

Draft Further Alterations to the London Plan

EXAMINATION IN PUBLIC
18 June – 10 July 2007



Panel Report

September 2007

DRAFT FURTHER ALTERATIONS
TO THE LONDON PLAN

Draft Further Alterations to the London Plan **Examination in Public 2007**

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Draft Further Alterations to the London Plan EIP
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28 September, 2007

Dear Mr Livingstone

Further Alterations to the London Plan

We have pleasure in submitting to you our Panel Report following the Examination in Public into the Further Alterations to the London Plan, which was held, as you know, in June/July of this year.

We had a full and detailed discussion of the matters which we selected for debate. They were important issues, with wide ranging implications for the future of London. We have done our best to reflect the views of all the parties on these matters, but as always it is inevitable that there will be those who are disappointed that their views have not prevailed. However, as an independent Panel, we have sought to provide an objective and professional opinion to the best of our ability. A feature of our recommendations for changes to the Plan is that many of them were agreed before or during the course of the EIP, through briefing notes from your representatives or other parties. We think this is a positive feature of the process we have gone through.

We hope that our work will assist you in finalising this important Plan.

Yours sincerely

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TO THE LONDON PLAN

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Chapter 7 Aspects of Transport

Preamble

7.1 Chapter 3C of the FALP, Connecting London: improving travel in London, addresses a wide range of transport related policies and projects. In the main, however, these are either rolled forward from the 2004 Plan or amount to updates including those to incorporate aspects of TfL's Transport 2025: Transport vision for a growing world city¹. These fall outside the scope of our Examination, which focuses on draft new transport policies introduced by the FALP.

7.2 As happened with several other matters we examined, a number of Participants sought to widen the debate, for example Freight on Rail urged additional measures to support rail freight, Helioslough Ltd in their written statement promoted a particular site (outside London) for a Strategic Rail Freight Interchange and the Forum raised the concept of a "London lorry". These types of issue all fall outside our remit: they were either too detailed for a strategic plan (especially in seeking to focus on a named site outside London) or they were topics that might properly be considered in a future review of the Plan.

Aviation

Introduction

Scope of the Panel's Examination

7.3 We received strenuously argued evidence, written and oral, for and against UK Government aviation policy, in essence respectively stressing the economic and business case for Heathrow on the one hand and the environmental consequences on the other. As we advised from the outset, at the Preliminary Meeting, in our Supplementary Questions and at the session itself, we are quite simply not the body to address these issues. The fact that we are unable to do so does not, of course, in any way imply that they are less than vitally important. Our silence should not be seen as implying a view one way or the other: we lack the full information, the expertise and above all any authority to pass judgement on UK aviation policy, which is ultimately a matter for Ministers answerable to Parliament. Our approach from the outset has been limited to the question of consistency between the FALP and Government policy.

Regulatory framework

7.4 The Greater London Authority Act 1999², Section 41 sets out the general duties of the Mayor in relation to his strategies including:

¹ Transport 2025: transport vision for a growing world city, Transport for London, 2006. CDL-LW008

²The Greater London Authority Act 1999, HMG,1999. CDL-CG038

*(1)(c) the spatial development strategy ...
(f) the London air quality strategy ... ;
and (g) the London noise strategy*

7.5 Section 41(4) states: *In preparing or revising any strategy mentioned in subsection (1) above, the Mayor shall have regard to -*

*(a) the principal purposes of the Authority;
(b) the effect which the proposed strategy or revision would have on-
(i) the health of persons in Greater London; and
(ii) the achievement of sustainable development in the United Kingdom; and*

(c.) the matters specified in subsection (5) below.

(5) Those matters [include]-

(a) the need to ensure that the strategy is consistent with national policies and with such international obligations as the Secretary of State may notify the Mayor for the purposes of this paragraph;

(b) the need to ensure that the strategy is consistent with each other strategy mentioned in subsection (1) above;

7.6 With respect to (1)(a) above the principal purposes of the Authority as set out in Section 30(2) of the Act are:

Promoting the economic development and wealth creation in Greater London;

Promoting social development in Greater London, and;

Promoting the improvement of the environment in Greater London.

7.7 Notwithstanding Section 41(5)(a) of the Act, GOL Circular 1/2000, Strategic Planning in London³, paragraph 2.9 states that “Where the Mayor intends to propose a policy or proposal in the [London Plan] which is not consistent with national policies, he or she must ensure that there are adequate reasons for doing so.”

7.8 Section 424 of the Act, amongst other interpretations, defines national policies. The White Paper: The Future of Air Transport⁴ 2003 with The Future of Air Transport Progress Report⁵ 2006 set out current UK aviation policy, and clearly falls within this definition. Indeed, although not directly applicable to London, PPS11⁶ paragraph 24 expressly requires that an RSS review is consistent with the White Paper.

³ Strategic Planning in London. GOL Circular 1/2000, GOL, 2000. CDL-CG013

⁴ The Future of Air Transport- Aviation White Paper, DfT, 2003. CDL-CG037

⁵ Air Transport White Paper Progress Report, DfT, 2006. CDL-CG003

⁶ Planning Policy Statement 11: Regional Spatial Strategies, ODPM, CDL-CG039

Government Aviation Policy

7.9 The White Paper objectives include (paragraph 11.11): “making best use of the existing runway capacity at Stansted and development to its full use of a single runway at Luton.” Subject to this, it supports “the provision of two new runways in the South East in the thirty year period to 2030”, with the first to be at Stansted “as soon as possible ... with strict environmental controls,” and “development at Heathrow provided that stringent environmental limits can be met, including a new runway as soon as possible after the new runway at Stansted”. The Government’s assessment is that there “is a substantially better chance that the limits could be met in the 2015-2020 period.”

7.10 The White Paper goes on to “propose an urgent programme of work and consultation to find solutions to the key environmental issues at Heathrow and to consider how we can make best use of the existing airport.” Subsequently the DfT led “Project for the Sustainable Development of Heathrow” (PSDH) was set up to assess the environmental impact of adding a short third runway and/or “mixed mode” combined arrivals and departures on the existing runways at Heathrow. Work continues to determine whether or how the environmental limits set by the White Paper could be met, with the outcome of this assessment due for public consultation later in 2007⁷.

7.11 Reverting to the White Paper, the Government believes “that there is a strong case on its merits for a wide-spaced second runway at Gatwick after 2019 and that land should be safeguarded for such a runway, in case it becomes clear in due course that the conditions that we wish to attach to our support for the construction of a third Heathrow runway cannot be met.”

7.12 The Progress Report summarised progress to late 2006 subsequent to the White Paper. It further emphasised the need for aviation to recognise its environmental responsibilities, specifically endorsing the recommendations of the Stern Review⁸ on Climate Change, and it also acknowledged the findings of the Eddington Transport Study⁹, including the economic importance attributed to aviation and airports.

Consistency of the FALP with Government Policy

7.13 Against this background we look first at Policy 3C.6.

Policy 3C.6 Airport development and operation

The Mayor supports the development of a sustainable and balanced London area airport system, and recognises that further runway capacity in the South East will be required to meet London’s needs. The strategic framework for the development of air travel in the UK over the next 30 years was published by government in 2003. Adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in the global economy. The Mayor recognises that airport capacity must be sufficient to sustain London’s competitive position,

⁷ GOL evidence.

⁸ Stern Review: The Economics of Climate Change, HMT, 2006. CDL-CG059

⁹ The Eddington Transport Study, DfT, 2006. CDL-CG001

although providing a level of capacity sufficient to meet unconstrained demand is untenable. The Mayor believes that the aviation industry should meet its full environmental and external costs but accepts there will still be a need for extra capacity to meet London's economic needs.

The Mayor strongly supports the Aviation White Paper's conclusion that, based on current evidence, any proposal for additional runway capacity at Heathrow should not be progressed unless the adverse impacts on air quality and noise can be sufficiently mitigated, and public transport access improved. On current evidence, adequate mitigation of these issues and of climate change impacts is not possible, and additional runway capacity at Heathrow is therefore opposed.

Airport operations should also give high priority to sustainability, including setting targets for and actively working towards increasing the share of access journeys by passengers and employees made by sustainable means, and taking full account of environmental impacts when making decisions on patterns of aircraft operation.

7.14 A significant number of individuals and organisations opposed the tone of the first paragraph of the policy as being too supportive of aviation development. But we see nothing inconsistent between it and the UK Government's position summarised above.

7.15 More contentious was the final sentence of the policy's second paragraph. The Mayor is expressly required to be consistent with his air quality and noise strategies, and these have not been challenged by Government. The "principal purposes" to which he must have regard include promoting the improvement of the environment in Greater London. He is expressly enjoined to have regard to the "health of persons in Greater London" and to achieving sustainable development in the UK and, on undisputed evidence, air quality around Heathrow does not currently meet World Health Organisation standards. Also, the requirement for consistency with National policies means the whole gamut of relevant policies, including those addressing air quality, noise and sustainable development, various elements of which can be read as offering support to the Mayor's position.

7.16 However, the Mayor's duties to promote "economic development", "wealth creation" and "social development" in Greater London might be seen as pulling in the opposite direction, as could be creating the economic foundations for "sustainable development".

7.17 Most importantly, the issues concern questions of merit and judgement that will be equally well known to Government. These self evidently include the analysis in the White Paper and Progress Report, balancing potentially conflicting considerations and constraints that could be posed by noise and air quality considerations. There is nothing in the White Paper paragraph 11.57, read as a whole, to suggest that mandatory air quality standards irredeemably cannot be met in future years, when better technologies and practices are seen as improving the prospects. Again self evidently, the Minister Tony McNulty's comment that the issues "were not easily overcome" is not just known to Government but an element of its position.

7.18 Unlike the run of thematic policy considerations and supporting analysis in the White Paper and Progress Report, which can be prayed in aid in more than one direction, the net outcome of Government policy for Heathrow remains

expressly stated, site specific, and must be assumed to incorporate the background considerations. The policy is clear, unambiguous and was updated only at the end of last year. Further development at Heathrow is supported in principle, contingent on stringent environmental limits being met. The Project to assess whether or how those limits might be achieved has yet to report. Until it does, the conclusion to the end of the second paragraph to Policy 3C.6 is premature and directly contrary to Government policy.

7.19 As an elected politician, democratically accountable to one of the world's major cities, the Mayor must of course be able to hold and express views independent of Government. However, the Spatial Development Strategy for London – the London Plan – is a statutory document with legal authority. Within its confines is a statutorily determined constraint in Section 41 of the GLA Act to ensure consistency with Government policy. We do not see GOL Circular 1/2000 paragraph 2.9 as creating sufficient leeway for a fundamental inconsistency with a policy specific to Heathrow, but rather as foreseeing potential variations from nationally applicable topic based policies, say on retailing, that might be justified by the particular uniqueness of London. We reach an unequivocal conclusion that the final sentence of the second paragraph of Policy 3C.6 needs to be deleted.

7.20 Doing so would not introduce inconsistency with other parts of the Plan nor lead to inconsistency with other of the Mayor's strategies or less specific, thematic Government policies. The outcome would simply no longer pre-empt the outcome of the PSDH. The ensuing paragraph 3.174 states that Policy 3C.6 is to be reviewed in the light of the outcomes of current studies on airport development; this is at odds with the Policy as it stands, which has in effect carried out the review before the outcome of a crucial study. We agree with the Mayor's suggestion that paragraph 3.174 would be improved by including an express reference to the PSDH. This would make paragraph 3.174 entirely consistent with the Policy, truncated as we suggest, leaving the way open for a review of the Policy when further information is available.

Recommendation 7.1

We recommend that Policy 3C.6 be changed by the deletion of the words "On current evidence, adequate mitigation of these issues and of climate change impacts is not possible, and additional runway capacity at Heathrow is therefore opposed."

Recommendation 7.2

We recommend that paragraph 3.174 be changed to include an express reference to the outcome of the Project for the Sustainable Development of Heathrow.

7.21 The complete recommended wording is below (Recommendation 7.5) incorporating also a further recommended change to this paragraph.

Stansted & Gatwick Airports

7.22 Paragraph 3.175 states:

Whilst the expansion envisaged in the government White Paper at Stansted (and potentially later at Gatwick) should bring many positive benefits to London's economy, all necessary measures to address climate change and other environmental impacts and surface access impacts must be fully integrated into the development process, and in particular that appropriate transport improvements are put in place to support additional travel by public transport and road by both passengers, airport workers and freight / servicing traffic. The proposed expansion at Stansted (and potentially later at Gatwick) is therefore supported, provided that the environmental effects are satisfactorily mitigated and that sufficient additional transport capacity, particularly by public transport is provided. The provision of additional public transport capacity to serve the airports should not be to the detriment of non-airport passengers. Stansted has the greatest potential to bring regeneration benefits to stimulate development in the Thames Gateway and in the London-Stansted-Cambridge-Peterborough corridor, and Boroughs should ensure that full advantage is taken of the opportunities offered by promoting appropriate complementary employment policies in north east London, for example by implementing skills development programmes.

7.23 In his written statement in advance of the EiP session the Mayor said that he wished to modify this paragraph by deleting the sentence beginning "The proposed expansion of Stansted (and potentially later at Gatwick)".

7.24 This was supported by some and opposed by others. We have no doubt that the Mayor was right to seek the modification, and we would in any event have recommended it. In itself the sentence is not inconsistent with the White Paper and Progress Report, but we think it wrong for the London Plan to express different degrees of opposition or support for airport expansion within and outside the London boundary. As published, the FALP opposed expansion at Heathrow, subject to future review, while conditionally supporting it at Stansted and potentially at Gatwick. Subject to our recommendation above, the London Plan would, at least for now, drop express opposition to expansion at Heathrow and we consider that it should similarly drop even conditional express support for expansion at the other two airports.

7.25 We see no reason to recommend further modifications to paragraph 3.175, since foreseen economic benefits within London and the need to address surface access transport fall within the proper scope of the London Plan. These issues are in any event substantially already within the 2004 Plan, albeit differently worded.

Recommendation 7.3

We recommend that paragraph 3.175 be modified by deleting the sentence: "The proposed expansion at Stansted (and potentially later at Gatwick) is therefore supported, provided that the environmental effects are satisfactorily mitigated and that sufficient additional transport capacity, particularly by public transport is provided."