



BRIEFING PAPER

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Airports in the South East of England

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Summary

This note looks at airport development in London and the South East under the present and previous governments, including the work of the Airports Commission, and how airports are planning to develop their current services.

Please note that while Heathrow is covered in this paper in terms of its current operations, noise management etc., expansion is dealt with in a separate paper: [SN1136](#).

The Labour Government's 2003 aviation White Paper generally supported a 'predict and provide' approach, which envisioned demand for air transport in the South East increasing dramatically over the following 25 years. Consequently, it supported the construction of a second runway at Stansted and a third runway at Heathrow. Expansion at Gatwick would be limited by the Gatwick Agreement, which prevents expansion at Gatwick until 2019. It generally supported the growth of smaller airports in the South East, though it rejected plans to expand capacity in the Thames Estuary area.

The Coalition Government published its *Aviation Policy Framework* in March 2013 – this was largely a collection of technical changes that could be made to airports to increase capacity, improve efficiency and ensure that aviation growth in the UK is sustainable in terms of noise and environmental pollution.

The Airports Commission, under the chairmanship of Sir Howard Davies, was set up in September 2012 and tasked with making recommendations as to the timing and scale of any future airport capacity. Although it shortlisted a new runway at Gatwick in its interim report, it ruled this out in favour of Heathrow in its final report published in July 2015. In October 2016 the Government indicated its support for Heathrow expansion and said that it would bring forward a National Policy Statement for aviation in early 2017, setting out its approach to airport expansion in the future.

While a new Thames Estuary Airport has effectively been ruled out, there may be scope for expansion at Gatwick and Stansted in the longer term. In the short term smaller airports in the South East, such as London City, are continuing to expand. There is also a campaign to reopen Manston Airport in Kent to some form of commercial traffic.

Information on the other airports in the UK outside of the South East and London can be found in HC Library briefing paper [SN323](#). Further papers are available on Heathrow expansion, [SN1136](#), and proposals for a Thames Estuary airport, [SN6144](#). These and other briefings on aviation can be found on the [Aviation Topical Page](#) of the Parliament website.

1. Government policy, 1997-

1.1 Labour, 1997-2010

In 2002 the previous Labour Government published a series of consultation documents seeking views on the future development of air transport in the UK. One of the consultation documents covered the South East of England.¹ The consultation sought to solicit opinion on three central questions: whether new airport capacity should be provided in the South East and if so, how much; where new capacity should be located; and what measures should be taken to mitigate the environmental impacts of growth.

Campaign groups against airport expansion brought an action for Judicial Review in 2004 to stop the building of a second runway at Stansted and an increase in flights out of Heathrow.² In February 2005 Mr Justice Sullivan found that the decision-making process which led to the adoption of the policies in the White Paper was lawful, subject to two qualifications: that the Government could not pre-judge the scale and location of the proposed second runway at Stansted; and that the proposal to extend the runway at Luton had not been properly consulted on.³

The aviation White Paper was finally published in December 2003. Outside of decisions on Heathrow⁴ the most important decision for the South East in the White Paper was the support for a “wide-spaced second runway at Stansted, with strict environmental controls, as the first new runway to be built in the South East”.⁵ The White Paper also recommended that airport operators should maintain a ‘master plan’ document detailing development proposals.⁶ The Department produced a guidance document for the development of master plans in July 2004.⁷

Several proposals contained in the consultation paper were ultimately rejected. The most significant of these rejected proposals were Cliffe Airport and a second South East hub airport. The consultation found very little support for the concept of a second or alternative hub to Heathrow, which most felt was “impractical and would carry high risks”. Indeed, many airlines stated that an alternative South East hub would work only if Heathrow were to close. In recognising the value to the UK of Heathrow's status as an international hub airport, the Government rejected the case for attempting to create a second hub

¹ DfT, *The Future Development of Air Transport in the UK: South East, Second edition*, February 2003; see also: DfT, *South East and East of England Regional Air Services Study (SERAS): Appraisal findings report*, April 2002

² “Airport growth to face court challenge”, *The Times*, 6 March 2004

³ *Wandsworth et al vs Secretary of State for Transport*, 18 February 2005 [Case Nos: CO/1314/2004 and CO/1339/2004]; all parties welcomed the decision, see e.g. : [HC Deb 21 February 2005, 1WS](#) and “Runways blueprint survives legal challenge”, *Financial Times*, 19 February 2005

⁴ covered in detail in HC Library briefing paper [SN1136](#)

⁵ DfT, *The Future of Air Transport*, Cm 6046, December 2003, paras 11.6-11.11

⁶ *ibid.*, p141

⁷ DfT, *Guidance on the Preparation of Airport Master Plans*, July 2004

airport in the South East, “whether or not additional capacity is created at Heathrow”.⁸ It also rejected proposals for the development of Goodwin Sands; London Oxford; Marinair; Redhill; Sheppey; and Thames Reach.⁹

In December 2006 the Labour Government published a progress report on the implementation of the White Paper. The paper re-cast the debate about air travel within the context of climate change and environmental impacts, brought about by the publication of the Stern Review on the Economics of Climate Change in October 2006.¹⁰ Aside from this emphasis on climate change and impacts on the local environment, the paper restated the economic benefits of air travel and summarised progress that had been made on the White Paper since December 2003. Specifically with regards to the South East, the report stated that “the White Paper painted a picture of high demand in general and of particular pressures on the existing capacity in the South East. This picture still stands”.¹¹

In its manifesto for the 2010 General Election the Labour Party rowed back a little on the predict-and-provide approach in the 2003 White Paper. It stated that it would “not allow additional runways to proceed at any other airport [apart from Heathrow] in the next Parliament”.¹² For the 2015 Election Labour ran on a manifesto promising to “make a swift decision on expanding airport capacity in London and the South East, balancing the need for growth and the environmental impact”.¹³

1.2 Coalition & Conservatives, 2010-

The Conservative-Liberal Democrat Coalition Government stated in its Coalition Agreement that it would “cancel the third runway at Heathrow [and] refuse permission for additional runways at Gatwick and Stansted”.¹⁴

Shortly after it assumed office in May 2010 the Coalition Government set up a South East Airports Task Force with ‘key players’ from across the industry to explore ways of making the most of existing airport infrastructure and improving conditions for all users. The group was chaired by the then Aviation Minister Theresa Villiers and its initial focus was on action at Heathrow, Gatwick and Stansted.¹⁵ The taskforce reported in July 2011. It recommended a package of proposals to address punctuality, delay and resilience issues at Heathrow, Gatwick

⁸ op cit., [The Future of Air Transport](#), paras 11.12-11.17

⁹ *ibid.*, paras 11.106-11.119; those schemes which proposed developing an airport in the Thames Estuary are considered in further detail in HC Library briefing paper [SN4920](#)

¹⁰ HMG, [Stern Review on the Economics of Climate Change](#), 30 October 2006

¹¹ DfT, [The Future of Air Transport: Progress Report](#), 11 December 2006, para 5.5

¹² Labour Party, [A Future fair for All: The Labour Party Manifesto 2010](#), April 2010, p1:8

¹³ Labour Party, [Britain can be better: The Labour Party Manifesto 2015](#), April 2015, p19

¹⁴ HMG, [The Coalition: Our Programme for Government](#), May 2010, p31; separate promises in the 2010 party manifestos can be found at: Conservative Party, [Invitation to join the Government of Britain: the Conservative manifesto 2010](#), April 2010, p23 and Liberal Democrats, [Liberal Democrat Manifesto 2010](#), April 2010, p42

¹⁵ [HC Deb 15 June 2010, c48WS](#)

and Stansted, comprised of new operational freedoms; a performance charter for each airport to motivate stakeholders to take decisions based on the best interests of the whole airport system rather than being driven principally by their own individual commercial interest; and a set of policy guidelines to optimise the utilisation of runway resource at each airport. It concluded that there was some scope for exploring operational freedoms at Gatwick moving forward, but no strong case for additional freedoms at Stansted.¹⁶

The overarching themes of the review were taken up in the [Civil Aviation Act 2012](#). This provided for a new system of economic regulation at the UK's dominant airports.¹⁷ It gave the CAA a primary duty to further the interests of passengers and owners of cargo in the provision of airport operation services and, where appropriate, promote competition in those services. It would achieve this with a system of licences for those airports with 'market dominance'. Only Heathrow and Gatwick are subject to this new regime; Stansted, which was regulated under the old regime is no longer.

The Government published its aviation policy framework in March 2013. It replaced the policy set out ten years previously by the Labour Government. The framework proposed a number of actions to make best use of existing capacity; better regulation and provision for passenger experience (under the 2012 Act) and measures for encouraging new routes and services. It proposed extending so-called 'fifth freedoms' to Gatwick, Stansted and Luton. This policy would be subject to the same conditions that applied to the UK's existing regional fifth freedoms policy, namely that the grant of such rights would be subject to a case-by-case consideration within the context of the current position in the UK's bilateral aviation relationship with the country concerned.¹⁸

The Government set up the independent Airports Commission under the chairmanship of Sir Howard Davies in September 2012, charging it to report on long term capacity options by summer 2015.

'Fifth freedoms' are the rights granted to allow an airline of one country to land in a different country, pick up passengers and carry them on to a third country.

¹⁶ DfT, [South East Airports Taskforce: Report](#), July 2011, pp7-8

¹⁷ further information on the Act can be found in HC Library briefing paper [RP 12/07](#)

¹⁸ DfT, [Aviation Policy Framework](#), Cm 8584, March 2013, p34

The work of the Airports Commission

The Airports Commission, chaired by Sir Howard Davies, the former chairman of the Financial Services Authority, was set up in September 2012 to identify and recommend to Government options for “maintaining this country’s status as an international hub for aviation”.¹⁹

The Commission published its interim report in December 2013. It concluded that there was a need for one net additional runway to be in operation in the South East of England by 2030 and that there was likely to be a demand case for a second additional runway to be operational by 2050. The Commission said that it would take forward for further detailed study proposals for new runways at Gatwick and Heathrow.²⁰

The Commission also made recommendations about making best use of existing capacity, including airport collaborative decision making; airspace changes supporting performance based navigation; enhanced en-route traffic management; and time based separation.²¹

The Commission published its final report in July 2015, supporting expansion at Heathrow rather than Gatwick.²²

All of the reports, consultations and working papers published by the Airports Commission are available on its [archived website](#).

The Government initially welcomed²³ the Commission’s December 2013 interim report before publishing its full response in July 2014. In his statement the then Secretary of State, Patrick McLoughlin, said: “Publication of the commission’s final report in summer 2015 will be an important event not just for the aviation industry, but for the national economy more generally”.²⁴

Unlike in 2010, the Conservative Party’s manifesto for the 2015 General Election did not mention Heathrow, it only said that if it formed the next Government it would “respond to the Airports Commission’s final report”.²⁵ When the Commission’s final report was published in July 2015 Mr McLoughlin said:

There are a number of things that we must do now in order to make progress. First, we must study the substantial and innovative evidence base that the commission has produced. Secondly, we must decide on the best way of achieving planning consents quickly and fairly if expansion is to go ahead. Thirdly, we will come back to Parliament in the autumn to provide a clear direction on the Government’s plans.

This is a vital moment for the future of our aviation industry. Our aviation sector has been at the heart of our economic success and quality of life. All those with an interest in this important question are expecting us to act decisively. This is a clear and reasoned

¹⁹ [HC Deb 7 September 2012, c41WS](#)

²⁰ Airports Commission, *Interim Report*, December 2013, for full details see chapter 6

²¹ *ibid.*, pp12-13; full details in chapter 5

²² Airports Commission, *Final Report*, July 2015

²³ DfT press notice, “[Government welcomes Airports Commission interim report](#)”, 17 December 2013; and: [HC Deb 17 December 2013, c622](#)

²⁴ [HC Deb 15 July 2014, c67WS](#)

²⁵ Conservative Party, *Strong Leadership, A Clear Economic Plan, A Brighter More Secure Future: The Conservative Party Manifesto 2015*, 14 April 2015, p14

report which is based on evidence, and it deserves respect and consideration, and we must act.²⁶

In December 2015 Mr McLoughlin announced that the Government accepted the case put by the Commission for more runway capacity in the South East by 2013, but that it had not yet decided where that capacity should be. In light of this, the Government would:

... develop the best possible package of measures to mitigate the impacts on local people and the environment. This will include a package for local communities to include compensation, maximising local economic opportunities through new jobs and apprenticeships, and measures to tackle noise. More work will be done on environmental impacts. The government expects the airports to put forward ambitious solutions.²⁷

At this time a final 'decision' or statement of preference for where expansion should go, was expected in Summer 2016. However, the EU referendum, David Cameron's resignation, and his replacement as Prime Minister by Theresa May, caused a delay. Finally, on 25 October 2016 Secretary of State for Transport Chris Grayling announced that the Government would support a third runway at Heathrow and would bring forward a draft National Policy Statement and a consultation on airspace change in 2017.²⁸

²⁶ [HC Deb 1 July 2015, c1484](#)

²⁷ DfT press notice, "[Government confirms support for airport expansion in the south-east](#)", 10 December 2015

²⁸ [HC Deb 25 October 2016, cc162-66](#)

2. Heathrow

Please note that the following does not deal with current plans for Heathrow expansion. This is covered in a separate paper: [SN1136](#).

Ownership and regulation

The [Airports Act 1986](#) restructured the British Airports Authority into a main holding company, BAA plc, with seven separate airport companies operating London Heathrow, Gatwick and Stansted; Edinburgh; Glasgow; Aberdeen; and Southampton airports and an intermediate holding company over the four Scottish airports. It was privatised in July 1987, in a sale which raised £1.2 billion.²⁹ In June 2006 the Ferrovial Consortium, a Spanish construction firm, bought BAA for £10.3 billion.³⁰

In October 2012 BAA changed its name to Heathrow Airport Holdings Ltd (HAHL).³¹ The ownership structure of HAHL as of 19 October 2016 is as follows:

- FGP Topco Limited, a consortium owned and led by the infrastructure specialist Ferrovial S.A. (25.00%);
- Qatar Holding LLC (20.00%);
- Caisse de dépôt et placement du Québec [Quebec public pensions investor] (12.62%);
- Government of Singapore Investment Corporation (11.20%);
- Alinda Capital Partners (11.18%);
- China Investment Corporation (10.00%); and
- Universities Superannuation Scheme (USS) (10.00%)³²

Heathrow is the UK's only international 'hub' airport. 'Hub' airports are essentially large airports which have a significant number of routes, as the Government's March 2013 aviation policy framework states:

Although there is no single agreed definition of a hub airport, a key characteristic of hub airports across the world is that they are able to serve destinations that other airports are not. This is because a hub airport supplements local demand with transfer passengers, providing traffic volumes which support higher frequencies of services on more popular routes, and enabling services on more marginal routes that would not otherwise have proved viable with fewer passengers.³³

Since the main period of airport privatisation in the late 1980s, the Civil Aviation Authority (CAA) has economically regulated those airports

²⁹ NAO, *Department of Transport: Sale of Government's shareholding in BAA plc* (session 1987/88), HC 312, February 1988

³⁰ "Ferrovial lands BAA with final offer of £10.3bn", *The Guardian*, 7 June 2006

³¹ HAHL press notice, "[End of 'BAA'](#)", 15 October 2012

³² HAHL, [Company information](#) [accessed 19 October 2016]

³³ op cit., [Aviation Policy Framework](#), para 1.38

deemed to have market power, setting price controls to protect their users from anti-competitive behaviour. In December 2012 the [Civil Aviation Act 2012](#) received Royal Assent; this Act fundamentally changed the way the CAA economically regulates airports, effectively providing for a new system of economic licences. It only regulates airports with 'substantial market power', where competition law could not provide sufficient protection for consumers and where the benefits of regulating would outweigh the costs for airport users. This new system of regulation began in 2014.³⁴

Details of Heathrow's economic licence are available to view on the [CAA website](#).

The CAA concluded that Heathrow has substantial market power and, therefore, required an economic licence from 1 April 2014. The reasons for this judgement were that:

... its position as the operator of the UK's only hub airport and the combined package that Heathrow offers of strong demand, including premium passengers, cargo and connecting passengers. This makes Heathrow attractive for both based and inbound airlines.

The airline network effects available at Heathrow means that very few airlines would be able and willing to switch sufficient capacity to constrain an increase in HAL's charges.

Heathrow's good surface access options, the inherent attractiveness of the London market, and its strategic importance to airlines combined with the capacity constraints in the London system act to reduce the available alternatives to airlines.

The strength of airline demand to operate from Heathrow means that HAL would be effectively insulated from the effects of any switching away as a result of higher airport charges.³⁵

At the same time the CAA published details of what would be in the licence. The proposed price control licence condition contained a single-till, retail price index (RPI) control of RPI-1.5% per year - less than what the airport asked for and more than the airlines wanted.³⁶

Passenger experience is now a key part of the new regulatory regime. The airport's licence includes a licence condition on operational resilience. This requires Heathrow "so far as reasonably practicable, to secure the availability and continuity of airport operation services, particularly in times of disruption, to further the interests of passengers and cargo owners in accordance with best practice and in a timely, efficient and economical manner".³⁷ This may help to address concerns about, for instance, the airport's operations during incidents of severe weather.

³⁴ CAA, [Economic Regulation Briefing](#), CAP 1025, April 2013; information on the old system and how it came to be reformed can be found in HC Library briefing paper [RP 12/07](#)

³⁵ CAA, [Notice Of Determination under Section 8 of the Civil Aviation Act 2012: Heathrow Airport](#), CAP 1133, January 2014; the licence will last for 4 years, 9 months

³⁶ CAA, [Economic regulation at Heathrow from April 2014: notice of the proposed licence](#), CAP 1138, January 2014, p4; prices in 2011/12 money; see also HAHL press notice, "[Heathrow's response to CAA's Q6 price control decision](#)", 10 January 2014 and "[Heathrow hits out at CAA for 'draconian' cut to landing charges](#)", *The Guardian*, 10 January 2014

³⁷ *ibid.*, p39

Noise

Heathrow is a 'designated' airport for the purposes of section 78(3)(b) of the [Civil Aviation Act 1982](#), as amended, which allows the Secretary of State to specify the maximum number of occasions on which specified aircraft may be permitted to take off or land during specified periods.

As a result, although night flights are not banned, (except for the noisiest types of aircraft), restrictions are imposed on the number of night departures and arrivals. The Department for Transport currently imposes movement limits and quotas between 2330 and 0600. There are also restrictions on the noisiest types of aircraft between 2300 and 2330 and 0600 and 0700.³⁸

Airports covered by EU [Directive 2002/49/EC](#) relating to the assessment and management of environmental noise³⁹ must prepare noise action plans, based on previously generated noise maps (contours), and submit these for formal adoption by the Government.⁴⁰ In July 2013 the Government published new guidance for airports on drawing up their noise action plans. It stated that the plans must, amongst other things, be designed to manage noise issues and effects, including noise reduction if necessary and aim to preserve quiet areas in agglomerations.⁴¹

London Heathrow has a noise and track-keeping computer system which gathers information on both the noise made by aircraft operating to and from the airport and the actual track each aircraft makes.⁴² There is a Noise and Track Keeping Working Group at Heathrow to allow representatives of interested parties to consider noise and track keeping issues at the relevant airport. In May 2007 Heathrow launched an interactive aircraft noise website, which allows local residents to track aircraft arriving and departing from the airport, and displays their height.⁴³ Live noise tracking for Heathrow is available on the [WebTrak](#)

³⁸ for more information on night flights, see HC Library briefing paper [SN1252](#); and for aircraft noise more generally, see [SN261](#)

³⁹ information on environmental noise generally, including the provisions of this Directive, can be found in: Parliamentary Office of Science and Technology, [Environmental Noise \(Postnote 338\)](#), July 2009; this is a devolved issue - the Directive was implemented by the *Environmental Noise (England) Regulations 2006* ([SI 2006/2238](#)); *Environmental Noise (Wales) Regulations 2006* ([SI 2006/2629](#)); *Environmental Noise (Scotland) Regulations 2006* ([SSI 2006/465](#)); and *Environmental Noise Regulations (Northern Ireland) 2006* ([NISR 2006/387](#))

⁴⁰ DfT, [Night Flying Restrictions at Heathrow, Gatwick and Stansted Stage 1 Consultation](#), January 2013, p14; the noise map for London Heathrow is available on the [Defra noise mapping website](#) [accessed 19 October 2016]

⁴¹ DEFRA, [Guidance for Airport Operators to produce noise action plans under the terms of the Environmental Noise \(England\) Regulations 2006 \(as amended\)](#), July 2013, box 1, p4

⁴² more technical information about the system is available in: CAA, [Validating the CAA aircraft noise model with noise measurements](#), 2001

⁴³ BAA press notice, "[BAA launches noise websites](#)", 25 May 2007

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[site](#).⁴⁴ In August 2016 HAML announced that 50 new noise monitors would be added to the airport's existing network.⁴⁵

For technical and safety reasons, aircraft usually take-off and land into the wind. At London Heathrow, for example, because the prevailing winds are from the south west, the airport must operate in a westerly direction most of the time.⁴⁶ At the UK's major airports the Secretary of State may prescribe 'Noise Preferential Routes' (NPRs) to minimise noise disturbance:

For most major airports in the UK, aircraft following a departure route after take-off are required to fly within 1.5 km of the centre of the route until they reach a defined altitude. This results in a swathe of airspace 3 km wide within which aircraft may be seen and heard under normal circumstances. This swathe is called the 'noise preferential route' (NPR). The altitude below which aircraft must stay within the NPR is either 3000ft or 4000ft, depending on the route in question.⁴⁷

These are intended to ensure that departing aircraft avoid centres of population as far as possible although the routes cannot be followed rigidly for numerous reasons, including weather patterns, and types of navigation equipment. It is the responsibility of the airport operators to ensure the NPRs are used but there are no statutory powers to penalise poor track keeping. There have been operational changes at Heathrow in recent years, designed to test the efficacy of different departure and landing routes, runway alternation and respite periods. While such changes can relieve noise for some it can have the opposite effect on others.⁴⁸

The Government's view is that airport operators should offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving and offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered. If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households.⁴⁹

Information on Heathrow's [noise insulation schemes](#) can be found on its website.

⁴⁴ see also DfT, [Noise exposure contours around London airports](#) [updated 24 September 2015] and ISO press notice, "[New ISO standard for reducing noise in the neighborhood of airports](#)", 26 February 2010

⁴⁵ HAML press notice, "[50 new noise monitors installed around Heathrow](#)", 17 August 2016

⁴⁶ more information on 'westerly preference', the 'Cranford Agreement' at Heathrow and how the Labour Government had planned to change this before the 2010 election, can be found in section I.D.3.a of HC Library briefing paper [RP 09/11](#), pp23-24

⁴⁷ NATS, *Terminal Control North: Airspace Change Proposal – consultation document*, 2008, Part D, para 8.1

⁴⁸ Airportwatch/HACAN, [The Trials of Heathrow – "Operational Freedoms", "Respite" – layman's guide to what's going on and what it means](#), February 2013; and HAML press notice, "[Heathrow launches steeper approach trial to reduce noise](#)", 10 August 2015

⁴⁹ op cit., [Aviation Policy Framework](#), paras 3.36-8

Simultaneous use of runways and operational freedoms

As indicated above, the South East Airports Task Force reported in July 2011. One of the key measures it recommended regarding Heathrow was the introduction of more 'operational freedoms', such as extension of simultaneous use of runways.⁵⁰ The report explained:

At Heathrow, Tactically Enhanced Arrivals Measures (TEAM) have been used for a number of years. TEAM is a system under which for the first hour of the day (i.e. between 06.00 and 07.00), when conditions require it – and at other times when there are severe arrivals delays – both runways may be used for landings. This is a way of clearing the backlog of early morning long-haul arrivals and reducing the number of planes that would otherwise be held in the "stack" awaiting permission to land. It is not the same as "mixed mode" which would involve planned arrivals and departures on both runways. Tactically Enhanced Departures Measures (TEDM) would involve the use of both runways for departures which could also have efficiency and resilience benefits.

The Taskforce considered how punctuality, delay and resilience could be enhanced at Heathrow by the further use of TEAM and the introduction of TEDM and concluded that the deployment of these operational freedoms could potentially deliver:

significant benefits for passengers by improving the resilience and reliability of the airport; and

environmental benefits, with fewer unscheduled night flights, lower emissions and less stacking (where planes queue up to land).⁵¹

The taskforce concluded that there should be a trial of extended simultaneous runway use starting in autumn 2011.⁵² The first phase of the trial ran from November 2011 to February 2012, and phase two – with slightly different parameters – ran from July 2012 to February 2013. Heathrow published the outcome of the trials in October 2013. They involved more flexible use of the runway infrastructure, i.e. the use of both runways for arrivals; the use of both runways for departures; redirecting departures after take-off; and the increased use of the southern runway for A380 aircraft, small and light aircraft and Terminal 4 traffic. During Phase 1, the freedoms were used regularly whilst in Phase 2, the freedoms were staggered to provide, as far as possible, a means to assess the benefit of each freedom independent from the others.⁵³

The final report concluded that, on balance:

Operational Freedoms, as trialled, delivered useful operational performance improvements in limited areas. While their use did not provide the wholesale significant benefits that could be required to facilitate recovery from the most severe episodes of disruption, Heathrow believes that operational freedoms do help to mitigate against, and recover more quickly from, those less

⁵⁰ DfT press notice, "[New measures to cut delays at Heathrow](#)", 14 July 2011

⁵¹ op cit, [South East Airports Taskforce: Report](#), paras 5.11-5.12

⁵² *ibid.*, para 5.19

⁵³ HAML, [Operational Freedoms Trial: Final Report](#), October 2013, p2

serious disruptive events which still result in poor performance and passenger experience.⁵⁴

With that in mind, it is recommended that three operational freedoms should be integrated into standard procedures as soon as practically possible:

TEAM: Use of both runways for arrivals in either direction when disruptive conditions prevail subject to:-

1. Actual or anticipated arrival delays which are likely to impact operations
2. The headwind component on approach to Heathrow is forecast to be greater than 20 knots at 3000ft.
3. Aircraft are arriving on their stand more than 30 minutes later than their scheduled time or if 30% of all aircraft (arrivals and departures) operating from Heathrow are running 15 minutes late.
4. There is disruption to the operation, for example from snow.
5. Usage to increase from 6 landings per hour up to 12 landings per hour

Early Vectors: Use of early vectoring procedures for departures in either direction and on any route subject to:-

1. Actual or anticipated departure delays which are likely to impact operations
2. The headwind component on departure from Heathrow is forecast to be greater than 20 knots at 3000ft.
3. Evidence of routing bias leading to excessive delays
4. There is disruption to the operation, for example from snow.

Proactive Freedoms: Option to use the southerly runway for A380, Terminal 4 and small/light wake vortex category aircraft.⁵⁵

However, the CAA thought that the data from the trial was 'inconclusive' and that the benefits claimed by Heathrow Airport in their report (above) had "not been statistically proven". The CAA said that operational benefits of operational freedoms were offset by some redistribution of aircraft noise among local communities, and preliminary work had suggested some detrimental impact:

Communities below the westerly approach paths have their respite period interrupted by aircraft arriving on the runway usually used for departures, while others are affected by vectoring off the established departure routes.⁵⁶

Optimisation strategy

Taking these findings on-board, the Airports Commission's December 2013 interim report recommended further ways to make better use of existing capacity, including airport collaborative decision making; airspace changes supporting performance based navigation; enhanced en-route traffic management; and time based separation. Particularly as

⁵⁴ *ibid.*, p3

⁵⁵ *ibid.*, p3

⁵⁶ CAA, [Heathrow Airport Operational Freedoms Trial](#), CAP 1117, October 2013, p9

regards Heathrow, it further recommended “trials of measures to smooth the early morning arrival schedule to minimise delays and provide more predictable respite for local communities as part of a range of measures to increase the flexibility of runway use”.⁵⁷

In his response to the Commission’s interim report, the Secretary of State for Transport asked the CAA to set up a Senior Delivery Group (SDG) to develop and where appropriate lead delivery of a broad ‘optimisation strategy’ “to improve the efficiency of UK airports and airspace at congested airports, balanced against the needs of local communities”.⁵⁸

In July 2014 SDG published its first report, setting out three packages of optimisation measures it intended to progress; these were: operating to schedule; tactical responses to traffic overloads; and investments in route infrastructure. They are described as follows:

- **Operating to schedule:** under this package the SDG will consider the deployment of measures to smooth the flow of traffic and improve punctuality. The measures in scope are: Airport Collaborative Decision Making systems to link up information about the aircraft turnaround phase and optimise runway capacity; Real-time Departure Planning Information to optimise airspace capacity; Queue Management systems to sequence inbound and outbound traffic flows; and Time-Based Separations to maintain arrival rates in strong headwinds.
- **Tactical responses to traffic overloads:** under this package the SDG will consider the impacts of introducing more flexible, temporary measures to reduce the severity of delays as they build up. As part of the package SDG will consider the Airports Commission’s recommendation to increase the flexibility of triggers for Tactically Enhanced Arrival Measures (TEAM) at Heathrow.
- **Investments in the route infrastructure:** under this package the SDG will monitor the implementation of new arrival and departure routes for Heathrow and Gatwick, designed to Performance-Based Navigation (PBN) standards. The measures in scope are: PBN Departure Trials to assess route spacing, runway throughput and noise respite opportunities; a PBN Arrivals Trial to test the feasibility of advanced arrival concepts; the development of the LAMP Phase 1 systemised PBN route network; raising the UK Transition Altitude to 18,000ft to create significant additional airspace capacity in the London terminal area; and the design and development of the LAMP Phase 2 systemised PBN route network.⁵⁹

Departure trials

In 2013-14 Heathrow undertook three further rounds of departure trials, both easterly and westerly. These tested the following:

- Easterly and westerly departure trial 1 (16 December 2013 – 15 June 2014): satellite-based navigation/performance-based

⁵⁷ op cit., [Interim Report](#), pp12-13; full details in chapter 5

⁵⁸ [HC Deb 15 July 2014, c65WS](#)

⁵⁹ CAA SDG, [Delivery Report #1](#), July 2014, pp5-6

navigation and the airport's ability to provide predictable noise respite on aircraft departures;

- Easterly departure trial 2 (28 July 2014 – 12 November 2014): satellite-based navigation/performance-based navigation and resilience on 3 easterly departure routes; and
- Westerly departure trial 2 (25 August 2014 – 12 November 2014): satellite-based navigation/performance-based navigation, resilience and noise respite.⁶⁰

The second round of trials resulted in mixed noise impacts on local communities:

Westerly Trial

The trial routes introduced new areas to consistent aircraft overflight and generally dispersed flights over a wider area. However, flights were generally found to be more concentrated around routes than previously. This "concentrated-dispersion" and change in route position resulted in significant changes to the shape of the overall noise exposure contours during the trial.

Fewer people were exposed to average aircraft noise levels greater than 54 dB LAeq,16hr during the westerly trial. Most areas where there was a substantial increase in average noise level were in areas outside those that would be considered with traditional measures for aircraft noise assessment (eg 54 dB LAeq,16hr). 98% of people exposed to noise levels greater than 54 dB LAeq,16hr experienced no substantial increases in noise from flights using the trial routes.

Fewer people were exposed to more than 20 and 50 noise events over the 16 hour period during westerly departures.

The trial routes appear to enhance reduction in levels of overflight afforded by the runway alternation pattern. There were some areas that did not experience a reduction in flights by switching runways as a consequence of routes from each converging over their area.

Easterly Trial

The easterly trial increased the concentration and consistency of aircraft flight tracks. Areas overflowed during the trial period were similar to those prior to the trial.

There were no areas where there was a substantial increase in average noise exposure during the trial. Fewer people were exposed to noise levels greater than 54 dB LAeq,16hr.

As a result of the increased concentration there was an increase in the number of people to experiencing more than 50 events over the average 16 hour day of easterly departures.⁶¹

Airportwatch said:

The changed, concentrated, routes have been blamed for the "unacceptable and intolerable" noise above a number of Surrey villages. Some of the worse affected areas to the west are Englefield Green, Egham, Thorpe, Virginia Water, Windlesham, Bagshot, Lightwater, Sunninghill and Ascot. Petitions to the airport have been set up in Ascot, Lightwater and now in Englefield Green, asking that the trials be stopped. People feel

⁶⁰ H AHL, [Heathrow's airspace trials](#) [accessed 10 November 2016]

⁶¹ Anderson Acoustics, [Westerly and Easterly Departure Trials 2014 - Noise Analysis & Community Response](#), 9 August 2015, p36

that even after the end of the trials that ended in June, the increased noise from them has continued. People living under the new, concentrated, routes are now subjected to more, louder, aircraft noise as late as 11.50pm and as early as 6am.⁶²

Terminal 5

Terminal 5 (T5) opened on 27 March 2008 to a slew of bad headlines after the baggage system failed.⁶³ British Airways cancelled a number of flights from T5 over the following days and delayed moving all of its operations to the new terminal.⁶⁴ The problems cost BA approximately £20 million.⁶⁵

The public inquiry into the building of a fifth terminal at Heathrow airport began on 16 May 1995 and closed on 17 March 1999 making it the longest in UK planning history. The Inspector told the inquiry that he expected to take up to two years to produce his report;⁶⁶ in the end he delivered it to the then Department for the Environment, Transport and the Regions (DETR) in December 2000.⁶⁷ On 20 November 2001 the then Secretary of State for Transport, Stephen Byers, announced that the Labour Government had given its approval to the development of T5. He said that conditions had been imposed to protect the interests of those living in the vicinity of the airport.⁶⁸

The then owners of Heathrow, BAA, claimed that the terminal was needed to cope with the projected rise in numbers of passengers from around 58 million then to 80 million in 2013, to maintain Heathrow's position as a world airport hub. BAA argued that because aircraft were getting larger the number of flights would only increase by eight per cent. BAA told the public inquiry that it was prepared to accept a cap on aircraft noise at 1994 levels and a limit on the number of night flights at then current levels. It maintained that noise would not increase because engines were getting quieter and noise monitoring was improving. BAA said that if T5 was rejected the South East of England would run out of airport capacity in five years with damaging effects on the economy. BAA also claimed that opinion polls showed a growing number of local residents supported the terminal.⁶⁹

The London Chamber of Commerce launched a campaign, 'Business for T5', to promote the benefits of expanding the airport.⁷⁰ It claimed that overseas visitors would spend an estimated 10 million fewer nights in Britain if T5 did not go ahead with a loss of about £1 billion to the hotels sector and another £500 million to the wider tourist industry.

For a summary of the problems accompanying the opening of T5, see: Transport Committee, *The opening of Heathrow Terminal 5* (12th Report of 2007-08), HC 543, 3 November 2008

⁶² Airportwatch press notice, "[Anger as Heathrow's latest flight path trials subject thousands to unacceptable noise levels](#)", 19 September 2014

⁶³ see, e.g., "Disastrous start at Heathrow embarrasses BA", *Financial Times*, 28 March 2008; and "Making history? It is memorable, but for all the wrong reasons", *The Times*, 28 March 2008

⁶⁴ "BA postpones shifting flights to T5", *Financial Times*, 12 April 2008

⁶⁵ "Terminal chaos costs BA £20m", *The Daily Telegraph*, 31 March 2008

⁶⁶ [HC Deb 26 May 1999, c173W](#)

⁶⁷ [HC Deb 16 January 2001, c185W](#)

⁶⁸ [HC Deb 20 November 2001, cc177-79](#)

⁶⁹ *The Heathrow Terminal Five and Associated Public Inquiries: Report by Roy Vandermeer QC*, 21 November 2000; in two volumes, available to view with a Parliamentary ID here: [Chapters 1-20](#) and [Chapters 21-34](#)

⁷⁰ "Go-ahead urged for fifth Heathrow terminal", *Financial Times*, 10 February 2000

HACAN made the case to the inquiry that the arguments used by BAA were fundamentally flawed for a number of reasons, including:

The proposed terminal was designed to handle an extra 30 million passengers per annum with better facilities and without the need for additional runway or night flying – but the runways were already close to full capacity;

The government promised an end to Heathrow expansion when it agreed to the construction of Terminal 4;⁷¹

The government had promised to limit air transport movements to 275,000 per annum but in 1992 these were already 375,000 per annum; and

Heathrow already imposed more noise on more people than any other international airport in the world and the increased flights required to justify Terminal 5 would add enormously to noise pollution, air pollution, ground congestion and to the real risk of mid-air collision.⁷²

Another major objection of local authorities and residents was the effect of any additional traffic caused by T5 on the already over-stretched infrastructure.

BAA plc and Heathrow Airport Ltd lodged a planning application on 17 February 1993 to the London Borough of Hillingdon for a fifth terminal building to be constructed on land which was then occupied by the Perry Oaks sewage sludge works.⁷³ The applications referred to:

the development of an additional passenger terminal complex together with the provision of aircraft aprons, taxiways and associated facilities including an aircraft hangar;

infrastructure for aircraft maintenance and other tenants' developments;

hotel accommodation, car parking, rail station for facilities for Heathrow Express and London Underground;

connections to the airport road system and the public highway network;

an aircraft visual control room;

re-alignment of rivers and landscaping; and

the development of a fuel farm comprising tankage for storage and supply of aviation fuel together with the provision of associated facilities including office accommodation, car parking, the construction of roadways and hard-standing and landscaping.

The then Secretary of State for the Environment, Michael Howard, wrote to the Director of Hillingdon Council on 15 March 1993 stating that, as the proposals related to a development of considerable regional and national importance and would give rise to substantial controversy, it was an application that should not be dealt with by Hillingdon. It

⁷¹ the decision on Terminal 4 was taken by the incoming Conservative Government in late 1979

⁷² HACAN, [*Opening Statement to the Public Inquiry into a Fifth Terminal at Heathrow by the Chairman of HACAN, Dermot Cox*](#), 16 May 1995

⁷³ an earlier public inquiry into expansion plans at Heathrow and Stansted, held between 1981 and 1983, had already identified the Perry Oaks site as land onto which the airport should be able to expand

should instead be dealt with jointly by the Secretaries of State for Environment and Transport under section 77 of the [Town and Country Planning Act 1990](#). The letter also announced plans for a public inquiry.⁷⁴

The public inquiry started on 16 May 1995. The Inspector for the inquiry was Mr Roy Vandermeer QC, assisted by Mr Michael Brundell BA DipTP FRTPI. As outlined above, the inquiry's scope included not just the plans for a new terminal building and taxiways, but also the associated transport infrastructure including a spur to the M25 link roads, proposals for the Heathrow Express railway and an extension to the Piccadilly Underground line. Plans put forward by Thames Water to relocate their Perry Oaks sewage works to Iver South in Buckinghamshire were also considered.

The public inquiry was expected to last about 18 months but actually lasted almost four years. The total cost of the inquiry to all participants is estimated at over £83 million of which the private sector is estimated to have spent some £64 million with the rest borne by central and local government. Government Departments and their agencies spent approximately £11.8 million on the inquiry.⁷⁵

The main organisations opposing the construction of the terminal were HACAN and the all-party coalition of 12 local authorities around Heathrow, Local Authorities Against Terminal 5 (LAHT5). The local authorities are estimated to have spent £6.5 million on the inquiry⁷⁶ and because of budgetary restraints had to tell their lawyers to stop attending for a time although they returned at the end of the inquiry to make written submissions. Lawyers from Hillingdon, the local planning authority, apparently stayed.⁷⁷

A press report claimed that a decision had been made to build T5 despite the fact that it had been discovered that the building project could cause flooding;⁷⁸ the terminal building would be partly built on the flood plain of the Colne River. Two rivers, the Duke of Northumberland and the Longford, which run parallel to each other, would be diverted. The article claimed that BAA had been asked to carry out water flow tests on the two rivers. A Parliamentary written answer in October 2001 stated that BAA's revised proposal for the diversion of two rivers round the proposed terminal site was still being considered.⁷⁹

In his statement to the House of Commons in November 2001 announcing the Government's approval for the construction of Terminal 5, the Secretary of State for Transport, Mr Byers, explained that the delay in announcing the decision was due to BAA's decision to revise the twin rivers scheme which was a part of the original application. He

⁷⁴ *Letter from Michael Howard to Director of Planning, London Borough of Hillingdon*, 15 March 1993 [HC DEP 5317(3S)]; see also: Department of the Environment press notice, "Michael Howard calls-in planning application for a fifth terminal at Heathrow Airport", 17 March 1993 [PN 175/93]

⁷⁵ [HC Deb 19 December 2000, c117W](#)

⁷⁶ [HC Deb 17 December 1997, c196W](#)

⁷⁷ "Inquiry caught up in a holding pattern", *Financial Times*, 15 May 1998

⁷⁸ "Flooding risk hits Heathrow terminal plans", *Sunday Times*, 22 July 2001

⁷⁹ [HC Deb 23 October 2001, c199W](#)

highlighted the benefits of going ahead with the scheme, as identified by the inspector in his report, as Heathrow's contribution to the economy and more practically the relief of pressure of the existing terminals. He also referred to the problems identified by the inspector, such as: noise; extra road traffic; air quality; intrusion into the green belt; and the effects of construction.

The inspector concluded that the benefits would outweigh the environmental impact as long as the effects were properly controlled. Mr Byers also outlined the following conditions attached to the development of T5:

- A limit on the number of flights each year of 480,000;

- The noise effects of Terminal 5 to be limited by a condition restricting the area enclosed by the 57-decibel noise contour to 145 sq km as from 2016;

- Stricter control on night flights via an extension of the night quota period;

- Promotion of the use of public transport (the extension of the Piccadilly line and Heathrow Express would be required before the new terminal opened);

- Reduction in the provision of car parking places for the airport as a whole below that in the original proposals;

- Rejection of the proposal to widen the M4 between junctions 3 and 4b; and

- Work should not start before approval had been given for the scheme to divert the twin rivers.⁸⁰

The construction cost of Terminal 5 was estimated at around £2.5 billion in 2001.⁸¹ In 1996 the CAA supported BAA's proposal for a pricing formula which would allow it to pre-fund construction of T5. This followed a core recommendation of the Monopolies and Mergers Commission (now the Competition and Markets Authority) that BAA's revenues from landing fees at Heathrow and Gatwick should be allowed to rise by the rate of inflation minus three per cent (RPI-3) for the five years from 1 April 1997. The figures assumed that BAA would be able to pre-fund £230 million of the cost of the terminal. The MMC left the option open to the CAA to back an RPI-8 formula from 1997 to 2002 followed by a sharp increase in landing charges when the terminal opened.

The final cost was £4.3 billion.⁸² In addition to the main terminal building, T5 also consists of two satellite buildings (the second of which was completed in 2011), 60 aircraft stands, a new air traffic control tower, a 4,000 space multi-storey car park, the creation of a new spur road from the M25, a 600-bed hotel, the diversion of two rivers and over 13km of bored tunnel, including extensions to the Heathrow Express and Piccadilly Line services.⁸³

⁸⁰ [HC Deb 20 November 2001, cc177-79](#)

⁸¹ op cit., "Flooding risk hits Heathrow terminal plans"

⁸² "[Heathrow's Terminal 5: a great leap forward](#)", *The Daily Telegraph*, 26 January 2008

⁸³ transport proposals initially mooted by BAA in a 1996 public transport strategy document: BAA, *Making Tracks - Airports as catalysts for public transport*, 1996

3. Gatwick

Ownership and regulation

Gatwick is owned and managed by a consortium led by the private equity infrastructure investment fund [Global Infrastructure Partners \(GIP\)](#). According to press reports, equity stakes have been sold to the following:

- [South Korea National Pension Service](#) (12%);⁸⁴
- [Abu Dhabi Investment Authority](#) (15%);⁸⁵
- [CalPERS](#), the California Public Employees Retirement System (12.7%);⁸⁶ and
- [The Future Fund](#), an Australian sovereign wealth fund set up by the Australian Government in 2006 (17.2%).⁸⁷

GIP bought Gatwick from BAA plc (now Heathrow Airport Holdings Limited) in late 2009 for £1.5 billion.⁸⁸ Of the sale price, £55 million was conditional on future traffic performance and the buyer's future capital structure.⁸⁹

A report by the Competition and Markets Authority, seven years after Gatwick's sale, found that overall the forced divestment of the former BAA's London airports portfolio had led to growth in passenger numbers and routes served. It concluded that "the quantifiable benefits ... relating to the benefits from increased passenger numbers such as improved connectivity and choice and downward pressure on fares, would total around £870 million by 2020".⁹⁰

As described with relation to Heathrow, above, a new system of airports regulation came into being in 2014. The CAA granted a licence to Gatwick in February 2014. The licence includes commitments that Gatwick gave on airport charges for the period 1 April 2014 to 31 March 2021. The licence includes conditions that require the airport to address issues such as cleanliness, queuing times, seating availability and information provision in the passenger interest. In addition, it must develop and update robust contingency plans to ensure it is well prepared for potential disruption and can manage it effectively when it does occur.⁹¹

Airspace/flight path changes

UK airspace contains a network of corridors, or airways. These are usually ten miles wide and reach up to a height of 24,000 feet from a

Gatwick was sold following an instigation by the competition authorities. For details visit the [archived website](#) of the Competition Commission.

Details of Gatwick's economic licence are available to view on the [CAA website](#).

⁸⁴ "S Korean fund to buy 12% stake in Gatwick", *Financial Times*, 2 February 2010

⁸⁵ "Abu Dhabi fund purchases 15% stake in Gatwick", *Financial Times*, 5 February 2010

⁸⁶ "Calpers buys stake in Gatwick", *Financial Times*, 19 June 2010

⁸⁷ "Future Fund gets Gatwick go-ahead", *Financial Times*, 20 December 2010

⁸⁸ "BAA agrees deal to sell Gatwick for £1.5bn", *Financial Times*, 21 October 2009;

⁸⁹ BAA press notice, "BAA announces the sale of Gatwick Airport", 21 October 2009; and Ferrovial press notice, "[BAA sells Gatwick airport for 1.657 billion euro](#)", 21 October 2009

⁹⁰ CMA press notice, "[CMA report shows benefits of BAA break-up](#)", 16 May 2016

⁹¹ CAA press notice, "[CAA publishes licences for economic regulation at Gatwick and Heathrow](#)", 13 February 2014

base of between 5,000 and 7,000 feet. They mainly link busy areas of airspace known as terminal control areas, which are normally above major airports. At a lower level, control zones are established around each airport. The area above 24,500 feet is known as upper airspace. All of these airways are designated "controlled airspace". Aircraft fly in them under the supervision of air traffic controllers and pilots are required to file a flight plan for each journey, containing details such as destination, route, timing and height.

Throughout Europe there is a move to restructure European airspace, add capacity, improve safety and increase the overall efficiency of the European air transport network through the Single European Sky (SES) project.⁹²

In the UK, the CAA is responsible for the [planning and regulation of all UK airspace](#). Its overarching duties are to maintain a high standard of safety in the provision of air traffic services; secure the most efficient use of airspace; satisfying the requirements of users of all aircraft (commercial aviation, military, and general aviation); and taking account of environmental objectives in line with Government guidance. At the operational level, [NATS](#) (formerly National Air Traffic Services) is the monopoly provider of air traffic control services to aircraft flying in UK airspace, and over the north-east quadrant of the North Atlantic.⁹³

The UK and Ireland is planning to meet the SES requirements through the Future Airspace Strategy (FAS) which sets out a plan to modernise airspace by 2020.⁹⁴

The biggest changes in the UK are in the south east of England (whose airspace was designed over 40 years ago) where London's five big airports and many smaller aerodromes create some of the world's busiest and most complex skies. The first technical report of the Airports Commission's Senior Delivery Group (SDG), published in February 2015, gave a summary of the requirement to redesign the UK's airspace and the challenge associated with it:

Regardless of new runway capacity in the south east, the airspace and route network is not sufficiently resilient or sustainable to fully meet the country's future transport needs. Inbound and outbound routes are not optimised for each individual airport. The frequent interactions between routes prevents aircraft from climbing and descending efficiently, thereby creating additional

⁹² the [SES legislative framework](#) consists of four Basic Regulations (549/2004, 550/2004, 551/2004 and 552/2004) covering the provision of air navigation services (ANS), the organisation and use of airspace and the interoperability of the European Air Traffic Management Network (EATMN). The four Regulations adopted in 2004 (the SES I Package) were revised and extended in 2009 with Regulation 1070/2009 with the intention of increasing the overall performance of the air traffic management system across Europe (the SES II Package). The SES Framework also includes more than 20 Implementing Rules and Community Specifications ("technical standards") adopted by the European Commission starting from 2005, and these are designed to ensure the interoperability of new technologies and systems used for air traffic management

⁹³ note the monopoly only extends above 4,000 feet, below that airports can tender and award contracts for air traffic and approach services; the German equivalent of NATS, DFS, has won a number of such contracts, for example at Gatwick

⁹⁴ CAA, [Future Airspace Strategy for the United Kingdom 2011 to 2030](#), June 2011

aircraft noise, fuel burn and CO2 emissions over London and also reducing the spare capacity available to deal with disruption when it occurs.

Alongside the benefits and national/European strategic importance of modernising our airspace and route network, there is one main area of potential dis-benefit – the impact of redistributing aircraft noise. The modernisation programme is underpinned by the transition to satellite-based PBN [Performance Based Navigation] routes that are more precise and flexible than conventional routes. Although PBN routes are designed with the intention of avoiding population centres as far as practicable, changes in the distribution of aircraft noise can have a significant impact on the communities that are affected.⁹⁵

There were airspace trials at both Heathrow and Gatwick as part of the London Airspace Management Programme (LAMP). Gatwick was particularly controversial with local residents and the proposed changes around the airport were postponed.⁹⁶

In November 2013 changes were made to the standard instrument departure routes (SIDs) at Gatwick which enabled the use of modern satellite technology for air navigation for the first time. In its post-implementation review, published in November 2015, the CAA found that:

- Six routes had delivered the aim of the change and would remain in their current state;
- One route had not delivered the aim of the change and should be modified to an acceptable standard; and
- Two routes had delivered the aim of the change to an acceptable standard but Gatwick had been required to consider whether modification could deliver a better outcome.

Gatwick and the CAA said that they would work to implement any acceptable modifications.⁹⁷

Gatwick ran a six month trial of a departure route called '[ADNID](#)' between February and August 2014. The route, which was trialed on westerly departures from Gatwick, was tested to gather data as part of wider work looking at how to use UK airspace more effectively and efficiently, as well as how to make the most of Gatwick's single runway capacity (as part of FAS). Gatwick intends to use the findings from the trial and consultation to re-visit its airspace change proposal and route designs. Press reports indicated that there was an uptick in noise over some areas during the course of the trial. Gatwick argued that this was not a direct result of the trial but because of generally increased activity,

A judicial review regarding the airspace changes is currently on hold; for more information see: [Gatwick Obviously Not](#).

⁹⁵ SDG, [Airports Commission's Senior Delivery Group - Technical Report Number 01](#), February 2015, pp3-4

⁹⁶ NATS, [London Airspace Consultation](#), October 2013; LGW, [London Airspace Change – Gatwick Local Area Consultation](#), May 2014; GACC, [London Airspace Change Gatwick Local Area Consultation](#), August 2014 and NATS press notice, "[NATS postpones network changes relating to Gatwick](#)", 1 October 2014

⁹⁷ CAA press notice, "[CAA decision on Gatwick Airport airspace departures review](#)", 11 November 2015

which was partly seasonal and partly to do with renewed economic growth.⁹⁸

In his statement on 25 October 2016 the Secretary of State for Transport, Chris Grayling, announced that the CAA has started preparatory work on the airspace modernisation programme and that the Government intends to “consult on it extensively over the next two years”.⁹⁹

Expansion

When it purchased the airport in 2010, GIP stated that it had no interest in putting forward planning permission for a second runway ‘for at least a decade’.¹⁰⁰ This was unsurprising as there is a long-standing agreement in place that prevents development of a second runway at Gatwick until 2019. The so-called ‘[Gatwick Agreement](#)’ was signed in August 1979 between what was then the British Airports Authority and West Sussex County Council. The agreement was consequent to BAA’s application for a second terminal, a wider runway and other associated changes and was given a 40-year duration. The agreement was made following the council’s concern that “the development of the second terminal ... would either be advanced as a justification or ultimately lead to a demand for a second operational runway at Gatwick Airport or both possibilities”.

The previous Labour Government indicated in the 2003 White Paper that it would not seek to overturn the Gatwick Agreement.¹⁰¹ However, it did take the precaution of safeguarding the land that would be required to build an additional runway at Gatwick after 2019.¹⁰² In July 2012 Gatwick published a new master plan setting out a vision of the airport to 2020. This reiterated that there were no plans for a second runway during this period and that the airport would focus on making the best of its existing infrastructure.¹⁰³

This changed following the setting up of the Airports Commission in September 2012 and the airport began a campaign advocating expansion at its site rather than at Heathrow. In its December 2013 interim report, the Commission stated that Gatwick’s single runway was operating at a high level of utilisation and forecast that it would reach capacity within less than ten years. It said that a second runway could generate more point-to-point movements, possibly to new destinations, which could feed into a ‘hub’ network that might attract a network carrier (like, e.g. BA at Heathrow).¹⁰⁴ In terms of noise, the Commission concluded that the numbers of people affected by noise in the Gatwick area was “relatively low”.¹⁰⁵

⁹⁸ “[Gatwick Airport’s potential new departure route trial ends amid complaints of increase in noise in West Kent](#)”, *Sevenoaks Chronicle*, 11 August 2014

⁹⁹ [HC Deb 25 October 2016, c171](#)

¹⁰⁰ “Gatwick’s new owner rules out second runway for a decade”, *The Times*, 9 February 2010

¹⁰¹ op cit., [The Future of Air Transport](#), paras 11.69-11.71

¹⁰² ibid., paras 11.80-11.81

¹⁰³ Gatwick Airport, [Gatwick master plan 2012](#), July 2012

¹⁰⁴ op cit., [Interim Report](#), paras 6.73-6.76

¹⁰⁵ ibid., para 6.80

The Commission proceeded to consider a second runway at Gatwick and two proposals for Heathrow in more detail and in July 2015 it concluded that while Gatwick had “presented a plausible case for expansion”, being “well placed to cater for growth in intra-European leisure flying”, it was “unlikely to provide as much of the type of capacity which is most urgently required: long-haul destinations in new markets”.¹⁰⁶ It therefore recommended that a third runway at Heathrow proceed as it could provide the desired capacity most easily and quickly.

Gatwick was naturally disappointed by the decision and said that its proposal remained the “only deliverable option”. It said that although the Commission had opted for Heathrow, the evidence it had taken showed that expansion at Gatwick was deliverable.¹⁰⁷ Gatwick published an analysis of the Final Report in August 2015, setting out its areas of concern. It charged that “key elements of the Commission’s report and evidence base, although comprehensive in many respects, suffer from omissions or superficial analysis in some critical areas and are not sufficiently thorough in a number of important respects, nor are the Commission’s assessments or their presentation in the final report always balanced and fair”.¹⁰⁸ It highlighted the nature and timing of the need for additional capacity; regional connectivity; the economic benefits to the UK; noise impacts; air quality and deliverability risks as the main areas of concern.

Sir Howard Davies wrote to the London Assembly and the Secretary of State for Transport in September 2015 responding to these particular points.¹⁰⁹ In a separate statement, he said that Gatwick’s dossier “appears to repeat many points which Gatwick made to the Commission in the course of its work and which, unsurprisingly, were carefully considered. They did not alter the Commission’s view that Heathrow was the best option”.¹¹⁰

Over the following 12 months, until the Government announced its support for a third runway at Heathrow in October 2016, Gatwick continued to press its case for expansion and there was speculation that even if the Government said it would support Heathrow Gatwick could still consider putting in a planning application for a second runway.¹¹¹ In his statement on 25 October 2016 the Secretary of State for Transport, Chris Grayling, said that although Gatwick had not been selected as the Government’s preferred site for expansion, it “remains a key part of our national transport picture and will continue to do so in the future”.¹¹²

¹⁰⁶ op cit., [Final Report](#), p4

¹⁰⁷ Gatwick Airport press notice, “[Gatwick expansion remains only deliverable option](#)”, 1 July 2015

¹⁰⁸ Gatwick Airport, [A Second Runway for Gatwick: Airports Commission Final Report – Areas of Concern](#), 10 August 2015, p2

¹⁰⁹ Airports Commission, [Sir Howard Davies: letters following the Airports Commission final report](#), 28 September 2015

¹¹⁰ [Sir Howard Davies statement](#), 19 August 2015

¹¹¹ see, e.g. “[Gatwick Airport to pursue second runway regardless of government's decision on Heathrow expansion](#)”, *City A.M.*, 15 November 2015 and “[Gatwick plans to build second runway - even if Heathrow wins airport expansion bid](#)”, *The Independent*, 8 October 2016

¹¹² [HC Deb 25 October 2016, c163](#)

In its response to the announcement Stewart Wingate, Chief Executive of Gatwick, said that the airport was “disappointed as we do not believe this is the right answer for Britain” and warned that “the challenges facing Heathrow have not changed. Our message today is that Gatwick stands ready to proceed when the time comes”.¹¹³ In November 2016 Mr Wingate gave a further indication that he would still like to see a second runway at Gatwick “at the earliest opportunity”.¹¹⁴

The Government intends to publish a draft National Policy Statement on aviation for consultation early in 2017. Depending on the wording of this it may preclude Gatwick from putting forward a planning application for a second runway, certainly in the short term. However this remains to be seen.¹¹⁵

¹¹³ Gatwick press notice, “[Gatwick Airport responds to Government decision on airport capacity](#)”, 25 October 2016

¹¹⁴ “[Gatwick boss Stewart Wingate wants government to approve his "complementary scheme" to Heathrow expansion](#)”, *City A.M.*, 21 November 2016

¹¹⁵ more on the draft NPS can be found in our paper on Heathrow expansion, [SN1136](#)

4. Stansted

Ownership and regulation

Stansted is owned by [Manchester Airports Group \(MAG\)](#). MAG bought the airport in 2013 from the former BAA for a reported £1.5 billion.¹¹⁶ MAG is owned by Manchester City Council (35.5%); the Codan Trust Company (Cayman) Limited (trustee for the IFM Global Infrastructure Fund (35.5%));¹¹⁷ and the remainder by the Greater Manchester borough councils.¹¹⁸

In 2014 the CAA determined that Stansted does not have substantial market power as regards either its passenger or cargo markets.¹¹⁹ Stansted had been subject to price controls under the previous regulatory system.¹²⁰

Expansion

Stansted has been talking about a second runway for more than a decade, though it withdrew the relevant planning application in 2010¹²¹ and has not indicated any intention more recently to return to the issue. This was the 'G2 application' to Uttlesford District Council, originally submitted by BAA in Summer 2006. It followed the more successful 'G1 application' to lift planning conditions on passenger and movement limits.

Stansted was sold following an instigation by the competition authorities. For details visit the [archived website](#) of the Competition Commission.

The 'G1' proposal, 2006-09

In April 2006 Stansted submitted a planning application for permission to lift its planning condition limits on passengers and air transport movements.¹²²

This was refused, went to appeal and a public inquiry was held in 2007. The Inspector recommended that the appeal be allowed and planning permission granted, subject to conditions. In October 2008 the then Secretary of State, Geoff Hoon, broadly agreed with the Inspector's assessment and granted planning permission to change two planning conditions:

- for an increase in the number of flights to and from the airport in a year from 241,000 to 264,000 air traffic movements; and
- an increase in the maximum number of passengers using the airport from 25 million to 35 million per annum.¹²³

¹¹⁶ "[Manchester Airport buys Stansted for £1.5bn](#)", *Daily Telegraph*, 18 January 2013

¹¹⁷ [IFM](#) is in turn owned by 29 separate pension funds

¹¹⁸ information from the [FAME](#) database; see also MAG, [Prospectus for £5,000,000,000 Multicurrency programme for the issuance of Bonds](#), 31 January 2014

¹¹⁹ CAA, [Notice Of Determination under Section 8 of the Civil Aviation Act 2012 – Stansted Airport](#), CAP 1135, 10 January 2014; and [Market power determination for cargo services in relation to Stansted – statement of reasons](#), 24 March 2014

¹²⁰ CAA, [De-designation of Manchester and Stansted airports for price control regulation: The CAA's advice to the Secretary of State](#), July 2007; CAA, [Extending the current price control on Stansted Airport - a consultation](#), December 2006; and DfT, [Decision on the regulatory status of Stansted Airport](#), February 2008

¹²¹ BAA Stansted press notice, "[Stansted to withdraw runway planning application](#)", 24 May 2010

¹²² "[Stansted expansion fails to take off](#)", *The Times*, 30 November 2006

¹²³ DfT, [Variation of Planning Conditions, Stansted Airport, Town and Country Planning Act 1990](#), October 2008

In March 2009 Sir Thayne Forbes dismissed an appeal in the High Court by the pressure group Stop Stansted Expansion.¹²⁴ Leave to appeal the decision was rejected in June 2009 and the group announced that they would seek no further appeals.¹²⁵

The Airports Commission looked at two options for a new hub airport at Stansted: a four runway and a five runway airport. It rejected both of these in their own right but also largely in comparison with the Thames Estuary/Isle of Grain hub option. For example, although the £59 billion to £80 billion cost would be less than the Thames Estuary option, Stansted would:

- not offer the same potential to address noise impacts in the south east of England;
- have significant environmental and heritage impacts (over 150 listed buildings fall within the proposed footprint for the site, including two Grade I and seven Grade II* buildings, as well as four Scheduled Monuments and one Registered Park and Garden and it would involve the loss of more than 2,000 hectares of high quality agricultural land and up to six villages); and
- come with significant risks associated with the level of additional capacity which might be provided.¹²⁶

In terms of expanding Stansted on a smaller scale (i.e. with a second runway), in its interim report the Commission did not think there was a strong demand case as the airport is currently running at about half its permitted capacity; costs would be greater than expanding at Gatwick and its 45 to 60 minute catchment area would be smaller.¹²⁷

In 2014 Stansted held a consultation on its Sustainable Development Plan, which sets out how the airport believes it can develop its single runway to a capacity of around 40-45 million passengers a year within pre-existing environmental limits on noise and air transport movements.¹²⁸

The Airports Commission's final report, published in July 2015, stated that the airport has a long-term aim to secure the lifting of the current planning cap of 35 million passengers a year. The Commission said that it supported "the need to ensure local people are secure in having appropriate levels of protection from unacceptable negative impacts of living close to an airport, but also recognises the strategic importance of Stansted Airport to the wider London airport system". It went on:

... there may be a case for reviewing the Stansted planning cap if and when the airport moves closer to full capacity. Its forecasts indicate that this would not occur until at least the 2030s, although the airport has seen rapid growth since its purchase by MAG, which if sustained over a longer period would bring this

¹²⁴ "High Court dismisses attempt to block expansion at Stansted", *Financial Times*, 14 March 2009

¹²⁵ SSE press notice, "[Appeal court refuses to re-open Stansted case](#)", 18 June 2009

¹²⁶ op cit., [Interim Report](#), paras 6.47-52

¹²⁷ ibid., paras 6.56-6.57

¹²⁸ Stansted Airport, [Sustainable Development Plan 2015](#) [accessed 23 November 2016]

forward. The Commission does not have any view as to the outcome of any such review, but is clear that it should be carried out on the basis of a full detailed assessment and consultation process, taking into consideration the environmental and other issues that supported the imposition of the original cap, as would be expected for any planning application of this nature and scale.¹²⁹

In December 2015 there were further calls from Stansted to lift the flights limit following strong growth;¹³⁰ and in November 2016 a spokesman for the airport said: "All options are being currently explored in terms of what new facilities would be required and how we would deliver and operate them, but whatever is finally agreed I would expect the provision to be sufficient to get us to 35m passengers per annum and possibly beyond".¹³¹

¹²⁹ op cit., *Final Report*, p332

¹³⁰ "[Stansted airport owner urges government to increase flight limit](#)", *The Guardian*, 3 December 2015

¹³¹ "[Stansted Airport expansion back on agenda following record annual passenger total](#)", *East Anglian Daily Times*, 10 November 2016

5. Other airports in the South East

London City

London City Airport is located in the East London Docklands. It was sold in February 2016 to a consortium led by the Alberta Investment Management Corporation, the Ontario Teachers' Pension Plan and Wren House, part of the Kuwait Investment Authority, for a reported £2 billion.¹³²

It published its master plan in November 2006, setting out its plans to maximise use of the airport's existing runway.¹³³ In August 2007 the airport submitted a planning application to Newham Borough Council proposing an increase in flight movements from 80,000 to 120,000 per annum. In October 2008 Newham granted planning permission for the application subject to a completion of a legal agreement, finalised in July 2009.¹³⁴

In 2012 the airport published its plans for the City Airport Development Programme (CADP).¹³⁵ This involved seven aircraft parking stands, an extended terminal building, a new eastern passenger pier and associated works on a platform over the King George V Dock. The airport submitted its plans to Newham Council in 2013, there followed public consultation and a public inquiry.¹³⁶ The former Mayor of London, Boris Johnson, had objected to the application, but these objections were withdrawn by the new mayor, Sadiq Khan, in May 2016.¹³⁷ The Government granted planning permission in July 2016.¹³⁸

In its July 2015 final report, the Airports Commission said that it expected the airport to take into account "the needs of its local residents, to reinforce the airport's valuable connectivity and specialist business travel provision for London".¹³⁹

Luton

London Luton Airport is owned by Luton Borough Council and operated on their behalf by London Luton Airport Operations Ltd., comprised of the Spanish infrastructure group Abertis (90%) and the Spanish airports manager Aena S.A. (10%).

In September 2001 London Luton published a 'development brief', setting out its vision for the next phase of development at the airport.¹⁴⁰ This was subsequently adopted by Luton Borough Council as

¹³² "[London City Airport bought for £2bn by Canadian-led group](#)", *BBC News*, 26 February 2016; it was previously majority-owned by GIP, who own Gatwick

¹³³ London City Airport, [Master Plan](#), November 2006

¹³⁴ London City Airport, [Flight Movement Application 2007](#) [accessed 23 November 2016]

¹³⁵ London City Airport, [City Airport Development Plan](#), 2012

¹³⁶ for more information, see: London City Airport, [City Airport Development](#) and Hacan East, [press releases](#) [both accessed 23 November 2016]

¹³⁷ "[New London Mayor Removes Obstacle to City Airport Expansion](#)", *Bloomberg*, 10 May 2016

¹³⁸ HMT/DfT press notice, "[£344 million London City Airport expansion hailed by Chancellor](#)", 27 July 2016

¹³⁹ op cit., [Final Report](#), p333

¹⁴⁰ Luton Airport, [Airport Development Brief](#) [archived 22 April 2012]

Supplementary Planning Guidance (SPG). Luton published a draft master plan in October 2005 which contained proposals for a full-length replacement runway south of the existing runway, a new south terminal, additional aircraft stands and a new control tower. Following consultation the airport company withdrew the plan in July 2007, reportedly because the returns available under the remainder of the 30-year lease (granted in 1998) were not sufficiently attractive to justify the investment.¹⁴¹ In September 2012 the airport published a revised master plan, setting out a programme to improve access to and facilities at the airport; expand capacity to accommodate 18 million passengers per year within the existing boundaries; and improve sustainability.¹⁴²

In its July 2015 final report, the Airports Commission said that following planning application approval Luton would be able to achieve a capacity of 18 million passengers per year by 2025 and deliver an improved passenger experience. The Commission supported discussions to develop rail infrastructure and services for the airport.¹⁴³

London Ashford/Lydd Airport

London Ashford is ultimately owned by Saudi-based [FAL Holdings](#), with a minority of shares held by [Atlantic Bridge Aviation Ltd.](#)

In January 2007 the airport submitted formal planning applications to Shepway District Council for a runway extension and other improvements. Both of these applications were called-in by the Secretary of State in June 2010.¹⁴⁴ A public inquiry finished looking at the proposals in September 2011 and in April 2013 the Government gave the go ahead for a 294m runway extension with a 150m starter extension and a new passenger terminal.¹⁴⁵ The runway extension is expected to be complete by the end of 2017.¹⁴⁶

In April 2016 the Government announced that Ashford would be the permanent home of search and rescue helicopters in the south east.¹⁴⁷

Manston

Over the past three or four years there has been a great deal of interest in and concern about the future of Manston Airport.

The former RAF Manston was purchased by a New Zealand company, Infratil, in August 2005 for £17 million. Over the next eight years commercial passenger services from the airport were operated by Flybe, Monarch and KLM. In October 2013 Infratil announced they would sell Manston Airport for £1 to a company called Manston Skyport, owned by Ann Gloag, co-founder of Stagecoach Group. It began running the airport in November 2013. Manston Skyport announced its intention to

A good summary of the Manston case can be found in the Transport Select Committee's report [Smaller Airports](#) (Ninth Report of Session 2014–15), HC 713, 13 March 2015.

¹⁴¹ "Expansion at Luton airport scrapped", *Financial Times*, 7 July 2007

¹⁴² Luton Airport, [Revised Masterplan](#), September 2012

¹⁴³ op cit., [Final Report](#), p333

¹⁴⁴ [Letter from GOSE to Shepway District Council](#), 22 June 2010

¹⁴⁵ [Letter from CLG/DfT to London Ashford Airport](#), 10 April 2013 and London Ashford, [The Future of Lydd Airport](#) [accessed 23 November 2016]

¹⁴⁶ "[Lydd Airport £55m investment 'set to create 200 jobs'](#)", *Kent Online*, 4 February 2016

¹⁴⁷ MCA press notice, "[Lydd Airport made permanent home of search and rescue helicopters in the south-east](#)", 13 April 2016

close Manston airport in March 2014, less than four months after its purchase. The airport closed in May 2014 and its commercial aerodrome licence was returned to the CAA.

While the chances of any passenger operations returning to Manston are probably slim, there is a proposal to turn it into a 'freight hub', championed by Sir Roger Gale MP, RiverOak and others.¹⁴⁸ The Government's view is one of tacit support for the return of aviation operations but falls short of a giving commitment to become directly involved. The Secretary of State for Transport, Chris Grayling, told Sir Roger Gale in September 2016 that:

... this Government would be perfectly supportive of proposals to develop a freight hub at Manston, but I am afraid that that has to be a matter for the local community, the owners and the local authority, and I hope that they reach the right decision in the interest of the nation.¹⁴⁹

The Manston site was used as a temporary lorry park in Summer 2015 during Operation Stack.¹⁵⁰

Southampton

Southampton Airport is owned and operated by AGS Airports, a consortium of the international infrastructure companies Ferrovial and Macquarie. It was sold by Heathrow Airport Holdings¹⁵¹ in October 2014 along with Aberdeen and Glasgow for a combined reported price of £1 billion.¹⁵²

Southampton published its master plan in November 2006, setting out its plans for development within its current boundaries.¹⁵³ There were reports in 2014 that that airport was intending to add a 150 metre starter strip to the existing runway within 10 years.¹⁵⁴

Southend

Southend Airport is owned by the Stobart Group. It completed a two-phase development programme in 2014. The first phase involved the opening of a new railway station and air traffic control tower; a new, re-sited, passenger terminal building; and runway extension. The second stage, an extension to the new terminal, was completed in early 2014.¹⁵⁵

In its July 2015 final report, the Airports Commission said that it was "pleased to see the consultation on the West Anglia Route Study taking in to account the future growth of the airport" and welcomed "the focus in the London Southend Airport Joint Area Action Plan on local

¹⁴⁸ RiverOak Investments media statement, "[Government confirms support for an air freight hub at Manston](#)", 15 September 2016

¹⁴⁹ [HC Deb 15 September 2016, c1020](#)

¹⁵⁰ this is explored further in: Transport Committee, [Operation Stack](#) (First Report of Session 2016–17), HC 65, 1 June 2016

¹⁵¹ of which, as explained above, Ferrovial owns 25%

¹⁵² "[Aberdeen, Glasgow and Southampton airports sold in £1bn deal](#)", *BBC News*, 14 October 2016

¹⁵³ Southampton Airport, [Our vision](#) [accessed 23 November 2016]

¹⁵⁴ "[Runway expansion could create 1000 new jobs at Southampton International Airport](#)", *Southern Daily Echo*, 13 March 2014

¹⁵⁵ Southend Airport, [About us](#) [accessed 23 November 2016]

road improvements that would support the airport and develop local business parks".¹⁵⁶

¹⁵⁶ op cit., [Final Report](#), pp333-4; see also: Rochford District Council, [London Southend Airport and Environs Joint Area Action Plan](#), 2014 [accessed 23 November 2016]

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