

## Heathrow Expansion **Briefing Note**

# **Final NPS: an initial review**

6 June 2018

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### **1. Overview**

- 1.1 On Tuesday 5 June, the final “Airports National Policy Statement on new runway capacity and infrastructure at airports in the South East of England” (i.e. the Heathrow expansion NPS) was laid before Parliament.
- 1.2 Alongside the Final NPS, the Government has published its response to the Transport Select Committee (TSC) report and the two public consultations on the NPS as well as limited additional technical material.
- 1.3 The Final NPS was to be updated taking on board the responses to the two public consultations in 2017 and the report of the TSC published in March 2018. The key question would be the extent to which the Final NPS would take account of the TSC report in particular.
- 1.4 The Government claims to have “accepted 24 out of its 25 recommendations.” But an initial review of the NPS and the Government’s response to the TSC report suggests that it had paid little more than lip service to the TSC recommendations, commending the intent but largely ignoring the substance of what was requested.
- 1.5 In doing so, in places it has indicated that it would be for the promoter (Heathrow) as part of the Development Consent Order (DCO) process. With regards to costs, it also cites the CAA’s regulatory remit as a reason for inaction.
- 1.6 Below are set out some key TSC recommendations which have not been addressed.

### **2. Key issues**

#### ***Air quality***

- 2.1 **Recommendation 5:** The TSC sought a more stringent interpretation of compliance including headroom (i.e. the NPS findings that there was a high risk of non-compliance before 2030 meant it had failed to prove legal compliance)
  - No action is taken. Government’s defence is that its analysis was conservative in

nature (e.g. using “high aviation demand scenario”) and that ultimately it would be for the promoter to demonstrate as part of the DCO process.

2.2 **Recommendation 6:** The TSC sought an explicit condition against significant impacts on health and quality of life as a result of air quality.

- The Government has changed the revised of the NPS to make it clearer that “the scheme would be compliant with legal obligations that provide for the protection of human health and the environment.” This falls short of what the TSC sought in terms of minimising adverse effects, which goes beyond compliance with legal limits.

### Surface access

2.3 **Recommendation 7:** The TSC requested written commitment to Western Rail Access (WRA) and Southern Rail Access (SRA) and publish its updated surface access modelling.

- NPS is amended to include detailed status of both schemes – but it remains the case that neither is committed. [Though, in the House, the SoS said of WRA that “as far as I’m concerned, it’s fully funded”. For SRA, the Government launched a market exercise in May to see if it can secure a wholly privately-funded scheme.]
- No new modelling is offered – and the NPS response to the indicates that none has been done (since the Airports Commission work). It adds that detailed modelling will need to be done as part of the DCO.

2.4 **Recommendation 9:** The TSC requested a condition for no increase in highway traffic.

- The Government fails to take this on board, supporting this “worthy aspiration” but noting “the complexity of defining and measuring a specific target for no additional traffic, and the risk of unintended consequences if such a target were imposed.” It then reiterates its (weaker) mode share targets. [It is unclear why ‘no additional traffic’ with a suitable baseline would be any more difficult to define and measure than a mode share target.]

### Domestic connectivity

2.5 **Recommendation 10:** The TSC called on Government to set out exactly the policy levers it will use to secure the 15% of new slots for domestic routes which the SoS claimed in his hearing before the TSC.

- The NPS is unchanged. The NPS response to the TSC makes clear that if other measures are insufficient, then Public Service Obligations (PSOs) will be used, without acknowledging their severe legal limitations. The target has also been restated as “up to 15% of additional slots”.

## Costs

- 2.6 **Recommendation 11:** The TSC sought evidence, before Parliament votes, demonstrating the scheme is affordable and deliverable.
- The Government cites previous statements by the Airports Commission, the CAA and Heathrow Airport Limited, as well as monitoring by Government going forward and recent parameters given by the SoS to the CAA, without directly responding to the TSC's request.
- 2.7 **Recommendation 12:** The TSC requested a condition that airport charges be held flat, with scope for a marginal increase provided the balance of benefits is in favour of the consumer.
- The Government says that the CAA will take its aspiration on this into account but in discharging its regulatory role, the CAA must not be bound by any cap on charges.

## Noise

- 2.8 **Recommendation 14:** The TSC had sought a comprehensive updating of the noise modelling to reflect a range of flightpath scenarios, metrics and thresholds – having recognised that the Government's approach resulted in results at the lower end of the range of possible noise impacts (and in the absence of the actual flightpaths which will only be made available a few years down the line).
- The Government says that its use of one set of flightpaths is consistent with the approach taken by the Airports Commission and that its purpose is "to draw out key strategic considerations relevant to noise." It confirms that the detailed proposals for actual flightpaths would be open for comment as part of the airspace change process (i.e. a few years down the line). It adds that the DCO will need to contain information about flightpaths sufficient for environmental impact assessment.
- 2.9 **Recommendation 19:** The TSC requests a minimum average period of 7 hours of respite a night.
- The Government retains reference to a six and a half hour period but adds that the "NPS does not preclude consideration of different options."
  - More fundamentally, the final NPS has been amended so that a night respite period is no longer a condition: it previously said the package of measures "will" include such a night flight ban – now it is only "expected to" include one.