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Air quality assessment

This letter forms the London Assembly's response to your short-notice consultation on the air quality assessment for your shortlisted runway options. It has been agreed by the Environment Committee on behalf of the Assembly.

On the consultation process, may we note that the period allowed is very short, considering the amount of technical material consulted on and the need for consultees such as the Assembly to agree responses internally. It is not in line with government good practice to consult on such short timescales.

On the substance of the consultation, the Assembly has a longstanding opposition to the expansion of Heathrow Airport, as we have expressed to you in the past. The Committee's past work including the 2012 report *Plane Speaking* highlights the air pollution problems that the airport has caused for many years, especially as it increases the passenger throughput from its existing runway capacity. The Mayor also opposes Heathrow expansion and this is in general a clear message from London. The data in your air quality assessment reinforces this position.

While noting the substantial extra emissions and rises in pollutant concentrations that an extra runway at Gatwick would bring, it is clear that the emissions and the resulting concentrations would be much higher for either of the Heathrow options. More properties and more people would also be affected, and the estimated health impacts and costs would be very much higher, as shown by the figures in your assessment.

Additionally, and very significantly in the light of the recent judgment by the UK Supreme Court¹, the assessment finds that either of the Heathrow options would exacerbate existing breaches of the national and European NO₂ concentration limit values and delay compliance of the London agglomeration. It is clear from the judgments of the Supreme Court and the European Court of Justice that the UK is in breach of its obligations under Directive 2008/50/EC and is obliged to remedy this breach as soon as possible. Therefore the delay that would be caused by either of the Heathrow options must argue conclusively against them. Any decision to proceed with either option could be subject to review by the UK courts and also risk sanctions from the European court.

¹ Easter Term [2015] UKSC 28: R (on the application of ClientEarth) v Secretary of State for the Environment, Food and Rural Affairs, 29 April 2015.

Looking more closely at the assessment, it seems to imply that a test can be applied as to whether an option (with mitigation) would delay compliance with the NO₂ limit values by in 2030 generating a concentration in excess of the 48.6µg/m³ projected for Marylebone Road at that date. There are a number of problems with this approach.

First, human health impacts apply at each locality, and increasing NO₂ concentrations around Heathrow will increase illness and mortality in people exposed there, regardless of levels elsewhere. A more suitable test would be how much pollution is worsened, or whether any breaches of pollutant limit values are created or exacerbated, not whether the worst breaches in the region are exceeded.

Second, even if overall regional compliance is taken as the test, the Marylebone Road value used in the assessment is already obsolete. The government has stated its intention to revise the UK's air quality plan, and the Supreme Court has made an order that this must be completed during 2015. The revised air quality plan will include the recently-ordered Ultra Low Emission Zone in central London. Therefore the expected NO₂ concentration trajectory in central London locations such as Marylebone Road will be revised down and the previous projections do not provide a valid benchmark. It is certainly to be hoped that the revised plan will remove breaches of the limit values before 2030, and so any projected impact that would risk re-creating a breach would be critical for overall UK compliance.

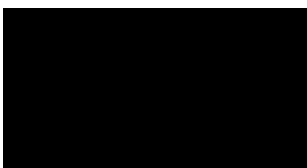
Finally, mitigation measures should be undertaken in any case, including airport measures not dependent on the runway proposal, such as NO_x emissions charging, as well as wider measures such as ULEV infrastructure and a ULEZ. Under the directive, all measures must be considered and exceedances must be kept as short as possible. Obviously measures to tackle air pollution overall are beyond your Commission's remit, but your comparison should be explicitly between an unmitigated base case and an unmitigated proposal, and potentially between a mitigated base case and a mitigated proposal. A comparison between an unmitigated base case and a mitigated proposal as suggested in the consultation assessment is irrelevant and can only be misleading.

There also seem to be gaps in the impact modelling methodology. To exclude receptors close to new road segments seems to arbitrarily exclude some of those most likely to be adversely affected, for no readily understandable reason.

Also, no detailed modelling of construction impacts has been undertaken, though construction impacts would occur in the nearer term, when base-case pollutant levels are higher and there would be more breaches that may be exacerbated, perhaps at a critical period for limit value compliance.

Therefore the Assembly calls upon the Commission to reject both of the Heathrow expansion options. The projected exacerbation of already-illegal and deadly levels of air pollution is sufficient grounds. More complete information on the impacts seems only likely to reinforce this conclusion.

Yours sincerely,

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