

STANSTED COMPENSATION ACTION GROUP

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The Case for Action

A number of local residents are thought to have been deterred from submitting a compensation claim under the Land Compensation Act ("the Act") because Stansted Airport Limited ("STAL") says properties outside of the 57dBLeq noise contour are unlikely to qualify (see map attached to Guide to Residents published by STAL). The 57dBLeq noise contour is an arbitrary dividing line chosen by STAL. There is no mention of this in the Act. No link has ever been established between dBLeq noise contours and property values.

In the 1990's over 1,500 residents applied for and received compensation. This time less than 500 have applied because STAL has deliberately set out to put off residents from claiming. If the average compensation claim was £20,000 and there were 1,500 claims, STAL's total liability would be in the region of £30 million. Faced with a potential liability of that size any business would, of course, deploy all its resources and financial muscle to avoid it. STAL is trying to cap its liability to a figure closer to £2 million. It is offering some claimants small ex gratia payments provided they relinquish their claims and sign non-disclosure agreements. This is a pure business decision by STAL's management and has nothing to do with STAL's statutory obligations under the Act.

STAL has paid for some noise calculations from its retained consultants. Unsurprisingly, these calculations of **average noise levels** purport to back up STAL's argument that in spite of a doubling of flights there is an imperceptible change in noise. On the other hand, without referring to acoustic experts, common sense tells us that if the flights have doubled there must be a perceptible change in the noise heard by residents based purely on the increased frequency of noise events.

STAL's argument is that, because its evidence shows only an imperceptible change in average noise level attributable to the new taxiways and aircraft stands, there can be no depreciation to property values caused by noise and therefore no case for any compensation at all. So in spite of a doubling of flights and the resulting change in noise heard by residents, STAL has denied any liability to pay compensation. All claims have been rejected on the basis of the evidence that STAL has paid for, and it seems that STAL is quite prepared to act as judge, jury and executioner in this case. However, as STAL has previously misled residents into believing that it was too early for them to claim compensation, its latest pronouncement on an imperceptible change in average noise level cannot be taken on trust, and the evidence on which it relies must be independently scrutinised.

Under the Act the only place where such an independent assessment of the facts can be carried out is the Lands Tribunal. Frustratingly, whilst the claimants have all the factual and legal arguments on their side, STAL has all the money. In order to take their case to the Lands Tribunal claimants are going to need a substantial fighting fund. Sadly, it appears that justice is something that is available for the rich and powerful but is only aspirational for "the little man".

Notwithstanding the substantial financial hurdle to be overcome, a group of claimants has formed the Stansted Compensation Action Group which is looking to recruit more supporters to spread the cost and risk of mounting a legal action against STAL. The intention is to make targeted approaches to both existing dissatisfied claimants and to residents who are entitled to claim but have yet to do so. If enough of them are willing to support this initiative, it is hoped to raise the necessary funds to obtain a legal opinion on the chances of success of a referral to the Lands Tribunal.

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