

UK Airspace Policy: A framework for balanced decisions on the design and use of airspace

Q1. Please provide your views on:

- a. the proposed call-in function for the Secretary of State in tier 1 airspace changes and the process which is proposed, including the criteria for the call-in and the details provided in the draft guidance.**

Kent County Council (KCC) has first-hand experience of the distress caused to communities by airspace changes outside of the presently notifiable/consulted on categories at Gatwick Airport. This has substantially eroded any trust the local communities had in Gatwick Airport, the Civil Aviation Authority (CAA) and NATS; and still some years on the damage has not been repaired. We therefore welcome the acknowledgement in the UK Airspace Policy “*that there should be suitable and proportionate levels of local engagement and transparency for the various types of changes that come about.*” However, we disagree with the statement that “*it is not necessarily important to that community how the change came about*” because, in our experience, the local community want to know why an historical arrangement (and therefore one that is generally accepted) has been changed – especially where this is to a community’s detriment.

Tier 1 changes (changes to the permanent structure of UK airspace) are already subject to the CAA’s airspace change process. KCC responded to the CAA’s consultation on the revised process and will also respond to the latest consultation on this. An Independent Commission on Civil Aviation Noise (ICCAN) would certainly strengthen the process and reassure local communities – provided that they are truly independent.

At present, the Secretary of State only has a role in Tier 1 changes where they detrimentally affect the environment, but it is unclear what circumstances meet this criterion. The new proposals for a call-in role are limited to airspace changes of strategic national importance, their impact on economic growth, and a change in the noise distribution. The noise change is very specific; requiring a net increase of 10,000 people “*subjected to a noise level of at least 54 dB LAeq 16hr as well as having an adverse impact on health and quality of life.*” We believe that the noise criteria could, and should, be more generous. Firstly, it should include a criterion for night noise. The 54 dB level is above that recognised by the Department for Transport (DfT) in the night noise regime consultation for Heathrow, Gatwick and Stansted earlier in 2017. For consistency and acknowledgement of the most recent health impacts a 48 dB contour should be used. This will also offset some of the averaging effect that LAeq contours produce compared to frequency (N) contours.

Further, taking the net increase rather than assessing the number of people newly affected by aircraft noise will not accurately reflect the impact of airspace changes. This is especially true of rural areas where the ambient noise levels are low and any change to overflight is particularly sensitive. Furthermore, setting an arbitrary threshold of the number of people affected is not helpful and instead cases should be assessed on an individual basis. Other factors such as the presence of schools, heritage assets, environmentally designated sites, and so on; all have a substantial bearing on whether the noise impacts are acceptable. The Secretary of State should be able to use more discretion in deciding when to call-in a case.

We do not agree that the potential costs/delays and differing opinion of the CAA and Secretary of State are drawbacks of the proposals. Rather, the thorough examination in advance of airspace changes could reduce the potential workload if local communities are unhappy after a change has been made. Engagement and mitigation will be evidenced and the decision ultimately made by a democratically elected person rather than a designated body (i.e. the CAA) or a commercial sponsor (i.e. an airport).

b. the proposal that tier 2 airspace changes should be subject to a suitable change process overseen by the Civil Aviation Authority, including the draft guidance and any evidence on costs and benefits.

Tier 2 changes (planned and permanent changes to air traffic control day-to-day operational procedures) are one element of what was experienced by local communities around Gatwick Airport. The changing of the joining point to the ILS moved flights further east resulting in a concentration over areas of west Kent, including Tunbridge Wells. In our view this should be a Tier 2 change and should in future be consulted on and properly assessed for its impacts. This would be a vast improvement on the situation that did occur whereby the CAA and Gatwick Airport said there had been no airspace change and consequently infuriated communities who could clearly see (and hear) more flights, so we welcome the proposals for this process to change. The unsatisfactory nature of the current situation is recognised by the Government in stating it “*does not provide an appropriate level of transparency*” and that the noise impacts of a Tier 2 change can in fact be similar to that of a Tier 1 change.

The consultation document states that operational vectoring changes are likely to decline as precision based navigation (PBN) is introduced and defined routes are flown on departure and controller intervention reduced on arrivals. However, the PBN procedures themselves bring other problems. Notably, the ‘natural’ dispersal and respite is removed and an effect of overflight concentration is felt instead.

The proposals leave the Air Navigation Service Providers (ANSPs) to decide whether a proposal to amend vectoring practices could lead to a permanent and

planned redistribution (PPR) of aircraft. Although this is relatively easy to define, it would nevertheless be prudent to have some independent oversight to check if all appropriate proposals are subjected to the Tier 2 process.

c. the proposal that tier 3 airspace changes should be subject to a suitable policy on transparency, engagement and consideration of mitigations as set out by the Civil Aviation Authority.

There is a need for transparency and engagement across all levels of airspace change. We appreciate that this needs to be proportionate but, nevertheless, mitigation may be possible and should be considered in all circumstances where safety permits it.

The suggestion that Airport Consultative Committees are used to inform communities of the impacts of such changes is useful. Other bodies should also be recognised, such as Local Authorities, Parish Councils and community groups. The statement that mitigation must be thought through with local communities to avoid unintended consequences is true. However, in the first instance the Tier 3 change itself must be discussed with local communities/their representatives to avoid any unintended consequences prior to consideration of mitigation. The UK Airspace Policy should also state this.

We welcome the proposals for the ICCAN to take a leading role in Tier 3 proposals and ensuring transparency across the industry.

d. the airspace change compensation proposals.

Paragraph 4.35 states that “*it is right that industry can seek to mitigate its impacts through compensation.*” However, compensation is not in itself mitigation, but is rather a last resort in situations where the impact cannot be avoided. The current situation does not call for compensation until the equivalent of a doubling of aircraft movements has occurred, and only when new airport infrastructure is used rather than airspace changes. This is very restrictive and it is right that this should be reviewed.

The proposals state that the Government “would like airports and airspace change sponsors to look at examples at other airports to consider how their own compensation rules could be enhanced.” Although we can appreciate the desire to ensure costs on the aviation sector are proportionate, it must be remembered that these changes primarily facilitate more efficient use of airspace and therefore more flights. These generate wider economic benefits but also profit for the airports. Fundamentally, commercial profits cannot come at a cost to the communities around airports who often do not experience the wider benefits. We therefore welcome the

statement that the “*expected financial benefits of any airspace change will inform whether and at what levels compensation may be realistic.*”

The use of options analyses to inform the fairest choice of route considering the compensation required by the different options has potential to encourage promoters to find the ‘cheapest’ option. The process needs to be validated – either by the CAA or ICCAN – to ensure that this has not been the case.

We are disappointed that the proposed National Noise Levy has not been taken forward and consider it appropriate to apply it to every airport, thereby avoiding any implications for State Aid. Such a fund could have made a meaningful difference to the quality of lives of residents affected by aircraft noise and ensure that all people have access to the same support regardless of what airport they are affected by.

We support the removal of the requirement for 3dB of change before financial assistance towards insulation is allowed. However, the use of the 63dB LAeq 16 hour contour should also be reviewed. The recent consultation on night noise regimes at Heathrow, Gatwick and Stansted used a 48dB 7.5 hour contour to reflect recent evidence on the noise levels that have negative health impacts. For consistency we think that the same metric should be applied here where airspace changes have noise implications at night. The ‘financial assistance’ should be full cost of insulation.

We also believe that a further criterion should be added to firmly make compensation applicable where overflight increases rather than the currently proposed scope, which is to encourage compensation. Where new settlements become overflowed they will have transitioned from effectively no aviation noise to a level that is significant regardless of whether it meets the 63dB contour criterion because it would be hitherto unprecedented. If it is economically unviable to compensate then this is not the fault of the affected residents and would be something a National Noise Levy could have funded. Without this in place, then there should be funding from central government through ICCAN to compensate affected residents. We support the use of alternative metrics, such as frequency contours, but the threshold levels should be set fairly seeking expert advice based on health impacts and in consultation with ICCAN.

Q2. Please provide your views on:

- a. the proposal to require options analysis in airspace change processes, as appropriate, including details provided in the draft guidance.**

As per our response to the CAA’s Airspace Change Process consultation (May 2016), we agree that the options analysis (‘options appraisal’ in the CAA consultation) will enable all stakeholders to consider the range of potential

alternatives. This should be done in such a way that technical knowledge is not a prerequisite for understanding the analysis so that no stakeholders are in effect excluded. If new information, or consultation feedback, has a bearing on the analysis then it should be revised and reissued for further consultation.

It has long been our view that concentration of flight paths results in an untenable situation where certain settlements are intensively overflown compared to the previous situation where overflight was shared through the natural variation in choices made by pilots. Performance Based Navigation (PBN) allows precise routes to be chosen and flown and we believe that this technology could be better utilised to mimic the range of routes flown before its introduction. It is our policy (*Policy on Gatwick Airport, 2014*) that the use of multiple arrival and departure routes should be specified “*to provide predictable rotating respite and spread the burden of over-flight more equitably between communities.*”

The noise policy is to limit and ideally reduce the number of people “significantly affected” by aircraft noise but there is no definition of what this means. The distribution of new routes around airports should ideally mimic the existing routes as far as practicable. Decisions on whether to use single routes or multiple routes, and assessment of the impacts of both, should be done in consultation with local communities and representative bodies. To this end, we welcome the approach specified that includes engagement with communities at its heart. This is part of the CAA’s change process but should also function for all tiers of airspace change.

In general, airspace use that is as close as possible to the historical dispersal due to vectoring is what communities want rather than concentrated flight paths. At Gatwick, communities campaign for fair and equitable respite, which in practice means multiple routes in order to balance the benefits of modernising airspace and reduce the negative impacts on the ground. We acknowledge the difficulties that Gatwick’s Noise Management Board have experienced in defining ‘fair and equitable’. A combination of suitable metrics and discussion with the community bespoke to each situation will undoubtedly be necessary.

With regard to the constraints to what can be achieved in terms of noise, we agree that it would be unacceptable for large numbers of new people to be affected by noise. This would also apply to sensitive environments (such as Areas of Outstanding Natural Beauty) or heritage assets where they would be newly affected by noise in such a way that would damage their peaceful enjoyment or setting.

b. the proposal for assessing the impacts of noise, including on health and quality of life. Please provide any comments on the proposed metrics and process, including details provided in the draft guidance.

It is reassuring to see the proposals clarify the Government's objectives on limiting and where possible reducing the number of people significantly affected by aircraft noise – to avoid and mitigate the adverse impacts on health and quality of life, and to contribute to improving health and quality of life where possible. In our view, this puts noise at the centre of airspace policy.

We agree that N60 contours will help people affected to understand the implications of airspace change proposals. An average noise exposure (L_{Aeq}) contour is not as meaningful (or translatable into experience) as a contour showing the number of times a person will experience noise above a certain level.

We agree with the risk based assessment approach using the lowest observed adverse effect level (LOAEL). Using WebTAG will ensure consistency of approach across airspace change proposals and we welcome the ability to objectively compare proposals. However, taking one value of LOAEL at 51 dB L_{Aeq} 16hr in the day and 45 dB Lnight does not reflect the different situations of the airports across the country. Airports in urban environments, such as Heathrow, have a higher ambient noise level so 51 dB/45 dB may be appropriate, but Gatwick's rural location means that the ambient noise is very low and so annoyance, health and quality of life impacts will be felt at a lower level of aircraft noise.

The objective comparison of options should not ignore the subjectivity that is inherent in these situations – community concerns must be listened to. Therefore we support the inclusion of different metrics (including assessing frequency) to account for people who will be significantly affected below the LOAEL.

Q3. Please provide your views on:

a. the Independent Commission on Civil Aviation Noise's (ICCAN's) proposed functions.

We welcome the establishment of an Independent Commission on Civil Aviation Noise (ICCAN). The success criteria as set out in the proposals reflect the range of issues with which such a body can assist; with a credible and authoritative voice on aviation noise being particularly important. Recent changes in the use of airspace around Gatwick have severely eroded trust in the existing bodies and procedures for making such changes, including Gatwick Airport, the CAA, and NATS. It is, therefore, vital that ICCAN is truly independent and transparent in its operations.

As the proposals say, it is necessary to set up ICCAN at a suitable pace to enable it to lead on noise issues within airspace change modernisation and new runway capacity in the south east. We agree that using public funds is appropriate to enable this to happen, and in any case funding should be distinctly separate from the aviation industry. However, the proposed (but ruled out) Noise Levy would have been a suitable funding source.

We are concerned that there may be substantial areas of overlap between the work of ICCAN and the CAA so it would be useful to set up distinct guidelines on which body has responsibility for elements of noise monitoring and control. It may be that ICCAN can commission the CAA to develop best practice in new areas and verify/approve it for publication in the same way that is proposed for its research function. The advisory and influencing roles are important for ensuring consistency of mitigation and approach to avoiding noise across the country. It should be compulsory that airspace change sponsors give due regard to ICCAN's recommendations to ensure that their input is meaningful.

The monitoring and quality assurance function will only work if ICCAN has credibility as an independent body. We see the verification of noise forecasts and noise data as a key role for rebuilding trust in regards to aviation noise. It may be necessary for ICCAN to carry out its own data collection to compare to airport data, as well as commissioning experts. ICCAN must be suitably funded to carry out this function.

The Noise Management Board at Gatwick could be used as a model for bringing together varying interest groups to discuss noise issues. The experiences here will provide rich learning for the establishment of ICCAN.

b. the analysis and options for the structure and governance of ICCAN given in Chapter 6, and the lead option that the Government has set out to ensure ICCAN's credibility.

We are concerned that establishing ICCAN as an independent body within the CAA will inherently foster mistrust from the outset. As mentioned above, the communities around Gatwick have felt let-down by the CAA in recent changes to the use of airspace and therefore ICCAN's independence will be questioned. Whilst we recognise the advantages to the pace at which ICCAN can be established there must be a very clear separation between the two bodies. The transfer of expertise from the CAA to ICCAN will result in the same decision making and biases as the CAA, and only strong outside leadership will overcome this. We would also encourage ICCAN to utilise expertise from outside the CAA, such as consultancy support or academic researchers, to ensure that global best practice is being fully adhered to.

Once established, the Board and Commissioner should have authority and independence over the Secretary of State and the CAA to pursue a programme of work of its own choosing. Funding awarded to ICCAN should not be set conditionally but rather they should be able to decide how best to utilise those funds. It is appropriate, as proposed, to separate IT, data storage and website provision from the CAA. The appointment of the Commissioner will be crucial to the credibility of ICCAN based on how independent they are from the aviation industry. The Commissioner and/or Board members should be considered from a wide range of areas, and we consider it appropriate to have representatives from a public health background particularly as noise reduces quality of life and lowers health outcomes.

The success of ICCAN for communities is based on its perceived independence. This should be given priority in any decision on how best to set up its structure and governance.

Q4. Please provide your views on:

- a. the proposal that the competent authority to assure application of the balanced approach should be as set out in Chapter 7 on Ongoing Noise Management and further information at Annex F.**

We agree with the proposal that the Secretary of State should be the appointed competent authority for Nationally Significant Infrastructure Projects and any called-in planning applications. Where the Local Planning Authority is the competent authority in all other planning-related operating restrictions then we would like to see suitable guidance and/or training available to ensure a consistency of approach across the UK. Currently the planning system is not designed for setting noise controls at airports and their ongoing review so guidance on how this will work in practice is urgently needed.

The Local Planning Authority that would be the competent authority does not usually have the same geography as the noise impacts of the airport concerned. For example, Gatwick Airport is within the planning remit of Crawley Borough Council who will have a view point informed by the economic benefits of a major employer in their area. Conversely, the West Kent authorities experience the negative impacts of overflight without receiving any of the economic benefits of the airport. The range of views of a number of authorities and communities must be considered many miles away from the relevant Local Planning Authority. We are not clear how the current proposals will ensure this is the case.

It seems appropriate to appoint the CAA as the competent authority for operating restrictions outside of the planning process. However, oversight from ICCAN would be welcome to ensure that trust is inherent in the system (subject to our comments above about the perceived independence of ICCAN if it is set up within the CAA).

The policy states that the future night flight regimes at the designated airports (Heathrow, Gatwick and Stansted) should be considered through planning or locally agreed. In our response to the recent consultation on the night flight regime we welcomed the possibility of having locally set restrictions but only subject to the full range of interested parties being consulted. Although night flights may not be a 'significant' decision in terms of the Government's intervention, locally it is incredibly contentious and may be extremely challenging (if not impossible) to come to a local consensus. In this way, it would be preferable to have Government control instead of a protracted local discussion that could result in a worse scenario than would have happened under continued Government control. Although we note that the Government limits will remain the minimum standard.

b. the proposal that responsibility for noise controls (other than noise related operating restrictions) at the designated airports should be as set out in Chapter 7 on Ongoing Noise Management.

We disagree that the airports should be responsible for noise controls because they have a vested interest in the outcomes. The Department for Transport should retain oversight. We see a role for incentives for airports, and probably coordination by Consultative Committees or the Noise Management Board (in the case of Gatwick) as a forum to channel community concerns and ensure that airports address them. However, ICCAN's best practice and Government's agenda are not, in our opinion, significant incentives.

We are unclear what benefits and/or disbenefits transferring the ownership of the Noise Preferential Routes (NPRs) will have at the designated airports. As above, we believe that the Department for Transport should retain control of noise controls at the designated airports. The ability for airports to redesign the NPRs could prove advantageous but it is likely that the local communities will want to maintain the historic NPRs and the certainty they provide for the extent of overflight experienced. Airports could do this as an airspace change sponsor anyway without responsibility for noise controls.

c. the proposal that designated airports should publish details of aircraft tracks and performance. Please include any comments on the kind of information to be published and any evidence on the costs or benefits

The data that it is proposed the designated airports share would be useful for communities, particularly where they perceive a change in overflight or noise. However, the central issue is trust and so the data must be independently verified by ICCAN – which will be dependent on how independent it is perceived to be (as discussed above).

Again, the proposals call for airports to consult with their local communities on what data is published. Although the level of consultation does appear to be a burden on airports, in reality these conversations are likely to have been had already. Experience at Gatwick Airport has shown that GATCOM, NATMAG and the Noise Management Board have made requests for such data, which Gatwick have provided. Having a standard list of what data should be published and in what format would make the process of comparison year-on-year and airport-on-airport more straightforward and reduce the burden on airports to decide what and how they publish it.

d. whether industry is sufficiently incentivised to adopt current best practice in noise management, taking into account Chapter 7 on Ongoing Noise Management, and the role of the Independent Commission on Civil Aviation Noise in driving

We see a role for incentivisation but the proposals do not set out exactly what those incentives are beyond the current compliance mechanisms. Whether these are sufficient to see industry adopt best practice in noise management is something the Department for Transport, CAA and others should already be aware of. The recent Night Flight Regime consultation does not, in our opinion, go far enough to incentivise quieter aircraft because the proposals accommodate the current operations at the designated airports and do not necessitate a reduction in noise. The proposals, certainly for Gatwick, give room for growth and therefore more noise to the detriment of local communities.

The setting out of best practice is not in itself an incentive unless there are rewards for following it, or conversely penalties for not. The benefits of good publicity are inherently an incentive, with an industry example being Ryanair's award for being the best performing airline at minimising its aircraft noise at Bristol Airport in 2016. This included being rated on departure track compliance and continuous descent approaches. Similarly, Stansted Airport won a National CSR Award for its work to reduce aircraft noise, also in 2016. A national scheme ranking airports on their work to reduce their noise emissions, including their work with local communities, would be one such idea to incentivise them. This could be run by ICCAN.

Differential charging by time of day is another means by which airports, and airlines, could be incentivised to adhere to best practice and reduce their noise impact. If the National Noise Levy had been brought forward the night time slots could attract a higher charge and consequently reduce the perverse current situation whereby aircrafts offer reduced landing fees at night as they have available slots. As the night flight quota limits still permit growth (certainly at Gatwick) this results in more noise throughout the day for residents.

Q5. The draft ‘Air Navigation Guidance: Guidance on airspace & noise management and environmental objectives’ reflects the proposals in this consultation, but the draft guidance will be reviewed in the light of the outcome of this consultation.

The aim of providing draft guidance on airspace and environmental management is to enable respondents who would like to understand how our policies would be implemented the opportunity to see draft guidance along with the high level policies when providing feedback

Please provide any comments on the Draft Air Navigation Guidance published alongside this consultation.

We hope to see the points we have made above taken into account in the next revision of the Air Navigation Guidance.