

London Assembly December 2017 response to National Policy Statement on aviation

This is the response of the London Assembly Environment Committee to the revised draft Aviation National Policy Statement. The committee responded to the previous consultation in May 2017. This response focuses on air pollution and replaces the section of the previous response on air pollution with an updated section based on the Government's re-analysis of its air quality impact study, as well as on the committee's previous work. It refers briefly to surface transport measures, noise and carbon emissions, which are covered more fully in the May response.

Successive Mayors of London and the London Assembly have long opposed expansion at Heathrow, because it would exacerbate the already-severe air pollution and noise impacts on Londoners. The current London Assembly likewise opposes the construction of a third runway at Heathrow on the grounds of both local and national environmental impact.

Despite this consistent opposition from the airport's own region, and many across the rest of the country, the Government has chosen to support a proposal by Heathrow Airport to build a third, north-west runway, with additional facilities to go with it. Heathrow's flights capacity would increase by 60 per cent, from around 480,000 air traffic movements per year to 770,000, and its passenger and freight capacity would increase accordingly.

Air pollution

The legal limit on NO₂ is breached in many London locations, including Heathrow airport and roads leading to it (particularly the those towards the airport from central London). These breaches are currently projected to continue until 2028, but with a wide margin of uncertainty arising from factors such as the strength and speed of Mayoral, national and international policy action to reduce air pollution. Particulate pollution also breaches World Health Organisation guidelines across London. NO_x (and particulate) emissions come from aircraft taking off, landing and running engines on the ground, from vehicles and buildings involved in airport operations, and from transport of passengers, freight, materials and staff to and from the airport, particularly by road.

The Government acknowledges that Heathrow expansion would increase air pollution – both in construction and in operation, particularly due to increased surface travel – and that this would harm the health of, and increase mortality among, people exposed to the increased pollution.

However, the Government argues, as did its Airports Commission, that this is acceptable as long as it is legal, and that it is legal as long as the increased pollution from expansion does not exceed the worst pollution in the whole of Greater London, thereby delaying compliance of the region as a whole with legal limits on pollutant concentrations.

We continue to reject this ‘zonal compliance’ argument. As well as being a disputed interpretation of the law¹, it ignores pollution’s health impacts, which affect local residents and people travelling through regardless of pollution levels in other areas. **It is arguably illegal and in any case unacceptable to worsen and prolong local breaches of health-based air pollutant concentration limits in places where people are exposed. It is also unacceptable to worsen and prolong breaches of health-based guidelines.** It is acknowledged that expanding Heathrow would do this.

The High Court ruled in April 2016 that the Government must “choose a route to [compliance] which reduces exposure as quickly as possible.”² As each and every place where people are exposed to air pollution in excess of the limit values contributes to the extent of exposure, the judgement seems to suggest that each breach must be eliminated in the shortest possible time for that breach. The judgement therefore appears to legally rule out the zonal compliance approach.

The Government said in the original NPS that it would “only grant development consent if Heathrow Airport can demonstrate that expansion can take place within legal air quality limits.” However, it also said that analysis of air pollution impacts had already concluded that expansion could take place within legal limits.

It has now re-opened consultation based on a re-analysis of air quality impacts. The re-analysis does not change the fundamentals of the case against Heathrow on air pollution

¹ For example, see the legal advice of Robert McCracken QC to Clean Air in London, that planning authorities must refuse permission for developments that would create or worsen breaches of air pollution limits, and stating that the Airports Commission had misdirected itself in the law on air pollution. http://cleanair.london/legal/clean-air-in-london-obtains-qc-opinion-on-air-quality-law-including-at-heathrow/attachment/cal-322-robert-mccracken-qc-opinion-for-cal-air-quality-directive-and-planning_signed-061015/

² <http://www.bailii.org/ew/cases/EWHC/Admin/2016/2740.html> paragraph 52

grounds. It is still clear that expanding Heathrow would worsen air pollution around the airport and elsewhere in London.

It is also clearer still that there would be an unacceptable risk of delaying zonal compliance, and so breaking the law even on the Government's disputed interpretation.

Although the re-analysis leads with an 'overall conclusion' that 'increased airport capacity will not affect modelled compliance with EU limit values', this looks only at the central projection of the modelling. There is a wide range of uncertainty around this central projection, with risks described as 'medium' (at least 10 per cent) or 'high' (at least 25 per cent) of delaying zonal compliance in various scenarios depending on the runway opening date and air pollution policy. Even the lowest-pollution scenario (runway delayed until 2030 and Mayor implements a Zero Emission Zone in central London³) falls into the 'medium' (10-25 per cent) category. The risk is higher in all other scenarios.

In the scenario that reflects policies currently agreed or under consultation⁴ the central projection is for London's worst NO₂ concentration to be 39.9 micrograms per cubic metre, barely below the legal limit. Although the published paper omitted precise figures for these risks, we have been able to calculate from the information given that the risk of exceedance, caused or worsened and prolonged by the new runway, is around 49 per cent.

The re-analysis says that the main source of its uncertainty is the speed and effectiveness of air quality policy measures at the European, national and London levels. The central projection assumes effective implementation of measures to bring the real driving emissions of diesel vehicles into line with on-paper emissions standards. This is challenging and controversial in itself—the diesel emissions scandal is well-known, and the Government itself acknowledges the extent to which even the latest diesel cars emit more pollution in real driving situations.⁵ The re-analysis notes that the expected emissions from Euro 6 diesel cars under these measures is still the subject of research.

On top of this acknowledged uncertainty, there still appears to be no remedy of deficiencies in the analysis that we have previously pointed out—that the modelling of future air pollution does not reflect potential pollution breaches that could be created by road remodelling and traffic diversion, because it reports spot projections only at existing monitoring points, and excludes from its analysis any homes within 10 metres of a new road section. In addition, the modelling still excludes construction impacts, which could come at crucial times for limit value compliance.

³ The zero emission zone has been proposed by the Mayor but not consulted on, and few details of the proposal have even been published.

⁴ The new runway opening in 2026 as envisaged in the Statement of Principles agreed in October 2016 between the Government and Heathrow and the Ultra Low Emission Zone as the Mayor's main air quality tool

⁵ *Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities* Defra and DfT May 2017

Surface transport and mitigation measures

The National Air Quality Plan and the case for Heathrow expansion in particular also rely on Heathrow-specific measures to reduce air pollution, such as improved public transport links and an ultra-low-emission zone. Without these measures, expansion is projected to worsen pollution by a greater extent, increasing still further the air pollution impact and the likelihood of delaying zonal compliance.

In our May response, we recommended, as did the House of Commons Environmental Audit Committee, that, if expansion were approved, the cap on airport-related road traffic should be made legally enforceable, with a clear and transparent monitoring process. We also supported the recommendations of our colleagues on the London Assembly Transport Committee that ‘a costed plan to deliver the required capacity upgrades needs to be produced *before* Parliament can properly consider the National Policy Statement’ and that ‘it is imperative that decisions are made on precisely what surface access is required, how much it would cost and who would be expected to pay for it.’

Noise

Noise from aircraft at Heathrow is already a problem. The Airports Commission itself noted that over 700,000 people are affected by noise from Heathrow, more than three times as many as any other European airport. Aircraft noise affects residents’ health (especially because of disturbed sleep from night flights), education (especially because of disturbed lessons from morning and afternoon flights), and other aspects of well-being.

Three runways will create more, and more widespread, noise than two. Transport for London’s analysis indicates that the real difference between a three-runway Heathrow and a two-runway Heathrow would be over 200,000 additional people affected by noise. Also respite from noise for areas already affected would be reduced from one-half of the day to one-third.

The Government has committed to binding targets for noise reduction, which we have previously recommended. We recommend a revised measure for these targets, which more closely reflects the effects of noise on well-being and perceived nuisance, giving greater weight to the *frequency* of noise episodes and to night noise between 11pm and 7am. We recommend that the targets be set at a level that reflects the reductions in noise that would have been expected with newer aircraft from a two-runway Heathrow. We also recommend that it be a binding condition that Heathrow-funded insulation be phased over a much shorter period and/or begin much sooner (than the proposed 20 years, from the year before opening), so that no affected home should wait more than 5 years for insulation, with the most-affected homes insulated before the new runway begins operation. We also recommend that the proposed aviation noise regulator be much more independent than the suggested model within the Civil Aviation Authority and with terms of reference, appointment processes and funding set by the Secretary of State.

Carbon emissions

The UK has committed to reducing CO₂ emissions by 80 per cent by 2050. The business case for Heathrow expansion is based on UK aviation expanding so much as to *increase* aviation carbon emissions by 15 per cent. The Government's Committee on Climate Change (CCC) says it "has limited confidence about the options for other sectors" to find sufficient carbon reductions to compensate for this rise and meet the UK's overall target and that "using the Government's publications, it is not possible to assess whether the business case makes sense" if aviation emissions instead remain constant, as assumed by the CCC's carbon emissions plans, because that analysis has not been published.

According to the House of Commons Environmental Audit Committee (EAC), the Government "is considering rejecting the CCC's advice on the limits that should be adhered to and the level of passenger demand which is compatible with those limits." The EAC points out that shifting emissions reductions still further from aviation to other sectors will increase costs to the economy as a whole. It recommends that 'the business case for Heathrow expansions must be assessed against a cost/benefit analysis which uses realistic carbon policy assumptions.' We fully support this recommendation.

Conclusion

Our concerns about carbon emissions, noise pollution and surface transport remain. In addition, our concerns about air pollution have only been strengthened by the Government's re-analysis of the expected impact.

The air pollution analysis remains severely flawed, in ways likely to under-estimate the air pollution impacts of expansion. The Government's zonal compliance criterion continues to ignore the health impacts on Londoners of increasing local air pollution and extending local limit breaches, and to put the Government in a disputed legal area. And, even on the face of the analysis and within the zonal compliance criterion, there is a chance ranging from medium to very high that expansion would cause an illegal increase in NO₂ levels.

All of these reasons require the Assembly to continue to oppose a third runway at Heathrow.