

Dear Secretary of State

Regulating Air Transport: Consultation on Proposals to Update the Regulatory Framework for Aviation

We are submitting this response to the above consultation on behalf of the 2M Group of local authorities opposed to Heathrow expansion.

Our primary concern is that the proposals fall far short of the root and branch review of the Civil Aviation Authority recommended by the House of Commons Select Committee in 2007.

The councils believe that the Government should be bringing forward proposals for the establishment of a new independent regulator for aviation.

We do not think the CAA is competent to fill this role. Our views have been reinforced by the organisation's failure to provide proper challenge to the Department for Transport's assumptions about the ability of Heathrow to add further capacity without breaching environmental constraints.

This reluctance to provide an independent voice on crucial issues such as future fleet mixes and noise benchmarks (based on the last year when Concorde was flying) contrasts with the robust stance taken by the Environment Agency in its appraisal of NO2 forecasts.

We are further concerned that the CAA should not be given the key role in deciding whether the environmental conditions for expansion announced by Geoff Hoon in January 2009 had been met. Given the CAA's record and the long history of broken promises by government and industry on Heathrow expansion, this is simply not credible. The public would have no trust in the CAA as either a robust defender of local interests or wider environmental concerns.

We would be equally concerned that as presently constituted the CAA would offer no more than a 'rubber stamp' approach to proposals for airspace changes brought forward by NATS that would affect millions of people.

Without fundamental changes we would still have a situation where the CAA felt unable to challenge government policy – for example it would continue to base environmental decisions on the results of a 25 year-old noise study (ANIS) rather than apply new evidence produced by the 2007 ANASE study.

The reforms now proposed by the Government would still leave no right of appeal on CAA decisions and no public inquiry process. It is simply not good enough that the only recourse for aggrieved individuals or organisations is a lengthy and costly judicial review process which can only focus on narrow legal points and does not provide independent examination of the evidence supporting any decision.

Our experience as local authorities over the last 20 years concerned with the environmental impact of Heathrow's operations is that no one agency is holding either the Department for Transport or the aviation industry to account.

Indeed this was one of the key concerns which led us to form the 2M Group. As individual authorities we are simply not resourced to provide the necessary level of scrutiny and challenge. Working collectively we can at least share expertise in areas such as planning, transportation, noise and emissions. However the more we contribute to this process, the clearer it becomes that the public's interest can only be properly protected by an independent body with powers to ensure compliance.

Our proposal therefore is that the CAA be abolished in its present form and reconstituted as a new independent regulatory body with powers including safety, licensing, price, competition, consumer protection and environmental protection.

Yours sincerely

CLlr Philip Thompson, Leader Hounslow Council
CLlr Ray Pidduck, Leader Hillingdon Council
CLlr Serge Lourie, Leader Richmond upon Thames Council
CLlr Edward Lister, Leader Wandsworth Council
CLlr David Burbage, Leader Royal Borough of Windsor and Maidenhead

www.2MGroup.org.uk

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