

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD1544

Title: Direction to Transport for London to undertake additional work in relation to aviation issues

Executive Summary:

On 1 July 2015, the Airports Commission (the Commission), published its final report recommending that a third runway be built at Heathrow Airport. The Government has stated that it will make a decision on its plans regarding increasing runway capacity in the UK later this year.

As the policy development and decision making process enters the next phase, and given the inevitable impact on London of any airport expansion option – including those shortlisted by the Commission (at Heathrow and Gatwick Airports) – it is essential that the Mayor is able to contribute to the Government's review and analysis of the Commission's report. This is to ensure that London's interests are protected and that he is able to fulfil his statutory functions on planning and development, housing, economic development and regeneration, transport, environmental issues, health inequalities and culture. It is also important that the Mayor continues to represent the views of Londoners by taking an active part in the national policy debate and by responding to any other relevant or related inquiries and consultations.

Since 2011, pursuant to a succession of Mayoral Decisions and Directions (MD806 of 13 May 2011; MD1037 of 6 September 2012; MD1080 of 5 November 2012; and MD1334 of 9 April 2014) Transport for London (TfL) has been carrying out reviews of policies and proposals and engaging with the Government, the Commission and other interested parties in respect of the provision of additional runway capacity for the UK. The effect of the current Direction expires on 30 September 2015, before the Government is expected to announce its decision. The Mayor therefore directs TfL to undertake work to respond to the Commission final report (as described in the attached Direction) and the wider policy debate, and delegates to TfL the powers it requires to do so.

Decision:

The Mayor:

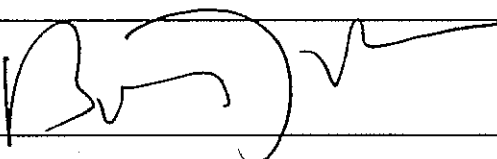
1. Directs Transport for London (TfL) under section 155(1)(c) of the Greater London Authority Act 1999 ('the GLA Act') in the terms of the attached Direction (attached as Appendix 1). This Direction ceases to have effect on 30 June 2016 by which time it will be reviewed.
2. Authorises TfL under section 38(1) of the GLA Act to exercise the Mayor's powers under sections 30 and 34 of the GLA Act to do all things necessary or expedient to undertake the works required by the attached Direction in accordance with the terms of the attached delegation (Appendix 2).
3. Authorises Daniel Moylan as a member of the TfL Board to oversee the work that TfL will undertake pursuant to the Amended Direction.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date: 21.9.2015

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The background to this proposed decision, prior to the issue by the Commission of its Final Report, is set out in detail in MD806 of 13 May 2011; MD1037 of 6 September 2012; MD1080 of 5 November 2012; and MD1334 of 9 April 2014. These Mayoral Decisions supported Mayoral Directions to TfL to carry out work in relation to, in very broad terms, aviation and airport policy in relation to London.
- 1.2 In a report of December 2013 the Commission set out a shortlist of three options, namely a new runway at Heathrow, an extension of an existing runway at Heathrow, and a new runway at Gatwick. In September 2014 the Commission announced in a Summary and Decision Paper that it had concluded that the option of a new airport in the inner Thames Estuary should not be shortlisted for more detailed development and appraisal.
- 1.3 On 1 July 2015 the Commission issued its Final Report, in which, while acknowledging that all three shortlisted options were credible, it recommended that a third runway be constructed at Heathrow, with “an effective package of mitigation and compensation”.
- 1.4 On 1 July 2015, the Secretary of State for Transport made a statement in the House of Commons on behalf of the Government, including the following:
“There are a number of things we need to make progress on now. First, we must study the substantial and innovative evidence base the Commission has produced. Second we will need to decide on the best way for achieving planning consents quickly and fairly if expansion is to go ahead. Third, we will come back to Parliament in the autumn to provide clear direction on the Government’s plans.”
- 1.5 It is therefore apparent that the final decision as to airport expansion, a decision with an inevitably hugely significant impact on Greater London, remains open to debate and influence. There is therefore further work for TfL to undertake in relation to the recommended option, the implications for London if the recommended option is pursued, and those options which have been discarded by the Commission at shortlisting or other stages.
- 1.6 The Mayor is asked to direct TfL to continue to undertake necessary and appropriate work in respect of the Commission’s recommended option, and its alternatives, and to delegate to TfL the powers it requires to do so. This may include, but is not limited to:
- Technical assessment of elements of all of the options. This may include, but is not limited to, engineering feasibility; consideration of surface access implications; environmental impacts (including air quality and noise); socio-economic impacts; airspace impacts; commercial viability; and legal and regulatory considerations;
 - Responding to requests from Government and other interested parties, and to any consultations undertaken;
 - Communication and engagement with Government and other interested parties, including the public, in relation to aviation policies, through all appropriate channels;
 - Engaging with any other related public investigation on aviation related issues;
 - Working with relevant organisations in carrying out those tasks listed above; and
 - Doing anything that is conducive or ancillary to those tasks listed above.
- It is also asked that the Mayor authorise TfL to use his powers in section 30 and 34 of the GLA Act. The proposed Direction is time limited to 30 June 2016, and will be reviewed on this date.
- 1.7 It is considered appropriate for a TfL Board member to continue to oversee the work that TfL will undertake pursuant to the Amended Direction and it is proposed that Mr Daniel Moylan continues

to undertake this role. In addition to the board member fees that Mr Moylan currently receives, it is proposed that an additional sum be paid to him as consideration for assuming these additional responsibilities commensurate with the time commitment involved. The costs of this, and any associated administration costs in supporting Mr Moylan in this role, will be met by TfL.

- 1.8 It is anticipated that the financial implications for TfL undertaking the work, pursuant to the proposed Direction and delegation could be up to £1million. This would bring the total budget for work on aviation to £6.2million over the period from May 2011 to June 2016.

2. Objectives and expected outcomes

- 2.1 The objectives of directing TfL to undertake further work on aviation related matters are to ensure that the interests of London and Londoners are properly represented in the policy development and decision making process, including consideration by the Government, and to enable the Mayor to fulfil his statutory functions on planning and development, housing, economic development and regeneration, social development, transport, environmental issues, health inequalities and culture.
- 2.2 The work to be undertaken by TfL will seek to address the impacts of the option recommended by the Commission, and the other options for additional airport infrastructure in and relating to London, and London's future planning needs in the broadest sense.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010 (the "Equality Act"), as public authorities, the Mayor and TfL must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act comprise age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).
- 3.2 No particular effects of this proposed decision, positive or negative, are foreseen on persons with a protected characteristic under the Equality Act.

4. Other considerations

4.1 Key risks and issues

If the Mayor does not authorise the further work outlined above there is a risk that the interests of London and Londoners will not be properly taken into account by Government when determining national aviation policy.

In addition, if this decision is not made, there is a risk that the economic development and regeneration potential of London will not be maximised, there will be significantly adverse effects on public health and that the impacts of the Government's aviation policy, including transport, environmental, economic development and housing implications, will not be properly taken into account, impacting the Mayor's ability to carry out his statutory functions.

4.2 Links to Mayoral strategies and priorities

The London Plan

The London Plan published in July 2011 makes reference to aviation capacity. Policy 6.6A states:

Adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in a global economy. Airport capacity serving the capital and wider south east of England must be sufficient to sustain London's competitive position.

Mayor's Draft Housing Strategy

The Mayor's Draft Housing Strategy, consultation upon which concluded on 17 February 2014, sets out the need to build 42,000 homes a year to support London's growing population. The expansion of the UK's aviation infrastructure in the South East will have a significant impact on where housing is required, particularly for employees, and if located in the right place could act as a catalyst bringing forward much needed housing developments.

Mayor's Economic Development Strategy

The Mayor's Economic Development Strategy, published in May 2010 recognises the role airport capacity plays in supporting London's global economic success. Paragraph 5.42 states: *The Mayor recognises that some additional runway capacity will be needed in the wider South East. He will resist the provision of further capacity at Heathrow because of its unacceptable environmental and community impacts and will support the evaluation of alternatives.*

Mayor's Transport Strategy

The Mayor's Transport Strategy published in May 2010 makes reference to airport capacity and surface access to airports. Proposal 48 states: *The Mayor recognises that the provision of adequate airport capacity serving the South East is critical to the competitive position of London in a global economy, but will oppose any further increases in runway capacity at Heathrow.*

Mayor's Ambient Noise Strategy

Under sections 370 and 371 of the GLA Act 1999, the Mayor is required to prepare and publish the London Ambient Noise Strategy and is a statutory consultee on potential changes or additions to routes regularly used by civil aircraft in Greater London.

Mayor's Air Quality Strategy

The Mayor's Air Quality Strategy published in December 2010 acknowledges the role of aviation in generating key air pollutants. The importance of this aspect was reinforced by the Supreme Court decision in April 2015 in the ClientEarth case, requiring a new air quality plan to be drawn up by the Government.

Mayor's Climate Change Mitigation and Energy Strategy

The Mayor's Climate Change Mitigation and Energy Strategy, published in October 2011, supports a number of actions and activities that will help to reduce the harmful impacts of aviation. If the industry continues to successfully adopt these practices and other sectors of the economy make significant cuts in carbon emissions, substantial aviation expansion can be fully compliant with the UK's national and international climate change and emissions commitments. This vision is endorsed by the UK Government's Committee on Climate Change.

4.3 Impact assessments and consultations

No impact assessments or consultations are required for the Mayor to make this decision.

5 Financial comments

- 5.1 Approval is being sought for the Direction to TfL to undertake work in relation to aviation issues to be extended to 30 June 2016 following similar approvals in MD806, MD1037, MD1080 and MD1334.
- 5.2 There will be no direct financial implications for the GLA arising from the proposal, the full costs of which will be borne by TfL.

6 Legal comments

Direction to TfL

- 6.1 Under section 155(1) of the Greater London Authority Act 1999 (“the GLA Act”) the Mayor may issue directions to TfL as to the manner in which it is to exercise its functions.
- 6.2 Section 155(4) provides that any directions issued under section 155(1) must be issued in writing and notified to such officer of TfL as it may from time to time nominate to the Mayor for this purpose.
- 6.3 The proposed direction to TfL by the Mayor to undertake the additional work may be made under section 155(1)(c) of the GLA Act. It is attached at Appendix 1.

Delegation of Mayoral powers

- 6.4 The Mayor is being asked to delegate his powers under sections 30 and 34 of the GLA Act to TfL so that it can comply with the Direction.
- 6.5 Section 30 of the GLA Act gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA. The principal purposes, as set out in section 30(2), are:
- (a) promoting economic development and wealth creation in Greater London;
 - (b) promoting social development in Greater London; and
 - (c) promoting the improvement of the environment in Greater London.
- 6.6 Further, section 34 of the GLA Act allows the Mayor to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any of his functions (including his functions under section 30).
- 6.7 It is considered that the work required by the Direction may be undertaken pursuant to the principal purposes of the GLA.
- 6.8 Section 38(7) of the GLA Act gives TfL the power to exercise any functions delegated to it by the Mayor pursuant to section 38, whether or not TfL would otherwise have had that power and irrespective of the nature of the function.
- 6.9 The Mayor may impose conditions on any delegations under section 38(1). A number of recommendations for conditions are set out in the form of delegation appended to this report. These include requirements to provide progress reports, comply with any instructions or guidance issued by the Mayor, and co-operate with the GLA Monitoring Officer (who has a duty under section 5(2) of the Local Government and Housing Act 1989 to monitor TfL’s activities when it is exercising functions delegated by the Mayor).
- 6.10 Section 38(10) of the GLA Act requires a section 38 delegation to be in writing. The proposed delegation is attached at Appendix 2.

TfL’s powers

- 6.11 TfL has its own powers which are relevant to undertaking the work it is being directed to do, including (a) its power to provide or secure the provision of public passenger transport services to, from or within Greater London, under section 173 of the GLA Act (relevant to airport access and capacity issues) and (b) its power to provide professional or technical advice or assistance to any person, including research and other services, as respects any matter in which TfL has skill, experience or expertise, under paragraph 9 of Schedule 11 to the GLA Act (relevant to major transport project planning and delivery).
- 6.12 In addition, section 154(3) states that TfL shall exercise its functions for the purposes of securing or facilitating the implementation of the Mayor's Transport Strategy.
- 6.13 The Mayor's delegation of wider powers will supplement these powers and ensure that TfL is able to deliver all aspects of the Direction.

7 Investment & Performance Board

- 7.1 This decision does not fall under the terms of reference of IPB.

8. Planned delivery approach and next steps

- 8.1 To review and consider the implications of the Commission's recommended option for London, including alternative scenarios, in order to respond to Government, and other interested parties, in relation to the decision the Government proposes to make regarding increasing runway capacity in the UK.

Appendices and supporting papers:

The following documents are attached:

- (a) Appendix 1 – Direction to TfL
- (b) Appendix 2 – Delegation of Mayor's powers to TfL

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Claire Hamilton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Tim Steer has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Daniel Moylan has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. J. Allge

Date

16.9.15

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Edmund ...

Date

16:09:2015

