

Evidence to the Airports Commission from the Aviation Environment Federation



Comments on Discussion Paper 07: Delivery of new runway capacity

15.8.14

The Aviation Environment Federation (AEF) is the principal UK NGO concerned exclusively with the environmental impacts of aviation. Supported by individuals and community groups affected by the UK's airports and airfields or concerned about aviation and climate change, we promote a sustainable future for aviation which fully recognises and takes account of all its environmental and amenity effects. As well as supporting our members with local issues, we have regular input into international, EU and UK policy discussions. In 2011 we acted as the sole community and environmental representative on the Government's South East Airports Taskforce. At the UN we are a leading representative of the environmental umbrella organisation ICASA, which is actively engaged in the current talks aimed at agreeing global climate measures for aviation.

AEF considers the Commission's recommendation to expand South East airport capacity to be premature, as important pieces of analysis have yet to be undertaken. While structured around the Commission's questions, two themes run through our response to this paper in relation to delivery of new runway capacity:

- (1) Recommendations to expand will not be politically deliverable unless the public, including local communities, feels that their concerns have been appropriately considered. Neither the NSIP nor the Hybrid Bill process appear to us to provide a sufficient framework for doing this without supplementary steps being taken.
- (2) Attempts to fast track the planning process could, we suggest, be open to legal challenge if the Government was to attempt to implement them without essential analysis being undertaken in relation to the impacts of expansion.

Q: What do you think of the options for securing planning consent on new airport capacity? What are their particular strengths or weaknesses?

The need for meaningful community involvement

While we have many years of experience in relation to planning applications under the old planning system, both the NSIP and hybrid bill processes are clearly uncharted territory in the aviation context. Nevertheless, we have a number of comments in relation to appropriate scrutiny of airport development proposals from the public, MPs and expert bodies which apply to both processes considered.

Communities likely to be affected by airport expansion will, we fear, have little trust in either the NSIP or hybrid bill process.

The NSIP process was designed to speed up planning decisions. We have never been opposed to this in principle and supported, for example, proposals for hearings to be undertaken in tandem rather than consecutively by a single inspector. But the focus of the 'streamlining' that has taken place appears to have been removing opportunities for communities to object to development deemed to be in the public interest, and to shorten statutory consultation periods. Meanwhile, and in what seems like direct conflict with this, the Government has introduced a policy of localism with the promise that local communities will have more opportunity to influence decisions relating to the area they live in. Our members understandably feel that under localism there should be meaningful opportunities for influencing planning decisions affecting their area.

In fact, however, while the NSIP process appears to allow public participation, as indicated by the Commission's diagram, emphasis in the guidance material provided by the Planning Inspectorate is placed on engagement with a scheme promoter during the 'pre-application' stage. The implication is therefore that as soon as the process of making an application begins, any 'public engagement' will be superficial, with the main decisions having already been taken after private conversations between a developer, a local authority and central Government. Environmental Impact Assessments, for example, may be undertaken at the pre-application stage and if no objections are received from statutory bodies, the opportunity for communities or others to meaningfully question their conclusions once the official consultation opens appears very limited. We are therefore somewhat concerned about the Airports Commission's suggestion of exploring the possibility for "Government, airports and others to do preparation work, without prejudice, ahead of the Commission's Final Report".

In a further blow to community confidence in the NSIP process, evidence suggests that in any case the supposedly independent decision making procedure can in fact be readily over-ruled through ministerial call-in if the Government feels that political commitments have been insufficiently accounted for. As the Financial Times reported in June, for example, in relation to wind power development, "Not only has Mr Pickles rejected 10 out of 12 planned wind farms, but four of these decisions went against recommendations from planning inspectors."¹

Further analysis required by Government

We understand that the Commission was asked by Government to undertake work that would facilitate the drawing up of an NPS for aviation. But we would strongly contest any attempt to simply drop the Commission's conclusions into Government policy without appropriate and effective scrutiny by Parliament, the public, and peer reviewers. Should such scrutiny be lacking, the case for judicial review could, we argue, be strong.

In relation to noise, for example, we note that the Commission intends to adopt the methodology for monetisation of health effects recommended by Darren Rhodes at the CAA's ERCD. This analysis was presented in a Department for Transport consultation on the night flights regime at Heathrow, Gatwick and Stansted. But as we commented at the time, the material is highly technical and should have been subject to careful peer review by those with the resources to produce thorough commentary and critique.

¹ <http://www.ft.com/cms/s/0/66eb2b74-e804-11e3-9af8-00144feabdc0.html#axzz3ATj7W9H>

As far as we are aware no such review has yet been commissioned by the DfT, although a recent paper was published by acoustic consultants from Berry Environment Ltd and Anderson Acoustics arguing in relation to the CAA's work that "several gaps remain, challenging decision making on aircraft noise management at macro (public policy) and micro (airport operations) levels)"². Until in-depth peer review of this monetisation work has been undertaken and published it would be inappropriate for the methodology to be adopted as Government policy.

On climate change, AEF has undertaken work for WWF-UK³ highlighting that new airports capacity will be irreconcilable with the Climate Change Act unless Government intervenes with heavy-handed and politically unpalatable policy intervention such as raising Air Passenger Duty to extraordinary levels, introducing a UK-only and similarly expensive carbon tax, or either closing or very heavily restricting regional airports.

We are aware that the Airports Commission's view – repeated in this call for evidence – is that these are policy matters for the Government to determine and outside the Commission's remit. But we consider that it is wholly disingenuous for the Commission to claim simply that "The assessment of need set out in the Commission's Interim Report for an additional runway is consistent with the UK meeting its wider commitment on climate change" as though the issue need be of no great concern to policymakers. We regard it essential that both parliamentary and public debate takes place about the necessary policy measures to constrain aviation emissions if a new runway is built prior to the adoption of any aviation NPS.

Similar concerns in relation to the need for external scrutiny and independent judgment apply as much to the Hybrid Bill process as to the NSIP route, particularly if the former were to be selected in order to enable Government "to take wider and more significant powers to drive through delivery of the scheme".

Planning decisions must, of course, conform to Government policy. But neither the Aviation Policy Framework nor the National Planning Policy Framework include meaningful targets with respect to either noise or climate change. As a result, in the case of noise, important judgements are left to Government and to local authorities about the acceptability of noise impacts. In the case of climate change, the Government is left to determine how to maintain compatibility between the Climate Change Act and the cumulative impact of individual planning decisions, particularly when these relate to high-carbon infrastructure such as airports.

Q: What are the factors the Commission should consider in relation to local communities and the delivery of new airport capacity?

² B Berry and D Sanchez (2014) *The economic and social value of aircraft noise effects: A critical review of the state of the art*, <http://www.aef.org.uk/uploads/Berry-B.-Sanchez-D.-monetisation-of-noise-effects.pdf>

³ AEF (2014) *The implications of South East expansion for regional airports* <http://www.aef.org.uk/2014/07/14/airport-expansion-regional-implications/>

Given the scope of this call for evidence it is perhaps unsurprising that the approaches considered assume that the decision to build has already been taken and that communities are unable to influence it. This will, however, necessarily limit their effectiveness.

Should the Government decide to proceed with a new runway we would of course support engagement being as effective as possible. The Commission's paper considers three sets of considerations and we have structured our comments around these.

Engagement

As discussed above, we have significant concerns about the opportunities for public engagement that are provided by the NSIP process and consider additional public involvement to that required by statute to be an essential prerequisite to the public acceptability of any new runway.

AEF engaged in some detail with the Department for Transport in relation to their updating of the guidelines for consultative committees. In our written comments to the department we drew attention to the Consultation Charter set out by the Consultation Institute which details a series of standards for consulting the public on their views, namely integrity, visibility, accessibility, confidentiality and transparency, full disclosure, fair interpretation, and publication⁴. The updated guidelines by the Department for Transport for airport consultative committees set out the principles that should guide all consultative committees, and these overlap in many ways with the Consultation Charter.

Unfortunately, however, they are only voluntary and our members' experience of these committees is widely varying in relation to each of the principles listed above, with some deeply unhappy about the committees' make-up, and what they regard as disproportionate influence from airport members. And as our members note, there is nothing to require airports to take into account any of the committees' outputs. Meanwhile, other consultation exercises by airports are often considered by communities to be highly unsatisfactory. Gatwick Airport's decision to undertake its recent flight path trial with minimal public information, for example, has prompted outrage from residents of those villages that suddenly became heavily overflown without warning, and their subsequent publication of a highly technical consultation on wider airspace issues has also drawn criticism.

Ultimately, even if consultative committees were run to the highest standards in full accordance with DfT guidelines, there would be a limit to what could be effectively addressed in such a forum.

⁴ The components of the Consultation Institute Charter are available on pages 19-25 of the RTPI Guidelines on effective community involvement and consultation, available from: <http://www.rtpi.org.uk/media/6313/Guidelines-on-effective-community-involvement.pdf>. In brief, the Integrity principle requires that the consultation have an honest intent, for example it cannot be the case that the decision has already been effectively made, and the consultor should be clear about which matters are open to be influenced by submissions. The Visibility principle requires that those likely to be affected by plans have a reasonable awareness of the consultation, with the onus on the consultor to ensure this. The Accessibility principle refers to the ease with which participants are able to take part in the consultation. The Disclosure principle requires all relevant information to be disclosed. And the Fair Interpretation principle requires the consultor to be clear about how any information obtained is analysed and to fairly interpret the feedback from all stakeholders.

Any discussion about flight paths, for example, is bound to generate disagreement among participants unless significant compromises are made in relation to representation and rules of engagement.

We welcome the consideration by the Airports Commission of case studies in relation to how airports across the world engage with communities and we are open to the possibility that that some of measures used in the consultation forums at Schiphol or Frankfurt or through ACNUSA could bring benefits to UK communities (for example in terms of providing neutral information or negotiating compromises on some issues). But the Alderstafel, with its stipulation that business be conducted behind closed doors, has made very significant transparency compromises in its efforts to avoid 'grandstanding' by local politicians who may see participation in the body as an opportunity to win support with constituents by loudly making their particular local case rather than making a more impartial consideration of the full geographical range of the airport's impacts.

Local community groups are sometimes portrayed as the loud voice of the minority of a community with unrealistic positions. But the community groups we work with and support are willing and happy to engage constructively with their local airport as far as possible. Excluding community groups from consultative committees as has been the case at Frankfurt for example, would be in direct conflict with Section 35 of the Civil Aviation Act 1982 which specifies that local communities must be provided with "adequate facilities for consultation with respect to any matter concerning the management or administration of the aerodrome which affects their interests".

While communities would no doubt support an independent body with teeth and the ability to impose fines on airports or airlines, as well as opportunities for effective communication with the airport, it would be fanciful to think that communication and engagement with communities would make the impacts of expansion acceptable, particularly in relation to noise exposure, but also in terms of other inevitable local impacts such as public safety considerations and associated planning restrictions, and local air pollution.

Finally, as highlighted in the Commission's paper, there would be several occasions during the planning process - whether through the NSIP process or a Hybrid Bill - where the public and any affected communities would be formally consulted. The paper refers to the recent consultations undertaken by Heathrow and Gatwick airports about their expansion plans, and as we have noted above, the Planning Inspectorate attaches great importance to what it describes as the 'pre-consultation' phase of an application. Our members indicate, however, that these consultations were meaningless, not least as the option to oppose any runway construction was almost completely removed, raising doubts about the consultation's integrity. If the proposals were to change in light of any issues identified by the Airports Commission's appraisal, further pre-application consultations should in any case be carried out.

Mitigation

Our responses to the Commission's earlier discussion papers have already set out our views in detail on the measures that would be necessary to effectively mitigate the environmental impacts of a new runway. We feel that the necessary mitigation measures, particularly in relation to noise and climate

change issues, have been insufficiently explored by the Commission to enable a conclusion that the benefits of a new runway outweigh the costs. Please also see our comments in response to your first question above, and on the role of the state below, where we outline the analysis that the Government will need to undertake subsequent to the Commission's final report, of necessary noise and climate change mitigation measures, and the costs of these.

Compensation

AEF's focus as an organisation has always been on tackling the problems in terms of aviation's environmental impacts rather than on trying to negotiate financial compensation, and our proposal for estimating noise costs based on mitigation rather than compensation (see below) reflects this. Many of our members in fact reject compensation on principle, seeing it as a means of trying to buy off and pacify objectors, and of reducing their concerns to a financial figure. The main community groups representing residents around Heathrow and Gatwick airports would be strongly opposed to any suggestion that financial compensation could make expansion acceptable.

We do believe, however, that noise imposes costs and to the extent that impacts cannot be reduced to acceptable levels in the short term, appropriate compensation should be paid. We note that reviews of the typical offers of compensation in other countries made by both the Airports Commission and the CAA have concluded that other countries' schemes are more generous. We note also that the Leq triggers for compensation by airports included in the Aviation Policy Framework and referred to in this paper (for airports operators to offer households exposed to levels of noise of 69 dB LAeq16h or more assistance with the costs of moving, and to offer acoustic insulation to noise-sensitive buildings exposed to levels of noise of 63 dB LAeq16h or more) are wholly inadequate and dated, with no link to recent research on the community response to noise.

We have no strong view on the question of possible community ownership of the kind discussed in your paper in relation to renewable energy projects. As discussed in our response to your first question above, it seems self evident from the Commission's conclusion that the economic benefits of a new runway will outweigh the costs that the financial benefits of such a scheme to local communities would be small.

Q: What are your views on the potential roles of the state in enabling the delivery of new airport capacity?

Should the Government conclude that a new runway is desirable, there would be important considerations in relation to possible public subsidy and other financial support, and we set out our views on these below. Before this, however, we believe that important pieces of analysis as well as consultation exercises remain to be undertaken by Government.

Re-assessment of need

Clearly any significant infrastructure project is likely to cause some level of disturbance at a local level and there will be occasions when a judgment needs to be made about the appropriate balance between national need and local disruption. However, our view is that the Commission's assessment

of need reached its conclusion in the absence of certain key pieces of analysis which will now fall to Government.

On noise

Issues remaining to be considered include:

- How proposals are to be tested in terms of acceptable or unacceptable noise impact, and what the targets and baselines are given that the current noise situation is unacceptable in many places
- What level of compensation and mitigation would be necessary to pay from the public purse, and how this compares with the Commission's estimated national economic benefit from a new runway
- What level of compensation and mitigation would be necessary for airports to pay and how that might affect the attractiveness or otherwise of shortlisted schemes for investors

We have argued, for example, that noise costs could be calculated as the cost required to be added to tickets in order to keep aviation demand to a level consistent with an agreed target or limit determined with reference to annoyance and health impacts. But depending on the limit set, this could generate noise costs high enough to significantly reduce or even cancel out the estimated public benefit (show figures suggesting that this is actually quite small when divided by population and operational years). Similarly if the costs were to be covered by private investors it could make projects not viable.

On climate change

As we have argued elsewhere, we consider that the 'assessment of need' should not have been concluded by the Commission in the absence of evidence being considered and presented concerning the likely policy measures that would be required to ensure compatibility with Climate Change Act if a new runway were built. Our own analysis (see note 2) suggests that very significant action – such either as closing or heavily restricting large numbers of regional airports, closing other London airports, or applying extraordinarily high carbon taxes or charges – would be necessary, suggesting that a critical set of considerations have been ignored.

The fact that in advance of any analysis on these and similar issues the Commission has already concluded that a new runway is in the national interest suggests that should the Commission now undertake the analysis, the estimated scale of impacts would necessarily be low – a potentially good example of the phenomenon of generating policy-based evidence.

Government financial support for private enterprise

Just as we expressed caution – in our comments on Discussion Paper 6 - about the possibility of financial state support in relation to regional airports so we see no justification for it at the national level.

As the large majority of aviation is for leisure, any use of public money would essentially use money from people who don't fly (around 50% of the population in any given year, composed largely of those on lower incomes) to help fund the holidays of those who do. This applies both to subsidies for infrastructure such as access roads, and to compensation payments which, we believe, should be covered by the airport concerned. Similarly, in the context of widespread cuts to local authority funding, it seems unlikely that the public would accept use of remaining local government funds to pay for surface access improvements to help boost the profits of a privately owned airport.

Meanwhile, notwithstanding the Commission's modelling suggesting sufficient demand for a South East airport even under a carbon cap, investment with public money would, we suggest, be high-risk given the possible need for high carbon prices or taxes to reduce aviation demand. Recent research from academics at Southampton University, for example, found that achieving even the industry target of carbon neutral growth from 2020, which is considerably less ambitious than the requirements of the Climate Change Act, the value of carbon would have to increase by hundred times its current level to sufficiently increase the cost of flying⁵.

⁵ M Grote, I Williams and J Preston (2014) *Direct carbon emissions from civil aircraft*
<http://www.sciencedirect.com/science/article/pii/S1352231014004889>