

Committee: Stansted Airport Advisory Panel

Agenda Item

Date: 11th May 2017

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Title: Draft Airports National Policy Statement;
new runway capacity and infrastructure at
airports in the South East of England.
Public consultation by the Department for
Transport (DfT)

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Report for decision

Summary

1. This report is about the current DfT consultation on the draft Airports National Policy Statement (draft ANPS). The report summarises the draft ANPS and suggests how the Council should respond to the consultation.
2. As the draft ANPS is Heathrow based, the report does not carry out a detailed analysis. The Council's suggested response is light touch in nature and is related to issues that may have "carry over" value for any other future proposals for airport expansion that may be submitted.

Recommendation

3. That the Panel considers the response to the consultation that is set out in this report and suggests any extra points or amendments that it thinks are appropriate. The Council's final response will be sent to the DfT by officers via the consultation portal by the closure date.

Financial Implications

4. None.

Background Papers

5. None.

Impact

6.

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|---------------------------------|--|
| Communication/Consultation | <p>The consultation runs from 2nd February to 25th May 2017. The DfT hosted 20 local public exhibitions in and around West London during February and March, and 13 regional events in March and April. The DfT says it is consulting across the UK to hear the views of those communities who will be directly impacted by Heathrow expansion and also those who could benefit from expansion. Officers attended a regional event in London on 20th April.</p> <p>A 40-page consultation document has been published alongside the draft ANPS. This document lists the questions that the DfT would like consultees to answer. These questions are set out at the end of this report, along with the suggested responses in bullet point format. The 40-page consultation document is attached to this report.</p> <p>Other related documents that have been published are a sustainability appraisal + appendices and scoping report, a habitats regulations assessment, a health impact analysis and equalities impact assessment.</p> |
| Community Safety | To be considered by the DfT. |
| Equalities | To be considered by the DfT. |
| Health and Safety | To be considered by the DfT. |
| Human Rights/Legal Implications | To be considered by the DfT. |
| Sustainability | To be considered by the DfT. |
| Ward-specific impacts | This is a Heathrow-based consultation. |
| Workforce/Workplace | Officer and Member time in preparing and considering this report. |

Situation

SCOPE OF THE DRAFT ANPS

7. The draft ANPS sets out;
 - a) *Government policy in relation to the need for expanding airport capacity in the South East;*
 - b) *The Government's preference for a new northwest runway at Heathrow to deliver additional airport capacity; and*
 - c) *The requirements the applicant will need to meet in order to secure development consent for the preferred scheme.*

Any application or applications for a development consent order for the new northwest runway and associated development (such as the reconfiguration of Heathrow's central terminal area) will be considered under the Airports National Policy Statement when it has received Parliamentary approval (known as being "designated"). This is likely to be either later this year or early 2018, but timings are liable to change due to the impending General Election.

8. Paragraph 1.36 of the draft ANPS makes it clear that it only has effect in relation to the new northwest runway at Heathrow and associated works. Should any other application(s) for new runways in the South East be submitted, an important and relevant consideration will be the policy backing given by the designated ANPS to the Government's preferred scheme. At the regional stakeholder event, DfT staff did acknowledge that there may be some aspects of the draft ANPS that could have "carry over" value to other airport expansion proposals, and that comments would be welcomed on these.
9. Other Government policy on airport capacity is set out in the 2013 Aviation Policy Framework (APF), which remains in force for the time being. The APF replaced the 2003 Air Transport White Paper, which was the previous Labour Government's policy backing for a second runway at Stansted and which was subsequently withdrawn by the Coalition. A parallel DfT consultation on changes to UK airspace policy is currently open (see other report going to this meeting).
10. On 22nd February, the Transport Select Committee launched an inquiry into the draft ANPS and took written evidence from over 70 organisations and individuals. Submissions are no longer being accepted and the Committee has ceased to exist following the dissolution of Parliament on May 3rd.

THE DRAFT ANPS CONSULTATION

11. The draft ANPS has four main chapters. These are:

Chapter 2 – The need for additional airport capacity

Chapter 3 – The Government's preferred scheme: Heathrow Northwest Runway

Chapter 4 – Assessment principles

Chapter 5 – Specific impacts and requirements

12. Much of the draft ANPS is specific to Heathrow, as a consequence of the Government announcing on 25th October 2016 that its preferred scheme to deliver additional airport capacity in the South East is a new northwest runway at Heathrow. As is to be expected, local interest in the draft ANPS in and around Heathrow is considerable and reports that officers have seen indicate that the local exhibitions were well attended.

13. HACAN (Heathrow Association for the Control of Aircraft Noise) has published a free to use succinct briefing note to help the local population reply to the consultation. This is a useful summary of the local issues and concerns, and a copy is attached at the end of this report for information. Two main concerns about the consultation stand out in this briefing note, namely:

a) there is no information on the location of flight paths. HACAN identifies this as possibly the biggest flaw in the consultation. This is probably because these cannot be determined until the Government has decided upon its airspace policy. This raises a logistical question as to whether the airspace policy consultation should have been concluded before the draft ANPS one was launched, and

b) those residents who currently enjoy a half day's respite from noise are likely to find this reduced to a third of the day so that residents under the new runway also get respite. This reflects concerns expressed by some event attendees that the local exhibitions promoted the benefits of Heathrow expansion rather more than the costs.

Chapters 2 and 3 – The need for additional airport capacity and the Government's preferred scheme: Heathrow Northwest Runway

14. Chapter 2 sets out the history of the recent airport capacity debate, and the work of the Airports Commission. The Council commented on all seven of the Commission's discussion papers, including the first paper (Aviation Demand Forecasting). There is nothing further that can be usefully added at this stage

in answer to Question 1 on the need for additional airport capacity.

15. Chapter 3 sets out how the Government decided upon its preferred scheme, and why it selected Heathrow Northwest Runway over the Gatwick Second Runway and the Heathrow Extended Northern Runway (a.k.a. “Heathrow Hub”). The Government gave particular weight to four main issues (connectivity, earlier economic boost, road / rail links and support for freight) which delivered the greatest net benefits to the UK whilst taking into account the scheme’s larger environmental disbenefits. In relation to Question 2, it is not considered that it would be appropriate for the Council to make a judgement between the three schemes that have extensive local impacts that are not within its administrative boundary. No other options are considered at all in the draft ANPS.

16. In the final paragraph of Chapter 3 it is stated that:

“A number of mitigation measures will need to be applied to reduce the impacts of the Heathrow Northwest Runway scheme felt by the local community and the environment. Airport expansion is also expected to be accompanied by an extensive and appropriate compensation package for affected parties”.

It is clear in HACAN’s briefing note that mitigation and compensation weigh heavily on the local population. In relation to Question 5 the Council should respond that, as a basic principle in relation to any airport expansion proposal, mitigation should be effective and measurable, and compensation fair and full. More is said about mitigation and compensation later in this report.

Chapter 4 – Assessment principles

17. The chapter sets out the general assessment principles that the Secretary of State must use in assessing the information provided by the Examining Authority. These are set out below, with notes from the draft ANPS explanatory text added:

Scheme variation: - the designated Aviation National Policy Statement will govern only the location, limits and nature of the scheme, and will not prejudice the viability or merits of any particular application, scheme or applicant.

Environmental Impact Assessment: - effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. Included are direct effects and any indirect, secondary, cumulative, short – medium – long term, permanent and temporary, positive and negative effects and also the measures envisaged for avoiding or mitigating significant adverse effects.

Habitat Regulations Assessment: - duties under the Conservation of Habitats and Species Regulations 2010 to make Appropriate Assessments of European

sites, seeking the advice of Natural England.

Equalities; - objectives are to reduce or avoid disproportionate impacts on any social group

Alternative requirements; - The Environmental Impact Assessment Directive requires projects with significant environmental effects to include a description of reasonable and relevant alternatives that were studied by the applicant and an indications of the main reasons for the option chosen.

Criteria for “good design” for airports infrastructure; - “good design” is used as an all-embracing term including siting and design measures, functionality and aesthetics, including the scheme’s contribution to the quality of the area in which it would be located. Setting out design evolution is also highlighted.

Costs; - aims are cost efficiency, sustainability, and to minimise costs to airlines, passengers and freight owners over time.

Climate change adaptation; - to be considered at the planning design, build and operational stages. The applicant will need to demonstrate that there are no critical features of infrastructure design which may be seriously affected by more radical changes to the climate beyond those projected in the latest set of UK Climate Projections.

Pollution control and other environmental protection regimes; - beginning per-application discussions with the Environment Agency and other relevant bodies as soon as possible.

Common law nuisance and statutory nuisance; - possible sources of nuisance are to be considered along with mitigation or limitation measures. Appropriate requirements can be recommended to the Secretary of State so they can be included in any subsequent order granting development consent.

Security considerations; to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage

Health; - impacts on health, wellbeing and quality of life are mentioned, including from traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests. Indirect health impacts are also referred to if they affect access to key public services, local transport, opportunities for cycling and walking, or the use of open space for recreation and physical activity. However, indirect positive health impacts may result from increased employment stemming from airport expansion. Applicants should identify measures to avoid, reduce or compensate for adverse health impacts as appropriate, including cumulative impacts.

Accessibility; - this refers to the Government’s commitment to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for all people to connect with jobs, services and leisure opportunities. The commitment extends to all users of new airport infrastructure and the associated surface access facilities.

18. In relation to Question 3, the list of general assessment principles seems to be comprehensive, and is what would be expected in conjunction with a major planning application. It is right that a number of the principles require the identification of the alternatives that have been considered, and that these are tested and justified against the chosen option. In addition, it is essential that

sources of nuisance are identified, along with appropriate mitigation and /or compensation. Trigger points should be clearly set out, and these should relate to the onset of any nuisance or detrimental effect and not to anything that could encourage deferral (such as completion of the development).

19. The wide definition of “good design” that is used in the draft ANPS is to be welcomed. This encourages an applicant to think about form and function and the locational context.
20. Costs have been identified by the CAA as a key issue for scrutiny. There are 3 areas:
 - i) *planning costs* – if there was a change in Government policy which led to abortive work, would / should the applicant be able to recoup some or all of these?
 - ii) *timing of increased landing charges* – airlines are sensitive to passengers having to pre-pay for the new runway before it is operational, and
 - iii) *ensuring efficient building* – are procurement procedures robust?

Chapter 5 – Specific impacts and requirements

21. This is by far the largest chapter in the draft ANPS, containing seventeen specific impact areas which set out the applicant’s assessment and the Government’s required mitigation. It is not proposed to go through them all in this report, but to select those that are likely to have the greatest “carry over” value for airport expansion proposals elsewhere. These are i) surface access, ii) air quality, iii) noise, iv) carbon emissions and v) community compensation. These are issues specifically identified by the DfT for comment in Questions 4 and 5. This report concentrates on the proposed mitigation measures set out by the Government in the consultation document.

Surface Access

22. The focus is on submitting an airport surface access strategy (ASAS) that sets out how the proportion of journeys to and from the airport by public transport, cycling and walking will be maximised. Heathrow has pledged to achieve a public transport mode share of at least 50% (currently about 40%) by supporting new rail, bus and coach schemes. The consultation sets a deadline of 2030, with at least 55% by 2040 and also sets out a requirement for the halving of staff car trips by 2040 compared to 2017. The ASAS is also expected to detail measures and incentives to manage car use to and from the airport as well as physical infrastructure interventions. Heathrow’s pledge includes considering a congestion charge.

23. The consultation makes it clear that the applicant is responsible for securing the transport works that are physically needed to be completed to enable the new runway to operate. Where schemes would have a wider range of beneficiaries, the need for public funding will be considered alongside an appropriate contribution by the airport.

Air Quality

24. The onus is put on the applicant to demonstrate that the construction and operation of the new runway will not affect the UK's ability to comply with legal requirements. "*Failure to demonstrate this will result in refusal of development consent*" (Paragraph 5.31 of draft ANPS). In this respect, the Airports Commission recommended the public transport performance targets in the ASAS as well as the consideration of a congestion or access charge. The consultation states that Heathrow should continue to strive to meet its public pledge to have landside airport-related traffic no greater than today. This has been identified as a particular challenge by local pressure groups.

25. The consultation sets out examples of other operational mitigation measures which could be considered, such as:

- structured landing charges to reward the use of cleaner aircraft
- use of zero or low emission hybrid vehicles
- reduced or single engine taxiing
- use of fixed electrical ground power and preconditioned air to aircraft stands (reducing use of auxiliary power units)
- upgraded heating in buildings
- changes to surface access arrangements, traffic restrictions and /or traffic relocation around sensitive areas
- physical means and speed controls on roads

Noise

26. The consultation emphasises the need for noise-related action to strike a fair balance between the negative impacts of noise and the positive economic impact of flights. The Government "*expects the applicant to make particular efforts to avoid significant adverse noise impacts and mitigate other adverse noise impacts as a result of the Northwest Runway scheme and Heathrow Airport as a whole*" (Paragraph 5.56 of draft ANPS).

27. Three main areas of mitigation are required:

- i) a noise envelope* – this should be tailored to local priorities and include clear noise performance targets. The noise envelope should be developed from consultation with local communities and relevant stakeholders using expert

advice from a third party. It is suggested that this could be the Independent Commission on Civil Aviation Noise (ICCAN) which the Government is proposing to set up as an independent arm of the CAA. The consultation refers to the benefits of future technological improvements being shared between the applicant and local communities with suitable review periods to ensure the noise envelope's framework remains relevant. This seems to imply a mechanism to progressively tighten the noise envelope over time to "lock in" technological benefits for local communities.

ii) a runway alternation scheme – the purpose is to provide communities with predictable periods or respite. The scheme should be developed from consultation with local communities and relevant stakeholders using expert advice from a third party.

iii) a ban on scheduled night flights for 6.5 hours between the hours of 23:00 – 07:00 – this should be defined in consultation with local communities and relevant stakeholders. Local comments are that the ban would only be one hour longer than the current one (23:00 – 04:30) and would not prevent flights from arriving early and departing late. Heathrow has offered to introduce a 6.5 hour ban as soon as it receives planning permission, which has led to some comments that this indicates that night flights are desirable, not essential.

28. Paragraph 5.67 of the draft ANPS states that:

“Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- Avoid significant adverse impacts on health and quality of life from noise;*
- Mitigate and minimise adverse impacts on health and quality of life from noise; and*
- Where possible, contribute to improvements to health and quality of life”*

Carbon emissions

29. The consultation outlines the Government's key objective on aviation emissions as set out in the APF, which is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions. The draft ANPS does not override this objective. The Government agrees with the Airports Commission's assessment that Heathrow expansion is compatible with the UK's carbon obligations.

30. The consultation defines the largest carbon impact as coming from increased air transport movements as a result of increased demand. Other impacts come from emissions from airport buildings and ground operations, extra

surface access traffic and construction.

31. Mitigation measures that are identified are those that have already been highlighted in relation to surface access and air quality. This is not surprising given the linkage between these issues. Specific construction mitigation measures include use of locally sourced materials, use of grid electricity and transport of materials by rail or water instead of road.

32. Paragraph 5.81 of the draft ANPS states that:

“Any increase in carbon emissions along is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets”

Community compensation

33. Statutory blight provisions under planning law apply upon the designation of the ANPS, and compensation for loss of property value is payable for construction works under the Land Compensation Act 1973. Heathrow has also proposed a community compensation package comprising buying affected homes at 125% of market value and providing full acoustic insulation or contributions towards in certain cases.

34. The Government is also supporting the establishment of a community compensation fund as recommended by the Airports Commission at a rate of £50m per year.

Risk Analysis

35.

| Risk | Likelihood | Impact | Mitigating actions |
|---|------------|--------|--------------------|
| None. This is a Heathrow based consultation following the Government identifying a new northwest runway as its preferred scheme and carrying this | None | None | None |

| | | | |
|------------------------------|--|--|--|
| through into the draft ANPS. | | | |
|------------------------------|--|--|--|

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

DRAFT AIRPORTS NATIONAL POLICY STATEMENT

Summary of consultation questions and the Council’s suggested response

The need for additional airport capacity

Question 1: The Government believes there is the need for additional airport capacity in the South East of England by 2030. Please tell us your views.

- No comments

The Government’s preferred scheme: Heathrow Northwest Runway

Question 2: Please give us your views on how best to address the issue of airport capacity in the South East of England by 2030. This could be through the Heathrow Northwest Runway scheme (the Government’s preferred scheme), the Gatwick Second Runway scheme, the Heathrow Extended Northern Runway scheme, or any other scheme.

- It is not considered that it would be appropriate for the Council to make a judgement between the three schemes that have their extensive local impacts well beyond its administrative boundary. Instead, in this consultation response, the Council is choosing to comment more generally on issues raised by the consultation that might have relevance to future applications for airport expansion.

Assessment principles

Question 3: The Secretary of State will use a range of assessment principles when considering any application for a Northwest Runway at Heathrow Airport. Please tell us your views.

- The list of general assessment principles seems to be comprehensive, and is what would be expected in conjunction with a major planning application for airport expansion. It is right that a number of the principles require the

identification of the alternatives that have been considered, and that these are tested and justified against the chosen option.

- It is essential that sources of nuisance are identified, along with appropriate mitigation and /or compensation. Trigger points should be clearly set out, and these should relate to the onset of any nuisance or detrimental effect and not to anything that could encourage deferral (such as completion of the development).
- The wide definition of “good design” that is used in the draft ANPS is to be welcomed. This encourages an applicant to think about form and function and the locational context. This is particularly important where tall or bulky structures are proposed which may impact on the wider setting.

Impacts and requirements

Question 4: The Government has set out its approach to surface access for a Heathrow Northwest Runway scheme. Please tell us your views.

- Airport surface access strategies are integral to the management of demand at airports. To be effective, they must consider all aspects of surface access as a whole. It is important that targets are set which are both challenging and measurable, and that the targets are owned by all interested stakeholders through the Airport Transport Forum (ATF). There must be a mechanism for reporting on progress with the targets at least every two years, and for updating them as required.
- Instead of a congestion charge, or as part of it, the airport operator could be required to introduce and manage a levy on each car park transaction. The money that is raised can be ring-fenced towards improvements to public transport, cycling and / or walking to improve their attractiveness compared to use of the car. The ATF could be the responsible body for allocating the money based on bids submitted to it.
- Airports can act as important local or regional transport interchanges for local people and businesses. They host bus, coach and rail services that may be more frequent than otherwise might be expected, as they cater for the peak hours needs of air passengers and airport staff. In the interests of sustainability, local people wishing to use the interchange should be able to do so and should not be penalised by excessive charges for drop-off or pick-up. A discount scheme for drop-off or pick-up should be introduced that local residents can subscribe to if they live within a qualifying distance.

Question 5: The draft Airports National Policy Statement sets out a package of supporting measures to mitigate negative impacts of a Heathrow Northwest Runway scheme. Please tell us your views. Are there any other supporting measures that should be set out? In particular, please tell us your views on:

5.1. *Air quality supporting measures*

5.2. *Noise supporting measures*

5.3. *Carbon emissions supporting measures*

5.4. *Compensation for local communities*

- The concept of a noise envelope is supported in principle, but it needs to be something that is constructed to be understood by local residents who are experiencing the noise. The noise envelope imposed by planning condition at Stansted Airport is based on the 57dB LAeq 16 hour contour, and there is a requirement to report its extent annually to the local planning authority. It is considered that the use of N - above contours in addition to LAeq would make the noise envelope concept more understandable to local residents as they would be able to relate the extent of the envelope to numbers of noise events. To ensure that the benefits of technological improvements are shared between the industry and local populations, the extent of the noise envelope should be periodically reviewed. It is agreed that ICCAN would be an appropriate body to call on for expertise, as long as local people can be satisfied that it is independent of the industry.
- Runway alternation schemes may be beneficial as long as residents who are overflowed get certainty over when respite periods will occur. The evaluation of such schemes makes no sense until flight paths have been determined.
- As a basic principle in relation to any airport expansion proposal, mitigation should be effective and measurable, and compensation fair and full. The parallel consultation on airspace policy proposes that compensation is payable for increased noise resulting from airspace change and not just for the use of new airport infrastructure. This is entirely fair.

Question 6: The Government has set out a number of planning requirements that a Heathrow Northwest Runway scheme must meet in order to operate. Please tell us your views. Are there any other requirements the Government should set out?

- No further comments to the points made elsewhere in this reply.

Draft Airports NPS Appraisal of Sustainability

Question 7: The Appraisal of Sustainability sets out the Government's assessment of the Heathrow Northwest Runway scheme, and considers alternatives. Please tell us your views.

- See response to Question 2

General questions

Question 8: Do you have any additional comments on the draft Airports National Policy Statement or other supporting documents?

- Information on proposed flight paths and their use must be provided by an applicant as part of any application for a development consent order for airport expansion involving a new runway. “Use” is to include full details of concentration vs dispersal, multiple paths and any intended respite periods. This is fundamental information to enable local residents to assess how they may be affected by airport expansion.

Question 9: The Government has a public sector equality duty to ensure protected groups have the opportunity to respond to consultations. Please tell us your views on how this consultation has achieved this.

- The consultation appears to have been sufficiently far-reaching and inclusive to meet the duty, although there do seem to have been some local concerns about the nature of the information available on the disbenefits of the proposals. The regional event that Council officers attended was well run, with ample opportunity to ask questions and discuss issues in an informal manner.