

Appendix 3 - Joint submission from the London Boroughs of Hillingdon, Richmond, Wandsworth and the Royal Borough of Windsor and Maidenhead to the Transport Select Committee's Inquiry on the Draft Airports NPS [March 2017]

Transport Select Committee (TSC) - Inquiry on the draft Airports National Policy Statement

This joint submission is made by the London Boroughs of Hillingdon, Richmond and Wandsworth and by the Royal Borough of Windsor and Maidenhead ("the Boroughs")

1 Introduction to the Boroughs

Hillingdon

1.1 As the home borough to Heathrow airport, Hillingdon is already acutely affected by its noise and air pollution. Expansion would mean the destruction of over a thousand of its residents' homes and over 400 hectares of green belt land.

Richmond

1.2 Richmond suffers greatly from Heathrow's southern and northern runways. The southern runway is only 5 miles from Richmond Old Deer Park. It causes great disturbance to the Richmond community during the day, and sleep disturbance in the night from early morning arrivals.

Wandsworth

1.3 Wandsworth lies just 8 miles from Heathrow airport. Most aircraft land into the prevailing westerly wind which means they make their descent across the borough causing misery to thousands of residents who suffer greatly from daily aircraft noise. Tooting, Wimbledon Common and Earlsfield are also disturbed by noise from aircraft taking off.

Windsor and Maidenhead

1.4 The residents of the Borough of Windsor and Maidenhead are just over 2 miles from the end of the runway, with central Windsor 6 miles from the northern runway. Residents suffer greatly from noise impacts and blight caused by Heathrow. Recently new flightpaths from Heathrow, which flew over residents for the first time, had to be stopped because the outcry was so great.

2 Executive Summary

2.1 The Boroughs are grateful for an opportunity to give evidence to the TSC. However, we are concerned that the timing of this brief inquiry deprives the Committee of the opportunity to be informed by the responses to the current public consultation on the draft Airports National Policy Statement ("NPS"). In the Boroughs' view the public consultation should precede the parliamentary scrutiny, as indicated by the Secretary of State in Parliament on 25th October 2016 when he announced his support for a 3rd runway ("LHR-NWR") at Heathrow.¹

2.2 The public consultation will close on 25th May 2017 and the boroughs and others are working towards that date for the submission of detailed evidence.

2.3 We have other concerns about the timing of the public consultation and parliamentary scrutiny of the draft NPS. The draft NPS is being rushed through ahead of, and despite, changes expected in terms of Government aviation policy, and strategy and information affecting aviation. These include:

- Development of a new aviation strategy;²
- Potential changes in noise policy following the publication of new evidence on noise including a change in metrics in relation to community sensitivity to aircraft noise (to reflect that a far greater number of people are annoyed by aircraft noise now than the 35 year old metric currently used to underpin the Aviation Policy Framework);³
- New airspace change policies and assessments for flightpaths and compensation thresholds including consultation on new metrics including impacts on health and quality of life.⁴

2.4 The draft NPS is based on unlawful and outdated air quality data. The new air quality plan is not to be issued for consultation until April.⁵

¹ "In the new year, we will bring forward a draft national policy statement, which will include the details of the proposed scheme. As required by legislation, it will be subject to a full extensive public consultation, followed by a period of parliamentary scrutiny." (Our emphasis).

<https://hansard.parliament.uk/commons/2016-10-25/debates/4D74A7CB-8921-48BD-9960-FD15D5D1EEDF/AirportCapacity>

² "The Government is working on a new Aviation Strategy that will set out the Government's vision for the wider aviation sector. This will replace the 2013 Aviation Policy Framework and will be subject to a separate consultation process". Department for Transport, 2017. *Consultation on Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England*, para 7.2.

³ Civil Aviation Authority, 2017. *Survey of Noise Attitudes 2014*. CAA

⁴ Department for Transport, 2017. *UK Airspace Policy: A framework for balanced decisions on the design and use of airspace*. OGL

⁵ <https://hansard.parliament.uk/lords/2017-02-21/debates/9A234351-46B5-4D97-B679-A798F1C8476E/AirPollution>

2.5 For these reasons, the Boroughs believe the consultation on an Airports NPS in respect of one airport is premature. We are supported by the Environmental Audit Committee (EAC), which also finds this Airports NPS is premature.⁶

2.6 We note that Parliament is to carry out further inquiries into air pollution. We urge MPs to examine the contribution of Heathrow to the thousands of deaths in London caused by air pollution. We hope that the inquiries, and any conclusions based on those inquiries, will precede any parliamentary decision in relation to Heathrow Northwest Runway (LHR-NWR). Any other sequence would make no sense.

2.7 It is the Boroughs' firm view that the Government has failed to present the evidence to show there is any justification in support of favouring a north-west runway at Heathrow. The evidence, as opposed to a number of unenforceable promises, is that that an expanded Heathrow will breach acceptable and lawful environmental standards. To the extent that it is possible to do so at this stage, we address below the TSC's specific questions.

3 TSC Questions

- ***The clarity of the NPS in terms of scope and its applicability to other airport expansion applications in the South***

Scope of the NPS

3.1 It is clear that the draft NPS supports one runway at Heathrow and no other. There is, however, no assessment of the effect on other airports or industries, although the draft NPS would undoubtedly affect them. For example, more capacity at Heathrow would inevitably reduce the scope for other development within government climate change targets.

3.2 Development at Heathrow affects the scope for other local planning decisions.⁷ To use but one example from the Boroughs, should the NPS be approved and

⁶ Environmental Audit Committee, 26 November 2016. *The Airports Commission Report: Carbon Emissions, Air Quality and Noise*

⁷ The draft NPS, para 3.41, states regional airports who stated a preference in public are for Heathrow expansion as opposed to Gatwick (apart from Birmingham Airport). But in the AoS A-3 economy report it states that to increase activity at one airport could reduce activity by a similar magnitude at another airport, with " an example *would be reduced activity at one of the UK's regional airports such as Birmingham Airport*" para 3.12.10. The document goes on to state that these impacts need to be taken into account yet no evidence is presented to demonstrate that this has been done. Department for Transport, 2017. *Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England* . OGL

development proceed, it would require thousands of new homes to be built, affecting local plans, road networks and involve siting thousands of extra new residents in areas affected by bad air quality and noise pollution.

3.3 The draft NPS does not provide any clarity about why Heathrow is favoured. The draft NPS does not reflect the evidence, which is clearly against expanding Heathrow.

3.4 For example, the Government's Health Impact Analysis ("HIA"), published with the draft NPS says at para 6.3.26 and 6.3.27:

"LHR-NWR has been predicted to result in an increase in emissions from aircraft and road traffic associated with the airport. Due to the densely populated urban area surrounding Heathrow, poor air quality resulting from the LHR-NWR would affect several thousand local residents as well as sensitive receptors being affected by poorer air quality, resulting in a reversal of the baseline air quality improvements. The shortlisted scheme could potentially have major adverse health effects on selected "children and young people" and "people with living in areas of poor health status" (sic) and moderately adverse health impacts on all other groups.

"Overall LHR-NWR was judged to have a greater detrimental impact upon health: this was primarily due to LHR-NWR requiring a greater number of residential properties to be demolished than either of the other shortlisted schemes, affecting a higher number of residents. In addition it was predicted to have higher noise impacts affecting a larger population than LGW-2R".

3.5 Simply put, expansion at Heathrow would result in far more premature deaths and loss of healthy years than expansion at Gatwick.

Mitigation

3.6 Although the Consultation on the draft NPS refers to the HIA as:

"assessing the positive and negative impacts of airport expansion on health, and recommends options for mitigating these adverse effects"(table p8).

3.7 The HIA itself makes clear at para 2.4.2:

"Mitigation applied after assessment (e.g. through the NPS) is not included in this health impact analysis"

3.8 The mitigation on which the Government relies in the draft NPS to avoid these impacts is not based on evidence but on what the Chair of the EAC characterised as "magical thinking."⁸ Examples are given below.

⁸ "Our committee has no confidence it will meet its target for 2020 or 2030. Ministers have got to put proper policies in place instead of relying on magical thinking" BBC, 23 February 2017. 'Magical thinking' on Heathrow expansion <http://www.bbc.co.uk/news/business-39053172>

- **Air Quality**

3.9 The Government's answer to the evidence that Heathrow LHR-NWR is likely to cause unlawful and life-threatening levels of air pollution is to say they will impose a condition that LHR-NWR will not be granted permission unless Heathrow shows that it can meet legal limits. If this condition were applied it might ensure that a 3rd runway at Heathrow will never be built or, if built, never used, or not used to the predicted capacity.

3.10 It also means that the Government would have produced an Airports NPS that does not meet the need for a runway in the South East and produces only blight and stagnation in the affected boroughs. An NPS in support of a third runway at Heathrow, even if impossible to progress, would exacerbate the blight suffered in the affected areas, particularly Hillingdon, where projects for Heathrow affect plans, policies, businesses, housing and residents.

3.11 To avoid this, it is at the NPS stage that the decision makers must satisfy themselves, on evidence, that the runway can be built and operated to claimed capacity within acceptable limits on air pollution.

3.12 The Government should not pass the buck by saying the question can be settled at a future planning inquiry, while at the same time supporting another runway at Heathrow. To do so would frustrate the statutory purpose of the NPS and be unfair and damaging to the public relying on the integrity of public decisions.

- **Noise**

3.13 Similarly, the evidence on noise is not available in the NPS. Noise annoyance is directly related to lost healthy years and premature deaths. Hundreds of thousands of people are exposed to noise around Heathrow and this contrasts with a much lower number around Gatwick.

3.14 The NPS does not give any detail about the flight paths which would be needed. There is therefore no clarity about the noise effects of a 3rd runway at Heathrow, other than that hundreds of thousands of people will be newly affected, and others will be worse affected. So, for example, we know that noise effects already severe in the RBWM will be a mile closer, but there is no other detail.

3.15 No decision should be made until the noise effects are clear and known and the subject of a fair, transparent, and meaningful consultation.

- **Economics**

3.16 The economic benefits, as presented by the Airports Commission, have been drastically reduced in later analysis and now show little difference between Gatwick and Heathrow. If the economic case had strictly followed government guidance and practice, or properly assessed and included the need to adjust for conditions, or adopted a method which did not necessarily favour larger schemes, then the result

would be different. For example, the Boroughs are advised that had the government applied the Green Book guidance and discounted benefits to overseas passengers, then the overall financial benefit would be in favour of Gatwick.

3.17 If, when built, LHR-NWR could not be used to the full claimed capacity (for the reasons set out above), the economic benefits will of course be reduced accordingly.

- **Safety**

3.18 There is nothing in the consultation to show that a three runway airport at Heathrow can operate safely.

3.19 In summary: Although the draft NPS is in favour of Heathrow and only Heathrow, the documentation and evidence is clear that the environmental disadvantages of Heathrow expansion far outweigh that of expanding Gatwick. There is no clear economic benefit in favour of Heathrow. The draft NPS seeks to avoid these problems by laying down conditions for future decisions. The conditions have not been assessed. The NPS as a whole should be assessed on the available evidence and the available evidence is that Heathrow LHR-NWR cannot be built within acceptable and lawful environmental limits.

- **How well the proposal reflects government policy on airports and aviation more generally**

2013 Aviation Policy Framework (APF)

3.20 The proposal is said to reflect the policy in the 2013 APF. At that time government policy and promises were firmly to reject Heathrow expansion and a third runway. The then prime minister had promised no runway “no ifs, no buts”, the current prime minister had promised her constituents to fight any proposal for Heathrow R3, and in 2012 the then Minister of State for Transport (Theresa Villiers) said:

*"The quality of life aspect of a third runway with up to 220,000 more flights over London every year would be massive and there's no technological solution in sight to ensure planes become quiet enough, quickly enough to make this burden in any way tolerable. So we need another solution."*⁹

3.21 There is still no solution in sight and the new proposal is for an even larger and more damaging runway. Government support for Heathrow LHR-NWR is an unjustified betrayal of unequivocal promises. To depart from that policy and the

⁹ The Telegraph, 18 April 2012. *Theresa Villiers shuts door on third runway at Heathrow*
<http://www.telegraph.co.uk/finance/newsbysector/transport/9211957/Theresa-Villiers-shuts-door-on-third-runway-at-Heathrow.html>

promises on which people have built their lives undermines trust for Government and politicians.

Noise

3.22 The APF policy is to limit and where possible reduce the number of people significantly affected by aviation noise. The proposal breaches that policy. Hundreds of thousands of people would be newly affected.

3.23 The way noise was assessed by the Airports Commission (AC) is contrary to law and policy on environmental assessment of large projects, including airports. It is clear, from consultations released on the same day as the draft NPS, that the emerging government policy is that there is a need to re-assess the measure of noise nuisance. The assessment on which the draft NPS is based is therefore out of date.

Aviation and Planning

3.24 Government policy is in developing an evidence based low-carbon transport policy:

"To ensure that transport systems are effective, transport decisions and policies made by government are informed by economic and statistical analysis, appraisal, evaluation, modelling, and research."

"To provide the best evidence base for planning transport policies and schemes, mathematical models are used to analyse complex transport patterns."¹⁰

3.25 This NPS proposal is in breach of the policy to make best evidence based decisions.

Air quality

3.26 Government policy is to achieve *"full compliance with European air quality standards"*¹¹

3.27 There is no evidence that a 3rd runway at Heathrow can achieve this.

- It is well established that the AC misunderstood the law governing air quality and misapplied the legal test. This meant they concluded that Heathrow

¹⁰ <https://www.gov.uk/government/publications/2010-to-2015-government-policy-transport-emissions/2010-to-2015-government-policy-transport-emissions>

¹¹ Department for Transport, 2013. *Aviation Policy Framework* . OGL

could be developed consistent with air quality law if there was somewhere worse in the same air quality area.

- The basis on which the Government has concluded that LHR-NWR is consistent with the law was ruled unlawful in *Client Earth 2*.¹²
- The Government has based its assessments on outdated and unlawful data and considerations.
- There is no evidence that LHR-NWR can be built consistently within lawful and unarmful air quality.

• *The suitability of the Government's evidence and rationale in support of a north-west runway at Heathrow*

3.28 The draft NPS asserts that the benefits of the scheme outweigh the harm. This is caveated by "*subject to assessment of the effects, identification of suitable mitigation and measures to secure and deliver the relevant mitigation*".¹³

3.29 The Government has failed to present the evidence to show that this is the case. The only conclusion is that there is no evidence – and therefore without it no justifiable rationale – in support of favouring a north-west runway at Heathrow.

• *How well the proposal takes account of other aspects of the Government's transport strategy*

3.30 The Government has no integrated transport strategy. If it did, its up to date aviation policy, or policy on noise and flight paths or policy on how emissions from road vehicles were to be reduced to solve air quality issues, would precede the policy for a runway at Heathrow.

3.31 In addition, the stark contrast between the rationale behind the decision to support HS2 and the current decision to support Heathrow expansion is an example of poor strategic thinking:

3.32 In 2012, the decision on HS2 stated:

¹² *ClientEarth (No. 2) v Secretary of State for the Environment, Food and Rural Affairs*, [2016] EWHC 2740 (Admin)

¹³ Department for Transport, 2017. *Consultation on Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England*, para 1.25

*"In aviation, the Government wants the UK to maintain its international hub status. It does not, however, support a new runway at Heathrow and wants to see modal shift away from domestic routes where possible."*¹⁴

3.33 Yet in 2016 in relation to support for expansion at Heathrow, the Government appeared to contradict the previous policy of minimising domestic flights:

"A third runway will also support new connections to the UK's regions as well as safeguarding existing domestic routes. Heathrow has proposed a further 6 new routes to Belfast International, Liverpool, Newquay, Humberside, Prestwick and Durham Tees Valley to be added after expansion. The 8 existing routes offered today are: Edinburgh, Glasgow, Inverness, Aberdeen, Belfast City, Manchester, Newcastle and Leeds Bradford. This would provide 14 domestic routes in total, and spread benefits right across the country." (Our emphasis)¹⁵

- ***How comprehensive the proposal is in terms of the supporting measures for affected communities***

Loss of trust

3.34 The communities around Heathrow were given a cast iron promise, based upon the environmental damage such a proposal would bring, that there would never be an expansion at Heathrow. The environmental damage remains with this proposal, the measures for the communities are weak and there is no evidence that any compensation or mitigation can address the damage this expansion brings. The "benefits" from this proposal as originally calculated by the AC have been substantially downgraded by the Government's own work, yet even the mitigation proposals put forward by the Airports Commission, which in themselves were woefully inadequate, have been watered down.

3.35 The loss of trust in government in our communities is serious and unquantifiable.

Inadequate mitigation

3.36 If LHR-NWR goes ahead, new communities who do not now realise what is proposed (because, for example, the flight paths are unknown or unidentified) will suffer noise nuisance without proper notice or opportunity to understand the impacts, and without mitigation.

¹⁴ Department for Transport, January 2012. *High Speed Rail: Investing in Britain's Future - Decisions and Next Steps*, para 14

¹⁵ <https://hansard.parliament.uk/commons/2016-10-25/debates/4D74A7CB-8921-48BD-9960-FD15D5D1EEDF/AirportCapacity>

3.37 The Secretary of State promised a “*world class package of compensation worth up to £2.6 billion including community support, insulation and respite from noise.*”¹⁶

3.38 The figure is being seen as generous, but only because this particular proposal impacts on more people than any other European airport.¹⁷

3.39 Some of the proposals in the package are simply “promises” or “pledges” given by Heathrow Airport Ltd. It is important to note that these are simply promises. There is no trust in these sorts of promises which fall into the category of “magical thinking”.

Community destruction

3.40 The reality is that communities will be destroyed. This is not just the loss of a few buildings; it is the erasure of whole communities and their networks of family and friends. Nowhere has been identified for these communities to relocate, a 25% uplift on top of the standard compulsory purchase has not been tested or assessed in relation to the need to find suitable alternative housing. This problem has been raised by the boroughs at every stage of the examination of expansion at Heathrow and it has never been addressed, demonstrating breath-taking contempt for the people and communities to whom the Government promised security from development.

No effective answer to noise

3.41 Noise insulation cannot mitigate the detrimental health impacts and the impacts on children’s’ learning that this expansion would bring to thousands. Insulation does not provide the answer to the destruction of peace in open spaces, the enjoyment of gardens and parks, the school playgrounds (where currently children have to sit in outdoor “igloos” to attempt to escape the constant noise). Much of what is proposed would take 20 years to materialise – more than the length of a childhood wrecked by noisy and polluting aviation.

3.42 The proposal for periods of respite as a mitigation measure is seriously misleading. Communities around Heathrow currently have a period of half the flying day, resulting from a switch in runway use, where planes are not overhead. Under these proposals “respite” would be reduced to one third of the day.

¹⁶ “*That is why we have made clear that expansion will only be allowed to proceed on the basis of a world class package of compensation and mitigation worth up to £2.6 billion, including community support, insulation, and respite from noise – balancing the benefits and the impacts of expansion*”
<https://hansard.parliament.uk/commons/2016-10-25/debates/4D74A7CB-8921-48BD-9960-FD15D5D1EEDF/AirportCapacity>

¹⁷ Airports Commission, July 2013. *Discussion Paper 05: Aviation Noise*, page 9, table 2.2

3.43 The benefits arising from a full eight hour ban in terms of sleep disturbance were calculated by the AC and showed vast improvements to the noise environment (table 14.1, Final Report, p280). 8 hours sleep is recommended by the World Health Organisation (WHO) as important for health. The night flight ban suggested by the Airports Commission was only six and a half hours, from 11.30pm-6am. This is not justified and particularly harmful for children. Are the children around Heathrow expected not to sleep before 11.30pm?

3.44 The current proposal, made at Heathrow's insistence since the publication of the AC Final Report is even worse, from 11.00pm to 5.30am. The Boroughs have consistently reported both to the EAC and to Government this is totally unacceptable.

3.45 Taken as a whole, the reality of the proposal is an **increase** in scheduled night flights and an earlier start for impacted communities. On top of that, it is to be remembered that they regularly suffer sleep interruption from unscheduled take-offs and landings.

3.46 In common with the other mitigation proposals, a noise envelope, as suggested, is untested and no assessment has been provided to ascertain its value.

3.47 The current cap of 480,000 air transport movements acts as a type of noise envelope and creates a form of barrier to control environmental harm. This current consultation demonstrates how easily promises and assurances, such as that promising a cap of 480,000 flights, can be overturned in the face of powerful lobbying. "No ifs, no buts" from the highest, most authoritative, source becomes a new runway in a few years. What value can local residents reasonably attach to government promises now, let alone promises from commercial (and foreign owned) airport operators?

3.48 In summary: There is nothing in the current NPS which shows that the identified and unacceptable harm, for which there is evidence, can or will be mitigated.

• How well the proposal takes account of sustainability and environmental considerations and the adequacy of relevant documentation and information published alongside the draft proposal

3.49 As set out above, the evidence is that Heathrow LHR-NWR is not sustainable. Too many people would experience harm and this is documented in the evidence which accompanies the NPS. The evidence that the harm could be mitigated is simply not there.

- ***How well the proposal addresses changes to surface access***

3.50 There is no clearly identified, costed surface access strategy, no evidence on the cost to the taxpayer, no clear rationale as to how the pledges of no more airport-related road vehicles than today and the increases in public transport will be achieved, who is accountable for ensuring these are delivered and how they will be enforced. Without a proper assessment of how these issues will be met the "pledges" are simply meaningless.

3.51 It is important to note that the headline promise of no more road traffic with expansion than there is today is now watered down in the draft NPS too.

"Heathrow Airport should continue to strive to meet its public pledge", (our emphasis)¹⁸

3.52 We refer to the evidence of TfL in Landing the Right Airport¹⁹ and the discrepancy with the AC figure for surface access costs – a difference of around £10 billion. No evidence has been provided with the draft NPS to help to understand what the costs the Government deem to be necessary actually are and what proportion taxpayers will need to pay if the no further road traffic promise and the increase in public transport mode share on which they rely is to be achieved. Not to have provided this is a complete failure of the Government's draft NPS consultation process.

- ***The effectiveness of the Government's consultation on the proposal***

3.53 The Government should not have pre-empted the consultation by favouring LHR-NWR. The consultation should have, but has omitted to provide the evidence which shows, or tends to show, that Gatwick is the better alternative. What it now contains is not adequate. The boroughs maintain that the consultation is unlawful. Below are examples of some of the inadequacies of the consultation process, this list should not be taken as exhaustive:

- Air pollution is a major public health problem, which this proposal would inevitably worsen. The Government has not yet produced lawful air quality plans: these should have been produced before there was any consultation on the draft NPS.

¹⁸ Department for Transport, 2017. *Consultation on Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England*

¹⁹ <http://content.tfl.gov.uk/landing-the-right-airport.pdf>

- There is no Health Impact Assessment.
- There is no information on flight paths.
- The Government has failed to produce financial reports on which it says it relied to ensure the LHR-NWR proposal is deliverable.²⁰
- There is no costed surface access strategy.
- There is no assessment of the cost to the taxpayer.
- There is no updated assessment of need (post referendum).
- There is no updated passenger demand information, although the Government has said it will produce this. This could have serious consequences given reports of a recent study by IATA which suggests the number of UK air passengers could be around 25 million fewer than forecast by government – or more than the entire annual traffic of Stansted.²¹
- There is no evidence that it is possible to produce the modal shift in transport on which the proposal depends.
- The Government has publicly said that there will be no more road traffic with expansion at Heathrow. This in turn is based on a promise from Heathrow that there will be no increase in *its* airport related traffic.²² And the draft NPS says that “*Heathrow Airport should continue to strive to meet its public pledge.*” Thus, the Government’s stated belief that Heathrow can be built within air pollution limits is based on a promise from Heathrow that it will strive to meet its pledge to cut its own airport related traffic.

3.54 In summary: the consultation has failed. The evidence, as opposed to a number of unenforceable promises, is that that an expanded Heathrow will breach acceptable and lawful environmental standards.

²⁰ Department for Transport, 2017. *Consultation on Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England*, para 4.36

²¹ The Guardian, 18 October 2016. *Hard Brexit likely to reduce need for airport expansion* https://www.theguardian.com/world/2016/oct/18/hard-brex-it-reduce-need-airport-expansion-heathrow?CMP=tw_t_gu

²² Department for Transport, 2017. *Draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England*. OGL; page 27, para 3.49.