

The Chartered  
Institute of Logistics  
and Transport

AIRPORT

EXPANSION

CILT(UK) Aviation Policy Group

# Executive summary

## FACT

*UK aviation policy is set out in White Papers and Policy Statements which are continually updated*

Policy on airport expansion in the UK is constantly changing to reflect national policies and aviation trends. This paper, prepared by CILT's Aviation Policy Group, summarises recent decisions and activity on several UK airport expansion proposals, at Heathrow, Gatwick, Luton, Manston, Stansted, Bristol, Leeds Bradford and Southampton. At the time of writing (Spring, 2022) the aviation industry is recovering from the downturn in traffic from the pandemic.

Policies considered include aviation, planning, levelling up/union connectivity, climate change and decarbonisation, air quality, noise, other environmental issues, surface access and sub national transport bodies/local authorities.

UK aviation policies have evolved from the 2003 White Paper, through the 2013 Aviation Policy Framework and the work of the Airports Commission (2015) to the Airports National Policy Statement of 2018 and the Making Best Use statement, also 2018. Consultations have taken place on the future of UK aviation and Jet Zero and a White Paper is expected this year. Aviation policies seek to balance the large economic benefits with the environmental impacts, either global such as climate change or local such as noise. Forecasting future growth is particularly challenging at present and the DfT's aviation forecasts are key to understanding the national position but have limitations at the local level.

There are different routes for authorising airport expansion depending on the size of the development. Smaller projects (Stansted, Bristol, Leeds Bradford, Southampton) are covered by the Town & Country Planning Act 1990 and larger schemes (Heathrow, Gatwick, Manston, Luton) by the Planning Act 2008. The National Planning Policy Framework sets out general planning policies, which also apply to airport development. One particular policy relevant to many airport expansion proposals is Green Belt.

The Union Connectivity Review was published in November, 2021 and the Levelling Up White Paper in February 2022. It is not yet clear how the levelling up agenda is likely to affect airport expansion plans, but there is evidence from previous attempts to change the balance between the South East and the rest of the country.

*CILT's interest in airport expansion policy arises from its concern to ensure that the sector, in which its members are involved, is able to continue to be successful without harming the global and local environments.*

Climate change and decarbonisation policies are perhaps top of the agenda at present and the subject of extensive research, consultation and study, with the anticipated Jet Zero White Paper to set policy for many years. Decisions made on the smaller expansions (Stansted, Bristol, Leeds Bradford, Southampton) have been on the basis that the small changes in carbon emissions would not affect the Government's ability to meet carbon targets. Larger expansions have yet to reach decision stage, but the analyses have shown that the carbon effect would be material, but within the long-term decarbonisation plans.

Local air quality policies and regulations are clear and must be met if airport expansion is to be achieved. Noise is a long-standing issue and it is difficult to reconcile the quantitative nature of the measurements against individual personal experience. Nevertheless, there is now clear policy and methods of control are well established. Heathrow is clearly the airport with the largest noise impact and the third runway plans will have to demonstrate a clear reduction. Other environmental issues are covered by various policies and regulations and different examples have arisen depending on the circumstances at each airport.

Surface access is both an operational issue for serving an airport and also a question of the impacts in terms of congestion or environmental impacts. Larger airports often have excellent public transport arrangements which can accommodate growth, albeit road traffic volumes are also large. Smaller airports which rely on roads have more of a challenge.

Decisions are made on the balance of effects. Conditions and planning obligations can mitigate some effects, but there is usually a residual impact which is balanced against the economic effects of expansion.

CILT's interest in airport expansion policy arises from its concern to ensure that the sector, in which its members are involved, is able to continue to be successful without harming the global and local environments. Our members take an objective view based on experience and knowledge and contribute to the debate through responses to consultations, events, and papers such as this.

# About CILT(UK)



The Chartered Institute of Logistics and Transport in the UK – CILTUK – is a professional membership body embracing all transport modes whose members are engaged in the provision of transport services for both passengers and freight, the management of logistics and the supply chain, transport planning, government and administration. Our principal concern is that transport policies and procedures should be effective and efficient, based on objective analysis of the issues and practical experience, and that good practice should be widely disseminated and adopted.

*The Institute has a number of specialist national policy groups, a nationwide structure of locally based groups and a Public Policies Committee which considers the broad canvass of transport policy.*

The Institute has a number of specialist national policy groups, a nationwide structure of locally based groups and a Public Policies Committee which considers the broad canvass of transport policy. This policy paper has been prepared by our Aviation Policy Group. It is aimed at policy makers in Government and the industry, members and others with a particular interest in UK aviation policy. A particular theme for 2022 across all CILT policy activity is the relationship between policy and societal values, encompassing recovery from Covid, the route to net zero, levelling up and planning reform.

CILT has previously been active in policy development by responding to consultations, submitting evidence to inquiries and publishing articles, in particular in the CILT's journal, *Focus*. Examples of recent publications include:

- Rebuilding aviation better, *Focus*, February 2021
- Response to DfT consultation on Night Flight Restrictions, March 2021
- Response to Treasury consultation on Aviation Tax Reform, June 2021
- Aviation Progress in 2021, *Focus*, August 2021
- Aviation Decarbonisation briefing paper for COP26, November 2021
- Response to Gatwick Northern Runway consultation, December 2021
- Response to DfT consultation on Aviation Consumer Policy Reform, March 2022
- Ever changing aviation scene, *Focus*, March 2022
- Response to Luton Rising consultation on expansion, April 2022

Aviation is predominantly an international activity and, while this policy paper relates only to the UK, there are many relevant international policies and arrangements which have a bearing on airport development. International aviation is governed by regulations from the International Civil Aviation Organisation, a UN agency, and by bilateral or multilateral agreements. Many other international organisations co-ordinate activity, such as IATA and EASA and many airlines and airports have international ownership and activity. Comparisons can also be made with many airports around the world in terms of policy, regulation, environmental standards etc.



# Introduction



## FACT

*There are different planning processes for large and small airports*

Policy on airport expansion in the UK is constantly changing to reflect national policies and aviation trends. Policies are contained in Parliamentary legislation, Government white papers, local government plans and are also a reflection of international agreements. This paper considers the situation as at the first half of 2022 based on policies in force at the time and the way those policies have been interpreted in decisions made on airport expansion. In particular, decisions have been made on proposals at Stansted, Southampton, Leeds Bradford and Bristol Airports, although some of these are subject to legal challenge. A decision is awaited on Manston Airport, and other airports are at various stages of bringing forward proposals (eg. Gatwick and Luton).

Applications to expand airports are dealt with under the Planning Acts. For Nationally Significant Infrastructure Projects – NSIPs (new runways, >10mppa, >10,000 cargo ATMs) the procedure is through a Development Consent Order (DCO), with the final decision by the Secretary of State. For other projects, the process involves a Planning Application considered by a local authority, with an appeal possible which is then decided by the Planning Inspectorate. Another process which is sometimes used for airport-related surface access projects is the Transport & Works Act (TWA), but this paper does not consider any TWA decisions. Legal challenges (Judicial Review) are made on the basis that the law has not been correctly applied.

*This paper considers the situation as at the first half of 2022 based on policies in force at the time and the way those policies have been interpreted in decisions made on airport expansion.*

The projects considered in this paper are as follows:

Project	Key features	Process	Status
Heathrow third runway	New runway, +40-50 mppa	NSIP/DCO	Initial consultations 2019, now on hold
Gatwick Northern runway	Conversion of existing emergency runway to full-time use, +16mppa	NSI/DCO	Initial consultations 2021-2022 DCO expected 2022
Future Luton	New terminal, +13mppa to 32mppa	NSIP/DCO	Consultation 8 February – 4 April 2022
Manston	Re-opening of the airport primarily for cargo – 17,000 cargo ATMs	NSIP/DCO	Initially approved July 2020 but decision quashed and currently being redetermined
Stansted	35 to 43mppa	Planning application	Appeal decision 26 May 2021, permission granted
Bristol	10 to 12mppa	Planning application	Appeal decision 2 February 2022, permission granted
Leeds Bradford	Replacement terminal, 5 to 7mppa	Planning application	Approved by local authority March 2019, called in by Government 2022, withdrawn March 2022
Southampton	Runway extension	Planning application	Approved by local authority April 2021

This paper considers major expansions such as those noted above but there are many other smaller developments taking place all the time at airfields of all sizes, many of which require planning permission, although generally these do not have significant implications for the main policies. This paper also does not include consideration of airspace changes, which are dealt with under a different process overseen by the CAA, although it is accepted that sometimes these airspace changes are inherently related to expansion.

At the time of writing this paper (Spring 2022), recovery from the Covid-19 pandemic is continuing, but much uncertainty remains. Air passenger numbers in 2020 and 2021 were around 70% down on 2019 levels and there is a range of views on how recovery will take place. Most industry bodies expect worldwide recovery to take between 3 and 5 years, although some markets, such as domestic, may recover faster as they are less affected by testing and quarantine rules. Air cargo was also less affected than passenger numbers, and there has been an increase in the proportion of cargo carried on all-cargo aircraft. These changes and uncertainties are, of course, having an effect on the ability to forecast future situations and this is likely to remain the case for some years.

As well as the short-term uncertainty, there are also factors affecting longer

term growth such as the relationship between air travel and economic growth, societal changes such as the ability to avoid travel and changes in tourism. Over many decades, there has been a strong correlation between GDP and air travel. However, the Covid pandemic has brought into focus the need to travel for business and the operation of international supply chains. Of necessity, online events replaced many face-to-face meetings and it is possible that this is a permanent trend, albeit not to the extent of the last two years. Similarly, it has been possible to keep in contact with friends and relatives in other countries without travelling and international tourism effectively ceased. 2022 will undoubtedly see a ‘bounce back’ as people catch up from the last two years, but it is possible, and even likely, that the longer term trend will be a lower rate of growth.

Some policies considered in this paper are UK-wide, while others are devolved to the four Nations. However, because all of the cases considered are in England, some differences may be apparent in airports in the other nations.

The next section of this paper considers the relevant policies, and the third part looks at how each topic has been dealt with in the decisions, seeks to identify emerging trends and recommends CILT policy. A final section covers legal challenges.

# Policies

## FACT

*Some policies have been tested in the Courts, including the Supreme Court*

This section of the paper looks at the following policies:

- Aviation
- Planning
- Levelling Up/Union Connectivity
- Climate Change and Decarbonisation
- Air Quality
- Noise
- Other Environmental Issues
- Surface Access
- Sub National Transport Bodies/Local Authorities

## Aviation

The key national aviation policies are the Aviation Policy Framework of 2013 (APF), the Airports National Policy Statement of 2018 (ANPS) and the Making Best Use statement of 2018 (MBU). The APF replaced a 2003 White Paper but was, in some respects, an interim policy as it envisaged further work on the issue of runway capacity for South East England which was subsequently considered by the Airports Commission (Final report 2015), with the ANPS based on the Airports Commission's recommendations and subsequent studies and scrutiny. Nevertheless, the APF contains some policies which remain in force. ANPS provides policy support for a third runway at Heathrow and was subject to several legal challenges which culminated in the Supreme Court ruling of 16 December 2020 which determined that it was legal. MBU was published at the same time as the ANPS and covers other airports and, as its title indicates, promotes a policy of making best use of existing runway capacity.

The Government consulted on aviation strategy in 2019 (the future of UK aviation) and 2021 (Jet Zero) with an update in 2022, and some new policies have been introduced on airspace. However, a new White Paper on Jet Zero is expected in Summer 2022. The Jet Zero Update consultation of March 2022 includes scenarios ranging from 'Continuation of current trends' to 'High

ambition' with breakthroughs on Sustainable Aviation Fuels or Zero Emission Aircraft. The current trends scenario results in virtually no change in emissions between now and 2050, with the impact of improvements counterbalanced by growth in activity. Such a scenario would undoubtedly be unacceptable in climate change terms and therefore would require restrictions on airport expansion. While it is probably impossible to restrict growth where airports already have permission to grow, it would involve no further growth at Heathrow, Gatwick and Luton. The High ambition scenarios demonstrate how a combination of measures will allow growth of up to 70% in passengers by 2050.

Aviation policies are underpinned by estimates of the economic benefits from the aviation industry. Usually, these are quantified in terms of the numbers of jobs and the associated financial value. The 2019 future of aviation consultation noted that the industry contributes at least £22 billion to the UK economy and supports around half a million jobs. Jobs are usually classified as Direct (at or near the airport), Indirect (in the supply chain) or Induced (as a result of the wage spend of direct and induced). There have been some contra-arguments

about the economic benefits, including over-heating of local economies, displacement from other regions and the tourism balance, but national policy has continued to note the very large positive benefits. Social and economic impacts can be significant at airports and are given positive weight in the decision-making process. The National Travel Survey provides data on air travel, including the following headline figures:

- Before 2020, 55% of respondents flew once a year or more
- The higher the income, the more frequently people fly
- There were a number of questions about flying during the pandemic, with responses indicating concerns about information, health and cancellations, but nearly half of respondents expected to fly again within a year
- The most recent data on public attitudes to air travel is from 2014 which indicated that 59% of respondents agreed that air travel harms the environment, but the same percentage agreed that people should be allowed to travel by air as much as they want to, even if new airport capacity needs to be built.



## Planning

The planning processes considered in this paper (Planning Applications and NSIP/DCO) are set out in the Town & Country Planning Act 1990 and the Planning Act 2008 with various amendments and regulations. Planning Policy is set out in the National Planning Policy Framework (NPPF) the latest update of which is July 2021. A consultation on 'Planning for the Future' took place in 2020 and a White Paper is expected. However, although some of the proposals in the consultation were radical and controversial, there were few references to transport and those were primarily about local transport matters.

The various Acts describe the process and timescales for planning applications and note some key concepts, as follows:

- Decisions must be in accordance with national and local policies
- There is a presumption in favour of sustainable development
- Relevant matters are known as 'material planning considerations'
- Each material consideration must be given a weight
- The decision must be based on a 'planning balance' of all material considerations given the degree of impact and the weight

One of the most long standing planning policies is Green Belt. However, it is sometimes misunderstood that its purposes are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Some airports or parts of airports, or adjacent areas, are designated as in the Green Belt as they contribute to these purposes. The key test for Green Belt is whether the development is 'inappropriate' and if there are any 'very special circumstances' which allow such development. One test is to demonstrate that there are no alternative sites, known as a 'sequential test'. There are also many other planning designations, such as Areas of Outstanding Natural Beauty (AONB), and others relating to ecology and landscape.

*'Regional diversion' has been considered in many studies, commissions and inquiries, right from the Roskill Commission of the late 1960s through to the Airports Commission on 2012-2015.*

## Levelling up/union connectivity

The Levelling Up White Paper was published on 2 February 2022. It includes wide ranging policy proposals, including for transport. A key principle is that connectivity and transport systems for the whole country should be closer to the standards of London. While the focus is clearly on surface transport, it is open to question whether this principle should apply to airports. However, there are only a few references to airports and most of these are about surface access to airports.

CAA statistics clearly show an imbalance of demand between London's airports and the rest of the UK, although the balance has improved in favour of non-London airports over many years. 'Regional diversion' has been considered in many studies, commissions and inquiries, right from the Roskill Commission of the late 1960s through to the Airports Commission on 2012-2015. Policy has consistently been that restricting capacity in London would not achieve the objective of faster growth in the regions.

The Union Connectivity Review (UCR) final report was published in November 2021. Air travel is a key factor in connecting the nations, in particular Scotland and Northern Ireland, and the report demonstrated how such connectivity could be provided by integrated transport networks, including airports. A key early recommendation was to reduce Air Passenger Duty for domestic flights, which is to be implemented from 2023. The UCR report also reviewed Public Service Obligation (PSO) arrangements which have particular uses for lifeline and development routes.

*The key test for Green Belt is whether the development is 'inappropriate' and if there are any 'very special circumstances' which allow such development.*

Airport ownership may have some bearing on the attitudes of the local community to an airport. Since the 1985 Airports Policy White Paper, airports have moved predominantly into the private sector, but some public ownership remains, albeit in public/private or arms-length commercial organisations, such as at Manchester, Cardiff, Prestwick, and Newcastle. Public ownership of local airports may bring some benefits in terms of financial dividends, although the recent downturn has resulted in significant losses.

Aviation policy is generally a reserved matter that is not devolved to the UK nations, although some matters are devolved. The Scottish and Welsh Governments have invested in Prestwick and Cardiff Airports respectively.

## Climate change and decarbonisation

The Climate Change Act 2008 remains the definitive legislation and has led to targets to achieve net zero by 2050 and Carbon Budgets, which now include international as well as domestic aviation. The UK has an Emissions Trading Scheme (UK ETS) and is a leading actor in the ICAO Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).

The Committee on Climate Change has provided advice on aviation decarbonisation and the Transport Decarbonisation Plan (TDP) of July 2021 represents current DfT policy in this area. For aviation the TDP recognises the measures being implemented and notes the various research projects being undertaken.

As noted above, the Jet Zero consultations of 2021 and 2022 are precursors to a White Paper expected in Summer 2022, which will demonstrate the range of policies and actions needed to achieve net zero by 2050.

### FACT

Air quality limits are legal requirements

*The Clean Air Strategy clearly notes that major improvements will come from the phase out of petrol and diesel vehicles.*



## Air quality

Air quality is governed by the Environment Act 1995 which brought EU rules into UK law and also takes account of UN agreements and WHO guidance. The most recent policy is set out in the Clean Air Strategy 2019. The main UK Air Quality Limits are set at 40  $\mu\text{g}/\text{m}^3$  for Nitrous Oxides (NOx) and 40  $\mu\text{g}/\text{m}^3$  for Particulate Matter (PM10) and 25  $\mu\text{g}/\text{m}^3$  for PM2.5, with an ambition to reduce the PM2.5 limit to 10  $\mu\text{g}/\text{m}^3$ . It is a legal requirement that these limits are met. There are other pollutants that are covered by the regulations but NOx and PMs are the most significant.

Air quality is monitored by local authorities and other organisations and it is clear that the majority of pollutants

are from road vehicles. Maps of air quality generally show that areas next to main roads are where the lowest air quality is found, although some 'hotspots' can occur at airports. Local authorities are required to produce Air Quality Action Plans (AQAP) which may include Air Quality Management Areas (AQMA), and these are often in town centres. While local mitigations are possible, the Clean Air Strategy clearly notes that major improvements will come from the phase out of petrol and diesel vehicles.

There have been successful legal challenges to the Government's clean air policies which have resulted in changes to the regulations.



## Noise

Noise impacts have been a long standing issue at airports and policy and understanding has evolved over many years. Internationally, aircraft noise is regulated by ICAO (who also provide guidelines for a 'Balanced Approach'), and WHO guidelines are also considered. National policy is set out in the Noise Policy Statement for England 2010 (NPSE). There has been considerable debate about the most appropriate measures, such that it is now common practice to measure in several ways, with some of these related to the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL). Noise is a complex technical issue and is difficult to relate to community and individual reactions. Nevertheless,

there are quantified levels for various regulations or guidelines, for example related to the boundaries of noise insulation schemes. There are also agreed criteria for such issues as the minimum level of change that can be detected by the human ear. Although there is a range of measures, the most common is the Equivalent Continuous Sound Level, noted as LAeqT. Numbers of dwellings and populations with specific LAeqT levels can be calculated, usually for daytime (0700-2300 hours) and nighttime (2300-0700 hours).

Over the many years that noise has been a major issue at airports, individual aircraft have become less noisy as technology has improved and international regulations have required

reduced noise levels. In terms of single event noise, this is very noticeable, but average noise levels have not declined so much because the numbers of events have grown. It is also noticeable that people have become less tolerant of noise from aircraft, leading to reductions in the levels at which community annoyance occurs.

At many airports, noise is controlled by regulations ranging from overall restrictions on numbers of aircraft movements, in particular at night, to restrictions (or higher charges) on the noisier types of aircraft, to limits on the area within certain noise contours. Some of these are conditions on planning permissions.

## Other environmental issues

Ecology, water quality, heritage, visual impact and other effects can be very significant at particular sites and are covered by many policies, regulations and guidelines. Because the effects vary significantly by site it is not appropriate to draw general conclusions about how they effect airport expansion.

## Surface access

Surface access to airports is covered extensively in the Aviation policies noted above, in particular the APF, ANPS and MBU documents. There are three particular policies which are worth noting, ATF/ASAS, funding and road network impact.

*The policy for funding airport surface access schemes can be considered as unique to airports, given that many transport improvements are justified on the basis of an increase in general demand, which may be the result of a development (e.g. residential, commercial).*

Airport Transport Forums (ATFs) are groups made up of airports, transport operators, local authorities and others to co-ordinate activity and development of these various bodies. They have been established for many years and have successfully demonstrated how improvements can be implemented through co-operation. The top level of these groups is usually a bi-annual meeting and, depending on the circumstances, there may be working groups and other arrangements. Associated with ATFs is the requirement for airports to prepare an Airport Surface Access Strategy (ASAS). Informed by CAA data and surveys and the airport's and other bodies' information, these generally look at 5 year plans for monitoring and improving surface access, with a focus on increasing sustainable travel mode share for both air passengers and staff.

The second specific surface access policy of note relates to funding. It is worth quoting the full text from the APF, as follows:

*The general position for existing airports is that developers should pay the costs of upgrading or enhancing road, rail or other transport networks or services where there is a need to cope with*

*additional passengers travelling to and from expanded or growing airports. Where the scheme has a wider range of beneficiaries, the Government will consider, along with other relevant stakeholders, the need for additional public funding on a case-by-case basis.*

This policy can be considered as unique to airports, given that many transport improvements are justified on the basis of an increase in general demand, which may be the result of a development (e.g. residential, commercial). In practice, however, other developments do contribute, either through a Section 106 agreement, or a Community Infrastructure Levy. It is also the case that airports do not pay for the whole cost of an improvement and negotiations take place on the proportion of an improvement that can be directly related to the airport expansion, compared with a background growth of demand.

The third policy worth noting comes from the NPPF, again worth quoting in full:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The test of 'severe' impact is high. It can also be considered in relation to the funding policy noted above.



## Sub national transport bodies/local authorities

The policies described above are essentially national, primarily across the whole of the UK, although Northern Ireland, Scotland and Wales do have some devolved powers. We should also not forget the position of Crown Dependencies (Channel Islands, Isle of Man) where aviation connectivity is significant. Below the national policies, many other sub national bodies and local authorities have relevant policies. While, in general terms, such regional or local policies have to be aligned with national policies, there are of course interpretations based on local circumstances. This paper does not discuss these local policies although they are, of course, highly relevant in making decisions about airport expansion.

# Airport-specific issues

This section of the paper covers each policy issue, noting how the arguments, decision or recommendation have been considered for each of the airports.

## Forecasts

The aviation policies noted above are informed by forecasts, the most recent DfT aviation forecasts having been published in 2017. Of course, updating these forecasts is a challenge because of the unprecedented impact of Covid-19 and, indeed, will remain so until some element of 'normality' returns. DfT aviation forecasts are primarily at a national level and, although they are then allocated to individual airports, it is accepted that such allocations are subject to wide variation. Many airports make their own forecasts, often from a 'bottom up' perspective by looking at their market, airline fleet plans and other local factors. Such local forecasts are usually used in the need arguments for expansion.

The basic DfT aviation forecast is of passengers, from which aircraft movements are derived by making assumptions about aircraft size. The DfT forecasting model is complex and has many features and subsections to help its validity, but it is essentially related to economic activity, a relationship which has been shown to be valid over a long period of time. National air cargo forecasts, on the other hand, are derived from simple assumptions and are much less robust.

DfT aviation forecasts are initially produced as 'unconstrained' but are then modified by taking account of constraints, primarily in airport capacity, which were updated in the 2022 Jet Zero update consultation. The net result is that the end forecasts are below the unconstrained demand and thus not 'predict and provide' which has not been policy since the 2003 White Paper.

National forecasts are particularly relevant for the major airport expansion projects, such as at Heathrow and Gatwick and the Airports Commission

considered forecasts in detail in their report, noting the dates by which existing capacity would be fully used. No recent forecasts have been published for Heathrow, with only limited statements being made about the need for a third runway being beyond 2030. The Gatwick Northern Runway project is based on growth from 46.6m passengers in 2019 to 62.4m in 2038, significantly more than the 2017 DfT allocation. In our response to the 2021 consultation on the project, we agreed with this forecast and the associated aircraft movements, although we felt that the cargo tonnage forecast was over-optimistic.

The DfT 2017 forecast for Luton was constrained at 18mppa capacity. By 2019, this capacity had been exceeded and an interim expansion to 19mppa was approved in December 2021 (although has subsequently been called in). The 2022 Consultation considers a number of scenarios, including with and without new runways at Heathrow and Gatwick, and proposes a Core Planning Case of 21.5mppa by 2027 associated with Phase 1 of the development, rising to 32mppa by 2043 after Phase 2. Business aviation is also significant at Luton with 28,000 aircraft movements in 2019 out of a total of 141,000, but the forecast is that such movements will not grow beyond 30,000. Total aircraft movements would grow to about 210,000 by 2043, with significant increases in larger aircraft (eg. A321, B737MAX, B787)

As noted above, national air cargo forecasts are limited, and this has been a factor which has hindered the decision on Manston. At the initial hearings, there was disagreement between the parties, and the Examining Authority's report concluded that sufficient need had not been demonstrated. However the Secretary of State's decision accepted the need case. In the redetermination process, the Independent Aviation Assessor's (Arup) report attempts to review recent trends and concludes that the need case has not been demonstrated. The applicant does not agree with this conclusion. We will therefore have to await a decision before seeing what view the

Government takes. The economic benefits are related to the fact that the re-opening of the Airport would bring back jobs in a deprived area. The Examining Authority's report noted that such benefits would weigh in favour, although they thought that they had been overstated. The original Secretary of State decision emphasised the benefits but the Re-determination Independent Assessor's report did not cover economic benefits.

In 2019 around 25m passengers used Stansted Airport but in 2020 this number had fallen to 5m. The Airport's forecasts are that the current permitted capacity of 35mppa would be exceeded by between 2028 and 2032 and would rise to 43mppa by 2040. These levels of growth are not aligned with the DfT 2017 forecasts but nevertheless the Panel's report accepted the Airport's forecasts, noting that the exact date when particular levels might be reached did not matter when considering the impacts.

The Bristol Panel also accepted the Airport's forecasts although the increment here was small, with 9m passengers in 2019, current capacity 10m and growth to 12mppa proposed. There was some argument about the economic benefits but the Panel accepted that they would be substantial and would carry substantial weight.

Leeds City Council commissioned a peer review of Leeds Bradford's forecasts (7m by 2030 from 4m in 2019, similar to DfT 2017), together with alternative forecasts put forward by opponents of the scheme, the review concluding that LBA's forecasts were reasonable and robust. The review also confirmed that there would be a substantial positive impact on the economies of Leeds and the wider region.

Southampton Airport's forecasts were based on a view that, without the runway extension, flights would be limited by the existing runway length to about 1mppa (less than the 2018 figure) but that, with the extension, 3mppa would be reached by 2033. The particular circumstances of the collapse

of Flybe were taken into account. Although opponents disagreed, Eastleigh Borough Council accepted the forecasts after an independent review. The Council considered that there would be major economic benefits that would weigh in favour of the development.

As well as demonstrating need, one of the purposes of the forecasts is to provide inputs to many of the impact assessments, including noise and surface access. These impacts are discussed in later sections of this paper, but it is clear that some are sensitive to the forecasts, for example the noise effect is dependent on the assumptions made about the future fleet mix, which is part of the process of forecasting aircraft movements. The forecasts also are an input to the estimates of economic benefits and growth in these is given substantial weight in favour.

An emerging trend therefore seem to be that, while forecast growth is an important part of demonstrating the need for expansion, the precise date, or rate of growth, is not considered to be that important in terms of impacts. It is not yet clear if this will be the same when larger developments, such as at Gatwick or Luton, are considered.

The anticipated Jet Zero White Paper may seek to address the issue of national forecasts and it will be interesting to see how the issue of airport capacity is dealt with, given that several airports have plans to grow beyond the constraints assumed in the 2017 DfT forecasts. On the other hand there are number of airports that have an assumed capacity way beyond what they could expect to achieve in the next 20-30 years. It is also the case that the largest increment of growth would come from a Heathrow third runway (40-50mppa) and if this is not pursued, other airports may seek to meet some of the 'overspill'.

It is recommended that CILT policy should be that airports should be allowed to grow if they forecast that there is demand, provided that the growth is acceptable in terms of local impacts such as noise and road traffic, and provided that the total growth across the UK is aligned with carbon budgets, in effect 'managing demand' to keep within environmental limits. Most airports are in the private sector and, if their owners are prepared to invest in them for growth, then they should be permitted to do so. The Government should monitor the total level of demand to ensure that national impacts such as carbon emissions/climate change are kept within limits, being prepared to amend policy as the situation evolves. CILT should be prepared to question forecasts, either national or for individual airports, where it has relevant experience.

*An emerging trend therefore seem to be that, while forecast growth is an important part of demonstrating the need for expansion, the precise date, or rate of growth, is not considered to be that important in terms of impacts.*



## Levelling up/ union connectivity

Heathrow is generally not associated with levelling up, although some close-by areas have suffered significant economic challenges through the Covid 19 period. However, expansion has been portrayed as assisting by providing connectivity to worldwide destinations for regions and Heathrow's third runway plans included the ability for capacity to be available for a significant increase in domestic flights.

There is no reference to levelling up or connectivity in the Gatwick consultation. There was minimal reference to levelling up in the Stansted decision. Luton's consultation refers to particular parts of Luton which are due to receive levelling up funds. Levelling up was not mentioned in either the Original Examining Authority's report for Manston or the Independent Assessor's report for the re-determination process, nor in the Southampton or Leeds Bradford Council reports.

The Bristol Panel report concluded that the development would conform with the Government's levelling-up agenda.

The Levelling Up policy is probably in its early stages and the effect on airport expansion is not yet clear. Past experience shows that restricting capacity at one location is unlikely to assist in levelling up and may restrict the ability of a region to achieve worldwide connectivity. It is recommended that CILT policy should reflect this experience.



## Climate change

In recent years, climate change has become the most significant environmental issue for many developments, including airport expansion. The legal challenge to the ANPS which reached the Supreme Court was about how it dealt with climate change. For the cases considered in this paper, it is always one of the main issues. The main area of disagreement is whether it should be dealt with at national or local level. Knowledge and policy are constantly being updated and another contentious area has been what is the current policy and whether this is likely to change as new information becomes available.

Carbon emissions were a key part of the Airports Commission's work which eventually recommended the third runway at Heathrow, and this was subsequently tested and scrutinised before being incorporated in the ANPS. In the Sustainability Appraisal of the ANPS, the third runway is forecast to add about 4 MtCO<sub>2</sub> to UK emissions. As noted above, the ANPS was judicially reviewed on several points relating to Climate Change, in particular as new agreements such as Paris 2015, or new strategies such as the 100% net zero by 2050 commitment, came into force. It is accepted that the Heathrow third runway project would have to demonstrate that it would not conflict with whatever policy or legal limit was in place at the time it is brought forward for consideration under the NSIP/DCO process, whenever that may be. In February 2022, Heathrow published an update of its Sustainability Strategy, including a Net Zero Plan, which is in place whether or not a third runway is progressed. It covers Scope 1, 2 and 3 emissions (Scope 3 representing 95% of the carbon footprint) and demonstrates the measures required to achieve net zero by 2050.

The Gatwick Northern Runway project consultation assessed that worst case emissions would increase from 6.188 to 7.575 MtCO<sub>2</sub>e in 2038 without mitigation. The effect of decarbonisation was not assessed, but the expectation is

that the project would not have a material impact on the ability of the Government to meet its carbon reduction targets. CILT's response to this consultation was to suggest that a condition be imposed on any approval that tied growth to meeting a carbon budget for the Airport which follows a trajectory to net zero in 2050. The response also noted that the plan should include facilities and arrangements for hydrogen, electricity and Sustainable Aviation Fuel.

Luton's consultation says that expansion would result in 2.137 MtCO<sub>2</sub>e, an increase of 1.001 MtCO<sub>2</sub>e from the base case. This increase is accepted as significant, but not such as to materially affect the UK's ability to meet its carbon reduction targets. The proposals include a 'Green Controlled Growth' mechanism, but this would not apply to Scope 3 emissions (ie. from aircraft operations).

Manston would result in 0.730 MtCO<sub>2</sub>e before mitigation and the original Examining Authority concluded that this would have a material impact on the ability of the Government to meet its carbon reduction targets and this would weigh against the granting of Development Consent. The Independent Assessor's report noted more recent developments but did not undertake any new assessments.

At the Stansted Inquiry, there was disagreement about the way climate change effects were assessed, quantified and would be measured and monitored. There was also debate about policy, but the Panel said that policy already took account of emerging issues and was unlikely to change, and also that, given the uncertainty, there was no policy on non-carbon effects. The Panel accepted that the additional emissions would be 0.09-0.14 MtCO<sub>2</sub>e which would be 0.24% of the 37.5 MtCO<sub>2</sub>e aviation contribution in 2018 and, on this basis, concluded that there would be no significant or unacceptable effects from the proposals.

At the Bristol Inquiry, climate change was the first topic considered and there

was considerable debate involving not just the main parties but academics and other bodies. There was also debate about national versus local targets, but the Panel noted that there is no policy requirement for individual airports to be assessed against a UK wide target. The Panel accepted that the effect of the proposals would be 0.08-0.1 MtCO<sub>2</sub>e. This is similar to Stansted despite the growth in passenger numbers being much less but is due to the growth in aircraft movements at Bristol, which would not be the case at Stansted. The Panel concluded that the effects would not be so significant that they have a material impact.

Leeds City Council's report reviews the assessment and notes that the projected carbon emissions in 2050, at 0.31 MtCO<sub>2</sub>e, are less than a 'carbon budget' of 0.4 MtCO<sub>2</sub>e identified by the Government. This 'carbon budget' is contained in an Annex to the 2017 DfT forecasts and is rounded to one decimal place. This same table identifies the 2016 figure as 0.2 MtCO<sub>2</sub>e. The Council's report also makes much of the proposed Scope 1 and 2 reductions which, while undoubtedly valid, represent only a small proportion of total emissions. There was considerable opposition to the proposals on climate change grounds, although the Council concluded that the development would be acceptable and complies with national and local policies.

The Southampton Officer's report notes the total amount of carbon emitted per year but does not identify the effect of the proposed runway extension. The report concludes that significant weight should be given to climate change impacts but the extent is not considered to undermine the Government objective of reducing GHG.

An emerging trend is that, at least for the non-NSIP projects, the level of carbon emissions resulting from expansion projects is small and generally not significant. Decisions indicate that policy is determined at national rather than local level. However, it is not yet known if NSIPs

will need to provide a more detailed justification of how national targets can be met. Carbon forecasts by airport noted in the 2017 DfT Aviation Forecasts should be treated with caution.

CILT's views on aviation decarbonisation were set out in a paper published for the COP26 meeting in Glasgow in November 2021. It is recommended that CILT policy should be to support the Government's policies on transport decarbonisation in general and on aviation in particular, noting that the aviation industry is developing a range of measures including operational improvements, electric/hydrogen power, sustainable aviation fuels and offsetting, in particular through the ICAO CORSIA arrangements. For individual airport expansion projects we recommend that evidence should be presented on the amount of carbon resulting from the development and its trajectory to net zero in the light of the forecasted trajectory at other airports, and the decision made on this basis. Larger NSIP expansions (including Heathrow, Gatwick and Luton) should require a condition managing growth so that it aligns with an airport specific trajectory to net zero by 2050, while monitoring should be a sufficient condition for smaller non-NSIP expansions. Government policy in the Jet Zero White Paper should make it clear that continued airport expansion will only be permitted if this trajectory is being met. The Planning Inspectorate/Planning Committees would then be able to make decisions based on whether the evidence showed that at the particular proposal aligned with this policy and give appropriate weight to this in their decision. In addition, CILT should press for any airport expansion proposals to include infrastructure for the use of hydrogen, electricity or Sustainable Aviation Fuels for aircraft propulsion.



## Air quality

Most airports are located outside cities where air quality is generally within limits. This is not the case at Heathrow where limit values were exceeded and this was a major issue for the Airports Commission and the ANPS. It is clear that the third runway project will not be permitted unless it can be demonstrated that the limits will not be exceeded in the future.

The Gatwick Northern Runway plan suggests that the project will not result in any exceedences of limit values in any local areas and concludes that no significant air quality effects are predicted. The Luton consultation shows all predicted values below limits with an increase at one location and also proposes that air quality be one of the elements of their 'Green Controlled Growth' mechanism.

The original Examining Authority for Manston concluded that there are no air quality matters which would weigh against the granting of Development Consent. For the re-determination, the Independent Assessor did not cover air quality.

The Stansted Panel report noted that air quality would be well within standards with an overall reduction, albeit that the development would result in an increase in pollutants. Their conclusion was that

there would be no unacceptable effect on air quality. Similarly, the Bristol Panel concluded that there would be no significant effects with pollutants well within current limit values and no unacceptable effects on health and wellbeing.

Officers' reports for the Leeds Bradford and Southampton proposals similarly concluded that there would be no significant adverse air quality impacts. Mitigation, primarily in the form of measures to manage road traffic, were noted.

With the exception of Heathrow, air quality at airports is generally within limit values. Where there are exceedences in local areas, these are due to road traffic and the airport expansion proposals make little, if any, difference, and are expected to decline as road traffic becomes decarbonized.

CILT probably does not need to have a specific policy on air quality related to airport expansion, but of course, should continue to promote measures to improve all transport modes such that air quality improves, for example the provision of public charging points. Such policies include support for electrification of road and rail modes and for managing road usage through road user charging.

### FACT

Air quality is within permitted limits at most airports

## Noise

Heathrow, located next to the built up area of London, has the largest noise impact of any airport in the UK. The Airports Commission noted that, in 2013, about 270,000 people were within the 57 dB LAeq16h contour. Overall, because of a continuing decline in the noise from individual aircraft, average noise levels would reduce such that there would be about 40,000 fewer people in the 57 dB LAeq16h contour with a third runway. However, there are particular factors which must be taken into account at Heathrow. First, the proposal is for an additional runway which will inevitably mean people not currently exposed to aircraft noise will become so. Secondly, one of the key mitigation measures at Heathrow is the alternation of runway use to give respite. With three runways instead of two, respite is generally reduced from half a day to one third. The third runway proposals would have involved a six and a half hour night ban and many other noise mitigation measures. Heathrow's updated Sustainability Strategy, published in February 2022, includes information on national airspace changes, updates on operations and plans for reducing noise for both the two runway and three runway scenarios.

At Gatwick in 2019, there were 2,550 people in the 57 dB LAeq16h contour. Without the Northern Runway, this would reduce to 1,800-2,200 in 2032 compared with 2,200 with the project. Most of the measures for both day and night showed a similar picture, although there were variations depending on assumptions about the rate of change of fleets. A number of mitigations and controls are proposed, including a noise envelope and a retention of the existing night flight limits.

The number of people within the 57dB LAeq16h contour at Luton in 2019 was 14,600. Without the development, this would reduce to 7,400 in 2043, and to 12,000 with the development. There are night movement limits and the proposals are that these would not change.

At Manston, the base case is that there is no current noise impact, although there was historically. The developer proposes a night ban between 2300 and 0600 hours. The original Examining Authority's report concludes that noise is a matter which weighs against giving Development Consent. The re-determination Independent Assessor's report did not consider noise.

The number of people within the 57dB LAeq16h contour at Stansted in 2016 was 1,600. The

proposal to expand would not require an increase in the existing cap on aircraft movements. With the fleet replacement plan for Stansted's airlines (mostly Ryanair's B737Max), noise levels would decrease and the difference between the with and without expansion would be less than 1 dB, considered to be negligible. Although there was some debate at the Inquiry, the Panel concluded that it was demonstrated beyond doubt that there would be no unacceptable effect and in some respects it would be beneficial.

Although the numbers of people affected at Bristol would be small, the Panel had some sympathies with those affected, in particular following site visits. They concluded that there would be adverse effects which would carry weight in the decision and that several conditions were required.

At Leeds Bradford, where there were 3,600 people within the 57dB LAeq16h contour in 2016. With the expansion, the changes in the noise would be minimal and the Officer's report recommended mitigation conditions, in particular for noise insulation grants. At Southampton, there were 3,100 people within the 57 dB LAeq16h contour in 2016 which would fall to 1,600 without the runway extension and rise to 7,200 with it. Mitigation, mainly sound insulation, would reduce the adverse effect from major to moderate.

Despite significant reductions in the noise from individual aircraft over many years, noise remains a significant issue. This is not surprising at Heathrow, but it is also so at other airports where, comparatively, the numbers of people affected are much lower. Where the demonstrable impact of the proposal is small (as at Stansted and Leeds Bradford) noise did not feature significantly in the decision. However, it was considered significant at Bristol and Southampton. It is not clear yet how significant it will be in the Gatwick, Luton and Manston decisions, but it is certainly likely to be a major issue raised by local organisations.

As far as CILT policy is concerned, we should recognise that noise is one of the most significant issues for local communities, even if nationally, on average, it can be shown to be reducing. There is probably not much scope for further noise reduction measures, except in terms of the phasing out of remaining older aircraft. Mitigation should be a matter of local decision, with a range of possible measures including movement limits, noise envelopes, night limits or bans, and insulation grants.

*The Airports Commission noted that, in 2013, about 270,000 people were within the 57 dB LAeq16h contour.*

*As far as CILT policy is concerned, we should recognise that noise is one of the most significant issues for local communities, even if nationally, on average, it can be shown to be reducing.*

## Green belt

The existing Heathrow site is not in the Green Belt, but the area for the third runway is substantially so. Although not yet tested at an Inquiry, the process adopted by the Airports Commission of sifting through alternative sites would be considered as the sequential test to demonstrate very special circumstances.

Gatwick is not in the Green Belt although adjacent areas are. The proposed Northern Runway would not require any Green Belt land to be developed.

Luton Airport is not in the Green Belt but an area proposed for replacement open space adjacent to the site is.

Bristol Airport is mostly designated as in the Green Belt and is surrounded by it, with the terminal area an 'inset' (ie. not in the Green Belt). The proposals included the year-round use of an area for car parking currently used only in the Summer plus the extension of a car park, both at ground level, in the Green Belt. The Panel spent some time visiting the site and concluded that, although some elements would cause moderate harm and others limited harm, and that such harms must carry substantial weight and the development would be inappropriate, that there are very special circumstances to allow it to proceed.

Leeds Bradford Airport is in the Green Belt and is surrounded by it. The Council report notes that the proposals would constitute inappropriate development and substantial weight should be given to any harm. However, the report concludes that the strong economic case and the need case are compelling special circumstances which clearly outweigh the harm

Stansted, Manston and Southampton are not in or adjacent to Green Belt land.

If an airport is in the Green Belt, then its expansion is almost always going to be also in the Green Belt but, depending on the type of development, it is possible for it to be acceptable because, by its very nature, it has to be within or next to the airport. One option for permitting inappropriate development in the Green Belt is to de-designate it and offer a replacement elsewhere. Very special circumstances can be demonstrated by a strong economic case.

CILT policy should recognise that Green Belt is a long established and strong policy but that some airport activities are compatible with its purposes and, even if not, very special circumstances may apply.



## Other environmental issues

As noted in Section 2, there are many other environmental issues which tend to be very locally relevant. For example, there are heritage issues at Heathrow, visual impact is important at Bristol, while trees Southampton require management. While in no way seeking to minimize these issues, their impact is local and their importance is best decided on the basis of local evidence.

### FACT

*Stansted, Manston and Southampton are not in or adjacent to Green Belt land*

## Surface access

The development of surface access at Heathrow has taken place over many years, from the initial limited road access, through the development of motorway access in the 1960s (M4) and 1980s (M25) and rail access in the 1970s (Piccadilly line) and 1990s (Heathrow Express). The ATF is long established and there have been many iterations of the ASAS. The plans for a third runway included relocation of part of the M25 and local access routes, as well as extensive works on new access points and car parks. Rail access is being enhanced in any event by the Elizabeth line, due for completion in 2022, and there are plans for additional rail links to the west and south. In the most recent CAA survey, 39.4% of air passengers used public transport in 2019. Heathrow's Sustainability Strategy, relaunched in February 2022, describes the arrangements now in place, in particular for staff travel. As well as passenger and staff travel, freight and support transport is also a significant generator of road traffic. Fuel is supplied by pipeline or rail, but trucks and vans are used extensively for freight and support activity.

Gatwick Airport is well served by rail which resulted in a mode share of 48.0% of air passengers using public transport in 2019. Major work on improving the rail station should be complete in 2023. Further improvements to the Brighton Main Line are understandably under review in the Great British Railways Whole Industry Strategic Plan. The M23 upgrade to Smart Motorway was completed in 2020. The Northern Runway plan does not envisage any further rail improvements and suggests relatively minor works on the approach roads and pedestrian/cyclist facilities. The consultation says that no significant transport effects have been identified, however, it does propose a target of 60% public transport mode share. In our response to the consultation, we suggested that the 60% target should be a condition of growth, that the Gatwick Express dedicated service should be permanently re-established, that east-west connectivity should be improved as well as to the north west and north east of London, and that local bus networks should be improved. We also noted the opportunity for rail

freight intermodality for both construction materials and air cargo.

Luton Airport's public transport mode share rose to 40.4% in 2019 and rail access will be improved by the opening of the DART transit connection to Luton Parkway Station in 2022. For the second terminal, highway works to the east of Luton to meet general traffic growth and some expansion of capacity on the M1 are assumed and there would be various highway intervention works and the extension of the DART system for the second terminal. The consultation says that, because the Airport's peak does not coincide with the general traffic peaks, the development is not likely to result in significant effects. In our view more can be done through the ATF and ASAS to develop and promote the public transport offering, for example through better real time information on trains and buses and on developing and promoting coach services.

A large amount of detailed evidence on traffic and transport was presented to the Manston inquiry. Unlike other airport expansions, the key issue was





freight-related traffic, much of which is HGVs. Local road improvement schemes were proposed. The Examining Authority concluded that the development would result in some significant adverse effects and severe impacts on the local road network, which would weigh heavily against the proposals. The Re-determination Independent Assessor's report did not consider surface access.

Stansted Airport is well served by road and rail access and achieved a 51.9% public transport mode share in 2019. Road access is to be improved by a new junction north of Harlow. For the expansion, a public transport mode share target of 50% was proposed, together with targets for reducing 'kiss & fly'. The Panel report concluded that there would be no significant effects in terms of surface access.

Bristol Airport's surface access arrangements, which rely significantly on the A38 and bus access, only achieved 22.3% public transport mode share in 2019. However a series of minor improvements to the local roads, plus other schemes already planned for general traffic, and a mode share target of 17.5%, nevertheless led the Panel to conclude that there would be no unacceptable impact on highway safety or a severe impact on the road network. A related point already noted in relation

to Green Belt was that the relatively low public transport mode share meant a high demand for car parking, which resulted in the proposal to extend the car parks in the Green Belt land.

The most recent CAA survey for Leeds Bradford was 2017, when the public transport mode share was 11.3%. Surface access proposals associated with the new terminal include links to a proposed new parkway station (being provided in any event), as well as many local road improvements, new and improved bus services and targets to achieve public transport mode shares for passengers and staff. The Officers' report notes that there would be some impacts on the highway network but that, with the proposed mitigation, this would be acceptable.

There is no CAA Survey data for mode share at Southampton Airport but it is well served by an adjacent rail station. The proposals for the runway extension would include a vehicle cap and the Officers' report concludes that the transport impacts are considered acceptable.

Surface access is a very significant consideration and the larger airports are major traffic generators and transport hubs. Most of the expansion plans have been able to demonstrate, with various mitigations, highway improvements,

public and other sustainable transport proposals and targets, that the impacts would not be severe and are therefore acceptable.

CILT is particularly well placed to contribute to airport surface access plans because of its multi-modal expertise. CILT also fully understands the general transport challenges of congestion and environmental impact to be balanced against the social and economic benefits of travel. CILT understands the inter-relationships between modes and how they are affected by quality and costs and is supportive of policies relating to mode shift, including road pricing. Airports are suitable locations for pricing and access measures because of their discrete boundaries and controlled environments and many already use pricing to encourage mode shift. It is recommended that CILT policy on airport surface access should be to support proposals to increase the sustainable transport mode share, with fair financial contributions where they can be justified. While it would require modifications to the NPPF which would apply to all developments, not just airports, we should press for a tougher test for the ability of the road network to accommodate additional road traffic, in order to put pressure on airports (or any other development) to increase the share of sustainable modes.

## Conditions and planning obligations

All of the recommendations and decisions noted above include a range of conditions and planning obligations. These are essentially the ways that local authorities can monitor and manage the activities at the airport, in particular those that are considered to have a potentially adverse effect. There may also be conditions which require Parliamentary approval, such as aircraft movement number limits (as applied at Stansted), or by central Government (eg. night flight movement limits at Heathrow, Gatwick and Stansted).

Many of the conditions are standard for most planning applications (eg. time limits for implementation) while others are common for many airports (eg. noise control schemes) or specific to particular airports (eg. highway improvements at particular locations).

Conditions are usually negotiated by the local authority and the applicant, with an agreed set presented to the Inquiry. Any areas not agreed can be decided by the Panel.

CILT can and should suggest conditions where we consider that they will contribute to achieving sustainable growth. For example, we have suggested that Gatwick's northern runway should be conditional upon the Airport achieving a trajectory towards net zero (for Scope 1, 2 ad 3 emissions) by 2050.

### FACT

*Conditions not agreed between the applicant and the local authority can be decided by the Inquiry Panel of Inspectors*

## Planning balance

Decisions normally indicate whether a particular impact has a positive or negative effect, or is neutral, along with a view of the weight given. The table below shows how some of the issues have been dealt with at some of the airports. Policy/Need, Climate Change and Socio-economic effects are usually given the most weight in decisions. The table only shows a few examples of issues and many of the other environmental effects are given a lower weight.

*CILT can and should suggest conditions where we consider that they will contribute to achieving sustainable growth.*

The below table does not include Heathrow, Gatwick or Luton because decisions have not yet been made on these proposals. The planning balance could be considered for the Heathrow third runway as contained in the Airports Commission's final report and the ANPS but the NSIP/DCO process requires that all the issues are considered at an inquiry and so the weight and effect, in particular of the local issues, has not been fully examined.

For Manston, the table shows the Examining Authority's recommendation. The Secretary of State's decision did not accept this recommendation and instead deemed the Policy/Need effect as positive and gave significant weight to the Socio-economic effect. However, the Secretary of State's decision was later withdrawn and the matter is now the subject of re-determination.

The Panel report for Stansted concluded that the balance falls overwhelmingly in favour of the grant of planning permission. Whilst there would be a limited degree of harm arising in respect of air quality and carbon emissions, these matters are far outweighed by the benefits of the proposal and do not come close to indicating a decision other than in accordance with the development plan.

The Bristol Panel report noted that the socio-economic effects weigh substantially in its favour. Although not shown in the table, substantial weight was given to harm to the Green Belt, but very special circumstances were deemed to exist. The Panel concluded that the benefits would clearly outweigh the harms.

The Officers' report for Leeds Bradford identifies areas where the effects would be acceptable (noted as OK in the table) or otherwise and recommends that the application should be approved.

Similarly the Officers' report for Southampton concludes that permission should be granted.

	Policy/need	Air quality	Climate change	Noise	Socio-economic	Surface access
Manston (ExA)	-ve	neutral	-ve	-ve	+ve	-ve
Stansted	+ve	-ve	-ve	+ve	+ve	neutral
Bristol	+ve	neutral	neutral	-ve	+ve	neutral
Leeds Bradford	+ve	OK	OK	OK	+ve	OK
Southampton	Supportive	OK	OK	OK	Supportive	OK

# Legal challenges





As noted in the Introduction, legal challenges are possible on the basis of the law being incorrectly applied. As also noted earlier, there have been several legal challenges to the ANPS which ended up at the Supreme Court. It is always the case that the full judgement should be read and summaries are never complete, and the summary that follows in this paper should certainly not be considered as definitive. Nevertheless, it is worth noting some of the key points.

While the ANPS was approved by Parliament in June 2018, challenges were brought to the High Court in 2019 against the Secretary of State by a number of parties, including Friends of the Earth and Plan B Earth. These were dismissed but the parties appealed on some of the grounds and in February 2020 the Appeal Court overturned part of the High Court's decision. The Secretary of State did not appeal but Heathrow Airport did, and the case was heard at the Supreme Court, who unanimously overturned the Appeal Court's decision in December 2020. The final arguments were about the Paris Agreement and Climate Change and the Supreme Court ruled that government policy at the time allowed the ANPS to be designated. It was accepted that, when the third runway plan was brought forward, it would have to meet whatever was policy then.

There were also challenges to other aspects of the Heathrow third runway proposals from local interests, but these have all been dismissed.

As noted earlier in this paper, there was a challenger to the Manston decision by the Secretary of State, who decided to withdraw the decision before any hearings took place. The decision is now being re-determined.

Several legal challenges to expansion at Stansted occurred prior to 2021, but the most recent decision on expansion to 43 mppa has not been, with Uttlesford District Council deciding not to pursue the case in October 2021.

Thus far, legal challenges have not begun on the decisions for Leeds Bradford or Southampton.

As noted earlier, there have been legal challenges to the Government's air quality policies, which were successful.

*The Secretary of State did not appeal but Heathrow Airport did, and the case was heard at the Supreme Court, who unanimously overturned the Appeal Court's decision in December 2020.*

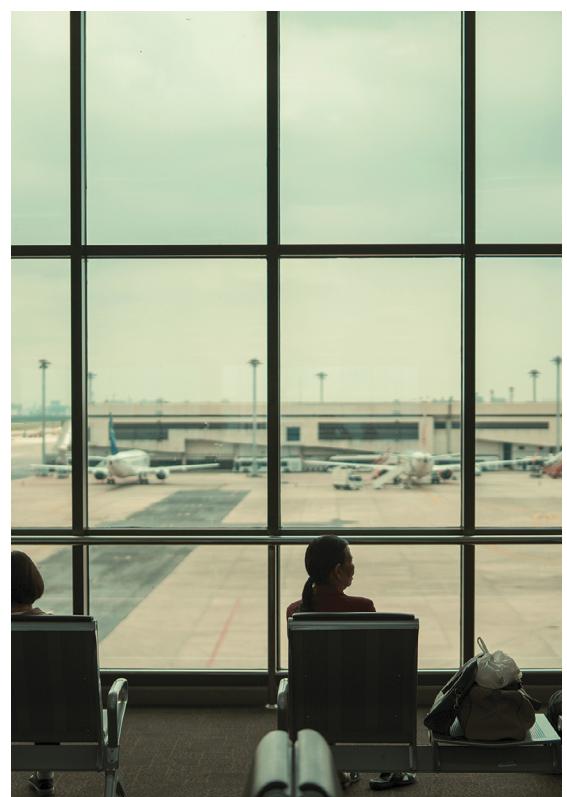
# Conclusion



This paper has sought to review a number of airport expansion proposals, some of which have recently been decided to see if there are emerging trends and to recommend the policy stance that CILT should take when commenting on proposals or responding to consultations. In summary, these trends and recommendations are as follows:

*The most welcomed measures involve respite, either through night flight restrictions or some form of alteration of flight paths.*

- Aviation and other national policies are constantly evolving and, while decisions must be based on the policy in place at the time, CILT should continually monitor and contribute to policy development
- Aviation forecasting is challenging when the situation is stable, but almost impossible following the Covid 19 pandemic, so scenario planning is probably more appropriate, as well as looking at impacts at certain levels of traffic irrespective of dates
- There has been a long-standing challenge of forecasting air cargo which has been highlighted and enhanced by the changes evident from the Covid 19 pandemic
- Economic benefits remain one of the strongest arguments in favour of airport expansion and often outweigh adverse impacts which carry weight
- Levelling Up and Union Connectivity are relatively new policies and airport expansion decisions have not yet been significantly influenced by them
- Climate Change policies are continuing to develop, as is knowledge and technological developments. Given the substantial weight that is rightly given to climate change impacts, CILT should recommend conditions requiring growth to be related to the impact from the expansion of larger airports
- Air Quality is primarily managed by the legal limits on key pollutants and, given that most exceedances are related to road traffic, additional air quality policies are unnecessary
- Noise is the longest-running local impact and, whilst noise from individual aircraft has undoubtedly declined, the increase in numbers, together with a lower tolerance, requires airports to strive to achieve further improvements. The most welcomed measures involve respite, either through night flight restrictions or some form of alteration of flight paths
- Other environmental issues tend to be a matter for local determination
- Surface access is an area where CILT has particular, if not unique, expertise in its knowledge of different modes and its ability to take an objective viewpoint. CILT has other policies which can be applied to airport surface access, including support for road pricing, developing rail services, understanding the requirements and motivations of travellers (including disabled persons' needs), logistics and the role of walking and cycling.





**The Chartered  
Institute of Logistics  
and Transport**

**For further information about the  
Aviation Policy Group please contact:**

The Chartered Institute of Logistics and Transport (UK)  
Earlstrees Court, Earlstrees Road  
Corby, Northamptonshire  
NN17 4AX, United Kingdom

E: **policy@ciltuk.org.uk**

**ciltuk.org.uk >>**



[linkedin.com/company/cilt.uk](https://www.linkedin.com/company/cilt.uk)



[facebook.com/cilt.uk](https://www.facebook.com/cilt.uk)



[twitter.com/ciltuk](https://www.twitter.com/ciltuk)



[youtube.com/user/ciltmedia](https://www.youtube.com/user/ciltmedia)