

Councils prepare for legal challenge if Heathrow expansion approved



Solicitors acting on behalf of Hillingdon, Richmond, Wandsworth and Windsor and Maidenhead councils have warned the prime minister that he can expect court action unless a third Heathrow runway is ruled out.

Harrison Grant Solicitors, which led the councils' successful 2010 High Court challenge against Heathrow expansion, has now written to Mr Cameron setting out why he cannot lawfully say yes to a third runway.

The legal letter highlights "insurmountable environmental problems" which would make a Government decision to support Heathrow expansion "irrational or otherwise unlawful".

It warns Mr Cameron that the recommendations of the Airports Commission's, which favoured building a third runway, "were based on a flawed assessment of the impacts on air quality and noise".

According to Harrison Grant, the commission's conclusions on air quality "were based upon an error of law" and proposals for reducing noise impacts rely on "mitigation measures which were speculative and have been wholly rejected by the industry as unworkable."

Heathrow expansion would result in 200,000 extra low flying aircraft over London and the Home Counties each year, and the creation of new flightpaths over densely populated areas which have never experienced aircraft noise before.

Using the World Health Organisation's noise impact measure, 766,100 people live within Heathrow's existing noise footprint. That's the highest in Europe and more than three times higher than second place Frankfurt Airport with 239,000.

The Harrison Grant letter reminds Mr Cameron of his many promises and policy commitments not to build a third runway which have created a "legitimate expectation" among people living around the airport that the project will not go ahead. It reads:

"A decision to favour Heathrow is unlawful because it would frustrate the legitimate expectations of the residents of the Boroughs,



arising from years of clear and repeated promises by the Government that it had ruled out a third runway at Heathrow: "no ifs, no buts."

... "In the absence of rational grounds for thwarting and frustrating the prior representations and promises, there is an abuse of power correctable by the courts."

Harrison Grant reminds Mr Cameron of the High Court's ruling in 2010 which overturned the then Government's third Heathrow runway approval. They point out that the scheme now being considered is more damaging than the previous plan, specifically:

- The runway is longer by 1,300m and suitable for use by all aircraft (the 2010 proposal was not suitable for the largest 4 engine wide body aircraft.);
- The number of ATMs [air traffic movements] predicted is higher by some 38,000;
- The land-take proposed is more extensive and more people are predicted to be affected by noise.

The letter also highlights that "to date, the Government's approach to consultation has been selective, inadequate and incomplete."

And that full and thorough consultation is a legal requirement which has to be met before a national policy statement on aviation is made.

Lord True, Leader of Richmond Council, said:

"This letter is on behalf of the hundred thousand people who voted NO in the referendum run by Richmond and Hillingdon and the millions of people across London who have said NO to any expansion of Heathrow, we will consider any action, within the law, to fight against expansion at Heathrow. I urge the Government - take heed of our letter. Keep your promises. Let's end this now rather than drag it out into the summer."

Cllr Ray Puddifoot, Leader of Hillingdon Council, said: "The Government has made promise after unequivocal promise that this runway will not be built and local people have planned their lives accordingly. There is no good reason to change their minds. A third runway at Heathrow would still produce unacceptable pollution and noise

and cause the destruction of hundreds of homes and businesses. To go back on the promise would be more than distressing and unfair, it is an abuse of power that we are willing to challenge in the courts."

Cllr Ravi Govindia, Leader of Wandsworth Council, said: It's 2010 all over again with councils lining up against the same disastrous Heathrow plan. What's different this time is that air pollution law is now even stricter and Heathrow's proposed runway is longer, noisier and would destroy more homes. There is no point going through this all again. A third runway at Heathrow can't happen."

Cllr Burbage, Leader of Windsor and Maidenhead Council, said: "The Commission's work on air pollution and noise has been discredited and cannot be used to form a robust national aviation policy. The simple fact is that Heathrow expansion would be too noisy, polluting and damaging to local communities. It's time for ministers to recognise the huge weight of evidence that shows that the third runway plan is impossible."