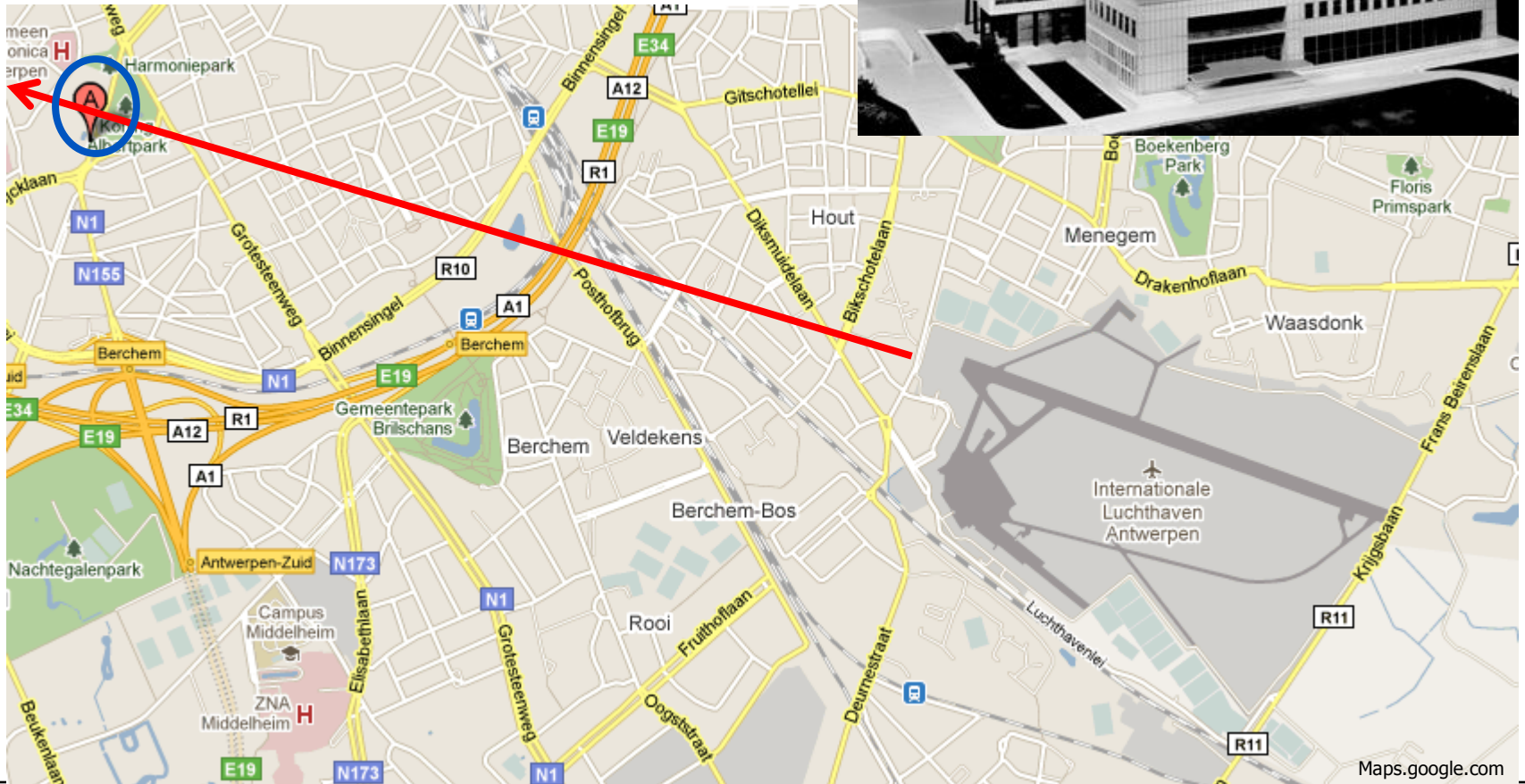
gva.be

Uhhhhh Where???



Maps.google.com

Provinciehuis (1972)



The proces

- Initial plans were an upgrade of the airport, construction of the RESA and a tunnel for the Krijgsbaan
- This would take the form of an institutionalized PPP
- This new joint venture would take the task of airport operator and would be responsible for the construction of the RESA and the tunnel
- Private partner was found through a competitive tendering procedure

State aid measure

- Participation of public partners in the joint venture (a.o. Vlaams Gewest and Port Authority Antwerp) was accompanied by a financial contribution and operational benefits
- State aid measure was notified (29 July 2004)
- Decision of 20 April 2005:
 - Existence of state aid on the level of the airport operator, but compatible
 - No state aid on the level of the private partner due to tender procedure

Subsequent events

- May 2004: gentlemen's agreement on PPP
- 30 October 2005: tunnel is too expensive
- 2006: trees are cut down around the fort for safety reasons
- January 2009: private partners hesitant about their financial contribution
- March 2009: Gewestelijk Ruimtelijk Uitvoeringsplan (GRUP) approved → Krijgsbaan will be re-routed with a curve along the fortress and will be deepened; revoked in October 2010
- March 2009: Negotiations with private partners stopped; Lem/Lom structure
- September 2010: Masterplan 2020 approved → € 45 mio public money for tunnel by 2019
- August 2012: request for development consent for the construction of a tunnel

Judgment Council of State Belgium

13 August 2010

- Fortress is a protected area under the Habitat Directive
- Some populations of bats are a protected species
- According to reports and studies, the re-routing and deepening of the Krijgsbaan will probably have significant effects (also the tunnel)
- The Habitat assessment did not lead to the conclusion that it was certain that no negative effects would occur
- Mitigating measures would still not lead to the conclusion that no negative effects would occur
- Consent could not have been given

And now?

- Different amount of state aid and different structure (Lem/Lom)
→ new notification
- New assessment on negative effects (noise, air quality, Habitat)
- Habitat:
 - Alternative solutions?
 - Imperative reasons of overriding public interest?
 - Compensatory measures (and inform Cie)

Lessons learned?



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- Complex projects are hard to manage
- There is no right sequence for the state aid test and the BHD-test
- Passing the state aid test does not mean passing the BHD-test and vice versa
- International Airport Antwerp still has a big problem

Government contributions to airport infrastructure

- Now, as a basic rule, considered state aid by the Commission (confirmed by the General Court)
- Until 2000 this was not considered state aid (as was explicitly stated in a Communication from the Commission)
- 2000: Infra on large airports → can be state aid (case *Aéroports de Paris*)
- 2005: also governments contributions to infra on regional airports can be state aid (note: contract concerning GAE dates from 2003)

Criticism

- Runway strips have always been (co-)financed by governments
- Runway strips will never be constructed without government contributions, due to the nature of the investments and the costs
- Also on EU level the importance of good regional airports is acknowledged
- Part is covered by the SGEI Decision → exemption to notify
- So far, all state aid measures have been declared compatible
- Is this the right mechanism for this type of measures? Or is a lighter regime possible, on the condition that the contribution may not exceed a % of the net costs and a competitive tendering procedure for the construction has taken place?