

**HERTFORDSHIRE COUNTY COUNCIL**

Agenda Item No.

**7**

**CABINET**

**MONDAY 26 JANUARY 2004 at 2.00 p.m.**

**THE AVIATION WHITE PAPER: THE FUTURE OF AIR TRANSPORT**

Report of the Director of Environment

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**1. Purpose of Report**

To inform the Cabinet of the publication of the Government's White Paper on the future of aviation, of some of the implications for Hertfordshire and of the situation regarding Legal Challenge.

**2. Summary**

The Government's White Paper on aviation and airport development was published on 16 December. The contents have major implications for Hertfordshire.

The Government proposes to meet the demand for air travel in the south east with 2 new runways, one at Stansted by 2011/12 and one at Heathrow by 2015-20, plus a full length runway at Luton which would extend into Hertfordshire's green belt. The airport operators are to bring forward planning applications for the development which could be expected to be considered at public inquiries.

The County Council has expressed its disappointment at the White Paper which seeks to meet demand by providing additional runway capacity despite the impacts on the local and global environment and transport infrastructure based on the response to the consultation. During the consultation it opposed runway developments at the three airports close to the county, Stansted, Luton and Heathrow, suggesting other solutions, including demand management and alternatives (regional airports, rail and consideration of new estuarial sites). It will now wish to determine how best to react to the proposals and to discuss the implications and potential for legal challenge with affected districts and neighbouring authorities.

### **3. Conclusions**

Now the White Paper has been published, the County Council needs to review how it wishes to proceed. Cabinet may wish to confirm their disappointment with the White Paper but clearly has the opportunity to review that position.

County members and officers will need to discuss the proposals with affected districts and neighbouring authorities. It is suggested the past close working with East Hertfordshire, Uttlesford and Essex County Council is continued and the potential for a similar grouping at Luton is investigated.

The County Council also needs to take a view about discussions and possible joint working with the airport operators, as they consider their options to advance proposals which will inevitably end in public inquiry.

The Structure Plan and Regional Issues (SPRI) Panel considered these issues. The general view was that :

- there is no justification to change county policy,
- the council should continue to work closely with districts and neighbouring authorities and with airport operators,
- legal advice should be taken on the viability of legal challenges
- there is a requirement to determine the likely need for infrastructure and the costs that could be incurred if development were to be permitted.

Cabinet may therefore wish to reaffirm its long held position regarding the provision of runway capacity and its position that demand management should form a major element of any aviation policy.

#### **4. Background – The White Paper**

- 4.1 The Aviation White Paper, 'The Future of Air Transport', was published by Secretary of State Alistair Darling on the 16 December. It is the culmination of the national consultation on aviation and airports which took place in 2002 and 2003.
- 4.2 The County Council responded to the two south east consultations (known as SERAS) in November 2002 and July 2003 (Cabinet Reports and Resolutions 15 July 2003 & 17 December 2002). It also facilitated public debate on the issues. 500,000 responses were made nationally to government.
- 4.3 The Government have sought to set out a strategic framework for the development of airport capacity in the United Kingdom over the next 30 years. It is intended to be a balanced approach which recognises the importance of air travel but which also tackles environmental issues.
- 4.4 Air travel in the UK has increased five fold in the past 30 years and is forecast to more than double, from 200 million to 500 million passengers a year (mppa) in the next 30, if capacity is provided. The perceived economic and social benefits of aviation have led the government to conclude that more capacity should be provided but at the same time more effort must be made to reduce the environmental effects.
- 4.5 In the south east where demand is forecast to increase from the present 120 mppa to 300 mppa by 2030 the first priority is to make best use of existing runways at the major airports but in addition the government sees a need for 2 new runways. It supports the building of a second runway at Stansted by 2011/12 and subsequently a third runway at Heathrow, in the 2015-20 period. The government also supports the growth of Luton up to the maximum use of a single full-length runway which could be a 1km runway extension into Hertfordshire.
- 4.6 At Stansted the proposed runway is the widespaced option (Runway 2 in SERAS) to provide a capacity of about 80 mppa. Further additional runways (Runways 3 and 4 in SERAS) are not supported.
- 4.7 At Heathrow consultation is to start on making more use of the existing runways by adopting mixed mode operations (landings and take offs on the same runway) in peak periods. Measures to improve local air quality will be introduced so that a third runway can in time (2015-2020) be brought into use while allowing the airport to meet the mandatory limits set by the EU Directive on local air quality. These limits (for nitrogen dioxide) come into force in 2010 and present forecasts show that if a third runway were brought into use before then the limits would be exceeded.

- 4.8 The White Paper recognises the environmental impacts of aviation and airport development and suggests how these are to be minimised. Stringent noise controls will be imposed, local air quality addressed and an emissions trading system instituted within the EU, hopefully by 2008, to reduce aviation's contribution to climate change.
- 4.9 In time the aviation industry will be paying its environmental costs but the Government does not envisage these additional costs will greatly affect levels of demand. New capacity is needed during the 30 year plan period to meet that demand and realise the economic and social benefits of air travel for the UK.

## **5. The Planning Process**

- 5.1 The Government requires the airport operators to bring forward planning applications to implement the proposals. BAA are asked to work up the details at Stansted quickly, in consultation with local communities and infrastructure providers. The application with a full Environmental Impact Assessment (EIA) could be submitted early 2005 (probably as 2 applications with first one for the maximum use of the existing runway followed by one for the new wide-spaced runway).
- 5.2 There would then be a planning inquiry under the new streamlined system to be introduced in the new Planning Act. It is presently understood that the Inspector would be able to refuse an application on grounds such as unacceptable environmental impact or inadequate infrastructure provision but not on grounds relating to the government's policy regarding need and the provision of capacity. (This issue could form a part of a legal challenge, see section 6 below).
- 5.3 At Luton the timing is less clear. The airport operators could allow the airport to grow on the existing site, with an application to extend the taxiway at some point. An application to extend the runway, and almost certainly a public inquiry, could be some years away.
- 5.4 Alternatively the operators could go for an early extension expecting the business to follow. For both Stansted (BAA) and Luton (TBI) they will need to have a clear business case for their chosen development as it has to be funded by them without government subsidy.
- 5.5 The timescale of the planning process may be affected by potential legal challenges to the government's White Paper. Any challenges (see below) are unlikely to stop the operators working on their preferred schemes and bringing forward detailed proposals but could delay development and help to keep the aviation debate in the public eye.

## **6. Issues affecting Hertfordshire**

- 6.1 The proposed airport developments will clearly have a major impact on Hertfordshire. The County Council expressed its extreme disappointment at the White Paper in a December press release highlighting the government's failure to tackle critical environmental and infrastructure issues.
- 6.2 These issues were set out in the County's response to the SERAS consultation and in the work of the Coalition (the Hertfordshire, East Herts and Essex group of authorities). Members will now need to consider whether their past opposition to new runway development should be reviewed and what, if any, viable long term alternative can be proposed now the government have rejected those previously suggested.
- 6.3 Some other issues for members are highlighted below.

### Potential Legal Challenges

- 6.4 A number of bodies have threatened to challenge the White Paper and the County Council is looking at the potential for this. The choice of site without a proper EIA, the inadequacies of the consultation process (the Luton runway extension not being a specific option, the unsatisfactory consideration and rejection of the estuarial alternatives, and the intention to increase the use of the existing Heathrow runways) and the problems of funding at Stansted (cross subsidisation) have all been suggested as justification for a Judicial Review.
- 6.5 A number of west London authorities along with the major pressure groups for Luton, Heathrow and Stansted (with the support of SASIG the aviation group of the LGA) are considering a challenge based on the failures of the consultation process (which could include that at Luton). They have requested a contribution from affected local authorities to progress this.
- 6.6 Any challenge at Stansted would relate more to the planning process and the government 'decision' to support a new runway without an Environmental Impact Assessment. The Inquiry Inspector could be inhibited in coming to his decision in the light of this very clear policy.
- 6.7 The County Council will wish to consider the options with other authorities and community groups and take advice as necessary.
- 6.8 The Judicial Review by Essex County Council and others to have Gatwick included in the SERAS consultation, while successful, has only delayed the White Paper not led government to change its view regarding Gatwick. Challenges could though delay development and help to keep the aviation environmental issues in the wider public eye.

## Infrastructure

- 6.9 A major element of any application for runway developments will be the accompanying infrastructure proposals. The White Paper contains little detail on this. There is no detail of the two airport roads proposed in SERAS, the NE Luton link through the North Herts green belt and the A120 to M11 (north) link at Stansted.
- 6.10 At Luton it appears the improvements already planned for the M1, for the motorway to airport link, and for rail, Midland MainLine, Thameslink and a link between the station and the airport, are thought to be sufficient. At Stansted despite the planned improvements to the M25 and the A120 east problems are recognised on the M11, the A120 west, local access and on the West Anglia rail line.
- 6.11 The requirements for infrastructure will need careful consideration but a major issue will be the funding of any improvements. The airports are to pay for infrastructure which their developments require but where the improvements have a wider role, such as increasing capacity on the rail line, government (Strategic Rail Authority) funds would be required. The key issue is the availability of funding and therefore the assurance that the infrastructure required can be provided before or at least in parallel with the provision of new capacity.

## Noise and Night Flights

- 6.12 Aircraft noise is recognised in the White Paper as a serious environmental impact and, as well as newer quieter aircraft, stringent noise controls are anticipated. At both Stansted and Luton however existing (2002) noise levels will rise considerably with the proposed runway developments.
- 6.13 At Luton a longer runway will mean larger heavier aircraft as well as more movements. At Stansted operational systems to minimise the impact of the new runway on nearby Takely on the A120 in Essex could mean concentrating flights on the existing flight paths over Hertfordshire.
- 6.14 Night flights are not properly addressed in the White Paper despite their major impact on residents' quality of life. A new government consultation paper on night flights at Stansted, Gatwick and Heathrow is expected but there is no mention in the White Paper where the 40,000 additional annual night freight flights referred to in SERAS are to be accommodated. The County Council's policy that all night flights should be banned has however clearly not found favour.

## Regional Planning

- 6.15 The new Regional Plan (RPG 14) is being drawn up supporting the maximum use of the existing runways at Stansted and Luton. At

Stansted this could be a throughput of 35-40 mppa and at Luton 15-20 mppa.

- 6.16 Further expansion at Luton (the runway extension would take capacity to at least 30 mppa) is not seen by EERA as justifying radical changes to RPG14 but that at Stansted has more far reaching impacts. However officers at EERA do not consider there is any immediate need to radically change the draft plan.
- 6.17 It has always been the intention to review RPG14 in the light of the White Paper. This will need to cover the airport development, employment and urbanisation, and the transport issues but the timescale for review and the impact on the emerging Stansted M11 Corridor sub-regional strategy is presently uncertain. Clearly, there could be pressure for additional housebuilding in the corridor to accommodate the extra employees needed to realise the economic growth potential of an expanded Stansted.
- 6.18 The Regional Transport Strategy should reflect the major transport schemes that the airport will require.

## **7. Working with other Authorities**

- 7.1 The County Council has worked closely with Districts and neighbouring authorities during the SERAS consultation and it is expected that this will continue. At Stansted in the past the four local authorities Hertfordshire, Essex, East Herts and Uttlesford have had a close working relationship and this should be retained for what will inevitably be a long and costly planning process.
- 7.2 During the consultation process Hertfordshire, Essex and East Herts formed a Coalition to attempt to influence government while Uttlesford worked more closely with the local amenity group, Stop Stansted Expansion. Now the government has published its White Paper it would be appropriate for the 4 authorities work together in relation to the proposed development at Stansted while maintaining the close links with the amenity group.
- 7.3 At Luton the County Council should look to work with the Bedfordshire authorities and the Hertfordshire Districts, particularly North Herts, St Albans and Dacorum, while maintaining its links with the various local amenity groups. Officers will also need to work with the airport operators of both airports to try to influence their proposals and the mitigation measures they are to contain.
- 7.4 The County Council will also wish to continue to work within the Local Government Association aviation group SASIG particularly regarding the wider environmental aspects such as aircraft noise and local air quality. To date however the government has not chosen to adopt the suggestions made by this body.

## **8. Financial Implications**

- 8.1 There are none arising directly from this report but close involvement in the planning process over the next few years will have longer term implications with likely expenditure on consultants and public inquiries. If a legal challenge is to be supported it will involve expenditure this financial year.

Background Papers:

Department for Transport: The Future of Airport Transport, Dec 2003.