

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD1535

Title: Heathrow Public Inquiry costs

Executive Summary

This Mayoral Decision asks that the Chief of Staff and Deputy Mayor for Planning acting under his delegated authority agrees for GLA to make a financial contribution towards the legal costs the London Borough of Hillingdon incurred in jointly defending (along with the Mayor) its refusal of a planning application by Heathrow Airport Ltd (HAL) to add additional operational capacity to its Northern Runway, which the Mayor found to be contrary to the London Plan and if approved, would worsen noise impacts on many residents, businesses and open spaces lying to the east of the runway.

Decision:

The Chief of Staff and Deputy Mayor for Planning approves expenditure of £75,000 from the Greater London Authority's smoothing reserve to contribute to the legal costs Hillingdon Council incurred at a Public Inquiry into its refusal of a planning application by Heathrow Airport Limited to add additional operational capacity to its Northern Runway.

Chief of Staff and Deputy Mayor for Planning

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take these decisions in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

17.08.2015

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The London Borough of Hillingdon refused a planning application by Heathrow Airport Limited (HAL) to add additional operational capacity to its Northern Runway on the 24 March 2014 which the Mayor had previously found to be contrary to the London Plan (see attached report and letter dated the 18 December 2013). HAL subsequently appealed this refusal which was considered at a three week Public Inquiry in June 2015.
- 1.2 Because of the clear and extensive adverse noise impacts the application would cause to densely populated parts of west London, the GLA worked closely with officers from TfL, Hillingdon and Hounslow Councils to contest the appeal, and in order to reduce costs, used the same technical consultants and legal team. TfL appointed and funded a noise consultant at a cost in the region of £110,000 and the GLA's Chief of Staff and Deputy Mayor for Planning agreed to contribute up to £50,000 towards the combined authorities legal costs on the 2 of May 2014 (see attached letter) which were then estimated to be in the region of £100,000. However, actual legal costs were £200,000 as a result of the extent and length of the Inquiry, and Hillingdon Council have asked in March 2015 that the GLA increases its potential contribution to £75,000. The Inquiry has now formally closed and this request is now being progressed.
- 1.3 This decision proposes to allocate and authorise expenditure of £75,000 to contribute to the local planning authority's significant legal costs which it incurred at this Inquiry. The appeal has been recovered by the Secretary of State and a decision is expected towards the end of this year, which if allowed would significantly worsen the airport's noise impacts for many residents, businesses, schools and open spaces across significant parts of London.
- 1.4 The Deputy Mayor and GLA and TfL officers therefore welcomed the Council's efforts to avoid this situation which would have clear strategic implications that would extend significantly beyond its administrative boundary. A contribution to the Council's legal fees would therefore be an exceptional contribution, directly arising from the scale and impacts of the airports operations.

2. Objectives and expected outcomes

- 2.1 To support a joint robust case at the HAL planning inquiry.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, in making these decisions "due regard" must be had to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only). This duty has been taken into account, but no additional equality impact assessments are required beyond those considered in the relevant planning documentation for the Mayor to make these decisions.

4. Other considerations

- 4.1 This decision responds to a previous Mayoral decision that Heathrow Airport's planning application was contrary to the London Plan, and hence its granting would subvert one of the Mayor's statutory strategies and result in significant environmental harm to residents, businesses and noise sensitive uses such as schools and open spaces within London.

5. Financial comments

- 5.1 Approval is being sought for expenditure of £75,000 as a contribution to Hillingdon Council's legal costs that it incurred at a Public Inquiry into its refusal of a planning application by Heathrow Airport Limited to add additional operational capacity to its Northern Runway.
- 5.2 This cost will be funded from Planning Smoothing reserves and be made in 2015-16.

6. Legal comments

- 6.1 Under section 30 of the Greater London Authority Act 1999 ('the Act') the Mayor, acting on behalf of the GLA, is entitled to do anything that he considers will further the promotion, within Greater London of economic development and wealth creation, social development and the improvement of the environment.
- 6.2 The payment of a contribution to the London Borough of Hillingdon in the circumstances detailed above may be considered to fall within the GLA's powers to do such things as facilitate or are conducive to, inter alia, the improvement of the environment within Greater London.

7. Investment & Performance Board

- 7.1 This matter was considered by the Investment and Performance board in July 2015 as an urgent item and approved in principal.

8. Planned delivery approach and next steps

| Activity | Timeline |
|---|-----------------------|
| Public Inquiry | June – July 2015 |
| HAL - Payment to the London Borough of Hillingdon | August 2015 |
| Inspector's recommendation | October/November 2015 |
| Secretary of State's decision | Dec 2015/January 2016 |

Appendices and supporting papers:

1. Stage 1 report and letter to Hillingdon Council dated 18 December 2013.
2. Letter from the Mayor's Chief of Staff and Deputy Mayor for Planning dated 2 May 2014.
3. Letter from Hillingdon Council requesting the GLA increase its contribution towards its legal costs from dated 23 March 2015.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Lyndon Fothergill has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Stewart Murray has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Sir Edward Lister would take this decision under his delegated authority

NA

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Ollie

Date

14.8.15