

## **Q1 What conclusions, if any, do you draw in respect of the three short-listed options?**

Plans for a third runway at Heathrow have already been rejected recently (2010) but under pressure from powerful vested interests, the idea has returned and has to be fought again by those most affected, i.e. local communities.

It has been suggested in some of the promotional literature of Heathrow that Gatwick is too far away from London to be an acceptable solution. All options at Heathrow and Gatwick are accessible to users. Gatwick is slightly (no more than 5 miles) further away from London city centre than Charles de Gaulle Airport is to Paris. According to the published timetables, the train journey from Gatwick to Victoria takes less time than the train journey from Charles de Gaulle to the Gare du Nord.

The concept of a Hub Airport is not universal. London will not have one hub airport. Gatwick and Stansted will not go away. Paris has two airports – Charles de Gaulle and Orly. More significantly New York as the gateway into the USA from Europe does not have one hub airport. It has two major international airports – JFK and Newark. Both airports are served for example by BA and Virgin.

From an environmental aspect Heathrow is excluded. The Strategic Fit arguments for both proposals at Heathrow simply do not hold. Heathrow has 37% of passengers transferring immediately to other flights and only 30% of passengers using the airport for business purposes (Heathrow's figures). Transfer passengers could go elsewhere either in England or abroad, Tourists do not have to use Heathrow – Gatwick, Stansted, Southend or Southampton would all be accessible for some of them and prevent the justification of the environmental carnage that would take place with an expansion of Heathrow. Both business and freight can consequently be adequately accommodated within the existing confines of Heathrow. Extra housing at Heathrow may not be possible (para. 3.75 of the Consultation Document). Even taking account of any economic benefits, the negative impact would exceed these (paras. 3.85, 3.89 – 3.91).

It is highly unlikely that the transport system surrounding Heathrow will be able to be expanded to cope with the extra loads (M25 motorway, rail links etc.)

Even taking into account the projection of a doubling of passengers to 480 million by 2050 predicted by the Economist, it is doubtful that Heathrow needs to be expanded if the load is properly shared around rather than individual self-interests of owners left to take over. One other runway at Gatwick and possibly another at Stansted together with greater use of East Midlands and Southampton would absorb the load, with no hardship on business or freight at Heathrow. The Commission does not seem to have seen past the self-interests of each airport owner.

The Commission has inadequately considered the consequent effects of the extra runway or lengthening of one runway upon the communities to the south of the airport (it seems only to have considered those to the north)

The White Paper prepared by the Department of Transport in 2003 entitled "The Future of Air Transport" in its comment on Heathrow stated at paragraph 11.53 that:

"11.53 We believe that development of Heathrow should be subject to a stringent limit on the area

significantly affected by aircraft noise, with the objective of incentivising airlines to introduce the quietest suitable aircraft as quickly as is reasonably practicable. The limit will need to be reviewed at intervals to take account of emerging developments in aircraft noise performance. Specifically for Heathrow, we propose that any further development could only be considered on the basis that it resulted in no net increase in the total area of the 57dBA noise contour compared with summer 2002, a contour area of 127 sq.km.

“11.54 The most difficult issue confronting expansion of Heathrow concerns compliance with the mandatory air quality limit values for NO<sub>2</sub> that will apply from 2010 (as set down in EU Directive 1999/30/EC), and in particular the annual mean limit of 40 µg/m<sup>3</sup>. The consultation document (para 16.30) said: ‘...another runway at Heathrow could not be considered unless the Government could be confident that levels of all relevant pollutants could be consistently contained within EU limits.’”

The airport has manifestly failed to achieve this and any development would cause a huge increase. The Government felt in 2003 that Heathrow residents should not be subject to greater noise and the residents should not now be forced to be subject to greater noise. The current situation shows that there is no prospect whatsoever of meeting these requirements. There are not (nor have there been) any proper noise measurement apparatus or procedures in place and recent noise measurements from private equipment have shown that noise readings persistently breach the limit of 57dBA and even reach 200dBA on occasions.

The economic benefits have been considerably overstated if considered as a national benefit. Business will almost certainly be drawn away from other areas so some benefits to Heathrow will be losses to other areas of the Country.

None of the options consider wild life and habitats to anything like a sufficient degree. London already has more airport space than any other city in the World bar none. The Woodland Trust has made representations on this and the Commission should take proper note of these. They are too extensive to list here.

### **Which of the shortlisted runway options, if any, do your comment(s) relate to?**

Heathrow North West Runway

Heathrow Extended Northern Runway

### **Q2 Do you have any suggestions for how the short-listed options could be improved, i.e. their benefits enhanced or negative impacts mitigated?**

The banning of Night Flights would be an improvement

### **Which of the shortlisted runway options, if any, do your comment(s) relate to?**

Gatwick Second Runway

Heathrow North West Runway

Heathrow Extended Northern Runway

### **Q3 Do you have any comments on how the Commission has carried out its appraisal?**

The Commission seems not to have spent enough time discussing the environmental and social effects. Sleep deprivation, effects of continuous noise and effects of pollutants are considered only as an afterthought when they are a primary consideration. It is almost impossible to understand from paragraphs 2.59 to 2.62 what factors the Commission have taken into account under Quality of Life and how these have been measured. Without the measured or estimated increase in noise and disturbance, the presumption must be that the damage to the area and suffering to people and communities has not been properly evaluated. The Commission's following stated objectives of:

To minimise impacts on existing landscape character and heritage assets.

To identify and mitigate any other significant environmental impacts.

To maintain and where possible improve the quality of life for local residents and the wider population.

To manage and reduce the effects of housing loss on local communities.

cannot be achieved by further burdening and overloading existing populations living alongside Heathrow. In the 90 page consultation document, minimal reference has been made to these issues.

Looking at the Table 2.2 in paragraph 2.51 the impact on sustainability of living and sleep deprivation will be very considerable around Heathrow. The Commission has used the methodology of the American Consultants Jacobs. This is fundamentally flawed and is increasingly discredited. Even the CAA have voiced doubts (see CAA Managing Aviation Noise [2014]). It bases the measurements on averages and limits of noise well above those that are recognised as intrusive both by respected scientists and the WHO. This is rather disappointing since in the Stage 1 Consultation Document of January 2013 it was said "At the three airports at which it has the power to set noise controls -Heathrow, Gatwick and Stansted -the Government has historically set restrictions on the operation of aircraft at night. When it is setting restrictions, the Government's existing high-level policy objective on aircraft noise is to limit and, where possible, to reduce the number of people in the UK significantly affected by aircraft noise." [para. 1.3 Night Flying Restrictions at Heathrow, Gatwick and Stansted Stage 1 Consultation January 2013]

The Commission has also failed to consider the proposed cap or targets for emissions and the effect on demand for air travel if VAT is levied on aviation fuel, which it surely will be before too long.

The Commission has failed to consider the effects upon the communities to the south and west of Heathrow. These communities have been particularly sharply affected by the recent Airspace Modernisation Trials. Heathrow have received a record number of complaints and the BBC have reported upon the adverse effects. People living in these areas during the flight path trials of summer and autumn 2014, will have experienced continuous noise from 6 00 am until well after 11 00 pm – more than 17 hours each day for several weeks. Often, more than 20 planes an hour were passing overhead (frequently late in the night affecting sleep). Some measured by residents producing sound levels of 90 to 100 decibels in areas 5 miles from the airport. The year 2014 has produced a record number of complaints amounting to 94,114 details of which were produced to the Richmond Park MP in response to a question

**Q4 In your view, are there any relevant factors that have not been fully addressed by the Commission to date?**

Yes: the Commission has not fully considered how the expanded airport could work with other airports. This is significant if there is to be a properly integrated airport strategy, which is essential in view of the shortage of space both in the air and on the ground – England is a crowded island and more so than most other countries.

Although Heathrow is full now, it does not have to be for the reasons stated. Heathrow could take a significantly greater business usage and freight usage while tourism could be focused more on Gatwick, Stansted and other south eastern airports.

The solution to increased demand for air traffic lies in making greater use of existing regional airports.

The Commission has failed to properly analyse the projected costs of each scheme. Already, it appears that both Gatwick and Heathrow have been very considerably under budgeted. The costs of complying with EU emissions requirements have been excluded and the loss to other areas of the Country from businesses moving to the Heathrow area after expansion have not been calculated

The Commission has failed to make overall assessments on the long term environmental effects of each scheme. In particular the Commission has failed to consider the effects of sleep deprivation, noise and the effects upon children. There are many children in the area and they will form a particularly high proportion of people affected at Heathrow (almost certainly more than Gatwick). No medical or psychiatric or neurological evidence has been obtained. The Commission has used methodology that is out of date and discredited (Jacobs)

The All Party Parliamentary Group on Heathrow and the Wider Economy, Chaired by MP Zac Goldsmith, published 18th December 2014 stated that:

"Heathrow Airport, by a colossal margin is the largest noise polluter in Europe. It currently affects over 760,000 people from noise levels that cause significant annoyance. No other country in Europe allows this. The "next worst" airport in Europe affects less than one-third of Heathrow's total. Schiphol – the airport much quoted as Heathrow's hub competitor – affects sixteen times less. Heathrow is a huge problem: it is a very noisy neighbour. But does noise disturbance really matter? Unequivocally yes, it does, say the World Health Organisation (WHO). Their research

shows the deleterious effect that excessive noise has on the whole population but particularly to the vulnerable, children, the elderly, those with underlying cardiovascular and mental health conditions. The WHO's key guidance documents explain the effect that a noise environment above 55 decibels has on society, increasing aggressive behaviours; increasing stress hormones, increasing blood pressure levels, reducing helping behaviours and hindering child development. For a Government to fail to address this problem would demonstrate a Victorian disregard for the population of London."

The Commission has not considered in enough detail the serious effects upon health or learning abilities of children of noise and pollution. Almost unbelievably no noise measurements were taken during the recent Trials. The noise contours are not accurate and do not take into account the eastern areas. No proper account has been taken of the difference in noise factor between different types of aircraft. The CAA's paper on noise Managing Aviation Noise 2014 shows the difference in noise effects between the Airbus A380 and the Airbus A320. No proper medical research has been undertaken. A full and open public inquiry should be held investigating the health impacts of Heathrow – both its current operation and the proposed expansion (as called for by local MPs). In addition, given the scale and impact of the proposals, a comprehensive and independent review should be undertaken into the methodology used to assess noise impacts. The health impacts upon children and adolescents of extensive exposure to noise and emissions needs to be undertaken and the Commission's Impact Assessments have not addressed these nor have the associated consultation documents. There is ample medical evidence already and which is not listed here, which should bring considerable concern to the Commission about the results that it has obtained

The Commission has not considered the current level of use of Heathrow. At present Heathrow puts through more passengers, at 72.3 million per year, than any other airport in the World apart from Atlanta and Beijing. Not only does Heathrow put through more passengers by a substantial margin than any other airport in Europe, no other airport in Europe has more than 480,000 aircraft movements per year, which is the current limit set for Heathrow. To compare, JFK managed 406,000 in 2013 and Amsterdam with its 6 runways managed 440,000 for the same year [source Airports Council International <http://www.aci.aero/Data-Centre> ].

Possible Legal Challenge: The prospects of a legal challenge have not been addressed (see under section 8)

Safety and anti-terrorism: The prospect of an accident amongst a highly populated area has not been fully considered. There have been some notable "near misses", which if different would have caused devastation. To expose people nearby to these risks is needless. Nor has the prospect of a terrorist attack been taken into account. An airport managing 700,000 plane movements instead of 480,000 per year with a corresponding increase in passenger movements up from 72 million per year to some 105 million per year would make Heathrow the busiest airport in the World by a substantial margin. Such an airport if taken out by a terrorist attack would cause untold damage to the economy. It is far safer to have more and smaller hubs. This pattern is followed throughout the World. New York for example has two major international airports to serve it – JFK (50.4 million passengers p.a.) and Newark (35 million passengers p.a.) – both less than Heathrow now.

**Q5 Do you wish to comment on how the Commission has appraised specific topics (as defined by the Commission's 16 appraisal modules), including methodology and results?**

**Strategic fit**

All of the options should be considered in connection with other airports. Thus some usage at Gatwick could be sent to Stansted, which itself might be expanded by 2050, as a second additional runway is mentioned. Heathrow is not expandable without creating social and environmental carnage. Gatwick is. Heathrow, while full now, need not be full with a proper coordinated airports strategy.

The financial costs of Heathrow have been seriously underestimated while those of Gatwick are probably not accurate either.

**Which of the shortlisted runway options, if any, do your comment(s) relate to?**

Gatwick Second Runway

Heathrow North West Runway

Heathrow Extended Northern Runway

**Economy impacts**

The economic benefits have been quantified on a local basis only which is misguided. Thus for example both the "Economic Impacts" and "Local Economic Impacts" in the sustainability assessments fail to take into account the effects upon other areas of the Country. Neither an extra 250,000 aircraft movements nor 20,000,000 passengers are going to appear overnight. They will come from other areas of the County and an already relatively prosperous area will deprive other areas of the County.

**Which of the shortlisted runway options, if any, do your comment(s) relate to?**

Gatwick Second Runway

Heathrow North West Runway

Heathrow Extended Northern Runway

**Q6 Do you have any comments on the Commission's sustainability assessments, including methodology and results?**

This is deficient in environmental considerations. The Commission says that the impact will be

“uniformly negative” (para. 14.7 of the Heathrow Sustainability Assessment). It then says that the overall impact is neutral (para. 15.4). The truth is that there might be economic benefits for the Airport itself and its foreign owners as well as some extra employment at the Airport. Other businesses around Heathrow are likely to suffer in the long term in parallel with the environmental carnage that would take place together with the damage and destruction of local communities. Some 1 million people around Heathrow would be adversely affected by either a third runway or an elongated northern runway. History has shown that lowering the desirability of an area will deplete its wealth and prosperity with consequent damage to long term employment. The suggestion in the Sustainability Assessment that prices of property in the area may reduce as a result of a third or extended runway is little short of ridiculous (even if true). The concept of making an area less attractive in which to live so as to reduce property prices to the advantage of that community is not one that carries any merit at all.

The Sustainability Assessment of Heathrow, “Noise” section, seems to ignore the 30% of the time that the planes will take off in an easterly direction. Is the commission aware of statistics relating to easterly take-offs? Residents in affected areas most certainly are so aware.

The Noise Contour maps 9.2 and 9.3 do not seem to include easterly take offs at all. Giving no consideration to 30% of take offs being in an easterly direction means that the commission has failed to properly assess noise impact of increased take-offs and overflights to the east of Heathrow, and is therefore working with partial data.

Recent events have shown that the easterly take off can be for a considerable period of time. November 2014 saw well over 50% of all flights take off easterly into the wind and the Sustainability Assessment seems to have ignored the communities affected.

The Commission has referred to larger planes taking more people and therefore reducing the number of aircraft movements but this fails to consider the effects of larger planes having a much slower climb rate with consequent noise and vibration effects for the people on the ground. The net effect is that the newer larger planes are actually noisier on the ground than older smaller planes. In addition the new planes may be given lower noise Quota Counts than they should be. This seems to be a possibility with the Airbus A380 which appears noisier than assessed – see paragraph 4.13 DfT Night Flying Restrictions at Heathrow, Gatwick and Stansted Stage 1 Consultation January 2013. The CAA paper Managing Aviation Noise confirms the increased noise of larger aircraft over smaller ones.

Nevertheless the comparison between the two Sustainability Assessments shows that Gatwick would be “Adverse” and “Neutral” after mitigation. Heathrow would be “Highly Adverse” and “Adverse” after mitigation. I strongly suspect that the difference would be greater than as stated by the Commission’s documents.

**Which of the shortlisted runway options, if any, do your comment(s) relate to?**

Heathrow North West Runway

Heathrow Extended Northern Runway

**Q7 Do you have any comments on the Commission's business cases, including methodology and results?**

None of the Business Cases consider the allocation of different types of usage (business, tourist, freight, transfer passengers) between the different airports. This must put into question the validity of the various arguments and statement of needs

The Commission has failed to address the current situation of no VAT being charged on aviation fuel used for international flights. In addition commercial flights are zero rated for VAT. This is a situation that is quite unjustifiable and will almost certainly change in the future. The imposition of these taxes will most likely reduce demand.

The pressures brought to bear by powerful vested interests and foreign investors to raise the profile of a third runway at Heathrow, as well as the spurious and discredited 'Back Heathrow' campaign, indicate a worrying lack of balance between the noisy wants of vested interests and the health and needs of local communities. To form a so called community group called "Back Heathrow", which is in fact 100% financed and controlled by Heathrow Airport Limited is cynical enough. It then published false claims and data. It claims that all Local Authorities apart from Hillingdon are in favour of Heathrow

incorrect. It claims that Heathrow may close and that people jobs are at risk if Heathrow does not expand – incorrect. It claims that a Populous Poll found that "50% of residents expressed support for Heathrow expansion compared to 33% opposed. The rest remained neutral." That was in a public blog of the 22nd January at <http://www.backheathrow.org/blog> and was quite simply untrue. The Populous Poll did not ask that question at all.

This in-egalitarian approach is further evidenced by the fact that those people most affected by airport noise levels and air pollution, that is, ordinary people in local communities, owing to time and financial constraints, are often those least able to respond to an extremely complex consultation such as this.

Recently 'Back Heathrow' have been distributing leaflets to incoming and outgoing passengers inviting them to complete a short statement in favour of expansion and to post these into post-boxes placed around the airport. This is in clear breach of the spirit of consultation.

**Which of the shortlisted runway options, if any, do your comment(s) relate to?**

Gatwick Second Runway

Heathrow North West Runway

Heathrow Extended Northern Runway

**Q8 Do you have any other comments?**

The Commission has come to the conclusion that an additional runway will be required by 2030



with a likely demand for a second additional runway by 2050. It does not seem though to have considered how the expanded airport and the non-expanded one could work with the other existing airports. Why has the Commission not given greater consideration to the devolution and sharing of the burden of airport traffic and pollution around existing regional airports?

The Commission does not appear to have properly considered the sharing of airport space.

London has more airport space than anywhere in the World with its 5 airports (Heathrow, Gatwick, City, Stansted and Luton). The ecological cost to building yet more space is very high as set out by organisations such as the Woodland Trust.

How can the Commission predict what the necessary requirements are of a particular airport if it has not considered how the demand may reasonably be allocated between the numerous airports in the South / South East / Midlands?

The concept of a hub airport is unnecessary and undesirable. The environmental impact of having a hub airport is enormous. The load should be spread. The 37% transfer passengers at Heathrow confer no economic benefit save to the airport and its owners (foreign in the case of Heathrow).

The transfer passengers do not even bring any employment benefits to the area as the usage can be taken up by business users. At present only 30% of Heathrow's passengers are business so there is plenty of room for expansion within the existing confines provided that either transfer passengers or tourists make way. With the current transfer passengers included Heathrow currently puts through more passengers, at 72.3 million per year, than any other airport in the World apart from Atlanta and Beijing. Not only does Heathrow put through more passengers by a substantial margin than any other airport in Europe, no other airport in Europe has more than 480,000 aircraft movements per year, which is the current limit set for Heathrow. To compare, JFK managed 406,000 in 2013 and Amsterdam with its 6 runways managed 440,000 for the same year [source Airports Council International <http://www.aci.aero/Data-Centre>].

There is a significant possibility of a legal challenge which has a sufficient prospect of success to be a material danger to expansion of Heathrow beyond its current size. This is not mentioned in any Operation Module and is not mentioned in the "Operational Viability" Module.

The leading case on the possibility of a legal challenge is the appeal case judgment of the Grand Chamber of the European Court of Human Rights in the case of *Hatton & Others v. United Kingdom* [2003]. That case was an application brought by a group of residents against the UK for allowing night flights at Heathrow. The judgment of the Grand Chamber is long and involved but in essence produced 4 findings:

1. Residents on the ground affected by noise from commercial aircraft do have a right and the legal standing to bring a claim against the state for violation of the right to an effective remedy before a national authority under Article 13 of the European Convention of Human Rights.
2. The UK failed to provide an effective remedy to UK nationals in relation to overflying of commercial aircraft into Heathrow in 2000 both through the provisions of the Civil Aviation Act and the reluctance of courts to judicially review government decisions
3. Residents on the ground affected by noise from commercial aircraft do have a right and legal standing to bring a claim against the state for violation of the right to respect for private and family life under Article 8.
4. On the facts of the case of *Hatton*, the balance lay at the time in favour of the State and the

residents lost their application for a judgment for violation of Article 8. The Court referred to a “wide margin of appreciation” which should be given to a member state

The ruling on Article 8 in finding 4 above could be different in the case of an expansion affecting many people. In particular the following can be brought to the Commission’s attention:

- a)The aircraft movements will have increased from 480,000 per year to over 700,000 per year affecting many more people than in 2000 when the Hatton case was started. In addition the number of people affected by noise at Heathrow will have risen from the current level of 28% of all people in Europe affected which is hugely more than the next noisiest UK airport (Manchester at 3.7%)
- b)People will have been dispossessed of their homes
- c)Flight paths may have been narrowed to greatly increase the effect of noise upon some people
- d)Aircraft will have got bigger and more aircraft will fly low creating yet more noise
- e)The Commission’s noise measurement methodology is flawed as stated elsewhere
- f)Heathrow Airport Limited have used their own organisation masked as a local community organisation called “Back Heathrow” to produce material that is both inaccurate and not in compliance with the directions of the Commission in obtaining responses. Much of that material is being sent to the Commission and might, if considered by the Commission, have interfered with the process of the Inquiry.

It is difficult to say what prospects an ECHR challenge will have when the development has taken place. The prospects of success are likely to be fair or moderate. The prospects of a challenge being mounted are likely to be considerable (meaning 40% or more). Should a group of residents be successful, the effects upon Heathrow in its expanded form and indeed the Country as a whole could be catastrophic. If the Judgment were to be complied with, people not previously having received any compensation would have to be compensated, Heathrow would probably have to reduce operations to the 2000 level, jobs created or moved from other parts of the Country would be put at risk and airport planning would be put at risk. If the ECHR Judgment were not to be complied with, the UK would lose substantial credibility as a democracy. Its standing would be reduced possibly hindering other important tasks such as the war on terrorism, criticism of states practicing torture and its standing in the middle-east and far-east. Not to comply with an Article 8 ruling of the ECHR would be almost unthinkable.

This is a risk factor for Heathrow more than Gatwick due to the greatly increased use of Heathrow. It is a factor that not only has not been evaluated with external legal opinion, it has not even been mentioned.

There are 4 runways for London now (2 at Heathrow and 1 each at Gatwick and Stansted and that excludes both City and Luton). The construction of a fifth runway will make London one of the most intensively served capitals in the World. The logical thing to do is to spread the load in a properly co-ordinated airports strategy (if a new runway is truly necessary which I do not believe).

**Which of the shortlisted runway options, if any, do your comment(s) relate to?**

No Airports Selected.