



South East Essex Friends of the Earth

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17 October 2013

Sir Howard Davies
Airports Commission
Sanctuary Buildings
20 Great Smith Street
London SW1P 3BT

Dear Sir Howard,

Climate change: Commission incites a criminal offence.
Airport Consultative Committees: Engaging with those adversely impacted by airports
Thames Estuary Airport: Now impossible that this scheme will ever proceed

1. Climate change: Commission incites a criminal offence.

As I am sure you are aware your announcement on 7th October will have represented a devastating blow to those humanitarians in society who fear the appalling effect climate change is and will increasingly have upon the world's most vulnerable people.

On the BBC Radio 4 'Today' interview you said that you were putting your thinking out there for others, who disagree, to knock it down.

I am writing to you today to do more than "knock it down" but to warn you that if you incite a criminal offence the police may prosecute you. You need to get legal advice for yourself and your staff and get that advice now.

What is "dangerous climate change"?

The UK's Committee on Climate Change (CCC) and the Climate Change Act are predicated on the notion that greenhouse gas emissions must not be allowed to increase to a level that triggers the runaway greenhouse effect - a series of 'positive feedbacks' come into play that totally transform planetary eco-systems and will, in all probability, kill billions of people. The threshold of warming that it was felt must not be exceeded was 2 degrees C.

So – "dangerous climate change" is in fact an 'annihilation' scenario.

However very many scientists and national governments do not accept this level – arguing that the safe limit to avoid global catastrophe is in fact 1.5 degrees C of warming.

UK Government's thinking has consistently been that policy must follow sound consensus based science, not that which might be described as alarmist. Also that the aviation sector could continue to grow, provided cuts in emissions elsewhere meant that the UK would be on track for its target to cut greenhouse gas emissions by 80% by 2050 (that, it was hoped, would avoid catastrophic climate change).

Since the Climate Change Act came into force four things have happened: -

- The IPCC 2013 report has brought the science to within the “beyond reasonable doubt” threshold, which transforms the legal options for civil and criminal sanctions.
- The IPCC report and the emerging evidence to be published in the IPCC's Working Party III report show that we are not on track to deliver the cuts needed to avert the runaway greenhouse effect and global catastrophe – much deeper cuts are needed and they are needed immediately.
- UK emissions are not falling consistently – they increased in 2012.
- The European Emissions Trading System is a failure and there are no imminent prospects of a global aviation emissions trading system.

As a consequence of this your preliminary thinking, outlined on 7th October, is irrational. Indeed it is beyond comprehension.

If the aviation industry gets its way its greenhouse gas emissions will represent around 25% of all UK emissions by 2050 (Source: CCC). The industry has absolutely no intention of producing a credible route-map to reduce greenhouse gas emissions by the scale needed to avert calamity.

It must be abundantly clear to you and your staff that all emissions, from all sectors, must now be reduced as a matter of urgency, if we are to achieve the UK Government's stated and clear policy to avoid “dangerous climate change” (the runaway greenhouse effect).

Killing 400,000 people a year is “dangerous climate change”!

Over the last 15 years a number of reputable scientific bodies have tried to put a figure upon the number of people being killed by climate change. There is huge debate surrounding the number of deaths that are caused by extreme weather events and the spread of disease, which is exacerbated by our warming world (the planet has warmed by around 0.8 degree C since pre-industrial times).

The UNEP and WHO have put forward powerful evidence relating to this. There have been other bodies too that have spoken, for example, in 2009 the Kofi Annan institute estimated the deaths to be around 300,000 per annum and, this year, the DARA International group of scientists (<http://daraint.org/>) said that 400,000 deaths were now being caused per annum.

While most deaths occur in the world's very poorest countries, and it is typically the very youngest of children that are killed by the increased spread of disease, the evidence that Europeans have also been killed by extreme weather events is overwhelming. The evidence that property here in the UK (and also here in Essex) is being increasingly damaged by flooding and other extreme weather events is now also undeniable.

For those people who have seen their homes flooded twice in 10 years by ‘once in a 100 years floods’ and those who can no longer insure their homes against floods, this too is “dangerous climate change”.

There is another aspect to this which warrants your immediate attention – the impact of climate change upon food production. This report by PwC for DEFRA should be examined by you and your staff immediately: -

<http://www.pwc.co.uk/sustainability-climate-change/publications/international-threats-and-opportunities-of-climate-change-to-the-uk.jhtml>

So, for your commission to advocate an increase in emissions from the aviation sector, when other sectors are struggling to deliver cuts, goes beyond being unreasonable. It goes beyond being condemned in the strongest of possible terms - it warrants legal action !

Criminal offences of “threatening behaviour”, “incitement”, “manslaughter” & “murder”

In the light of the evidence that has now been produced by the IPCC and the other points made above I put it to you that on 7th October you gave warning to the public that you would: -

- Seek a course of action that would increase the number of people who are being killed every year; and
- Seek a course of action that has a high probability of contributing significantly to a mass loss of human life.

That represents the criminal offence of “threatening behaviour”.

On 7th October you also indicated that you intended to encourage government to follow this line. If you do so this would represent “incitement”.

If your proposals are implemented by government, this will lead to an increase in the number of deaths that occur globally. You could argue that the crime committed was “manslaughter” because it was never your intention to kill anyone, but a prosecutor might argue that it was “murder” because it was certain and entirely foreseeable that people would be killed.

Is there a way out for the Commission?

Whilst I am appalled by your behaviour I did give some thought as to whether there was a way out for you and your staff. This may also help as and when this lands on the table of the Chief Constable.

If you were to recommend that aviation can only be permitted to expand on the following basis, and if it cannot, your committee recommends that it must now be reduced in scale and reduced immediately, then I cannot see how a prosecution could succeed against you. That recommendation to government could be along the following lines: -

“The scale of the harm and loss of life caused now by climate change, and the high probability of “dangerous climate change” being caused, if greenhouse gases are not reduced immediately, requires that the entire aviation industry (a predominantly luxury, non-essential activity) must now be required to become carbon neutral.

It would be comparatively easy for the aviation industry to afford this measure, so long as it does not pay its fair share of taxes to the exchequer. Consequently it is recommended that aviation duties and VAT are brought into line with the average of charges imposed upon the motorist.

A verifiable, scientifically robust system of (off-site) carbon capture and storage must then be paid for by the aviation sector, ensuring that the greenhouse gases emitted by this sector are withdrawn from the atmosphere elsewhere and sequestered.

Provided the industry is no longer given indirect state subsidies, through reduced taxation, and it removes from the atmosphere an amount equal to that which the industry emits, then the industry can be permitted to expand further.” (You could then offer your capacity options.)

I put it to you that it is obvious that the expansion of any polluting industry will kill people, mostly the world's poorest and most vulnerable, and that it is obvious that government will fail to meet its target to avoid “dangerous climate change”, if you recommend an expansion of aviation to the extent suggested. If you do that you will be committing a criminal offence and this must become the subject of a police investigation.

You must immediately ensure that your colleagues and staff understand this.

2. Airport Consultative Committees: Engaging with those adversely impacted by airports

When I met you, along with representatives of other resident's campaign groups opposed to expansion of aviation (representing the 'No Estuary Airport' campaign in Essex), I mentioned in passing that the aviation sector has a poor record of engaging with communities adversely impacted by aviation expansion. The local resident's action group opposed to expansion at Southend airport (www.SAEN.org.uk) asked me to inform you that, despite several attempts to be permitted to join the local Airport Consultative Committee (ACC), the requests were repeatedly refused. The campaign group SAEN sought the intervention of the then government minister (Simon Burns MP) but he refused.

The SAEN campaign group sought legal advice (from [REDACTED] solicitors of Cambridge) and was informed of a case Buxton took in court and won. SAEN was informed that as 'an interested party' it had a right to attend such meetings. Despite putting this to government ministers and to the ACC, the ACC maintained that it would not permit SAEN to join and refused to engage in any further communication.

A member of the SAEN committee ([REDACTED]) was recently in discussion with the CAA, when the ACC's stance came up. The CAA asked that you be informed of what has happened. Although I mentioned this to you verbally, prior to [REDACTED] conversation with the CAA, I thought that I should take this opportunity to ensure you are aware and you have the opportunity to comment on the general point in your final report.

There are dozens of issues that crop up where good communications between airports and local communities could resolve problems speedily and it must surely be in the best interests of all to encourage effective communication. Given that government ministers have little interest in supporting the stated policy of encouraging better communications, I ask that you include a recommendation for a statutory right for community representative campaign groups to be permitted membership of ACC bodies.

Although SAEN is confident that it could win a court case, it is a campaign with very little funds so it has to prioritise the work it undertakes. The campaign group has recently decided to prioritise a fighting fund to mount a legal challenge to the night and weekend flights regime at Southend Airport (people are furious about night flights and the regular flights after 6.30am, even on Sunday mornings). This development is an issue which the Airports Commission will need to pay attention to because it has real significance for your work and recommendations.

3. Thames Estuary Airport: Now impossible that this scheme will ever proceed

The world of politics does not always pay heed to the world of science. Never has this been more obvious than in the political response to the science relating to climate change. But the refusal of many policy makers to accept the laws of physics cannot last much longer – the pain caused by rapid climate change will force politicians and those in business to confront unpalatable facts.

It is entirely foreseeable that in the near future, probably between 10 and 15 years time, that the world of politics will focus upon public demands to tackle climate change. It is entirely foreseeable that, long before any major new airport could be constructed, steps will be in hand to reduce aviation capacity.

A new Thames Estuary Airport will never be constructed, not just because the aviation industry doesn't want it, nor just because government cannot afford the cost, it won't happen because of the enormous shift in national and international policy which is coming.

A reduction in aviation capacity and a reduction in the number of flights can best be managed from within the existing airports.

Yours sincerely,

