

Heathrow Expansion NPS

Were the TSC recommendations followed?

June 2018

1 Summary

- 1.1 The Mayor of London remains committed to opposing Heathrow expansion as the wrong answer, economically and environmentally, for London and the UK. He is greatly concerned by its unacceptable air quality, noise and surface access impacts, with serious consequences for public health and quality of life.
- 1.2 But regardless of whether or not you accept the case for Heathrow expansion, it cannot be taken forward if its impacts are not credibly and comprehensively addressed.
- 1.3 The Transport Select Committee (TSC) sought demonstration from Government that the impacts of expansion can be addressed and strong conditions that would require Heathrow Airport Limited (HAL) to do so.
- 1.4 Government has instead substantively ignored almost all of the TSC recommendations. The result is a final National Policy Statement (NPS) for Heathrow expansion which is not fit for purpose.

2 The TSC recommendations

- 2.1 The Transport Select Committee (TSC) published its report into the NPS in March, having taken written and oral evidence, including from the Mayor of London.
- 2.2 The TSC found that the NPS had failed to set adequate criteria to address the impacts of expansion, nor did it offer the detailed analysis to underpin its approach and show that its conditions would be sufficient. Key recommendations of the TSC included:
 - Adoption of a more stringent interpretation of air quality which includes an appropriate level of headroom;
 - Condition that the scheme should not result in significant adverse impacts on health and quality of life from air quality;
 - Condition of no increase in airport-related highway traffic with expansion;
 - Written commitment to both Western Rail Access and Southern Rail Access;
 - Updating of noise modelling to reflect a full range of flightpath scenarios, noise metrics and thresholds;

- Setting out of the policy levers which Government will use to achieve its aspirations for domestic connectivity;
- Providing evidence to demonstrate that the scheme is affordable and deliverable before any parliamentary votes.

2.3 The TSC also set out its view that its recommendations had to be accepted if the Government was to avoid a successful legal challenge of the NPS.

3 The final NPS

3.1 The final National Policy Statement (NPS) on Heathrow Expansion was published on June 5. This was an opportunity for the Government to take on board the public consultation responses as well as the comprehensive recommendations of the Transport Select Committee (TSC).

3.2 The final NPS said it had “accepted 24 out of its 25 recommendations.” However the Government has almost completely declined to adopt any of them.

3.3 In response to several of the TSC recommendations, the Government said it was for HAL to demonstrate as part of its Development Consent Order (DCO) application. That is not good enough; the role of the NPS is to demonstrate that the impacts can be adequately addressed and to set the criteria to ensure that they are adequately addressed. Certainly, HAL’s DCO consultation material to date provides no reassurance of the firm commitments and funding required to address the impacts of a third runway.

3.4 The tables below set out more detail around some of the key TSC recommendations and the Government’s response to them.

Surface access

Setting the mode share targets		
<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>The NPS sets a passenger mode share target for public transport, cycling and walking of 50% by 2030 and 55% by 2040 (compared to 39% today).</p> <p>It sets a target for staff trips of a 25% reduction by 2030 and a 50% reduction by 2040 (from a 2013 baseline).</p>	<p>"We therefore recommend a condition be included in the NPS that ensures approval only be granted if the target for no more airport related traffic can be met, or that as a condition of approval, capacity be released at the airport, after construction, only when the target is met."</p>	<p>It has not amended the NPS. It described this as "a worthy aspiration" but noted "the complexity of defining and measuring a specific target for no additional traffic, and the risk of unintended consequences if such a target were imposed."</p>

TfL estimates that if the NPS conditions for 2030 are achieved, it could still result in over 40,000 additional vehicle trips every day.

Achieving the mode share targets		
<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>The NPS does not indicate how the above mode share targets were derived nor whether they are achievable and what the impacts would be on the road and rail networks.</p> <p>The NPS does not require any new rail infrastructure beyond what is already committed or planned (Elizabeth line, Piccadilly line Upgrade...).</p> <p>The only infrastructure identified are the road diversions required to accommodate the larger airport footprint (e.g. M25 in tunnel).</p>	<p>"We recommend the Department for Transport's updated surface access modelling be published so that the likely impact on road and rail congestion of a NWR scheme is known."</p> <p>"We recommend a written commitment of policy support for Southern and Western Rail Access be made by the Government in the NPS, including clarity around funding and the timeline for delivery."</p>	<p>It makes clear in its response that its surface access work is based on the analysis undertaken by the Airports Commission (AC) – i.e. that there is no new modelling to publish.</p> <p>It has amended the NPS to clarify the status of the WRA and SRA – but neither are committed.</p>

The NPS fails to demonstrate that demand from an expanded Heathrow can be accommodated on already congested surface access networks, nor that significant mode shift away from car/taxi can be achieved. TfL found that to achieve no increase in highway traffic, both Western and Southern Rail Access as well as bus and cycle infrastructure would be required – and that HAL would have to introduce some form of road user access charge. Analysis by the Airports Commission indicated that this would need to be around £40 per passenger car/taxi.

Air quality

High risk of non-compliance		
<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>NPS analysis shows that if the third runway opens before 2030, there is a high risk of delaying London's compliance with legal limits.</p> <p>However, it is left to HAL to demonstrate that it can meet legal limits as part of the DCO process.</p>	<p>"We recommend the Government adopts a more stringent interpretation of air quality compliance than what is currently applied by the Department for Transport to support the NPS. This should include an appropriate level of headroom to manage the inherent uncertainty of predicting future air quality compliance."</p>	<p>It declines to follow the Committee's recommendation on the basis of the "conservative nature" of its analysis, and reiterates that it will be for HAL to demonstrate compliance as part of the DCO process.</p>

The Government has failed to demonstrate that Heathrow expansion can be delivered without jeopardising London's compliance with legal limits.

Overall worsening of air quality		
<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>The NPS focuses on compliance with legal limits but there is no requirement to prevent an overall worsening of air quality.</p>	<p>"We recommend that a condition be included in the NPS to the effect that development consent will only be granted if the Secretary of State is satisfied that the proposed scheme will: avoid significant adverse impacts on health and quality of life from air quality; mitigate and minimise adverse impacts on health and quality of life from air quality; and where possible, contribute to improvements to health and quality of life."</p>	<p>Its response has been to add a sentence to the NPS which links protecting health with meeting legal obligations.</p>

The Government has failed to acknowledge the scientific evidence that significant increases in air pollution, even if the overall level is below the legal limit, can have detrimental impacts on health – and that this should be encapsulated in a condition.

Noise

Noise assessment		
<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>The noise assessment underpinning the NPS is based on noise modelling of indicative flightpaths undertaken by HAL and is focused on one noise metric, at one noise threshold.</p> <p>[HAL proposes to publish the actual flightpath options in 2021, after an unnecessarily drawn out process of multiple consultations. This will be after its DCO application has been decided upon.]</p>	<p>"We believe that the approach taken by the Department for Transport has resulted in an analysis that tends towards the lower end of the range of possible noise impacts...We recommend the noise modelling be updated to reflect a range of possible flight-path scenarios. The results from this modelling should also be presented using a range of metrics and across the full range of thresholds recommended in the latest guidance."</p>	<p>It has declined to follow the TSC's advice, stating that "the purpose of this assessment is to draw out key strategic considerations relevant to noise." It says its approach is consistent with the Airports Commission assessment of shortlisted schemes and that further modelling would be undertaken by HAL as part of its Development Consent Order (DCO) and the Airspace Change Process (ACP).</p>

By ignoring the TSC request for more comprehensive noise modelling, the NPS fails to capture the true extent of the likely noise impacts.

According to a recent freedom of information request, the Government's own analysis shows that with expansion there would be 2.2 million people who are exposed to a significant increase in daytime aircraft noise by 2050 (there would also be some who experienced a reduction).

Night flight 'ban'		
<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>"This will include a highly valued scheduled night flight ban of six and a half hours between 11pm and 7am."</p> <p>HAL has proposed this would run from 11pm to 5.30am.</p>	<p>"We recommend that affected communities are provided with a minimum average period of 7 hours of respite a night."</p>	<p>It has clarified that this is not a condition: "This <u>is expected to</u> include a highly valued scheduled night flight ban of six and a half hours between 11pm and 7am." Government says it will be subject to a "cost-effectiveness assessment."</p> <p>It has not adopted the TSC recommendation on the duration but states that "the Airport NPS does not preclude consideration of different options."</p>

There is no requirement in the NPS to restrict night noise. Even if a six and a half hour ban were introduced, it could result in an increase in night flights of up to 140 per cent compared to today – as the three runways would be able to operate at full tilt after 5.30am under HAL's proposals.

Affordability and Deliverability

<i>What the draft NPS says</i>	<i>What the TSC final report says</i>	<i>Government's response to the TSC</i>
<p>There is just a single sentence mentioning costs in the NPS, which just requires that the scheme be shown, as part of the DCO, to be cost-efficient and sustainable.</p> <p>Previous statements by the Secretary of State that airport charges should be kept close to current levels are not reflected in the NPS.</p>	<p>"Before votes in Parliament to approve a final NPS, we would like to see evidence to demonstrate that the Northwest Runway scheme is both affordable and deliverable and that steps are being taken to address the valid concerns we heard in evidence about the high cost of the scheme and the significant risk that costs will rise."</p> <p>"We recommend a condition be included in the NPS that airport charges be held flat in real terms but with scope for a marginal increase provided the balance of benefits is in favour of the consumer, as assessed by the CAA."</p>	<p>It has not provided additional evidence but states that the inevitable risks and challenges will need to be addressed by Heathrow Airport Limited (HAL) and the CAA as the scheme design and regulatory framework are developed.</p> <p>It does amend the NPS to elaborate the existing rules and regulations which govern the funding of the scheme, including the role of the CAA.</p> <p>It does not set any conditions on cost, on the grounds that it would restrict the CAA's ability "to act independently – and in the interest of consumers."</p>

The Government has yet to demonstrate that a Heathrow third runway is affordable and deliverable. The risk is high that passenger charges will have to rise and that taxpayers will be expected to provide significant contributions and/or guarantees.

Domestic connectivity

<i>What the draft NPS says</i>	<i>What the TSC says</i>	<i>Government's response to the TSC</i>
<p>The NPS quotes HAL's aspirations for six new domestic routes (in addition to existing eight).</p> <p>But it requires HAL merely to demonstrate it has "worked constructively" with airlines to develop new domestic routes.</p> <p>The analysis supporting the NPS forecasts that an expanded Heathrow will offer just five domestic routes in total.</p>	<p>"We recommend that the Government provide a clear definition in the NPS of what constitutes a domestic route and that the Government outlines more clearly...how it intends to secure 15% of new slots for domestic connections, including the policy levers it will use to achieve this target."</p>	<p>It has not amended the NPS. In its response, it states that where the potential measures by HAL are insufficient, it intends to make use of Public Service Obligations (PSOs). It also clarifies the target stated by the Secretary of State as "up to 15% of the additional slots."</p>

On 21 June, the Government made a further announcement re-clarifying that it "wants about 15% of the new capacity at an expanded Heathrow to be used for domestic flights." But this is still not a commitment – something the Government is legally unable to give.

The NPS offers no guarantees about any new domestic routes to be offered – or indeed protection for existing domestic routes, some of which are already vulnerable.

With the NPS forecasting the third runway to be full in 2028, two years after opening, it is no surprise that the Government's analysis predicts domestic routes to continue to be squeezed out in favour of more profitable international routes. There is also little to prevent airlines which did launch new domestic routes when a third runway opens in 2026 then switching the slots to more profitable routes after 2028, once the runway is full.

Government says that PSOs will have a key role in securing domestic slots, but fails to acknowledge the very fundamental legal restrictions on their use.

In HAL's evidence to the TSC, it said that changes to the PSO legislation would be required. But PSOs are enshrined in EU law and such a move would run counter to the assumption in the NPS that EU law will be converted into UK law. While PSO legislation could be revised post-Brexit, such a decision should not be taken lightly. Diverging from the rules governing the Europe's Common Aviation Area could jeopardise the UK's continued unrestricted access.