

Four Borough response to NPS re-consultation – 19th December 2017

Background

- (i) The London Boroughs of Hillingdon, Richmond upon Thames and Wandsworth and the Royal Borough of Windsor and Maidenhead [the 4 Boroughs] responded to the Government consultation on a draft Airports National Policy Statement [the draft Airports NPS] by the close of the consultation on 25th May 2017.
- (ii) It is not clear to what extent the Government has yet taken into account that consultation response, if at all.
- (iii) On **13th July 2017** Lord Callanan stated that the work to analyse the responses was progressing and that the Government is *“fully committed to realising the benefits that a new Northwest runway at Heathrow would bring.”*
- (iv) On the same day the Government published a response to the consultation on a new night flights regime which aimed to guarantee, for 5 years, a level of exposure to noise. It was said that this is *“a signal that this Government takes this issue very seriously.”*¹
- (v) On **17th July 2017** the Secretary for Transport appeared on “Newsnight” and said that, provided Parliament agreed, Heathrow would definitely be going ahead.
- (vi) The significance of this statement, and other similar Government statements, is that it shows that, as the 4 Boroughs and other consultees opposed to Heathrow expansion already suspected, the Secretary of State’s mind is prematurely but firmly made up.
- (vii) A consultation, to be lawful, must be approached with an open mind. The 4 Boroughs believe that, had the approach been genuinely open minded, and the evidence considered, then expansion at Heathrow would already have been rejected not only on the grounds of air pollution and excessive noise¹, which are obvious and overwhelming reasons against a 3rd runway at Heathrow, but also because new evidence suggests that Heathrow (i) fails to deliver any economic advantage over Gatwick, (ii) would need Government subsidy of essential transport access and/or subsidised flights and (iii) will not, (contrary to Government assurances), operate with less noise than Heathrow does today.
- (viii) Our last consultation response pointed out that there was no evidence that an expanded Heathrow would do anything other than exceed lawful and dangerous limits for air pollution and now we have the new Air Quality Plan, it is clear that the draft Airports NPS is inconsistent with Government obligations on achieving and maintaining air quality in London and the surrounding area, including the Royal Borough of Windsor and Maidenhead.

¹ See sections 4 and 6 below

- (ix) Since it is now widely known and accepted that air pollution causes thousands of deaths in London annually, it is difficult to imagine that there could be public acceptance of a 3rd runway at Heathrow.
- (x) **On 26 July 2017** – Government published “UK plan for tackling roadside nitrogen dioxide concentrations”.ⁱⁱ
- (xi) **On 15 August 2017**, Harrison Grant wrote to the Department for Transport [the DfT] on behalf of the 4 Boroughs (i) requesting confirmation of what steps the Government would be taking to re-consult in the light of the new air quality plan and (ii) to raise concerns about the impartiality of the Secretary of State for Transport.
- (xii) **On 5 September 2017** the UN Special Rapporteur published her advance edited version of a report on the implications for human rights on the environmentally sound management and disposal of hazardous substances and wastes in the UK for consideration at the thirty sixth session of the UN Human Rights Council. The report covers a number of sources of pollution including air quality.
- (xiii) The Special Rapporteur’s overall conclusion is that *“by neither taking action as expeditiously and effectively as possible, nor taking all possible measures to reduce infant mortality and to increase life expectancy, the United Kingdom Government has violated its obligations to protect life, health and the development of children in its jurisdiction.”* (see para 24)
- (xiv) In relation to the 2017 Air Quality Plan the Special Rapporteur concludes that *“the latest plan does not convey the necessary urgency to protect the rights of children, older persons and other sensitive groups. For example, key details of the plan will not be finalized until December 2018 by local authorities. In doing so, local authorities are discouraged from using “charging zones,” which the Government itself determined is the fastest, most effective way to reduce air pollution levels. Leaders of at least six city councils claim measures will not enable their cities to stay within legal limits on air pollution.”* (see para 30).
- (xv) At paragraph 31, the Special Rapporteur states that she *“is alarmed that despite repeated judicial instruction, as well as recommendations by the Committee on the Rights of the Child (see CRC/C/GBR/CO/5, paras. 68-69) the United Kingdom Government continues to flout its duty to ensure adequate air quality and protect the rights to life and health of its citizens.”*
- (xvi) The Special Rapporteur recommends that the UK should *“93. (f) Implement a robust clear air plan without delay, heeding recommendations by specialists on the most effective methods to cut air pollution, for example by developing an extensive network of clean air zones across the country;”*ⁱⁱⁱ
- (xvii) **On 7 September 2017**, the Secretary of State for Transport issued a written ministerial statement announcing the publication of Sir Jeremy Sullivan’s consultation review report. In the statement the Secretary of State announced that the Department would need to conduct a short period of further consultation to allow updated evidence to be taken into account, including in relation to (i) revised aviation demand forecasts and (ii) the government’s final air quality plan. The Secretary of State further confirmed that it remained committed to laying any final draft Airports NPS before Parliament in the first half of 2018 for a vote by the House of Commons.

- (xviii) Sir Jeremy Sullivan's Report concluded that on the whole the consultation was well planned (save for the leaflet publicising the consultation) and well executed. Sir Jeremy Sullivan also noted that in light of the General Election, there is some unfinished business as a result of the period of "Purdah" which will have to be dealt with. As a result, he recommended that the Government reopen the consultation for a period of not less than 8 weeks excluding the main school holidays to make up for the loss of time during Purdah and to enable consultees to have a fair opportunity to consider the implications of the final Air Quality plan.^{iv}
- (xix) The 4 Boroughs note that it is ultimately for the Courts, and not the Government appointed adviser, to decide whether the consultation was lawful, and that Sir Jeremy does not appear to have been aware of all the facts.
- (xx) The consultation documents published on 24th October 2017 consisted of a revised draft Airports NPS and a great many documents – a list of which is attached to this consultation response.
- (xxi) The 4 Boroughs requested extra time to respond to the consultation. A consultation period of 8 weeks effectively means 6 weeks, once the time needed for the 4 Boroughs' internal democratic processes is factored in.
- (xxii) On 8th November 2017 the DfT refused to give the 4 Boroughs extra time and the response is therefore being provided even though there has not been time to give a thorough analysis of the new information and, without prejudice to our complaint that there has not been enough time and without prejudice to our belief that the decisions makers' mind has effectively been made up, in addition to the other grounds of our challenge to the Government's decision to prefer Heathrow.
- (xxiii) The 4 Boroughs have also given written evidence to the House of Commons Transport Select Committee.

Consultation question

Do you have comments on the revised draft Airports NPS or any of the documents set out in the table on pages 7 and 8?

1 Summary

- 1.1 The draft Airports NPS has been extensively re-written, but it is not clear to what extent the Government has taken into account consultation responses, or otherwise what the reasons are for the changes that have been made.
- 1.2 It appears that the Government remains in favour of a 3rd runway at Heathrow, but the evidence is even weaker and the rationale is now different. That is consistent with our fear that the Government has already made up its mind that there should be a 3rd runway at Heathrow, whatever the facts.

1.3 Our examination of the documents, which given the short time available can only be preliminary, reveals evidence that it is not rational for the Government to continue with its support for Heathrow expansion. The evidence now shows that:

- Heathrow expansion delivers fewer economic benefits than expansion at Gatwick²;
- Heathrow expansion cannot be delivered without unacceptable air pollution and noise;
- Although the Government rationale now depends on Heathrow's ability to operate as a hub airport, the facts are that it would deliver benefits of an airport hub model for only two years after expansion (at most);
- Within two years, Heathrow will again be at capacity. If this is so then the evidence suggests that, once at capacity, Heathrow will essentially become a point to point airport, airlines will prioritise more profitable routes and passenger fares will increase.
- Heathrow expansion will deliver fewer domestic connections than Gatwick expansion;
- Heathrow expansion has the highest environmental dis-benefits;
- There are no proven, costed mitigation plans to address the environmental harm
- Heathrow expansion will not meet air quality requirements but an expanded Gatwick can;
- The new information³ demonstrates that Heathrow expansion cannot be delivered under the Government's (and Airports Commission's) claim that there would be less noise with expansion (in 2030) than today;
- No consideration has been given to deliverability in terms of timescales and appropriate funding for surface access infrastructure, including for the revised opening year (2026) or at capacity year (2028);
- The NPS and the following DCO process will only be informed by "indicative" flightpaths.⁴ The Government plans that Communities will not know when, for how long and how much noise they will experience until after the decision to approve a third runway has been set in stone. The 4 Boroughs maintain that this approach to the effect of aviation noise and consultation with those who might be affected is unfair and unlawful. It is an attempt to avoid legitimate opposition to placing a huge airport in the most densely populated area of the UK, until too late. The 4 Boroughs deplore this approach and insist that the Government urgently reviews its timetable for airspace redesign to ensure that local communities are treated fairly and decently.
- Gatwick expansion can be delivered with greater economic benefits, is cheaper and, unlike Heathrow, would require no taxpayer funding, would deliver greater domestic connectivity and with far reduced environmental harm.
- It is welcome that the revised draft NPS now includes more information about noise from the Survey of Noise Attitudes and that the Government accepts the main findings of this study including the conclusion people are now annoyed at lower levels of aircraft noise than previously found over 35 years ago. By reference alone to the new "noise annoyance" benchmark (the 54dB contour) it is shown in the NPS that an expanded Heathrow will affect more people by noise than today.

² See e.g. Update Appraisal Report, Figure 4.1

³ Hidden away in a table in the AoS

⁴ Revised Draft Airports NPS, paras 5.49 and 5.51

- This is in contrast to the Government's earlier assertion that an expanded Heathrow in 2030 would be quieter than today and is enough reason, on its own, for the Government to reject expansion at Heathrow.
- We note that the evidence in the Appraisal of Sustainability (that the economic benefits of Gatwick and Heathrow are about the same, but the environmental and other detriment of Heathrow is much greater) does not support the conclusion in favour of Heathrow expansion.

- 1.4 This re-consultation is not simply a consultation on new published information: it is a re-write of the previous consultation material with 856 pages of change logs, newly revised documents and important extra evidence.
- 1.5 The consultation is unclear in the way it deals with the results of the February 2017 consultation. It is stated that the revised draft Airports NPS incorporates changes on the basis of the new evidence plus "*initial consideration of the response to the February Consultation*"⁵. Whilst there is a document summarising the responses given to the previous consultation, there is no Government response indicating which aspects, if any, have been considered and hence included within the revised draft Airports NPS. This means that it is not possible for consultees to understand the Government decisions behind the revised draft Airports NPS.
- 1.6 Given the substantial damage the Government's current preferred option would bring to the 4 Boroughs' communities, it is our public duty to do what we can to ensure such a decision is given the appropriate independent scrutiny, is based upon rational and publicly available evidence and that we have enough time to assess the material to allow us to make an informed response.
- 1.7 Like the Government and its own timetable, we too as local authorities have timetables to adhere to that ensure the decisions and responses we give are made in an open democratic way. We requested extra time to allow us to gain advice where necessary to inform our response and to allow us to ensure our response goes through our own democratic processes. This has been refused. With such a short eight week consultation period, shortened further by the need for our Cabinets and Committees to have the time to approve the response, we have effectively had only 6 weeks within which to examine the newly published material and re-written draft Airports NPS. We believe that all consultees should have been given more time, and that local authorities in the areas which would be most affected by Heathrow expansion should have been given time to engage fully with residents on the issue. This response is without prejudice to the 4 Boroughs' view that the consultation has been needlessly and unfairly rushed.
- 1.8 From the time when the DfT prepared to renege on the Government promise that there would be no future expansion at Heathrow, the DfT has failed to act in a way which respects the rights and duties of the 4 Boroughs and the residents we represent. It has refused requests for information and failed to consult on its publicity material which has misrepresented the case for Heathrow. This reconsultation was advertised as a consultation on a proposal for Heathrow expansion (as opposed to a reconsultation on a draft Airports NPS). This is particularly misleading for those who live in areas where Heathrow is already consulting or preparing to consult on its proposal for

⁵ Revised Draft Airports NPS, para 1.11

expansion. There is a clear risk of confusion between Heathrow's proposals and Government policy.

2 Missing information

- 2.1 The 4 Boroughs have raised concerns over key information which was missing from the original consultation. **Many** of these concerns have still not been addressed.
- 2.2 Information is also missing from this re-consultation. For the avoidance of doubt we outline below the information we wish to be disclosed as a matter of urgency:
- Noise assessments by the CAA underpinning the new aviation demand forecasts are referred to but are not published alongside the consultation;⁶
 - The independent financial advisers reports on the financeability of the schemes without Government support;⁷ We remain concerned about the assumptions used on the charging of landing fees, how this has been factored into the economic benefits analysis and its impact on deliverability.
 - Additional noise assessments for the Heathrow Northwest Runway option in 2025, 2026 opening year and 2028 at capacity year;
 - Analysis of freight in terms of volume, surface access and air quality impacts;
 - Any assessment of Brexit and its impact on the future of aviation and airline business models.
- 2.3 The rest of our response concentrates on our key areas of concern and highlights the new evidence.

3 Strategic support

- 3.1 Hub argument
- 3.1.1 In July 2015 (Airports Commission) and again in December 2015 (Government), Gatwick expansion was deemed a credible option for the provision of additional capacity in the south east which maintained *"the UK's position as Europe's most important aviation hub"*.
- 3.1.2 By the time of the February 2017 draft Airports NPS, Gatwick expansion had been downgraded as a credible option to one which threatened the UK's global aviation hub status. No evidence was provided to support why this was so.
- 3.1.3 The new aviation demand forecasts state:

"Adding a new runway at either Gatwick or Heathrow facilitates faster national growth".⁸

- 3.1.4 The new aviation demand forecasts demonstrate greater demand in London and the south east, and for short haul trips, notably to Western Europe.⁹ Gatwick expansion is described as a more

⁶ See e.g. AoS, Appendix A4, at Footnotes 79, 80, 84, 86 and 88

⁷ Revised draft Airports NPS, para 3.45.

⁸ UK Aviation Forecasts, Oct 2017, para 14

⁹ Consultation on the Revised draft NPS, para 3.9

attractive option for passengers to fly from compared to previous forecasts and there are increases in the passenger numbers forecast at an expanded Gatwick.¹⁰

3.1.5 We have not had sufficient time to scrutinise, or obtain independent advice, as to whether the methodology and the interpretation of the revised passenger demand forecasts are accurate and representative. From the additional emphasis in the revised draft Airports NPS it would appear Gatwick has been dismissed as an option for expansion on the basis that there will be no change in airline business model, in other words it is assumed that because Gatwick is not currently a hub airport it will remain a point to point airport with few transfer passengers, even with expansion. This assumption is questionable. We are also aware that further passenger data is still being supplied by the DfT to the Richmond Heathrow Campaign to help address what they perceive as apparent gaps in the analysis presented in the NPS. It is not possible for the 4 Boroughs to verify this analysis given the time constraints of the consultation, but we reserve our right to raise any further concerns this might reveal at a later date.

3.1.6 There is nothing in the documents to justify the base assumption that airline business models will not change. The Government stresses the importance and significance of the country's decision to leave the European Union, and assumes that this will have an impact on demand for extra aviation capacity, yet has not provided any evidence to demonstrate that it has considered what that impact will be or that it is a rational to assume no change in airline business model post-Brexit.

3.1.7 This is a fundamental question to be answered before deciding to support expansion at Heathrow.

3.2 Requirement for additional capacity

3.2.1 The Government has indicated its support for Heathrow expansion on the basis that Heathrow can deliver the greatest benefits soonest, "within the 2020s" – this is new. The new aviation demand forecasts confirm a faster increase than previously estimated in 2013 in demand growth for both Heathrow and Gatwick with predictions for the Heathrow Northwest Runway opening in 2026 and being full by 2028.

3.2.2 The Government has ignored the detrimental impacts of an airport operating at capacity. These are described in the Updated Appraisal Report and include:

- Higher demand allows airlines to charge higher fares;
- Operating at capacity leads to little operational resilience and delays;
- At capacity the number of additional international passengers declines as they are displaced by direct origin and destination passengers;
- Airlines could react to limited capacity by prioritising routes away from domestic connections.

3.2.3 If Heathrow is to be at capacity again within 2 years of expanding then the disadvantages of being at capacity will also reoccur. On this evidence Government is supporting the most costly option in

¹⁰ *Ibid*

terms of construction and disruption to the surrounding communities and in terms of the highest detrimental impacts on human health, for an expanded airport which will be full within two years leading to delays, no operational resilience and higher fares for passengers.

3.2.4 This will lead once again to the deplorable situation currently experienced by the 4 Boroughs' communities with the operation of an unsustainable airport in the midst of a densely populated area.

3.2.5 The new aviation demand forecasts demonstrate that expansion via the Heathrow Northwest runway is not a rational strategic choice.

3.3 Providing the greatest economic benefits

3.3.1 The Updated Appraisal Report factors the new demand forecasts into the costs and benefits analysis. The 4 Boroughs have not had sufficient time to scrutinise, or obtain independent advice, on this aspect but from our initial review this document indicates that the total benefits of expansion at Gatwick has substantially increased from the February 2017 draft Airports NPS and consultation and that they exceed those attributed to expansion of Heathrow Northwest Runway (shown in Table 9.2 of the updated appraisal report).

3.3.2 It would also appear, from the 4 Boroughs' initial review, that taking into account all areas of uncertainty in the cost and benefit analysis, such as surface access uncertainty, scheme scope uncertainty, wider economic uncertainty, there is a risk of Heathrow presenting a negative net present value. Whereas Gatwick remains with a positive net present value under all the tested circumstances.

3.3.3 The economic analysis continues, incorrectly, to include the benefits attributed to international to international interliners (I to I). This is not in accordance with Government guidance which specifically states this should be excluded. Removing the value for I to I (as portrayed in Table 4.1, Updated Appraisal report) increases the difference between total passenger benefits even further in favour of Gatwick expansion.

3.3.4 Gatwick expansion delivers greater economic benefits than the Heathrow Northwest Runway scheme.

3.4 Out of kilter with emerging UK Aviation Strategy

3.4.1 At the time of the February 2017 draft Airports NPS consultation, the Government also consulted upon a new Aviation Strategy via a Call for Evidence. This included a policy to put "*passengers and businesses at the centre of everything we do*".¹¹ In the light of the new aviation demand forecasts, the expansion of Gatwick gives greater passenger benefits than the Heathrow scheme and should therefore be supported rather than Heathrow. Government should also give consideration to people, their health and wellbeing, and the environment all of which are endangered by Heathrow expansion.

¹¹ The 4 Boroughs also believe that passengers and businesses should not be prioritised over citizens, who may not travel but suffer the impact of aviation.

3.4.2 If Heathrow expansion were to go ahead then on these figures, as discussed above, it would be practically full within 2-3 years of opening. So expanding Heathrow is not a sustainable solution, nor is it a solution which "*puts passengers at the heart*". Congested airports allow airlines to charge higher fares to passengers, this ability is affected when a congested airport expands. The ability for airlines to recoup this loss comes again once the expanded airport is constrained again. (ref para 4.10-4.12 Updated Appraisal).

3.4.3 In terms of the Heathrow case in regard to airline profits the documents state:

"the airport fills up quickly, meaning that airlines can again start charging additional fares, so the overall loss is lower".¹²

3.4.4 The consultation attempts to sell the view that Heathrow expansion is an advantage for passengers:

"the lower fares that passengers can expect to pay as a result of increased competition between airlines, relative to no expansion"¹³

3.4.5 What the consultation information demonstrates is that this so-called "*advantage*" is transient, and that expanding Heathrow airport will see passengers facing higher charges within a couple of years of opening. Gatwick expansion therefore represents a greater benefit for passengers than Heathrow expansion.

3.5 Increased domestic connectivity

"A new runway at Heathrow will improve connectivity in the UK itself", October 2016
<https://www.gov.uk/government/news/government-decides-on-new-runway-at-heathrow>

3.5.1 The DfT 2017 passenger demand forecasts demonstrate that, without expansion, domestic services into London would come under increasing pressure with routes lost to the more constrained nature of the London airport system. With the Heathrow Northwest runway expansion, a total of five domestic routes from Heathrow are described as "protected until 2050". This is an addition of two more compared to no expansion. In contrast Gatwick's seven modelled domestic routes are found to remain even without expansion via the Second Runway.

3.5.2 This demonstrates that Gatwick supports more domestic routes, both with and without expansion, than Heathrow.

3.5.3 The Government's promise, and the Heathrow pledge, to increase domestic connections with expansion falters because of a lack of evidence that there is a legal means of ensuring the promise will be kept. Under current EU law (as referred to in "Landing the right airport", page 23), the rules governing the use of public service obligations to promote domestic flights to a specific airport ie to Heathrow, present a significant obstacle and thus are unlikely to secure this promise. The

¹² Updated Appraisal Report, para 4.12

¹³ Appraisal of Sustainability - Non-technical summary; para 3.5,

consultation provides no evidence of the impact of Brexit on aviation policy therefore there is no evidence to support any change to the state aid rules. Without this evidence is clear that expansion at Gatwick will provide more domestic connections across the UK than Heathrow expansion.

3.5.4 The draft revised Airports NPS states it requires Heathrow airport to demonstrate it has worked constructively with its airline customers in terms of seeking domestic connections. This requirement of working constructively is not going to secure a legal means of ensuring airlines provide the routes and continue to do so for any length of time. The formulation obscures an insuperable problem to providing more domestic connections.

3.5.5 As the consultation makes clear "*without expansion there is a risk that as airlines react to limited capacity, they could prioritise routes away from domestic connections*" (para 3.30, draft revised NPS). Somewhat surprisingly, given the evidence supplied within the documentation, the Government then states it sees Heathrow expansion as the opportunity to protect and strengthen both existing routes and secure more. This assertion is contrary to the evidence which in fact demonstrates:

- Gatwick expansion provides more domestic routes;
- There are no legal means to ensure more domestic routes can be provided and even then be assured to serve Heathrow specifically;
- As Heathrow is predicted to be full within 2 years of opening, the risk of airlines "prioritising routes away from domestic connections" will simply happen within a few years.

3.5.6 There is no evidence for the Government to continue to support Heathrow expansion on the grounds of increased domestic connectivity. The evidence demonstrates that Gatwick is the better option for providing a larger number of domestic routes.

3.6 Better for jobs

3.6.1 With the higher demand forecasts, the job estimates have increased for both location options, with Heathrow expansion described as creating a range between 57,000 -114,000 additional local jobs. There is no explanation why these levels fall dramatically to 39,000 to 78,000 by 2050. Gatwick expansion, by contrast, continues to have an increase in job numbers in 2050.

3.6.2 It is recognised these jobs are not additional jobs at the national level, as some jobs may have been displaced from other airports or other sectors (para 6.5 updated appraisal report). This increase in jobs will require corresponding increases in housing and community infrastructure at a time when surrounding local authorities are struggling to meet current housing demands, on top of the provision that will be needed for the displaced thousands of people from the required demolition.

3.6.3 The Government has failed to assess what impact this may have nationally to the regions or sectors. The provision of the housing and community infrastructure required in what is already a densely populated area is left to local authorities to deal with complete disregard of how this can

be achieved locally where even existing demands are difficult to meet, and what its impact might be on the character of local neighbourhoods. This is not a sustainable solution.

3.7 Phasing of capacity

3.7.1 Given the enormity of the hurdles that have to be overcome it is clear that the Heathrow Northwest Runway will not be deliverable within the new timescales of opening in 2026 and full by 2028. A notable addition, since the February 2017 consultation, is the requirement to consider the phasing in of capacity. This is only considered in regard to Heathrow Northwest Runway.

3.7.2 The 4 Boroughs wish to make our views very clear on this issue. The Government are putting their support behind Heathrow expansion on grounds which are slowly disintegrating under the weight of new evidence. One of their key areas of support for Heathrow Northwest Runway over Gatwick, repeated within the re-consultation, is that it delivers "*the greatest benefits sooner*".

3.7.3 But Heathrow cannot deliver "*the greatest benefits sooner*" if it is so damaging to health and the environment that it has to be phased in.

4 Air Quality Re-Appraisal report

4.1 The Air Quality Report is yet another Re-Appraisal of the original Airports Commission work, which dates back to May 2015 as opposed to a new assessment. It is neither suitable nor robust. There should be a proper reassessment.

4.2 In the absence of this the following outlines our preliminary analysis.

4.3 The area outlined for expansion with the Heathrow Northwest Runway, as presented in the revised draft Airports NPS¹⁴ is one where air pollution levels are worsening not improving. This is described in the baseline conditions where it is shown that emissions from both aircraft movements and from road vehicles have increased in the last two years. At roadside locations in the vicinity of the airport this shows increases in the contribution to NOx concentrations from aircraft movements from 14.3% (2013) to 17% (2015) and from road transport from 50.8% (2013) to 64% (2015).

4.4 The Air Quality Report details the accelerated early demand in capacity with the runway opening year of 2026 predicted with 723,990 air transport movements (ATMs) per year, an increase from the original Airports Commission (AC) estimate of 567, 832 ATMs per year.¹⁵ This brings accelerated highways trips generation – i.e. more polluting road traffic - with an overall growth in total highways daily trips in 2026 of 43,306, from the previous AC estimate of 11,881 daily trips.

4.5 The revised AoS Air Quality chapter demonstrates that the risk of Heathrow Northwest runway scheme affecting compliance increases the earlier the opening year, with the risk high in 2026 and medium in 2030. The construction phase will result in the greatest number of properties potentially affected by elevated dust and particulate matter,¹⁶ the operational phase will impact

¹⁴ See revised Draft Airports NPS, Annexes A and B

¹⁵ 2017 Plan Update To Air Quality Re-Analysis, para 8.9.35

¹⁶ 2017 Plan Update To Air Quality Re-Analysis, para 8.9.58

on over 121,000 people¹⁷. The Heathrow Northwest Runway option has the potential to bring about significant negative air quality impacts.¹⁸

- 4.6 There is no quantified, costed mitigation package demonstrating the ability to reduce air pollution levels as soon as possible and then maintain or improve on this once met. For example, despite the earlier opening dates and the rapid increase in early demand, the targets set for increased public transport mode share remain set at 2030 and 2040. This means that on this evidence Heathrow cannot be expanded without breaching air pollution limits and worsening the health and life expectancy of tens of thousands of Londoners.
- 4.7 The revised draft Airports NPS October 2017 has additional text from the February 2017 version with particular support for freight and freight operators.¹⁹ This includes requiring freight operators to have high quality and efficient access to the expanded airport. No freight assessment has been provided, it is unclear whether the impact of freight has been suitably incorporated into the air quality assessment or the surface access assessments. It is likely that the Government's encouragement for more freight will make the air pollution attached to an expanded Heathrow even worse.
- 4.8 In contrast, Gatwick Second Runway is at low risk of impacting on the UK's compliance; this conclusion is described as robust and largely independent of the scheme opening date and/or uncertainties such as future vehicle emissions.²⁰ It impacts on half the number of people in regards to experiencing increases in pollution and impacts on the fewest properties in the construction phase.²¹
- 4.9 The conclusions from the 2017 Plan Update Air Quality Re-Analysis report include:

With the proposed opening of the scheme between 2026 and 2030 it is unlikely that concentrations in central London will have fallen sufficiently to remove the risk of the airport expansion impacting on EU limit value compliance.²²

- 4.10 The Report refers to the implementation of measures by the Mayor of London to justify how air quality could be improved sufficiently over time to allow for the expansion of Heathrow Airport.²³ It is not acceptable that measures put in place to improve the public health of the 4 Boroughs' communities can be used as an excuse to justify expansion with all such accrued health benefits then lost by increased pollution arising from an expanded Heathrow.
- 4.11 Given the new demand forecasts for capacity to be provided as early as 2026, and, with no quantified costed mitigation package identified and demonstrated as being able to reduce pollution levels to below the limit values as soon as possible, and thereafter ensure the limits are

¹⁷ 2017 Plan Update To Air Quality Re-Analysis, para 8.9.46

¹⁸ 2017 Plan Update To Air Quality Re-Analysis, para 8.9.64

¹⁹ See e.g. Revised Draft Airports NPS, paras 5.5, 5.6 and 5.8

²⁰ 2017 Plan Update To Air Quality Re-Analysis, para 8.9.54

²¹ Revised Draft Airports NPS, para 8.9.11

²² 2017 Plan Update To Air Quality Re-Analysis, 6.4.12

²³ 2017 Plan Update To Air Quality Re-Analysis para 1.1

maintained, the only rational conclusion that can be drawn is that supporting Heathrow Northwest Runway will lead to the UK breaching its legal obligations on air quality.

- 4.12 Given that air pollution causes thousands of deaths in London, and the Government knows that it does, it is not possible to support expansion at Heathrow on this evidence.

5 Surface access

- 5.1 For Heathrow expansion, the costs and delivery of roads infrastructure and public transport is a key area of uncertainty in the economic analysis.²⁴ Non-delivery on the surface access infrastructure required to adequately address the increased demand will also impact on the air quality appraisal with more road traffic impacting negatively by increasing pollution levels. The inevitable result is the failure of the Government's promise to deliver expansion within air quality obligations. In terms of acceptability, there is also the need to understand how much the taxpayer will have to pay to support expansion at Heathrow. Whilst the revised draft Airports NPS refers to the availability of independent financial adviser reports on the financeability of the options²⁵ this evidence has not been published alongside the consultation and so the 4 Boroughs cannot comment. The 4 Boroughs are aware that the financeability of Heathrow expansion is questioned.
- 5.2 Despite the importance of this issue, no further analysis has been undertaken in terms of surface access modelling, the net benefits and/or disbenefits of the final surface access package has not yet been assessed, the cost estimates remain uncertain and depend upon the stage of scheme development and when schemes are required for expansion.
- 5.3 The new demand forecasts demonstrate an increase in terminal passenger numbers in 2030 far above those estimated by the Airports Commission (AC +17 mppa with expansion, DfT 2017 +29mppa with expansion²⁶). There is no evidence to demonstrate that:
- the Heathrow pledge of no more road traffic than today with expansion is achievable;
 - the mode share targets set within the revised draft Airports NPS achieve the reductions required in terms of alleviating congestion and reducing air pollution;
 - there will be no change to the timescales for the mode share targets which are still set for 2030 and 2040, when the predictions are for an expanded Heathrow opening in 2026 and being full by 2028;
 - the required additional infrastructure can be brought forward to deal with the more immediate anticipated growth including the increased job numbers and increased emphasis on freight.

6 Noise

6.1 Survey of Noise Attitudes

- 6.1.1 Alongside the publication of the February consultation was an updated Survey on Noise Attitudes (SoNA). Our original consultation response questioned why the February 2017 draft Airports NPS

²⁴ Updated Appraisal, Figure 9.2

²⁵ Revised Draft Airports NPS, paras 3.44-3.45

²⁶ Updated Appraisal, Table 3.4

had not taken into account the SoNA report, particularly since the key findings had apparently been known to the Government for a couple of years before release.

- 6.1.2 This re-consultation and its supporting evidence now appear to have been updated to take the SoNA report into consideration and in particular the lower levels of noise at which the onset of significant annoyance occurs. We welcome this belated acknowledgement of the lower threshold.
- 6.1.3 As an example, the numbers of people now predicted to be exposed to levels of noise which bring about an adverse effect on their health has increased by a third compared to the 2013 baseline data.²⁷ In 2030 over 60,000 people will be exposed to levels of noise from Heathrow that are known to cause premature deaths.²⁸ The numbers affected in the opening and full years can be predicted to be even greater.
- 6.1.4 However, there is no reflection in the compensation measures to acknowledge this. The levels at which communities remain able to seek insulation to attempt to mitigate against the adverse noise environment, and protect their health and well-being, remains at the same high level (63dB LAeq 16hr). This is unacceptable.
- 6.1.5 The Airports Commission only recommended Heathrow expansion if it were to be accompanied by a series of stringent environmental controls. In the case of noise, it sided with the claims that an expanded Heathrow would have 'a world class noise mitigation package'. The revised draft Airports NPS does not require anything like a world class package of noise mitigation, and falls short of the current packages related to Gatwick and London City.

6.2 Noise and Health

- 6.2.1 The new evidence on noise and the lower levels at which adverse health impacts are now observed should be fed through to the Government's duty to protect its citizens and inform more stringent mitigation.
- 6.2.2 It should also be recognised that noise annoyance has a direct relationship with adverse impacts on health. Our response to the February consultation highlighted the distinct absence of analysis of the health impacts of Heathrow expansion. This is further compounded by an updated assessment of noise, with no recognition of the health effects.
- 6.2.3 It is entirely irresponsible to present a revised draft Airports NPS, reflecting a marked increase in people harmed by noise, but not to provide any analysis of the impacts on health. Consequently, the revised draft Airports NPS still does not present the true impacts of the scheme, and therefore cannot be said to identify the correct controls. The revised draft Airports NPS therefore fails to live up to the Government rhetoric and importantly fails to meet the key condition of expanding Heathrow within a responsible environmental footprint.

²⁷Topic based Schemes Assessment AoS for Consultation Figure 4.37

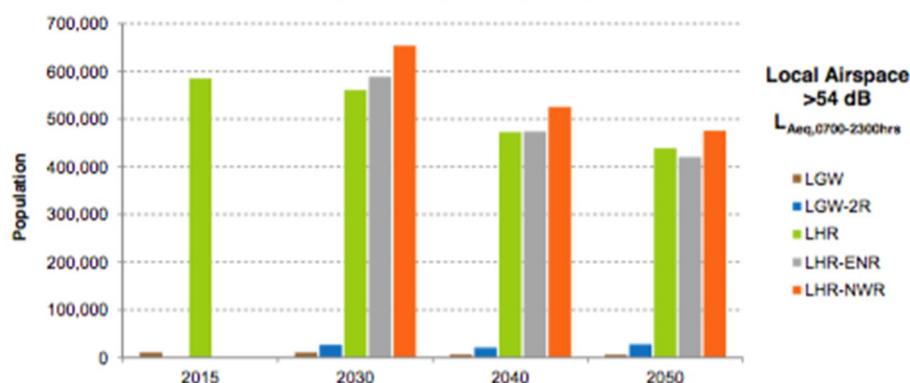
²⁸ *Ibid*

6.3 Noise Increase

6.3.1 It is now clear from the evidence presented in the consultation that the following claim made by the Secretary of State in October 2016 is incorrect:

“So even with expansion, fewer people will be affected by aircraft noise than today.....”²⁹

Figure 6-1 Comparison of LGW-2R, LHR-ENR & LHR-NWR Local Airspace >54dB $L_{Aeq,16hr}$ Daytime Average Noise Total Population Exposures (Central)



6.3.2 The above chart, taken from the revised AoS, shows another approximately 90,000 people will be affected (in 2030). It demonstrates that the Secretary of States promise will not be fulfilled. In addition the chart shows the stark difference between the numbers affected with and without expansion in 2030, 2040 and 2050. The revised AoS admits:

“6.6.14 The numbers of additional people in the local population predicted to be exposed to the 54 dB $L_{Aeq, 16hr}$, as a consequence of the third runway at an expanded Heathrow is 92,700 people by 2030, 52,900 people by 2040 and 36,800 people by 2050⁹⁰.”

6.3.3 This contrasts directly with Gatwick expansion which has a much lower impact in terms of numbers of people affected.

6.3.4 Despite the new demand forecast predicting the Heathrow Northwest Runway to be open in 2026 and full by 2028, no noise assessment has been provided of the noise impacts prior to 2030. It is a complete failure of this consultation not to have provided a proper assessment of the noise impacts on the relevant dates. In addition, whilst reference is made to advice on noise obtained from the CAA which has helped inform the revised noise assessments, none of this information has been published alongside the revised consultation.

²⁹ Secretary of State for Transport’s Oral statement to Parliament - **Airport capacity**, 25 October 2016

- 6.3.5 Of particular concern in regard to the missing CAA noise data is the complete absence of any future assessment of impact using the N65 metric (single mode). This new supplementary metric features in the latest CAA report for Heathrow (ERCD 1701) and it was found recently to be the only metric that successfully identified the link between adverse community reaction to new noise exposure from aircraft overflights around the Heathrow area. The N65 metric (including contours) features extensively in ERCD 1701. This includes historic “change” contours. We seek the publication of these missing data as a matter of urgency.
- 6.3.6 The Government has failed to deliver the promise of their own test on noise. Without information on flightpaths communities do not know how they will be impacted, just that thousands of them will be. We insist the Government brings forward its timetable on airspace re-design to ensure that our local communities are treated fairly and with respect.

7 The Appraisal of Sustainability (AoS)

7.1 Summary

- 7.1.1 The 4 Boroughs have not had sufficient time to scrutinise, or obtain independent advice on, the revised Appraisal of Sustainability [AoS] and accompanying Appendices. From our initial review, the revised AoS has not addressed the concerns raised in our response to the February consultation, but generates further concerns.
- 7.1.2 What follows is an outline of our preliminary analysis of the further concerns raised by the revised AoS.

7.2 AoS Conclusions Disconnected from NPS Conclusions

- 7.2.1 The Government’s rationale for seeking to pursue a policy supporting expansion at Heathrow has been set out by the Secretary of State for Transport:

We have always been clear that the government backs the Heathrow Northwest Runway scheme because it delivers the greatest benefits soonest.

- 7.2.2 This rationale is carried through into the revised draft Airports NPS which states:

The Heathrow Northwest Runway scheme is best placed to deliver this capacity, delivering the greatest benefits soonest as well as providing the biggest boost to the UK’s international connectivity

- 7.2.3 These conclusions do not tally with the assessment framework contained within the AoS.
- 7.2.4 The AoS considers not only environmental matters, but considers broad issues related to sustainability. This should allow for a robust appraisal of the wider benefits and disbenefits of the shortlisted schemes.
- 7.2.5 The AoS sets a robust methodology for assessing the sustainability of the shortlisted schemes. The sustainability objectives are clearly set out in table 4.2 of the main report. These include objective 4 which is “*To maximise the economic benefits and to support the competitiveness of the UK*”

economy.” In order to assess the schemes against this objective, the AoS asks the following questions:

“Will it enhance economic benefits?”

“Will it contribute to sustainable growth in employment?”

“Will it support the productivity of the UK economy”

7.2.6 It appears that the economic objective of the AoS and the appraisal framework do not set a framework through which to assess the speed at which the economic benefits of the schemes can be delivered. The conclusions of the February AoS made no reference to the speed of delivering benefits, only the total benefits, concluding that the Heathrow Northwest scheme generates the most benefits.³⁰ Yet the conclusions of the October AoS now do refer to and place emphasis on the speed at which the economic benefits of the scheme can be delivered.³¹ It is unclear how the AoS has come to this conclusion in light of the assessment framework. The apparent change in approach appears to be a reaction to the improved economic benefits of Gatwick rather than a reassessment of the objectives of the AoS in light of further work that has been undertaken. Further, as mentioned above, it does not appear that the environmental impacts of delivering the economic benefits of the schemes sooner has been assessed.

7.2.7 There are significant environmental and social benefits to preferring the Gatwick option. Applying the objectives set out in the AoS, Gatwick is preferable to Heathrow. The rationale for preferring Heathrow relies on benefits that do not form part of the AoS objectives or assessment framework.

7.3 Baseline

7.3.1 The Non-Technical summary (para 6.4) states the AoS is informed by a series of assessments as follows:

- Constructed between 2020 and 2030;
- Opened from 2025/2026; and
- Operational from 2030.

7.3.2 The new demand forecasts have shifted the timescales and now describe Heathrow Northwest runway as open in 2026 and at capacity by 2028. If the relevant sections of the AoS have not been updated accordingly, then the AoS has failed to provide a proper presentation of the impacts of the proposed scheme.

7.3.3 For example, the Air Quality Re-Appraisal has provided yearly assessments from 2025 through to 2030. Yet for noise there is no assessment for the opening year of 2026 nor the expected capacity year of 2028. This presents a flawed assessment of the option under consideration and has not, therefore, properly presented the noise impacts as the option will operate in reality.

³⁰ AoS Appendix A03, February 2017, Para 3.12.4

³¹ AoS Appendix A03, October 2017, Para 3.12.4

7.3.4 From our initial review of the documents, it is obvious that the AoS does not provide a valid assessment basis for a number of the key environmental impacts that bring substantial harm to our surrounding communities. The consultation process has failed.

ⁱ Documents published:

- (a) Written Ministerial Statement of the Secretary of State for Transport dated 13 July 2017
- (b) "Night flight restrictions at Heathrow, Gatwick and Stansted: Decision Document" dated July 2017.
- (c) "Night flight restrictions at Heathrow, Gatwick and Stansted: additional consultation analysis"
- (d) Night flight restrictions at the designated airports, 2017-2022: final impact assessment
- (e) Night flight restrictions at the designated airports, 2017-2022: Regulatory Policy Committee opinion

ⁱⁱ Documents published:

- (a) UK plan for tackling roadside nitrogen dioxide concentrations: an overview
- (b) UK plan for tackling roadside nitrogen dioxide concentrations: detailed plan
- (c) Technical report
- (d) Supporting document: Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017

ⁱⁱⁱ Document published:

- (a) Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to the United Kingdom of Great Britain and Northern Ireland

^{iv} Documents published:

- (a) Written Ministerial Statement of the Secretary of State for Transport dated 7 September 2017
- (b) "Interim Report of the Independent Consultation Adviser to the Secretary of State for Transport: Consultation on the draft Airports National Policy Statement" dated July 2017.