

Draft Aviation Policy Framework: consultation response from Friends of the Earth

Summary:

- After what was a promising start (Friends of the Earth submitted a comprehensive response to the 2011 Scoping Document) the draft Aviation Framework has turned out to be a major policy failure, of both process and content, and not the 'high-level strategy' it claims to be. Its single most important task - reconciling capacity aspirations with an absolute requirement to reduce UK aviation's emissions - has been stripped out whilst the DfT has reverted to promoting narrow aviation industry interests, not the wider public interest. **It is not 'fit for purpose' and should not be implemented in its current state** because the costs of failure are simply too high; otherwise it faces the same ignominious fate as the 2003 White Paper.

- The DfT failure to disclose to consultees their intended approach to aviation's emissions 'envelope' and whether these should be brought within the UK Carbon Budget is an increasingly visible threat to the integrity of the Climate Change Act and the Committee on Climate Change, the second one alongside the 'Dash for Gas'. The proposed climate change objective is wrongly targeted towards the global level and ignores the opportunity that the DfT itself demonstrated last year to reduce the UK's own aviation emissions.

- Airport communities and local authorities continue to be excluded from discredited processes to manage and reduce airport impacts, whereas a genuine localism would provide an opportunity for this 'democratic deficit' around airports to be remedied. The failure to provide a coherent replacement to the planning framework provided by the withdrawn 2003 White Paper means that there is now a vacuum around expansionist airport planning applications.

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1. Friends of the Earth has made submissions into the aviation policy process throughout the recent period from 1998 onwards. We provided a major response to the process before the 2003 White Paper - 'Sustainable Aviation = Demand Management'; commissioned the early and pioneering work by Professor Kevin Anderson, Tyndall Centre for Climate Change Research on aviation's growing contribution to the future UK carbon budget; successfully advocated the inclusion of aviation emissions clause within the Climate Change Act 2008; advocated also the inclusion of aviation within the ETS; and made submissions in 2011 to the Coalition Government's 'Developing a sustainable framework for UK aviation' scoping document and associated analyses, and on Air Passenger Duty.

As appendices to this submission we include our substantive response to the DfT 2011 Scoping Document *appendix A*, and our contribution to the recent Transport Committee inquiry into airport capacity *appendix B*.

Overview comments on the DAPF document and process

2. This submission from Friends of the Earth is very largely ***not* a substantive response** to what was intended to be until very recently the final public stage of the Government's task of providing a policy framework for aviation, for publication in March 2013 and to replace the withdrawn 2003 Air Transport White Paper. The reasons why this is the case are as follows:

(i) We do not accept the claims made for the document that it is 'a high-level strategy that sets out our overall objectives for aviation and the policies we will use to achieve those objectives' *para.1.5* - with stakeholders being encouraged 'to consider the 'big picture' before putting forward any proposals for new capacity' *former Secretary of State foreword* - because the changes made to both the framework and the process since the 2011 scoping document

have effectively emptied the DAPF of most of its essential substantive content. Our reasons for reaching this conclusion are set out in our submission to the Transport Committee inquiry and in particular in paragraphs 9-12 thereof.

(ii) The withdrawal of the critical issues of airport capacity (now remitted to the Davies Commission) and climate change (in terms of an established government position) from the DAPF content would require consultees to address all issues of aviation policy in the absence of these two key factors, where in fact it is *their* interaction that must effectively shape the entire policy framework. We will not do this.

(iii) There is no visible or demonstrated continuity between the 2011 Scoping Document and its nearly 50 questions - which encompassed capacity and climate change properly - and DAPF and its different structure of questions; nor is there a narrative that explains out what has happened during these last stages of what was meant to be a properly iterative sequence: SAFSD -> consultation responses -> DAPF. There is little evidence that substantive responses submitted to the Scoping Document by all parties - the Friends of the Earth submission was some 30 pages long - have been folded into the process. Earlier contributions to the process made by the DfT itself - for example the important findings of the MAC technical report of August 2011¹ - are not visibly encompassed within DAPF.

(iv) Furthermore Government has not set out its position on critical issues (and particularly the airport capacity and climate change 'envelopes') which would have permitted consultees at this last consultative stage to first be informed by this information and analysis and then respond to/challenge it before the determination of final framework. Without either detailed substantive content and proposals (of the type made available by DfT during the 2003 process) or the developing direction of government thinking having been made available, then it cannot be clear what is the evidence base on which the policy framework will be resting.

(v) In terms of 'sins of omission', the policy option of demand management has been removed from the DAPF - and therefore from the toolbox of measures available for consultees to debate and recommend - even though it did feature albeit marginally in SAFSD (see question 5.22). In 2003 the concept of demand management was airbrushed out of the entire policy debate; in 2011 the pretext that 'fiscal measures ... are a matter for HM Treasury' was used to keep taxation and associated mechanisms out of the basket of initiatives tested by the DfT consultants to reduce aviation emissions², and the application of slot auctioning to ATMs was similarly not tested. Stakeholders who want to advocate demand management as a way of squaring the circle between pressures on capacity and emissions obligations are therefore disadvantaged compared to those arguing simply for physical expansion at this or that airport location.

(vi) Since the scoping document stage the DfT policy process has been the subject of relentless and disruptive public relations and lobbying pressure by industry and party political interests - complaining about 'delay and dither', and focusing on capacity expansion alone - resulting in substantial changes to the process even after the draft APF was published in July 2012 (the principal of these being the announcement of the Davies Commission on 7th September). These industry representations have filled the vacuum created by the absence of an impartial DfT evidence base.

(vii) Some of the work is not to an adequate standard. For example the 'objectives' set out on DAPF pages 7-9 of do not constitute properly framed objectives that can be used to drive and direct a long-term aviation policy; they are not SMART and are without appropriate quantification, and they are poorly worded. Above all they do not engage with the principal longterm issue for UK aviation: to reconcile capacity requirements with emissions reductions.

(viii) Compared to the slightly more neutral language and presentation of the 2011 scoping document the DAPF represents a reversion to the approach which produced the 2003 White Paper, where DfT appeared to understand its role to be that of promoter/sponsor of the

¹ *A marginal abatement cost curve model for the UK aviation sector* EMRC/AEA August 2011

² *Government Response to the Committee on Climate Change Report on Reducing CO2 Emissions from UK Aviation to 2050* Aug 2011 para 1.13

aviation industry. All stakeholders in the DAPF process have a right to expect an impartially, balanced treatment of sustainability's economic, social and environmental pillars, and within each a balanced assessment of the benefits and **dis**benefits of activity – all in a way that serves the public interest rather than the aviation industry's interest more narrowly. Chapter 2 *The Benefits of Aviation* fails this test.

3. We emphasise that we have been constructive contributors to this process hithertofore. The work begun by the Coalition Government in 2010 - following the commitment in the coalition agreement ruling out new runways at Heathrow, Stansted and Gatwick - pointed to an improvement in the fundamental flaws exhibited by the 2003 process, exemplified in the Foreword by the then Secretary of State to the March 2011 Scoping Document:

"There is an urgent need for a genuinely sustainable framework to guide the aviation industry in planning its investment and technological development in the short, medium and long term. The previous government's 2003 White Paper, *The Future of Air Transport*, is fundamentally out of date, because it fails to give sufficient weight to the challenge of climate change. In maintaining its support for new runways – in particular at Heathrow – in the face of the local environmental impacts and mounting evidence of aviation's growing contribution towards climate change, the previous government got the balance wrong."

4. DAPF has absolutely fulfilled the promise and expectations of the Scoping Document, and the aviation policy process is in quite a different place at the end of 2012 than it was in 2011. The SD also set out a clear timetable providing certainty to all stakeholders that the final policy framework would be available within two years; that is much less than a protracted period required to produce the 2003 White Paper *SAFSD 1.17*

5. Our conclusion is that the Draft Aviation Policy Framework cannot be regarded as 'fit for purpose' and Friends of the Earth will not be complicit by pretending otherwise. By constantly revising, fragmenting, emptying and diluting what had previously been an effective process we submit that the DfT has failed in its responsibility to engage properly and fairly with stakeholders who had an expectation of taking part in an genuinely iterative, systematic and impartial process. It is a major disappointment that something that started so well has reverted to take on precisely the same characteristics that undermined the 2003 White Paper. By not systematically building the final stage of the APF as an iteratively developed consensus (to the extent that that was possible) the DfT has undermined its credibility even before publication. **This cannot be the basis for an enduring policy framework.** The consequences - for the environment, for communities around so many airports or potential expansion sites, and the misallocation of huge private and public investments - are too large and too longterm for this policy and process failure not to be the subject of protest.

The Department for Transport has an absolute responsibility to provide an effective aviation policy framework. But since the resultant framework is inadequate, since the Davies commission on its own cannot fill the gap, and since there is now too much policy uncertainty for decision makers at every level, the DfT must provide a remedy. We would like to suggest some pragmatic ways forward but such is the muddle within what needs to be the essential interacting components of the framework that we cannot do so. But we are clear that it cannot be implemented in its current state; because the costs of failure are simply too high and because it faces the same ignominious fate as the 2003 White Paper – rapid abandonment.

Whilst the Davies commission will undertake its allotted remit over the next three years, the next and almost immediate flashpoint will be the government announcement of its response - withheld from the DAPF document - to the recommendation of the Committee on Climate Change that international aviation and shipping emissions should be included within the UK carbon budget. This may or may not also identify what effectively should be the emissions 'envelope' within which any examination of airport capacity by Davies has to be contained. **Friends of the Earth strongly urges the Government to accept the recommendation of the Committee on Climate Change that aviation emissions are included in the UK Carbon Budget** because this is the essential first step to squaring the policy circle - by starting to interact the capacity and emissions 'envelopes'.

But we also understand that this decision, the single most important component of an aviation policy framework, when it is shortly made known, will not itself be the subject of consultation; effectively therefore it would be imposed. This situation is surely the recipe for future disagreement and conflict rather than policy consensus, but if that turns out to be the case it will be a consequence of the DfT's mismanagement of this process.

Having set out our analysis of the inadequacies of the DAPF process as a whole our response to individual consultation questions can now be understood in context.

Chapter 2: The benefits of aviation

Economy:

Q0. Do you agree with our analysis of the meaning and value of aviation's economic contribution, set out in Chapter 2?

It should be noted that before the section on connectivity (the subject of official Question 1) chapter 2 begins with a section on aviation's contribution to the UK, about which consultees are not asked whether we agree with the analysis. That is not surprising as - along with the approach of the entire chapter, which is focused on the 'benefits' of aviation rather than an evenhanded review of benefits and *dis*benefits - the treatment of this issue is both partial and inaccurate, which follows a consistent pattern established in the 2003 process. The fact that, no matter how many times this approach is challenged and corrections offered - see the GACC response for the most recent example - the DfT refuses to step back from this tendentious but key promotional 'framing' is just a graphic illustration of a deeper failing in the policy process: that, in order to overcome a high level of environmental and social disbenefits, the DfT feels the need to systematically exaggerate and give undue weight to its economic 'benefits'. The policy analysis of no other transport mode (for example, of rail or bus, or even walking) is garlanded with this gratuitous presentation of economic contribution.

Despite a few references to the overall balancing exercise that the Framework claims to be undertaking afresh ("A better balance than in the past needs to be struck between the benefits aviation undoubtedly brings and its impacts, both at a global and at a local level" *Foreword, and see 1.1, 1.20, 4.1*) a basic problem remains, since for the exercise to be completed successfully would require the DfT to have demonstrated its credibility as *both* impartial evidence gatherer and then 'balancing' judge. Methodologically the terms 'benefit', 'impact' and 'cost' are used promiscuously across the text, whilst 'disbenefit' does not appear once.

It is also unfortunate (to say the least) that DfT have not disclosed in the DAPF process what they finally made known to the E&CC Committee on 16th October: that "... the impact [of future emissions costs] would not be felt on the aviation and shipping industries, it would be felt on the other industries in the UK" - see footnote 14 and its associated text below. Nor does DAPF disclose that aviation operating costs, and air fares, are projected to continue to fall through to 2050, a factor which ought to be strongly weighed in this balance ³

As a small concession the DfT are to be congratulated for acknowledging, for the first time, the actual existence of the "tourism deficit" issue 2.9 before closing down that consideration with the comment that the "question is a complex one and ... the evidence available to us does not show that a decrease in the number of UK residents flying abroad for their holidays would benefit overall the UK economy." This must allude to a broader econometric analysis but unfortunately the specific evidence referred to is not cited so can't be checked.

In our response to SAFSD question 5.1 we identified a series of credible and academic analyses that would allow DAPF to be based on a more balanced picture of economic contribution; we asked for them to be taken into account; but we're not at all surprised that that request has been ignored. The consequence however is that the credibility of DAPF is undermined from the start.

³ See our Scoping Document submission (appendix A to this response) pages 15-16

Connectivity: Q1. *Do you agree with our analysis of the meaning and value of connectivity, set out in Chapter 2?*

We endorse the presentation of the position of existing connectivity 2.17-22 with its conclusions that "The UK is currently one of the best connected countries in the world" and "London is an exceptionally well served capital city: its five airports ... together serve more routes than any other European city". These place in proper context the hysterical and pressurising comments that have formed so much of the backdrop to the consultation. Of the four components of the proposed short-term strategy 2.28 we generally support the approach of 'making best use of existing capacity' - which ought to be *the* priority for any transport policy framework - but the essential fifth component of demand management has quite predictably been omitted from the policy 'toolbox' (neither the term or concept features in DAPF, even though it did feature albeit marginally in SAFSD at Q5.22).

We also endorse the presentation around future connectivity in 2.22-26; but NB not 2.27 which talks about identifying "deliverable solutions to the very difficult capacity challenge at our biggest South East airports, which is set to get progressively worse in the medium and longer term without effective action", since even the existence of this challenge cannot be debated without establishing the emissions envelope for UK aviation as well as the contribution of other factors acting to better balance demand and capacity.

Fifth freedoms:

Q2. *Do you support the proposal to extend the UK's fifth freedom policy to Gatwick, Stansted and Luton? Please provide reasons if possible.*

Q3. *Are there any other conditions that ought to be applied to any extension of the UK's fifth freedom policy to Gatwick, Stansted and Luton?*

Q4. *Do you agree that the Government should offer bilateral partners unilateral open access to UK airports outside the South East on a case-by-case basis?*

We are not responding to these specific questions about Fifth Freedoms. They cannot be addressed outside the context of the overall capacity v. emissions interaction - which DAPF does not provide - and a detailed examination of issues at particular airports (as the GACC response demonstrates).

5. *Do you have any other comments on the approach and evidence set out in Chapter 2?*

Chapter 2, rather than contributing to a 'high-level strategy' instead works its way through a series of detailed and secondary issues generally from an 'expansionist' perspective; consequently there is no point in methodically commenting on each one. However the approach to regional airports 2.64, associated enterprise zones 2.70 and LEPS 2.71 needs to be challenged. The 2003 White Paper established a conventional wisdom that became pervasive amongst local and regional decision-makers that 'airport growth = economic and employment growth'. In reality there was and is little evidence to support this proposition so it should not be surprising that the decade since 2003 witnessed example after example of overhyped airport expansions or proliferations - each bringing with it environmental impacts and infrastructure costs - followed by decline or collapse. DAPF is apparently now seeking to reinflate that myth, by giving airport locations a privileged and distorting position in the planning and investment framework, at the expense variously of town centres or Green Belts. That clear lessons from 2003 have not been learnt is unfortunately typical of DAPF's weak analysis, which involves cherry-picking claimed positive case studies whilst ignoring balancing failures.

We don't accept that LEPs should be led back down this path, or indeed that they will have the policy competence to intervene as 2.71 suggests they might. This is simply 'special pleading' by the DfT in support of the industry they are still trying to sponsor.

Finally, and notwithstanding the attempted explaining-away at 2.96-97 **Friends of the Earth submits that it is not possible to establish a high level policy framework for aviation from which substantive consideration of the capacity and climate change 'envelopes' have been omitted and/or delegated elsewhere.** At the very minimum the framework

has to establish **how, when and where the interaction between those two critical envelopes is to take place**, in a way which is balanced and open to challenge by all stakeholders.

Chapter 3: Climate change impacts

6. *Do you have any further ideas on how the Government could incentivise the aviation and aerospace sectors to improve the performance of aircraft with the aim of reducing emissions?*

The government should only incentivise the aviation sector to reduce emissions by **disincentivising** i.e. penalising through appropriate regulatory and fiscal regimes the industry's determination to continue to increase its absolute emissions - at 2005 these had already risen by +122% from the 1990 Kyoto baseline (16.9 MtCO₂ 1990 to 37.5 MtCO₂ 2005) - by passing through the results of technical and other efficiencies into reduced air fares through the application of its low-cost business model. On the limited point there is therefore no value in improving aircraft performance etc since that will wash through, perversely, into *increased and not reduced* emissions. Instead a cost penalty needs to be applied directly to passenger demand.

7. *Do you have any other comments on the approach and evidence set out in Chapter 3?*

The overall approach to aviation emissions reflected by these two questions, in the text of DAPF and between the lines, is inadequate and troubling:

(a) The headline reference in 3.1 is to aviation's 2-3% contribution to global emissions (not the responsibility of the UK government), whilst the CCC projection that IAS will represent 25% of total UK emissions by 2050 (which is a government responsibility) is omitted.

(b) The newly stated policy objective 3.4 - which was not contained in SAF or the DfT CCC response, and thus available for discussion then - deliberately creates a sequential and prioritised policy emphasis in favour of international action (not within the gift of the UK government) and by clear inference relegating UK action (which is a government responsibility). The objective itself is ambiguously worded (whether the 'aviation sector' referred to is UK only, or beyond, is unclear); inappropriately targeted at the wrong control area (global rather than UK emissions) and contains unquantified and qualifying terms (the words 'significant and cost-effective' are only relative). Sequentially international action is identified as 'the best means' (by definition, since the objective is now focused at the global level); EU level action as the 'second best option'; whereas action at the UK level is identified only in terms of generalised and relative criteria ('...that is appropriate and justified in terms of the balance between benefits and costs') 3.5 Elsewhere activity at the UK level is unfortunately described as 'unilateral action' 1.16 By contrast SAFSD put UK level action via the CCA first in its sequence of consideration SAF 3.4.

(c) It is disingenuous and misleading for DAPF 3.21 to imply that government has only recently (April 2012) received the CCC recommendation that aviation emissions should be included in the UK carbon budget. In fact this was first provided in the 4th Carbon Budget report of December 2010, consequently government has had 22 months to indicate its intentions yet has still not done so - including within DAPF - with barely 8 weeks remaining before the legislative deadline. In August 2011 the DfT CCC response stated that: "The Sustainable Framework for UK Aviation will use evidence and analysis from a wide range of sources, including this material to inform the Government's developing policy for reducing aviation emissions" 1.10 but in reality it has not since DAPF contains no analysis of options nor does it take forward the positive technical MAC report of the same date which is relegated to two footnote references, one of them substantially inaccurate ⁴ This failure to set out the Government position on IAS inclusion in the UK carbon budget is a major content and process flaw and we return to it in the next-but-one comment.

⁴ The text associated with footnote 60 "... as abating emissions from within the sector is anticipated to be more difficult and therefore more costly than in other industries" DAPF 3.15 does not we submit reflect the positive conclusions of the technical report.

(c) The MAC technical report in turn allowed the DfT CCC response of August 2011 to reach this conclusion: "The results suggest that if all policies assessed were successfully implemented, and each of them achieved the central estimate of emissions savings, UK aviation emissions could be reduced by about 20 million tonnes of CO₂ (MtCO₂) in 2050. This would reduce the estimate of total UK aviation emissions in 2050 (in the absence of further government intervention) under our central baseline forecast to about 30 MtCO₂ in 2050." This latter number, downplayed by *CCC Response* is highly significant because it is considerably less than the 37.5 MtCO₂ maximum projected by the CCC. Its omission from DAPF is unacceptably poor practice.

Going further, and accepting that implementation of the basket of emission reduction measures it modelled is not susceptible to simple generalisation, our reading of MAC chapter 7 is that the measures were selected for UK level action ("Results should thus be considered as specific to the UK." *MAC p.77*) The implication is that **the DAPF policy objective for emissions reduction focused on the international level is wrongly targeted**. This is not to argue that UK government advocacy within ICAO or in any extra-national forum should not be supported but rather that **the formulation of the policy objective has not been properly built up from the DfT evidence base**.

(d) The DfT had one last opportunity to allow consultees to understand their general intentions about the emissions 'envelope' before the DAPF consultation closed, in the evidence given by the government minister (as it happens from DECC) and DfT officials to the Energy and Climate Change Committee hearing on IAS inclusion on 16th October. It turned out to be as evasive and contradictory as that provided by the CCC Chief Executive was unqualified in its continuing support for their recommendation for inclusion⁵. It is, David Kennedy said, "very clear that [non-inclusion would be] a significant change in the status quo ... Second it [would be] a significant lowering of ambition under the Climate Change Act, so that we could no longer say the target in the CCA is compatible with the climate objective that it was set out to achieve. It would leave us with an ambition in the CCA that is incompatible with the commitments we have made on climate objectives in the context of the EU and the United Nations." Additionally the representatives of Sustainable Aviation (the industry initiative)⁶ and the UK Chamber of Shipping⁷ both supported inclusion.

The Minister and DfT officials on the other hand said nothing about the formal decision they will disclose almost immediately after the closing of the consultation, but at the same time revealed a considerable amount about how they are approaching the issue:

(i) Despite the fact that they stated that the CCC recommendation was at top of their list of considerations (along with a technical data issue that surely CCC would have commented on at the hearing if they thought it was significant)⁸ the weight of their evidence nonetheless suggested that they are resisting inclusion and actively considering exclusion.

(ii) The government remains focused on its polarising 'economic impacts versus environmental

⁵ Uncorrected evidence <http://www.publications.parliament.uk/pa/cm201213/cmselectcmenergy/uc638-i/uc638i.pdf> David Kennedy stated that IAS inclusion is assumed in the overall UK 2050 80% reduction target, in the four carbon budgets to 2028, and DECC 2011 Carbon Plan assumptions. It involves no additional commitments or costs. Since the CCC assumption is that IAS emissions in 2050 will be 25% of the UK total, it's better to have a comprehensive accounting framework in place now. IAS inclusion is essential to maintain the integrity of the Climate Change Act; separately the EU ETS and its cap should be understood as the mechanism delivering the emissions reduction, for which its 'country allocation' mechanism is now judged to be acceptable. He concluded that there is not an evidence-based case for the lowering of the UK's emissions reduction ambition that the non-inclusion of IAS would represent.

⁶ "We do find the views of the CCC report acceptable for ourselves going forwards." *ibid p.9*

⁷ "We also completely support the inclusion of shipping in UK targets and budgets."

⁸ "Firstly the advice from the Committee on Climate Change, which was provided in April, and their extensive efforts to consult both ourselves and the wider industry is the bedrock of that decision. ... We are also ... looking at important EU ETS data for aviation to understand whether the CCC methodologies would be robust enough for implementation. ... Those are the key determinants." *Greg Barker ibid p.21*

impacts' analysis framework⁹ despite the fact that the costs of IAS inclusion through to 2028 have already been allowed for¹⁰; are already contained within overall GDP estimates all the way to 2050¹¹; that cost impacts would only be 'slightly different' between the inclusion and exclusion options¹²; and both industries have not raised objections¹³. DfT are taking this position even though they don't yet have an adequate supporting analysis¹⁴ nor have they shared it with the CCC¹⁵

(iii) The reason for this continued concern about economic costs is however finally disclosed. Friends of the Earth's long opposition to the privileged treatment of aviation emissions arises on our understanding that higher costs will inevitably be imposed on all other economic and social sectors; why this should be justified either in economic terms or on grounds of political fairness has never been explained. The unease of the DfT about this plain inequity - and behind them no doubt there are the sharper voices of the Treasury - is now publicly expressed for the first time - except not in the public DAPF consultation: "... the impact would not be felt on the aviation and shipping industries, it would be felt on the other industries in the UK"¹⁶.

So the DfT are revealed to have failed to contribute to achieving internal consistency across all-government policy. On the one hand for the last decade they have relentlessly promoted and defended the absolute, longterm and major expansion of aviation emissions; on the other, when the future cost consequences to UK PLC of this finally start to 'come home to roost' there is at best resort to technical manoeuvring and at worst a continuing attempt to practice a sleight of hand that would only apparently move IAS emissions off the UK's books whilst in reality pushing per capita emissions way beyond the agreed 2050 maximum (see footnote 20).

(iv) Surely the policy focus on an *international*-level agreement 3.4 must result in a possibly infinite postponement of the UK tackling its aviation emissions, and one visibly held hostage by ICAO. Such an agreement - outside the gift of the UK government - is the 'bird in the bush' that has so far remained beyond reach for more than a decade, whereas inclusion in the UK carbon budget would be a 'bird in the hand' precisely because it is in UK government's gift.¹⁷

(v) Sometimes the DfT or Government logic was quite bizarre, arguing that the CCC existing

⁹ "We will want to look very carefully at the environmental impacts of any decision to include, but also the economic implications." DfT official *ibid* 22

¹⁰ "We agree with the committee [CCC] that at carbon budget four we have set the carbon budget levels at a level that reflects international emissions and, therefore, we have accepted the cost and the emission savings up to carbon budget four." DfT *ibid* 22

¹¹ "Although there is a difference [between inclusion v. exclusion], the cost is still consistent with the overall cost that the CCC has advised upon. The 1.5% to 2% of GDP [that is for the entire economy which appear to be what DfT claim to be worrying about] out to the very long run that is the overall cost that has been estimated already includes aviation and shipping." DECC official *ibid* 24

¹² DfT official *ibid* 22

¹³ "Q84 ... Given that we have had representatives from the aviation industry and the shipping industry in the UK sitting in front of us just before you who both said that they were comfortable with bringing aviation and maritime emissions into the target and were comfortable with the CCC's recommendations, wouldn't it be rather odd if the Government therefore didn't adopt the CCC's recommendations, given that the industries themselves have said they are comfortable with it? Rupert Furness: We are taking a note of what the industry says and a particular note of what the CCC says and we will be publishing our report before Christmas." *ibid* 30

¹⁴ "[Difference in costs] Beyond the fourth carbon budget, exactly. The committee have said it would cost between 0.5% and 2% of GDP. We have done some *very initial analysis* that suggests that the cost would be to a *certain degree less* than that if they were not included but equally you would not get the environmental benefits beyond carbon budget four." *Our emphasis* DfT *ibid* 27

¹⁵ DK "... we have set out a very robust case for inclusion. I haven't seen any arguments against inclusion. *ibid* 5

¹⁶ "The key thing is that the impact of inclusion is not on the aviation and shipping sectors, it is on the other sectors." "... the impact would not be felt on the aviation and shipping industries, it would be felt on the other industries in the UK"; and "Inclusion also assumes a higher level of effort from other sectors of the economy." DfT officials *ibid* 31, 30 and 22

¹⁷ "If the ambition at the international level was exactly the same and an 80% reduction by 2050 then there would be absolutely no impact of bringing them into UK carbon budgets because you are in effect doing exactly the same thing." DfT official *ibid* 26

assumption of *inclusion* through to 2028 could be a justification for an *exclusion* decision¹⁸; or that the IAS 'headroom' already included within the carbon budget meant that formal inclusion is somehow irrelevant!¹⁹ The CCC's primary focus on maintaining the integrity of the overall UK carbon budget seems far more credible and consistent.

(vi) Notwithstanding the fact that the risk that IAS non-inclusion poses to the integrity of the Climate Change Act framework as a whole is accepted across Government²⁰, the hearing makes clear that whereas the CCC and DECC are trying to uphold the overall objective, consistency and logic of the Act, DfT seems willing to try exploit the wording of the Act which postponed determination of inclusion because of then uncertainties in the EU ETS accounting mechanism²¹. Indeed there are good grounds to suspect that DfT officials are the least contemplating a significant undermining of the Climate Change Act, and this of course would be a good reason to explain their evasive behaviour within the DAPF consultation.

There are two ways of resolving the 'inclusion dilemma': CCC says do so by treating aviation emissions in the same way as all other sectors and include them in the UK carbon budget (except of course they'd be starting from a hugely privileging 2005 baseline!); whereas the DfT approach is to at least contemplate moving IAS emissions permanently offshore and off the UK books into some as yet uncreated international framework. This would embed the temporary inconsistency between the IAS sector and the 'All other UK economic & social sectors' on a permanent basis and in a way that is hugely damaging to both the UK 2050 emissions outcome and the objective behind the CCA which is to avoid dangerous climate change²²

Conclusions on Climate Change: DfT failure to disclose their approach to aviation's emissions envelope is an increasingly visible threat to integrity of the Climate Change Act and the expert Committee on Climate Change, the second alongside the 'Dash for Gas'²³. The proposed climate change objective is wrongly targeted towards the global level and ignores the opportunity that the DfT itself demonstrated last year in its MAC report to reduce the UK's own aviation emissions.

¹⁸ "... the key thing that the bar chart demonstrates is that through to at least 2027 there is the headroom, so they are already anticipated to be in there. Where they are accounted for is a technical treatment but from a practical point ... in the carbon budgets that we have already set through to 2027 we have taken account of them. So whatever accounting treatment we opt for [that is, either inclusion or exclusion], it shouldn't been seen as a watering down." Minister *ibid* 28

¹⁹ 29 DECC "it is important to have the point in mind that at 31 December nothing actually changes if you don't make a physical mathematical adjustment to the numbers that are in the budget by regulation because policies have been set on the basis to leave that by taking it into account." DECC *ibid* 29 So the IAS headroom would continue to be there, but the accounting treatment would simply remain inconsistent

²⁰ "We all agree that excluding them and not tightening the 80% target for other sectors would effectively be a watering down of the overall commitment unless the international agreement on aviation and shipping had delivered you effectively an 80% reduction from those emissions as well." DECC official *ibid* 28 And also see: "If we decided to stick with an 80% target in 2050 for all sectors except international aviation and shipping and then you added those emissions on, for the UK you would be then adding somewhere in the region of half a tonne per capita, so going from roughly 2.2 to 2.7 per head. If all other countries in the world were to adopt a similar approach and you multiplied that shared effort at a level of 2.7 instead of 2.2 you then significantly reduce the chances of hitting your 2 degrees temperature rise by 2100." DECC official *ibid* 25

²¹ "From carbon budget five, from 2028 onwards, they have not been set yet and the question is do we formally bring them in or do they stay out as they are currently, given the wording of the Act? The Act currently does exclude them." DfT *ibid* 23

²² "Q77. ...One way or another it has to be included and if one way or another it is not included it is a significant watering down of our commitment. 160 is our target, isn't it? *Emma Campbell*: That is correct, but the Act at the moment does exclude them. The Act at the moment is your relatively lower level of ambition, if you like. What we have signed up to is going slightly further than the Act so far because we have signed up to it including international aviation and shipping within that 160 million tonnes in 2050. So what you have said is correct, but the Act at the moment is that lower level."

²³ <http://www.theccc.org.uk/news/latest-news/1215-ccc-writes-to-ed-davey-over-government-stance-on-unabated-gas-fired-generation>

Q7A Do you agree with the proposals in relation to surface access

DAPF examines issues around surface access to airports 2.80-94, 5.31-42, 6.9-10 but the consultation does not include a question about SA policy so we've added this one as well.

One of the claimed advantages of expanding airport infrastructure is that the cost infrastructure costs of so doing - which are very considerable; the SA costs for a new Estuary airport has been identified by the London Mayor at £30 billion ²⁴ - will largely be met by the private, and not the public, sector. However this advantage is immediately forgotten by airport operators (with the exception of the three major SE airports) when they bring forward particular proposals for improved surface access for which they then request public funding.

DAPF 2.80 contains in microcosm the contradictions created but not resolved within DAPF as a whole: trying to support capacity expansion without at the same time **requiring** that this can only take place if it is accompanied by absolutely lower (in this case, surface access) emissions. So the test to be applied to any showcase examples (e.g in 2.81 or 2.85) would be what happens as a result of the investment to surface emissions, and - if they facilitate operational expansion - to either a nett decrease or increase in combined surface+airside emissions.

The resolution of this policy tension requires the creation of a virtuous circle, whereby operators seeking to expand traffic generating airside operations (for their own commercial benefit) should also bear the costs. And this - in theory - is what the terms of the 2003 ATWP 4.56-58 actually required ²⁵: that airports should bear their own surface access improvement, proportionate to the traffic generated. Except that this stricture was never respected by private and public decision makers alike; and now it has been watered down in DAPF ²⁶

In relation to the medium/longterm we support the principle of 2.88 (and its elaboration in 2.89) that the aviation and high speed rail strategies should be aligned - as we said in our HS2 response. On a point of detail, but an important one, when 2.94 talks about "the high speed rail link to [Birmingham] airport", the DfT should avoid creating a misleading impression that the HS2 alignment connects into the existing Birmingham International station; whereas in fact there will be an approximate 1 mile gap between an HS2 station and the airport. Any time penalty incurred in crossing that gap will influence surface modal choice (e.g more towards car) and erode ambitions that the HS2 link "could provide opportunities to reduce pressure on congested airports in the South East."

On a particular aspect of rail access: please consider adding the suggested wording at the end of this 2.83 sentence, in order to avoid wasting resources on developing unviable schemes and prevent airport operators confronting more realistic surface access strategies based round the demand management of parking:

"2.83 Rail offers opportunities for efficient and environmentally-friendly connections to airports, particularly for larger airports where passenger numbers are sufficient to justify fast and frequent services. *New heavy rail access to airports below ?? mppa is however unlikely to*

²⁴ www.standard.co.uk/news/mayor/boris-johnson-estuary-airport-to-cost-taxpayer-30-billion-8197396.html

²⁵ "Increasing the proportion of passengers who get to airports by public transport can help reduce road congestion and air pollution. We expect airport operators to share this objective, and to demonstrate how they will achieve it in putting forward their proposals for developing new capacity." And "The Government expects developers to pay the costs of up-grading or enhancing road, rail or other transport networks or services *where these are needed to cope with additional passengers traveling to and from expanded or growing airports*. Where the scheme has a wider range of beneficiaries, the Government ... will consider the need for additional public funding through their investment programmes on a case-by-case basis." *our emphasis*

²⁶ "We are already contributing funding to make this [to improve surface access to airports across the country] happen." 2.81 and "All proposals for airport development must be accompanied by clear surface access proposals which demonstrate how ... increase the use [*note that 'use' is a less stringent requirement than 'proportion'*] of public transport by passengers to access the airport, and ..." 6.9 and "The general position 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." 6.10

prove cost-effective.”

Chapter 4: Noise and other local environmental impacts

8. Do you agree that the Government should continue to designate the three largest London airports for noise management purposes? If not, please provide reasons.
9. Do you agree with the Government's overall objective on aviation noise?
10. Do you agree that the Government should retain the 57 dB LAeq,16h contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance?
11. Do you think that the Government should map noise exposure around the noise designated airports to a lower level than 57 dBA? If so, which level would be appropriate?
12. Do you agree with the proposed principles to which the Government would have regard when setting a noise envelope at any new national hub airport or any other airport development which is a nationally significant infrastructure project?
13. Do you agree that noise should be given particular weight when balanced against other environmental factors affecting communities living near airports?
14. What factors should the Government consider when deciding how to balance the benefits of respite with other environmental benefits?
15. Do you agree with the Government's proposals in paragraph 4.68 on noise limits, monitoring and penalties?
16. In what circumstances would it be appropriate for the Government to direct noise designated airports to establish and maintain a penalty scheme?
17. In what circumstances would it be appropriate for the Government to make an order requiring designated airports to maintain and operate noise monitors and produce noise measurement reports?
18. How could differential landing fees be better utilised to improve the noise environment around airports, particularly at night?
19. Do you think airport compensation schemes are reasonable and proportionate?
20. Do you agree with the approach to the management of noise from general aviation and helicopters, in particular to the use of the section 5 power?
21. What other measures might be considered that would improve the management of noise from these sources?
22. Do you have any further ideas on how the Government could incentivise the aviation and aerospace sector to deliver quieter planes?
24. Do you think that noise regulation should be integrated into a broader regulatory framework which tackles the local environmental impacts from airports?
27. Do you agree that the Civil Aviation Authority should have a role in providing independent oversight of airports' noise management?

We are not responding to these detailed questions about noise, because the focus of our work on aviation is around climate change. We will leave this issue to the more expert consideration of such as AEF and HACAN. In one sense the detailed coverage of this section and Annex D could be an essential replacement for the guidance previously provided by PPG 24 which was so carelessly discarded during the NPPF process. However what we understand to be an attempt to transfer responsibility to individual LPAs to create their own effective noise control regimes²⁷, and an equal emphasis on voluntarism²⁸, just comes across as framework naivety which will leave airport communities vulnerable to unacceptable impacts. The proposed noise approach does not appear to have the necessary certainty that such communities have the right to expect.

Q23. Do you believe that the regime for the regulation of other local environmental impacts at airports is effective?

No, the overall government regime for the regulation of air pollution has not been effective –

²⁷ “Consistent with this framework, local planning authorities therefore have a responsibility to ensure that this element of the balanced approach is implemented in the context of their local plan policies, including any on noise.” DAPF 4.34

²⁸ “At all other airports where additional airport capacity is being considered, local communities are encouraged to work with airports to develop acceptable solutions which are proportionate to the scale of the noise problem and be involved in discussions about the acceptable limits of noise.” DAPF 4.43

there has been a failure to bring down air pollution to within EU legal limits by the dates required everywhere, and particularly at Heathrow. While it is only in London that compliance with EU limits for particulate (PM10) air pollution have been a recent issue, WHO guidelines are twice as stringent as EU limits for PM10. Standards for finer PM2.5 particles are already in place to be met in the future, and 2013 will see a review with the EU 'Year of Air'. Generally - so not just related to aviation & related sources - the UK government compliance record, based on actually taking action in response to exceedances, is extremely poor. From a total of 43 UK zones, 28 have no time extension granted or plan in place to comply; the UK faces infraction action on this account.

For Heathrow the evidence is very clear. The GLA pollution maps for London²⁹ show Heathrow clearly exceeding and being set to continue to exceed legal limits; the Mayor's Air Quality Strategy has a map showing the Heathrow area and roads around exceeding for NO₂³⁰; and the London Assembly report 'Tackling air and noise pollution around Heathrow' of March 2012 sets out the current situation and the ongoing problem with exceedances (chapter 2)³¹.

So contrary to what 4.100 states, surely the fact that airport operators 'have no legal duties in relation to management of air quality' **does** appear to have been an impediment to action at Heathrow. And describing Heathrow's non-compliance as 'a particular hotspot' (4.99) is a misleading understatement that doesn't acknowledge the current failure to comply with EU limits. Nor does it communicate that failure to meet EU limits is still projected to be the case in 2015 which is the latest possible date for compliance with NO₂ limits (and only then if a time extension is granted, which in turn would only be possible if plans showed how compliance would be achieved by the 2015 date). So - changing the wording of 4.100 - we suggest that 'Airport operators **should be given** legal duties in relation to management of air quality'.

Given the contribution of road traffic to air pollution (see appendix 4 of the GLA report for the situation around Heathrow), these major air quality exceedances remain a major obstacle to expansion of the airport and, regardless of decisions about *additional* runway(s), have to be stopped.

There is acknowledgement in the draft APF that air pollution from aviation includes both that from planes and associated traffic (4.99) - but there must be clarification and re-assessment of what is understood to be the modelling assumption that aircraft above 1,000 metres have no air pollution impact.

We have seen the comments made by SSE (Stop Stansted Expansion) on this topic and support them.

Chapter 5: Working together

Q25. Do you think Airport Consultative Committees should play a stronger role and if so, how could this be achieved?

We have already answered this question last year (see appendix A); our expectation in 2012 was to receive specific proposals that would remedy the longstanding inadequacies in the governance framework for ACCs as a result of their lack of independence from the airport over whose activities they were meant to be mediating; instead they are generally 'creatures' of that airport, functioning more as a users group. Despite the platitudes in 5.1 and 5.4³² - and the specific reference in 5.2 that 'local community groups in particular felt there was room for

²⁹ <http://data.london.gov.uk/laei-2008-concentration-maps>

³⁰ <http://www.london.gov.uk/sites/default/files/Air%20Quality%20Strategy%20v3.pdf> page 85

³¹ <http://www.london.gov.uk/publication/tackling-air-and-noise-pollution-around-heathrow>

³² "...we recognise that what happens around airports really matters to the communities who live and work there, and a national aviation policy can only be successful if it provides a sensible approach to addressing the concerns of communities" and "... we think there is considerable scope to enhance the existing tools for local engagement with the aim of improving the quality of information produced, increasing the breadth of representation, ..."

improvement' - which is tantamount to saying that these groups were substantially critical of the present arrangements - the proposed changes affecting governance effectiveness are almost worthless, because they will be circumvented: "the chairmanship of ACCs should be advertised externally and appointments should be for a fixed term in accordance with good practice in public appointments." 5.18

What is the point of undertaking a strategic review, encouraging a substantial consultation response, recognising the need for change ... and then doing almost nothing!

Q26. Is there a case for changing the list of airports currently designated to provide consultative facilities?

There would certainly be no point if the governance framework remains utterly ineffective.

Q28. Do you agree with the Government's overall objective on working together?

No we don't - for two reasons: because it's based on a continuation of 'voluntarism' by the DfT - thus airport operators are only to be 'encouraged' to change their practice. Q - why should they, when it's not in their interest to surrender their existing dominant role? - despite the fact that these governance arrangements are set up by statute, and have been allowed to continue to operate ineffectively by the DfT because the latter are essentially protecting the dominant role of the operators. And secondly because the proposed changes are feeble. This is another specific example where aviation policy is not being directed by DfT in the public interest, but rather in the industry's interest.

Q28A Do you agree with the proposals in relation to the planning framework?

It is noted that the consultation does not include any questions about *Chapter 6 Planning*, which is an unacceptable omission; so we've added this one.

It has been known for some time that, in a major change from the 2003 framework, the DfT intended that its successor would not be 'locally specific'; whereas the 2003 White Paper had, airport by airport, identified the scale of expanded capacity that would be supported at that location, which then fed across to the planning framework, where the content of the White Paper was used by individual airport operators in support of planning applications. This major shift in approach obviously prompts a very important question: in the absence of locally specific guidance how will expansion proposals at individual airports be prepared and then taken through the planning process? The Scoping Document did canvass views on this ("... we welcome responses [on the NPPF] from aviation stakeholders with an interest in planning") and Friends of the Earth set out at some length some initial thoughts on the complexities and difficulties created by the changed approach (appendix A p.11-12).

The approach of DAPF to this issue - which followed the publication in March 2012 of the National Planning Policy Framework - is wholly inadequate. DAPF paras 6.3-6.5 and NPPF para.33 are not just excessively brief but almost contentless in terms of substantive guidance to Local Planning Authorities, airports and the communities around them. The meeting on 9th October also confirmed that the final APF would not constitute a National Planning Statement, which appears to contradict the position advanced in SAF SD ("The final aviation framework document will fulfil the role of a national planning policy for aviation." 2.17)

When asked a series of points about how LPAs etc would be able to assess and determine airport applications - how would an LPA deal with impacts beyond its boundaries; or cumulative impacts e.g at a national level including emissions; or pre-emptive 'first come, first served' applications by airports seeking to secure for themselves a portion of a limited and diminishing national capacity allowance? - DfT officials had no answers whatsoever to offer except that in general planning issues were the responsibility of another department (DCLG). It seems to be the case that the DfT has not considered how the previous locally specific planning framework should be replaced, or the consequences to all stakeholders of leaving a framework vacuum. When NGOs suggested that there might be a need for LPA guidance this was noted as a new thought.

The failure to provide a coherent replacement to the planning framework provided by the withdrawn 2003 White Paper means that there is now, and will exist for the next few years, a vacuum around expansionist airport planning applications. **The DAPF published in March 2013 must at the very least set out guidelines for LPAs as to how, consistently across the country, they should include airport uses in their Local Plans and how they should assess airport planning applications.** These guidelines must resolve all the issues arising from the move away from the 'locationally specific' 2003 framework. But since such proposals have been omitted from DAPF they will need to be subject of a stand-alone consultation exercise. We suggest that the DfT submit some draft guidance to the Lord Taylor 'review' of planning guidance announced by the Secretary CLG earlier this month (for completion before Autumn Statement), which could then be published simultaneously for consultation with aviation stakeholders for incorporation into final APF.

Q29. Is the high-level guidance provided in Annex E sufficient to allow airports to develop local solutions with local partners?

No it isn't - and again we make the general point that proceeding via a 'voluntary' route ('allowing airports to develop local solutions with local partners') is quite inappropriate when the airport occupies a dominant and self-interested position in those arrangements, which in turn is supported and defended by the DfT setting the terms of the governance framework. It is this the latter role which allows the most important question about master plans and surface access strategies to go unasked and unanswered: what is the formal relationship between these plans/strategies and the Local Development Plan and planning application process in the circumstance where they are under the effective direction of the airport itself, which is of course a commercial conflict of interest in their outcome? Annex E is of course silent on this point. Its actual content is nugatory.

If the DfT or the government were really interested in applying the principles of 'localism' to these two frameworks they would place both them under the direct supervision of the local council, removing that conflict of interest whilst also establishing a formal link with the Local Plan. Local authorities could also play a formal role in ACCs, enhancing the substance and appearance of independence that they lack at present and creating genuine local accountability. Airport communities and local authorities continue to be excluded from discredited processes to manage and reduce airport impacts, whereas a genuine localism would provide an opportunity for this 'democratic deficit' around airports to be remedied.

30. Do you agree that master plans should incorporate airport surface access strategies?

31. Do you agree that, where appropriate, the periods covered by master plans and noise action plans should be aligned?

These second-order questions in fact reflect a decision already taken by DfT to leave all the present and ineffective components of the local governance framework - highly useful though for airports, allowing them to pursue their commercial interests - in place.

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