

# YOUR LONDON AIRPORT

## *Gatwick*

3 SEPTEMBER 2015

The Secretary  
House of Commons Environmental Audit Committee Chair  
Palace of Westminster  
London  
SW1A 0AA

By electronic transfer

REF: AC-LGW-238

Dear Sir,

**Environmental Audit Committee Inquiry onto the implications of Government Commitments on carbon emissions, air quality and noise should the Airports Commission's recommendations of a third runway at Heathrow Airport be adopted.**

Gatwick Airport Limited is grateful for this opportunity to provide evidence to the Environmental Audit Committee. A copy of our response is attached.

In this submission we set out our response to the four questions provided in the Terms of Reference. These relate to the measures that the Airports Commission has specified in recommending a third runway at Heathrow and to the steps the Government should take to ensure that its decision is consistent with its commitments on sustainable development.

Given the many unsuccessful attempts to find an acceptable means to provide more runway capacity in the South East in the past, the UK needs a proposal that has a high chance of securing permission from Government and actually being built. A decision to proceed must be soundly based, robust and fair. It needs to strike a balance reflecting the national interest between inevitably conflicting considerations; including having regard to the noise, air quality and carbon impacts of expansion.

We have attached as an appendix to our submission a report that we have prepared separately setting out a number of serious concerns we have with the Airports Commission's final report and conclusions, including in relation to noise and air quality. This is cross referenced in various places throughout our submission.

Until the omissions and flaws in the Airports Commission's work are rectified we consider that the policies and mitigation measures proposed are largely meaningless and would do little in and of themselves to reduce impacts and overcome the legal impediments and risks to the deliverability of the Heathrow proposal.

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We believe the Airports Commission's main air quality measure is based on a legally flawed interpretation of the legal obligation on Government to comply with Air Quality legislation, and is therefore neither realistic nor achievable.

In respect of noise, whilst some measures may offer some limited protection we do not consider that any of them could come near to adequately mitigating the very significant noise impacts that would result from the expansion of Heathrow given its location in a densely populated area to the west of London.

These are reasons why, even if the Government accepts all of the measures proposed by the Commission, they do not go far enough to reconcile the recommended Heathrow proposal with Government's commitments on sustainable development.

A viable, deliverable, financeable alternative with materially lower environmental and social effects, and with comparable if not greater economic benefits, is available at Gatwick.

We would very much welcome the opportunity to appear before and assist the Committee further with its Inquiry.

Yours sincerely,



**Alastair McDermid**  
Airports Commission Director  
Gatwick Airport Ltd

ENC: Gatwick Airport Limited Evidence Submission  
Appendix 1 – Relevance of Measures  
Appendix 2 – Airports Commission Final Report – Areas of Concern

**GATWICK AIRPORT LIMITED EVIDENCE SUBMISSION**

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# Gatwick Airport Limited

## Evidence submission to Environmental Audit Committee - Airport Capacity

### Introduction

Gatwick Airport Limited, promoter of one of three schemes shortlisted by the Airports Commission (“the Commission”) as a possible location for the UK’s next runway, welcomes this opportunity to provide evidence to the Environmental Audit Committee. We have been guided by the order of the Committee’s published Terms of Reference.

Gatwick Airport is the UK’s second largest airport serving around 200 destinations in 90 countries. Gatwick’s legal agreement with West Sussex County Council, which expires in 2019, has so far ruled out a second runway.

Gatwick acknowledges its responsibility to limit and manage the airport’s environmental and social impacts. The environmental and health effects of an additional runway at Gatwick, while important, are an order of magnitude lower than Heathrow’s.

The Commission’s Final Report proposed eleven measures to mitigate the effects of a third runway at Heathrow. Of these, we see eight as relevant to the Committee’s Inquiry (see Appendix 1).

Overall, we consider that most of the measures related to noise and Air Quality are “achievable” (i.e. they could be implemented) but they are not “realistic” in that they would not significantly mitigate the severely adverse environmental impacts of expansion at Heathrow.

# 1.

## Whether the indicative policies and proposed mitigations set out in the Airports Commission's recommended option are realistic and achievable

### Introduction

- 1.1 The Commission's indicative policies and proposed measures would not provide adequate mitigation of the noise and air quality impacts of a third runway at Heathrow. Nor would they enable a third runway to operate in a manner consistent with the Government's legal obligations on air quality, or commitments on sustainable development.

### Air Quality

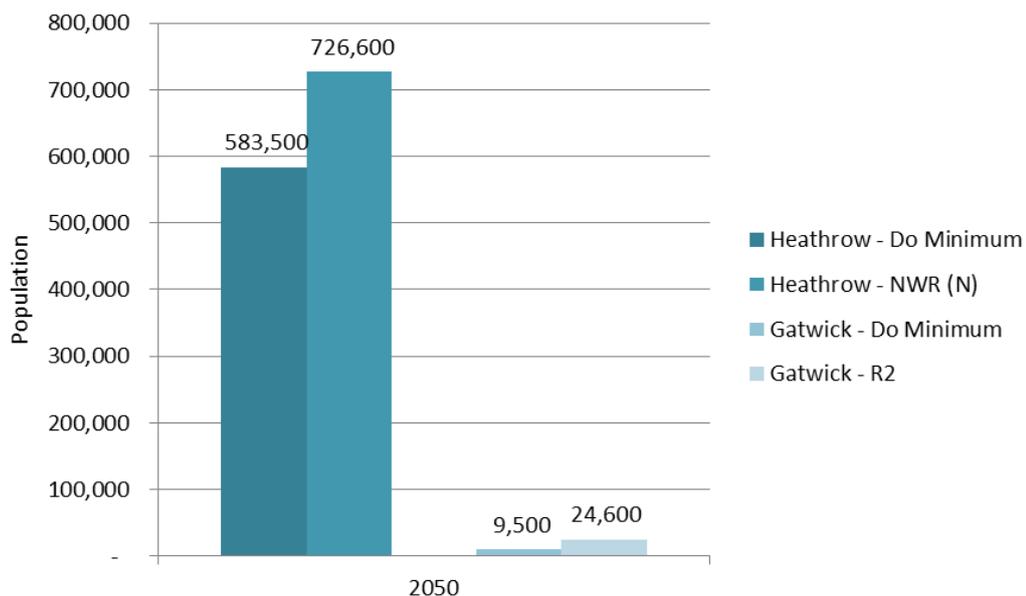
- 1.2 An air quality measure limiting further operations would be an essential prerequisite for permitting lawful expansion of Heathrow. The Government proposed additional measures in 2009 when it was considered that compliance with legally required Limit Values could be achieved around Heathrow by 2015. However, air quality around Heathrow still far exceeds legal limits.
- 1.3 The effectiveness of the measures proposed depends on the interpretation of existing law, the purpose of which is to reduce pollution to protect human health. The Commission's legal interpretation would permit development of "pollution havens" in areas such as around Heathrow, as it would allow Air Quality Limit Values to be exceeded for a prolonged period of time provided that a single other location in London is even more polluted.
- 1.4 We believe the air quality measure preventing the release of capacity until air quality compliance with EU Limit Values is achieved, is based on a legally flawed analysis and is therefore neither realistic nor achievable. Based on a correct interpretation of the law that would not permit exceedances to occur, such a measure would render the development unfinanceable. Furthermore the Commission relies upon untested and unassessed mitigation measures and in particular on a yet to be published Government Air Quality Plan.
- 1.5 There is no current evidence to suggest that the legal limits can be met in the Heathrow area in the timescale proposed by Heathrow Airport Limited (HAL) and the Commission. Latest DEFRA projections show that, even with the existing two runways, the area around Heathrow will not achieve compliance with limits until after 2030. An additional Heathrow runway, and the resulting concentration of air and surface access activity into an already strained environment, substantially increases the likelihood that air quality limits will continue to be breached and compliance delayed.
- 1.6 The Government's new Air Quality Plan will presumably seek to address this issue, but it will be many years before the effects of this Plan can be assessed with confidence. Air quality impacts will therefore continue to be a major barrier to expansion of Heathrow and there is no evidence to suggest that a major shift in mode share as proposed by the Commission (potentially at huge cost to the taxpayer and not included in the Commission's business case) would bring the area within air quality limits.
- 1.7 It is also important to note that the measure specifically excludes construction activities. If, as Gatwick has evidenced<sup>1</sup>, the very substantial construction works are likely to result in

further delay to compliance, then the measure would also need to cover the construction period.

- 1.8 The unavoidable uncertainty surrounding future air quality concentrations will render the scheme undeliverable and unfinanceable since the risk cannot be fully controlled by HAL. This could lead to the scheme never being brought into use or being severely delayed.

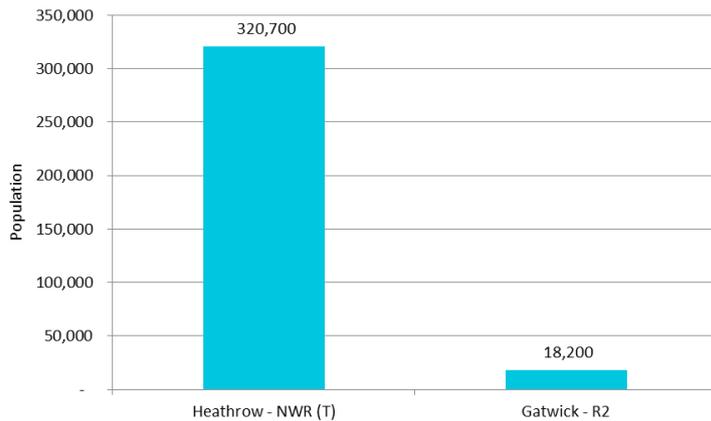
**Air noise**

- 1.9 Heathrow's location in a densely populated area to the west of London means that its noise impacts are already greater than any other European airport. Noise from new flight paths required for a third runway and changes to existing flight paths to the existing runways would add to these already substantial impacts<sup>2</sup>.
- 1.10 In principle, all of the noise measures are achievable but none will deliver the significant level of mitigation that is necessary.
- 1.11 Figure 1.1 shows the increases in the number of people affected by noise for the Heathrow and Gatwick options. A runway at Heathrow increases the number of people affected by 143,000, compared to an increase of 15,000 for a runway at Gatwick.



**Figure 1.1: Comparison of population numbers in 55Lden contours between Heathrow and Gatwick - based on Commission's carbon capped forecasts, Heathrow 'N' airspace option (to minimise the number of people 'newly affected')**

- 1.12 The Commission considered an airspace option designed to minimise the total number of people affected. This assumes a radical overhaul of airspace which reduces overflying of some densely populated areas which are currently overflown but at the expense of overflying less densely populated areas that have not previously been directly impacted. Total population impacted would be 638,000 but Figure 1.2 shows that the net effect of this would lead to 320,000 people being 'newly affected' at Heathrow, compared to 18,000 at Gatwick<sup>3</sup>.



**Figure 1.2: Comparison of population ‘newly affected’ in 55Lden contours between Heathrow and Gatwick (based on Commission’s carbon capped forecasts, Heathrow ‘T’ airspace option)**

- 1.13 These and other noise impacts reported by the Commission demonstrate that the noise effects of the Heathrow option are orders of magnitude greater than the Gatwick option<sup>4</sup>.
- 1.14 The Commission’s Final report highlighted a comparison of population counts within noise contours at the point of opening with ‘current’ impacts (2011 and 2013), as supporting evidence to their conclusion that effects would be acceptable. This methodology conflicts with Government guidelines for transport projects appraisal<sup>5</sup> and with the Commission’s own Appraisal Framework methodology<sup>6</sup>. This is because the Commission should have focused on identifying the increase in the number of people affected by noise in future years ‘with’ and ‘without’ the operation of a third runway and clearly articulating the character of the changes involved. This would show the real difference in the effects the development would make on opening, and in later years.

### Respite

- 1.15 The Commission’s noise respite measure proposes that a third runway should allow periods of predictable respite to be more reliably maintained, yet the Commission concedes that whichever airspace option is assumed for Heathrow there would be less respite than from a two runway Heathrow operated as it is today<sup>7</sup>. The Commission observes that the reason that respite cannot currently be reliably maintained is because Heathrow is operating at maximum capacity, but does not observe that these same conditions will arise again in the future. In addition the Commission does not offer a mitigation measure to prevent maximum capacity being reached for a three runway airport.

### Night noise

- 1.16 The proposed ban on scheduled night flights (2330 – 0600) offers the potential for c15 long-haul pre-0600 arrivals to move to 0600-0700. But this benefit needs to be offset against the greater number of flights that a third runway would generate in the 0600 - 0700 period.
- 1.17 Furthermore limiting the ban to scheduled flights does not rule out aircraft scheduled outside of the period from arriving early or departing late. It is entirely conceivable that the addition of a third runway would add to the number of unscheduled movements in these periods, as a result of there being a greater number of unforeseen delays with operators requesting permission to take-off late or land early.
- 1.18 This may explain why Heathrow Airport Limited (“HAL”) has yet to accept some of the proposed measures.

## 2.

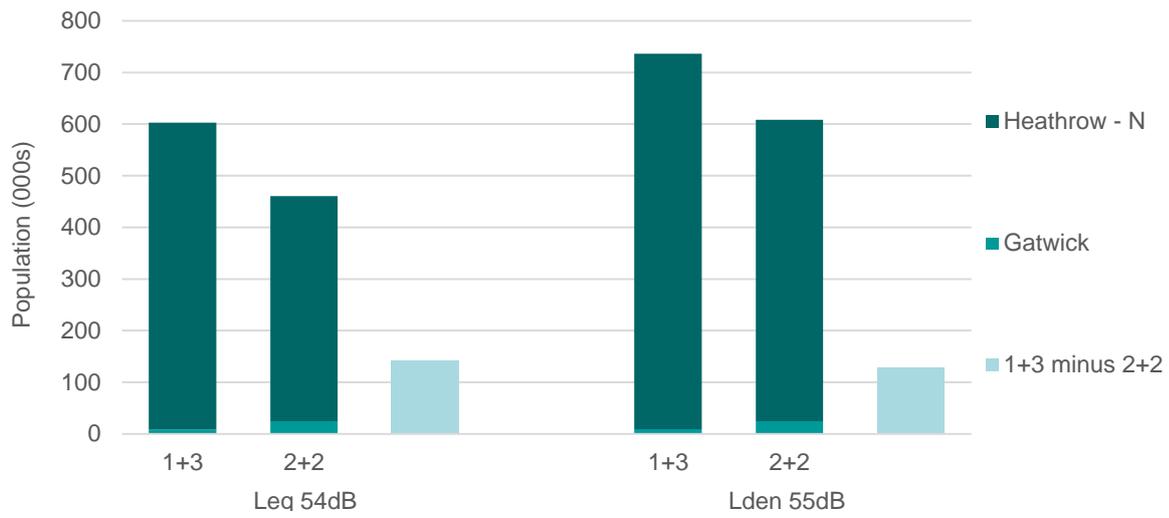
# What the implications of adopting or not adopting those policies and mitigations are for wider Government policy?

### Air Quality

- 2.1 For Air Quality, the Government could only permit capacity generated by a third runway to be released when it is clear that it would not cause additional exceedances of limit values or delay their attainment.
- 2.2 The implication for Government policy of adopting only the suggested measures is that the project may prove undeliverable through the planning process (or the courts) as it would not be possible to demonstrate that the proposal was consistent with Government policies or compliant with a proper interpretation of UK and EU Law.
- 2.3 Yet not adopting these measures would result in continued non-compliance with the Air Quality Directive and would therefore be incompatible with the Government's commitments on sustainable development. The result would be an even greater imbalance between Government policy and the impact of the proposal, with the same failure to deliver.
- 2.4 The Heathrow scheme cannot be shown to be compliant with legal limits, whereas the Gatwick scheme clearly complies.
- 2.5 The Commission found that, at a UK level, all three schemes deliver comparable economic benefits. Policy suggests that, given comparable economic benefits, Government should instead support the proposal with materially lower environmental impacts.

### Noise

- 2.1 The Government's policy on noise is "... to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise"<sup>8</sup>. The Commission's noise objective was "to minimise and where possible reduce noise impacts". Figure 2.1 below demonstrates that the total number of people affected by noise would be significantly less if Gatwick was expanded, i.e. two runways at both airports ("2+2") rather than expansion of Heathrow ("1+3")<sup>9</sup>. It also supports the Commission's conclusion that the Gatwick option provides the best fit with government noise policy<sup>10</sup>.
- 2.2 It is clear that Gatwick offers a much more effective means of reducing the number of people significantly affected by noise.
- 2.3 The fact that, even with the Commission's proposed measures, substantially more people would be affected by noise makes the Commission's preference for Heathrow impossible to reconcile with Government policy, or indeed its own objective.



**Figure 2.1: 2+2 versus 1+3 populations impacted in 2050 for Heathrow North West runway scheme ('N' airspace option) and Gatwick scheme (Lden 55db and Leq 54db contours) based on the Commission's carbon capped forecasts.**

### 3.

## Whether realistic and achievable alternatives to those policies and mitigations exist, should the Government adopt the recommended option?

- 3.1 In order to be really effective, any additional measures would need to reduce Heathrow's capacity, and delay its delivery to a point in time where compliance with the air quality standards could be assured and the noise effects reduced by an order of magnitude. However, the consequence would be to reduce the economic benefits to the point where the case for proceeding could not be justified as the benefits would be very substantially smaller than those assessed by the Commission.
- 3.2 We note that in 2009, the then Secretary of State for Transport, when considering a smaller scheme, proposed noise and air quality controls which went well beyond what the Commission is currently proposing. These were to:
- Limit the area of the noise contour for three runways to no greater than that which had been approved for two runways;
  - Limit the number of air transport movements to achieve compliance with the noise contour and with air quality limits;
  - Give the CAA responsibility for making decisions on the release of new capacity in a manner that complied with the noise and air quality limits;
  - Give the Environment Agency responsibility to monitor local air quality and report breaches to Government
  - Give both organisations powers to ensure remedial action was taken where necessary;
  - The Secretary of State would consult on “green slots” to incentivise use of the most modern aircraft to minimise noise and air quality emissions and would undertake a review in 2020 of compliance with the environmental conditions.
- 3.3 It is clear that even these measures did not go far enough, as the improvements in air quality that were anticipated did not happen. Nor did they go far enough to limit the noise and air quality effects to a level that is remotely comparable to those from Gatwick's second runway.
- 3.4 The real alternative to the policies and mitigations suggested is to support a Gatwick second runway rather than a Heathrow third runway, given that Gatwick will deliver comparable economic benefits to the UK and will have much lower environmental impacts.

## 4.

# What steps should the Government take to reach its decision in a way that is consistent with its commitments on sustainable development?

- 4.1 In our recent submission to the Department for Transport we have set out a number of areas of the Commission's work which need to be critically reviewed and corrected. The appended document 'Airports Commission Final Report – Areas of Concern' provides further detailed information.
- 4.2 In our view, these concerns are serious enough for Government to need to correct them before coming to its own decision on the expansion options.
- 4.3 The Committee should recommend to Government that the gaps and flaws in the Commission's work, including in relation to its air quality and noise, be reviewed.
- 4.4 Until these omissions and flaws are rectified the mitigation measures specified are largely meaningless and would be insufficient in and of themselves to reduce impacts and overcome the legal impediments and risks to the deliverability of the Heathrow proposal.
- 4.5 The Committee should recommend to Government that it takes the following steps:

***Ensure that the Heathrow NWR scheme is sufficiently defined and economic benefits of it and the Gatwick scheme are robustly quantified for the purposes of policy decision-making***

- 4.6 The Commission's economic benefit analysis, using Treasury guidelines, found that there is little difference in the economic benefits between the Heathrow and Gatwick options but the difference in environmental effects is substantial<sup>11</sup>.

***Establish an adequate evidence base which overcomes the gaps and deficiencies in the Commission's appraisal and evidence base***

- 4.7 For noise any policy should be founded upon best practice assessment and have regard to Government policy. Little reliance should be placed on a comparison of future impacts with current impacts. The feasibility and impacts inherent in the operational complexity associated with offering predictable and reliable respite at Heathrow, as recommended, must also be properly investigated and evaluated.
- 4.8 Conclusions reached on Air Quality must be based on a correct legal interpretation of the Directive. Numerous other errors and gaps in the Commission's assessments should be corrected.
- 4.9 Other environmental effects of Heathrow, including impacts on water supply, flood risk, rivers, compliance with the Water Framework Directive, effects to European Protected Habitats, and the consequences of having to extract or remediate some 9 million cubic metres of landfill waste, should be properly appraised.

### ***Consider more fully Carbon Emissions***

- 4.10 Gatwick has not undertaken its own analysis of the extent to which UK carbon emissions from aviation can grow while at the same time meeting the UK's climate change commitments. Advice from the UK Committee on Climate Change to the Commission is that there is only scope for one new runway, so it is imperative that the most sustainable option is chosen.
- 4.11 Uniquely, the Heathrow scheme would import carbon emissions to the UK that can and should be avoided. The objective should be to meet UK derived demand for air travel, whereas the Commission's recommendation attracts an additional 13 million international to international transfer passengers to London per annum by 2030 as compared to the Gatwick scheme thus effectively counting against the UK's carbon emission quota.

### ***Take full account of risk***

- 4.12 Ensure that the difference in the scale and nature of the risks facing the Heathrow and Gatwick Schemes, including environmental, construction complexity, financeability and expenditure profiles on deliverability, are properly evaluated.

### ***Re-evaluate the Heathrow NWR scheme in the light of the measures proposed by the Commission***

- 4.13 The incremental capacity and economic benefits of Heathrow must be updated to take into account the costs and effects of the proposed mitigation measures including a correct legal interpretation of the Air Quality Directive.

### ***Establish a clear and transparent rationale***

- 4.14 Whilst these steps will not eliminate all of the inadequacies in the Commission's work, they will help the Government reach a decision based on a clear and transparent rationale consistent with sustainable development – something the Commission did not do. Moreover they will highlight the multiple risks associated with delivering a third runway at Heathrow.

## Conclusion

- 5.1 The first task assigned to the Airports Commission was to “examine the scale and timing of any requirement for additional capacity to maintain the UK’s position as Europe’s most important aviation hub, and to identify and evaluate how any need for additional capacity should be met...”. The need to assess options for “their economic, social and environmental impact” was mentioned later.
- 5.2 Gatwick believes that the Commission concentrated too heavily on its interpretation of the economic aspect of its task, to the detriment of the environmental and social aspects. This led to a recommendation that does not adequately balance all of the factors and is therefore misguided.
- 5.3 A viable, deliverable, financeable alternative with materially lower environmental and social effects, and with comparable if not greater economic benefits, is available at Gatwick.
- 5.4 The Environmental Audit Committee is aware that Heathrow and Gatwick are in competition and thus are interested parties. Gatwick hopes that the Environmental Audit Committee will test the quality, accuracy and validity of the evidence which we have submitted, and will as a result press the Government to adopt a more balanced and responsible policy for airport capacity expansion than that recommended to it by the Commission.

## References

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<sup>1</sup> Gatwick “Areas of Concern” submission to the Department for Transport, August 2015; Section 6 (Appendix 2 to this document),

<sup>2</sup> Gatwick “Areas of Concern” submission to the Department for Transport, August 2015; paras 5.20 – 5.24; paras 5.30; 5.36-5.39

<sup>3</sup> Gatwick response to the Airports Commission Consultation, 3 February 2015; Figure 4.5.4;

<sup>4</sup> Gatwick “Areas of Concern” submission to the Department for Transport, August 2015; paras 5.8 – 5.9

<sup>5</sup> Gatwick “Areas of Concern” submission to the Department for Transport, August 2015; para 5.30 – 5.35.

<sup>6</sup> Gatwick “Areas of Concern” submission to the Department for Transport, August 2015; para 5.10

<sup>7</sup> Airports Commission Final Report 9.34; Gatwick Areas of Concern para 5.26.

<sup>8</sup> UK Government Aviation Policy Framework (March 2013)

<sup>9</sup> Gatwick response to Airports Commission Consultation, 3 February 2015; para 4.341

<sup>10</sup> Airports Commission Final Report para 9.49; Gatwick Areas of Concern para 5.7

<sup>11</sup> Airports Commission Final Report; Page 147, Table 7.1, NPV(net social benefits and PVC)

## **APPENDIX 1 – RELEVANCE OF MEASURES**

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# Appendix 1

Of the 11 measures proposed by the Commission, the following appear relevant to the scope of the present Environmental Audit Committee enquiry.

Airports Commission Measure	Air Noise	Air Quality	Carbon	Comment
Ban on scheduled night flights	✓	-	-	
Introduction of a noise envelope	✓	-	-	
Provision of predictable respite	✓	-	?	This mitigation may have the side effect of increased use of carbon
Compensation for property loss	-	-	-	
Community compensation levy	✓	-	-	
Community engagement board	✓	-	-	
Independent Aviation Noise Authority	✓	-	?	
Training opportunities and apprenticeships	-	-	-	
A major shift in mode-share	-	✓	✓	
Additional operations at an expanded Heathrow contingent on acceptable performance on air quality	-	✓	-	
A fourth runway should be ruled out	-	-	-	

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**APPENDIX 2 – AIRPORTS COMMISSION FINAL REPORT – AREAS OF CONCERN  
(PREVIOUSLY PUBLISHED AND AVAILABLE AT [WWW.GATWICKAIRPORT.COM](http://WWW.GATWICKAIRPORT.COM))**

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