

CAA consultation on additional guidance under D2 of Heathrow's economic licence

I am writing to you in response to the CAA consultation on additional guidance for operational resilience plans required under Condition D2 of Heathrow's Q6 Economic Licence.

Since the snow in 2010 Heathrow has made significant improvements to operational resilience so it is reassuring for us to note that most of what is contained within the additional guidance is already in place with plans afoot to meet the rest. We have recently issued our operational resilience plan for consultation which describes these improvements as well as the process we currently undertake to further improve this resilience. However, there are a number of recommendations contained within the guidance that cause us concern or are unclear. These are as follows:

Programme of table top exercises - The recommendation to agree a programme of table top exercises under 'Risk Management' is unclear. The guidance states that Heathrow should "*engage with stakeholders to discuss and if possible agree a programme of table top and practical exercises to test contingency plans, which should be undertaken so as to cover all major types of contingency every two years, considered to imply at least four major table-top exercises per year, as well as a major practical exercise relating to a non-emergency disruption situation every other year (complementing the mandatory emergency exercise which each airport is required to undertake every other year, so that a major practical exercise of one type or the other would be required once per year)*". Should Heathrow interpret this guidance as meaning 4 x table tops annually, 1 x major live non-emergency bi-annually and 1 x major live emergency bi-annually? Furthermore it is unclear as to whether an actual live event e.g. snow in 2010, would constitute as a major live non-emergency. Undertaking a major exercise is a considerable task that requires the significant commitment, support and participation of a number of agencies to ensure that the exercise takes place. For example a recent rail exercise involved 10 agencies with approx. 200 people participating on the night. The planning process for a major exercise can take between 6 and 9 months. The use of live events should be allowed and it is already an acceptable practice adopted by the CAA with regards to the Emergency Exercises, provided the correct post incident wash-up has taken place with those agencies involved. In addition, the guidance does not appear to align with recent changes to CAP 168. The new exercise regime for major live emergency exercises allows an airport to undertake modular exercising with a major exercise at the end of the third year as opposed to the current regime of a major exercise bi-annually and the Heathrow airside team are currently working towards this modular approach.

Passenger Welfare - We do not accept that it is legally possible for Heathrow to comply with a number of the recommendations under 'Passenger Welfare' regarding the imposing of airline penalties and monitoring of airline compliance with EC261. Whilst Heathrow makes every effort to understand the communication capabilities of airport users generally it cannot be responsible for monitoring the detailed capabilities of 80+ airlines and their constant adherence to the communication requirements of the passenger welfare rules of conduct. It has been communicated to Heathrow on many occasions that compliance with EC261 is the responsibility of airlines and that Heathrow should not intervene in such matters, notwithstanding this Heathrow has implemented the passenger welfare rules of conduct to ensure that a welfare assistance is available to passengers in the event of disruption. If an airline fails to provide welfare assistance then Heathrow has the ability to step in to provide an agreed level of assistance and later recover any costs associated with the provision of that assistance from the airline in default. To be clear assistance cost recovery is not a "penalty" it is purely a mechanism to ensure that the cost of assistance is met by the airline whose passengers received assistance rather than the Heathrow community generally.

Independent reviewer - The recommendation under 'Learning Lessons' that reviews should be led by an independent reviewer does not take account that there will be additional costs. The guidance should make it clear that the need for an independent reviewer needs to be agreed by both the airport and the airline community allocation and that any costs which should be shared equally between the airport and airlines.

If you have any questions please do not hesitate to contact me.

Regards

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