

**CAA consultation on
Draft Airspace Design Guidance
(CAP 1520 – CAP 1524)**

Responses submitted by email
(where permission has been given for publication)

Some personal information has been redacted by the CAA

Airport Operators Association (AOA)
Belfast City Airport Watch
Bletchingley Parish Council
Bristol Airport Consultative Committee
British Airways
Edinburgh Airport
Future Airspace Strategy Industry Implementation Group (FASIIG)
Gatwick Area Conservation Campaign (GACC)
Gatwick Area Night Flight Nightmare (GANN)
Hever Castle
Lasham Gliding Society
London Boroughs of Hillingdon, Richmond and Wandsworth and Royal
Borough of Windsor and Maidenhead
Mole Valley District Council
NATS
Parish Council Airport Association (Bristol)
Pitstone Parish Council
Plane Justice
Strategic Aviation Special Interest Group (SASIG)
Skylines UK
Slinfold Parish Council
St Albans City & District Council
Stop Stansted Expansion
Sustainable Aviation
Tunbridge Wells Borough Council
Virgin Atlantic
Two responses from residents who preferred to remain anonymous

Future Airspace Strategy Industry Implementation Group Feedback on CAP1520 Draft Airspace Design Guidance

Version 1.0, June 2017

This document sets out the Future Airspace Strategy Industry Implementation Group's (FASIIG) high-level response to the Civil Aviation Authority's CAP1520 Draft Airspace Design Guidance. The FASIIG have summarised their high-level feedback to the Draft Guidance below. Several FASIIG member organisations have provided more detailed feedback based on the specific questions in the CAP1520 consultation document in their individual responses. This document summarises some of the main themes and most significant pieces of feedback discussed by the FASIIG group as a whole.

- a) The Draft Guidance is considered comprehensible by FASIIG, but is very long and time consuming to review and follow in practice. The CAA should strongly consider simplifying and shortening the document and its annexes as far as possible.
- b) The 100+ week typical expected timeline for a sponsor to complete the airspace change process following the Draft Guidance is considered too long to meet the UK's requirements to implement a large number of co-dependent airspace changes over the next 5 to 10 years. Many pending airspace change proposals are considered essential to accommodate traffic growth, better manage environmental performance, increase journey reliability and strengthen the resilience of the air transport network.
- c) FASIIG believe that the CAA could be more proactive and innovative in the measures it develops to mitigate the additional regulatory burden that the Draft Guidance will create for sponsors in terms of costs, timescales, resources and reputational risk. A full Regulatory Impact Assessment to accompany the introduction of the Draft Guidance would help to identify potential mitigating measures or show that the Guidance would not enable the intent of the FAS to be met owing to the increased resources and risks to industry such that the Guidance should be further reviewed. FASIIG recommends that the regulatory impact assessment should set out case studies, to ensure that costs are known and subjective interpretation is limited as far as possible. Creating case studies in advance of new airspace changes will ensure that discussion and decisions regarding interpretation can be undertaken rationally, consistently, and with less ambiguity. FASIIG members offer to engage directly with the CAA to support the development of a credible Regulatory Impact Assessment and the definition of measures that may reduce the commercial impact of the Draft Guidance on industry stakeholders. Should the case study approach not be adopted we would seek assurance from the CAA how the various interpretations of the guidance are to be thoroughly explored in advance of new airspace changes.
- d) The industry's detailed review of the Draft Guidance has generated a wide range of additional unanswered questions that are set out in the individual responses of several FASIIG members organisations (for example, questions related to the treatment of proposals with multiple options development and consultation stages, the functions of the online portal and the use of webTAG and noise metrics to support impact assessments). The current level of uncertainty about how the Draft Guidance will operate in practice leads FASIIG members to conclude that it is not sufficiently transparent from an industry perspective.

- e) The FASIIG are also concerned that the Draft Guidance is not sufficiently proportionate. The mechanisms and criteria to scale how, when and where the guidance is to be applied for different types of airspace change proposal are not laid out clearly enough. FASIIG considers that it would not be proportionate to apply the Draft Guidance to the DfT's Policy Proposals for tier 2 and tier 3 airspace changes. FASIIG have responded separately to the Government's consultation on the proposed Airspace Policy setting out the industry's concerns regarding the tier 1, 2 and 3 airspace change approach. FASIIG understands that as a consequence the DfT are reviewing the tier approach and that this may delay the publication of the Airspace Policy. In turn, FASIIG understands that this adds risk to the timely publication of the Draft Guidance. Until the tiering approach is refined and the associated requirements are described in full, FASIIG strongly recommends that the Draft Guidance is only applied to conventional tier 1 changes. This could be achieved if CAP1520 is revised to focus on the gateway process for changes to notified structures only (tier 1) and outstanding issues are captured in annexes or separate CAPs to be published at a later date. FASIIG believe this is justified for two reasons:
- To make it clear that those changes defined as 'tier 2' and 'tier 3' are separate from the main CAP1520 process, with limited requirements (if any); and
 - To avoid delaying the publication of the core gateway process of CAP1520, should the DfT delay the publication of the Airspace Policy. (The core gateway process set out in the Draft Guidance has been well received and FASIIG believe that sponsors are generally keen to adopt it. Further delay to the publication of the gateway process adds uncertainty during a period when a large number of airspace change proposals are planned.)
- f) Local community stakeholders often express their preference to understand the impacts of airspace changes with high levels of certainty as early as possible in the process. Communities request certainty to gauge the likely personal disturbance and any risk to property values resulting from airspace changes. The Draft Guidance aims to notify all communities that might be potentially impacted by an airspace change proposal early in the process through the use of design principles and options development. But the length of the process to follow the Draft Guidance and the approaches to ensuring strong engagement and transparency mean that communities will often spend over a year with uncertainty about whether or not they will actually be affected by an airspace change. Even though the large majority of community stakeholders engaged in an airspace change proposal will ultimately be unaffected. This aspect of the Draft Guidance can add significant stress to many in the local community regardless of whether they are actually impacted by the airspace change. FASIIG recommends that the CAA consider measures to reduce the unnecessary stress on local community stakeholders caused by the length and uncertainty of the airspace change process set out in the Draft Guidance.
- g) FASIIG are concerned about the absence of a dedicated section in the Draft Guidance on airspace change proposals that are being progressed with the primary goal of enhancing safety.
- h) FASIIG are also concerned about the lack of detail regarding the treatment of airspace change proposals that are being implemented in the national interest and have responded separately to the Government seeking further clarity on how the proposed Call-In function for the Secretary of State for Transport will operate in practice.

- i) FASIIG do not understand the seemingly arbitrary requirement for 28 day deadlines linked to several aspects of the Draft Guidance, including the SoS Call-In function, the request to extend an Airspace Trial, the publication of evidence from Post Implementation Reviews to the online portal and the submission of stakeholder evidence linked to PIRs. Airspace change proposals vary greatly in size, complexity, impacts and contentiousness. The introduction of a fixed 28 day deadline (typically c.20 working days) is considered too rigid and will often provide insufficient time for the proposed activities to take place and for their outputs to be produced to the required levels of quality.
- j) FASIIG members believe that the Draft Guidance should set out the Freedom of Information Act (FOIA) requirements associated with airspace change proposals that the CAA must comply with in greater detail. A clear statement is required in the Draft Guidance that explains that stakeholders will not be able to access commercially sensitive material via the online portal or other means of correspondence between the sponsor and the CAA.
- k) FASIIG are concerned that the CAA will not have the required resource capacity or capability to conduct essential aspects of their regulatory role with regards to airspace change proposals if the Draft Guidance in its current form is to be applied to a pipeline of 100+ tier 1 airspace change proposals. FASIIG would like to receive more detail that provides assurance that the CAA are able to manage the internal workload that the Draft Guidance will create and that its introduction will not result in further delays to the many pending airspace change proposals that are awaiting regulatory decisions.
- l) FASIIG are concerned that the Draft Guidance may increase the potential for uninformed, incorrect and deliberately misleading material about airspace change proposals to be shared widely by stakeholder groups that typically oppose changes (especially through the use of the online portal). Such material risks clouding or biasing the key issues and trade-offs, creating uncertainty and further eroding trust between the aviation sector and local communities. FASIIG requests more clarity about how the CAA intends to arbitrate between the number of negative or opposing comments that may also be in conflict with one another, recognising that the large majority of responses to most consultations will be negative.
- m) The Draft Guidance provides for one stage of options development/appraisal and one stage of consultation only. Some larger, more complex or contentious airspace change proposals require two (and sometimes three) phases of options development, appraisal and consultation to gather stakeholder preferences and incorporate them into successive iterations of the airspace design. Early phases of options development and consultation typically present lower granularity information about the overall design. Later phases provide progressively more detailed information about the preferred options, refined based on the feedback from earlier consultations. This multi-phase options development/appraisal and consultation approach is not currently described in the Draft Guidance (even though it has been successfully applied to recent large airspace change proposals like LAMP Phase 1a).
- n) FASIIG consider that the Draft Guidance should provide more detail about the role of the Regulator (and potentially Government) in making trade-off decisions and prioritising the scope of an airspace change proposal if the collaborative and consultative approach led by sponsors to engage with external stakeholders is not successful.

- o) FASIIG believe that the aims of the noise assessment aspects of the Draft Guidance should be to inform decision making and to meet the objectives of the Government's wider noise policy, including the aims set out in the Noise Policy Statement for England (NPSE) which are incorporated into the draft Airspace Policy and the draft Airports Noise Policy Statement. These aims should be incorporated and properly reflected in the Draft Guidance.
- p) FASIIG considers that the Draft Guidance places an unhelpfully large emphasis on minimising the exposure to aircraft noise as a result of airspace changes at lower altitudes, rather than a broader consideration of the overall impacts on health and quality of life. The narrower interpretation of the external impacts of airspace changes, focusing primarily on aircraft noise is unlikely to generate optimal outcomes from an overall environmental performance, economic growth or network resilience perspective. FASIIG members believe that too often airspace change proposals are biased and disproportionately influenced by the short-term reactions to changes linked to a partial and imperfect assessment of their external impacts – especially changes to the size and shape of noise contours.
- q) In addition, the FASIIG members believe that the limitations of the recommended noise metrics set out in the Draft Guidance should be more clearly acknowledged to avoid the overly prescriptive use of noise parameters and exposure based assessments. Ultimately the Draft Guidance should support the development of mechanisms that enable all of the relevant external impacts of an airspace change to be considered and be given proper weight as part of an integrated assessment methodology.
- r) One feature of the existing airspace design guidance (set out in CAP725) which was welcomed by sponsors was the clarity provided about what information 'must', 'should' or 'may' be included on external impacts like aircraft noise. It is unclear in many sections of the Draft Guidance what a sponsor must, should or may provide. It would be helpful for sponsors if a clear distinction regarding the importance of the various information requirements was included in the Draft Guidance.
- s) FASIIG members are supportive of the use of the Government's webTAG (Transport Analysis Guidance) method to guide the options appraisal required by the Draft Guidance. However as noted in the FASIIG response to the Government's Airspace Policy, webTAG was originally designed for analysing the impact of changes to the road network and needs significant development to be applicable to airspace change proposals. There are many metrics already available for analysing the impacts of an airspace change. The Airspace Policy and Draft Guidance describe several of these in detail. Other guidance on transport analysis (like the EUROCONTROL Standard Inputs for Cost Benefit Analysis, from November 2015) are often used by airspace change sponsors and must be aligned with the webTAG resources to avoid diverging assumptions.
- t) FASIIG urge the DfT and CAA to provide more clarity on the transition arrangements from the policy, process and metrics that are currently required for airspace changes to the new requirements set out in their respective proposals. Uncertainty regarding the timetable for introducing the new requirements and the validity of existing investments in airspace change proposals that are part way through the process are imposing significant costs and risks on the industry.
- u) Airspace change sponsors require access to transport analysis guidance immediately to progress their current proposals. A suitable interim methodology is required in the next

Final

three to six months while the aviation aspects of webTAG are fully developed and consulted on. The analysis methodology ultimately developed to support the Draft Guidance should ensure there is sufficient flexibility to incorporate important non-monetisable impacts (that are often the product of local circumstances/preferences) and can be a key factor in the options analysis and final decision-making.

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RESPONSE TO The CAA Consultation on Draft Airspace Design Guidance CAP 1520

June 2017

Who we are

1. GACC is the main environmental organisation concerned with Gatwick, and the only voluntary group that covers the whole area around the airport. Founded in 1968, we have as members many hundreds of individuals, over 50 District and Parish Councils, and over 40 community groups. These groups vary from three county branches of the CPRE, each with over 2,000 members, through over a dozen local aviation protest groups which have sprung up in the past four years in opposition to new flight paths, to many village amenity societies for whom aircraft noise is only one of their concerns. All our members pay us an annual subscription, demonstrating positive support.
2. We have shown this response in draft to all our members, and their comments have been taken on board.
3. Our membership covers an area about 20 miles radius around Gatwick, from Guildford to Crowborough, from Tonbridge to Petworth. Therefore we have been in pole position to observe the impact of the Gatwick flight path changes

introduced in the past five years - in many cases in advance of changes in other parts of the UK.

4. These changes have produced an unprecedented level of anger and protest. It is a paradox that, although aircraft are less noisy, never before in our 50-year experience has there been so much protest over such a wide area. In part that has been the result of the unsatisfactory way in which the changes have been introduced, and we welcome this CAA consultation as a belated attempt to rectify the situation.
5. Two general changes have caused particular protest. First, the narrowing of the swathe of arrival routes which was at first denied. The anger this created resulted in the Gatwick Arrivals Review and the formation of the Gatwick Noise Management Board. The second was the changes in all departure routes from the previous beacon navigation (which resulted in fairly random distribution) to the PBN or PRNAV system of satellite navigation (which resulted in concentrated flight paths and great public distress). This was introduced after a trial confined to 2% of flights, and after very limited consultation.¹ Gatwick Airport promised to revert to traditional navigation if the new routes proved unsatisfactory: a promise which they have, not surprisingly, broken.
6. Because GACC covers the whole area we have a firm policy not to get involved in local campaigns designed to move flight paths from A to B. We have left that to local protest groups, and fourteen new groups have sprung up since 2013, all strong and determined.² But we have been intently interested in the overall policy. We have taken a leading part in persuading the Government to propose two important changes; to amend the policy of concentrating the noise on the fewest number of people to a policy of dispersal or respite where local circumstances make it appropriate; and to propose new metrics for measuring aircraft noise. We are glad that the consultation includes references to the possibility of multiple routes (eg Appendix B paragraph B45), and to the use of new metrics such as the 51 leq contour (paragraph B52). Although it is worth noting that many of the areas covered by the protest groups lie outside the 51 leq contours.

Consultation overload

7. We are suffering from consultation overload. So far this year we have had three major consultations: the first on night flights to which we sent in a tough but intelligent response; the second on the Airports National Policy Statement to which we replied giving all the reasons (which fortunately the Government agrees with) why a second runway at Gatwick would be a bad idea; and the third on Airspace to which we submitted a detailed and constructive response.³ On top of that the Transport Select Committee has asked for our views on the Airports Statement, and on Airspace, only to find themselves obliterated by the dissolution of Parliament.
8. As if that was not enough, here comes the CAA asking for our views with a 234-page document littered with warnings (14 in total) that it will cease to be valid if the Government makes changes to their airspace policy. In other words based on an arrogant assumption that all the responses to the DFT Airspace consultation will be ignored. And based on the arrogant assumption that the

views of the Transport Committee, when resurrected, will be disregarded. In some places this arrogance is plain to see: for instance, in paragraph 50 it is assumed that ICCAN will be set up exactly as the DfT proposed; and in paragraph 80 it is stated that the Government is is transferring to airports responsibility for NPRs when we were asked whether it should do.

The seven stages

9. The main core of the Airspace Design Guidance is the seven stages through which any change in a flight path must pass. Seven is an ancient magic number: the world was created in seven days, there are seven days of the week, seven colours of the rainbow, seven notes on a musical scale, seven seas and seven continents. Shakespeare described the seven ages of man, there are seven deadly sins, and Snow White had seven dwarves. So if a new flight path passes all seven stages it must be consummate perfection! The officials at the CAA can sleep soundly knowing that they have carried out the seven-stage procedure punctiliously. The fact that thousands of innocent citizens have had their lives ruined is hard luck.
10. Unfortunately the seven stages proposed by the CAA are fatally flawed. At every stage the final decision is taken by the CAA.⁴ So the seven stages are in essence merely a description of the decision-making process by the CAA. There is no appeal to any independent authority. Although the new Independent Commission on Civil Aviation Noise is to be consulted it will have no power to over-rule the CAA. Since it is to be housed within the CAA, financed by the CAA and staffed by CAA officials it is hardly likely to give much confidence to the public. No surprise that ICCAN has been nick-named 'I CAN'T'.
11. In our response to the DfT Airspace consultation we said: *'The CAA is described as independent but unfortunately that is not how it is perceived by the public. Despite efforts to give it an environmental role, it is still perceived by many of those aggrieved by new flight paths as mainly concerned to seek the advancement of airlines and airports. That remains so despite the appointment of a chair and a number of Board members from outside the aviation industry. The CAA's priorities are safety, consumers and the promotion of aviation. The CAA website says little about protecting the public from the adverse impacts of aviation. The CAA decision making process is not transparent. Although there is much talk about balancing various factors it is not clear who decides what balance is appropriate. Giving the CAA power to take decisions on all new flight paths not called-in [by the Secretary of State] would mean it being perceived as dictatorial.'*
12. We fully accept that the CAA is doing its best to be a benevolent dictator, and that this consultation is an attempt to make all its procedures more transparent and more fair. But sadly that is not how it is seen by the aggrieved public. It is the reason why we have told the DfT that ICCAN must be genuinely independent and have much greater powers.⁵

The seven stages of public agony

13. This consultation is top-down. It is written by people up-top, laying down the procedure. So it may be helpful to provide an alternate seven stages, written from the bottom up, as seen by an ordinary member of the public affected by a new flight path. And to draw some constructive conclusions from that.

Stage 1. Astonishment.

‘What are all these planes suddenly flying over our house? We’ve never had it like this before. OK yes, the occasional one once or twice an hour but these are absolutely nose-to-tail! Why haven’t we been told? Is it just a trial or is it going to be permanent?’

Stage 2. Anxiety.

‘I’m not sure we can live with this. We can’t go out-of-doors, can’t open the windows, we feel trapped in a hermetically sealed prison. Perhaps we should sell our house, move to somewhere quiet? But that means our children having to go to a new school and us leaving all our friends behind. And anyway this new flight path has knocked thousands of pounds off the value of our house, so we would have to make do with somewhere smaller.⁶ Trapped, with no escape! It’s all getting on my nerves. No wonder it causes heart attacks and strokes.’

Stage 3. Anger

‘Why weren’t we told? Meeting in the town hall - never heard about it. Parish Council objected - of course no one takes any notice of them. All this misery just for more and more cheap holidays, stag and hen nights. And I hear that airlines don’t pay any fuel tax or any VAT. Why should those bastards get all the benefit and we don’t get a penny in compensation for having our lives ruined?’

Stage 4. Determination

‘We hear there’s a local protest group started, and hundreds have already joined. So will we. We’ve got to fight this injustice. Worth subscribing generously if only we could get this flight path moved.’

Stage 5. Action

Protest group employs noise experts. Considers judicial review but usually finds it too costly. And each protest group encourages its members to write to the airport, or to NATS, or to the CAA, or to the DfT, or to local MPs, or to all of them. Thousands of emails are written, many addressed to the chief executives.

Judicial review is sometimes successful. The instigation of judicial review into changes in arrival routes by Martin Barraud on behalf of Gatwick Obviously Not, at a cost of around £100,000, was instrumental in the setting up of the Gatwick Arrivals Review and a dispersal of arrival paths. It has also played an important part in the DfT proposal to create Tier 2, a new category of flight path changes where NATS have altered their vectoring decisions.

Stage 6. Fury

The CAA confirms the route. The thousands of emails are ignored. Experts are over-ruled.⁷ The public is told that the route has gone through all seven stages, so it's now permanent. Hard luck! No compensation.

Distrust of the system is increased by the fact that responses are collated and reviewed by the flight path change sponsor ie the airport or NATS (consultation document paragraph 137) - equivalent to giving a criminal the chance to review the prosecution case! In several recent cases at Gatwick thousands of environmental responses or objections have been disregarded on the grounds that the 'objective' of the flight path changes was not environmental, and therefore environmental considerations are irrelevant (and this unsatisfactory interpretation of the rules is confirmed in the consultation document paragraphs B21 and B22). In a recent case 17,000 objections were consigned to the waste bin because most of them came from outside the 57 leq contour, a ridiculous excuse when the Government is proposing to reduce the standard metric to 51 leq, and when the 57 leq measure takes no account of ambient noise.

Stage 7. Despair

Gloom and resignation but with an enduring hate and distrust of the airport and all the bodies that are supposed to regulate the environmental impact of aviation.

Consultation = farce = fraud

14. The seven stages set out above are obviously over-simplified, and will vary from instance to instance, but many of our members have written in to say that they exactly reflect their own experience: Some clear conclusions can be drawn particularly in relation to consultation and compensation.
15. Consultation works when it throws up real technical problems, but to ask the public for their views with every intention of ignoring them is a farce. Or worse - fraud. It is axiomatic that all those who will be seriously affected will respond saying they don't like the proposal. At the first

theoretical stage there may be hundreds of such responses. After the new flight path is introduced, so that people actually experience aircraft overhead, the PIR will receive thousands of complaints, all in effect saying the same thing: that the new flight path should be moved or scrapped.

16. When the airport and NATS and the CAA know full well that they are going to ignore all such submissions they are being dishonest in asking people for their views. In paragraph C42 it is suggested that, when a flight path is confirmed without change: *“if there has been a groundswell of opinion ... face-to-face engagement may be necessary to clearly and simply contextualise the rationale for stakeholders.”* That might be risky: when faced with their lives being ruined, some stakeholders may decide to defenestrate the bearers of the contextualised rationale.

17. Some specific points:

- Information must be sent to all those likely to be affected before any flight path is moved. Consultation with so-called ‘stakeholders’ or ‘representative bodies’, as described in paragraph 15 of the consultation, is not sufficient. The only efficient way is by post to every person on the electoral roll in the relevant postcode areas.⁸
- Communications must be in Plain English.⁹ We welcome the recognition of this in paragraph 129. We recommend that the CAA should employ a journalist to check the wording of all public communications.
- Good maps should be provided showing towns and villages. Some of the maps produced by GAL and by NATS in recent years have been appallingly difficult to understand. We welcome the assurance on this point in paragraph B57.
- We welcome the emphasis on transparency but the proposed requirement to publish all responses on the internet seems impractical even when limited to one per person: in recent cases around Gatwick there have been several thousand objectors.
- More emphasis should be given to the legacy issue - the need to give priority to maintaining existing flight paths and, whenever possible, avoiding putting new routes over peaceful areas.

Conflicting priorities

18. The CAA is under a duty, imposed by the Transport Act 2000, Section 70 (2) (a) to secure the most efficient use of airspace; and under a duty imposed by Section 70 (2) (b) to satisfy the requirements of the airlines.¹⁰ Only when we get to Section 70 (2) (d) is the CAA required to ‘take account of’ the environmental guidance given to it by the Department for Transport.¹¹ How the CAA resolve these conflicting priorities is left up to them.

19. Where, as so often, there is a choice between two or more routes each of which would adversely affect thousands of residents, the CAA will 'take account of the environmental guidance', and will pick the route which affects marginally fewer people. Tick that box. But inevitably the route they do choose will mean that thousands of innocent people suffer.

Compensation

20. The key issue is compensation. All the proposals in this consultation, all the elaborate seven stage process, all the environmental guidance are of no value if one group of residents finish up with their lives ruined, their houses devalued and a deep sense of injustice.
21. In our response to the DfT consultation on Airspace we said: *'Many of our members who are affected by new flight paths dislike us discussing compensation because it sounds like accepting defeat: they want their previous peace and quiet restored. But when flight path changes become irrevocable, compensation is essential.....'*
22. *In the case of a new motorway or any new road, a new airport runway or taxiway or terminal, the Land Compensation Act provides full compensation for any loss of property value plus 10%. That is applicable at any distance from the new development, and is not linked to the installation of double glazing, nor to the sale of the property.*
23. *The Act should be amended to provide the same compensation for those affected by a 'new motorway in the sky'. By this we mean any new departure or arrival route operated by PBN. Compensation for a new motorway is paid by the Highways Agency: compensation for new flight paths would be paid by the airport concerned. That would of course be reflected in air fares. That is equitable: economic theory says that those who benefit should compensate those who suffer. So does natural justice. Air fares are already artificially low as a result of airlines paying no fuel tax and no VAT.'*
24. We suggested that the Act should be amended but it would probably take several years before the necessary legislation could be passed. The CAA itself does, however, already have the power to ensure full compensation. **In future the CAA should make approval of any new flight path conditional upon the sponsor (that is, either the airport or NATS) agreeing to pay full compensation on the basis of the Land Compensation Act.**
25. The CAA plays an active role in helping air passengers claim compensation for delayed flights or lost baggage. Why not play an active role in

securing compensation for distressed residents? In economic theory the loss in value of a house is the best way of putting a money value on the unpleasantness of having a new flight path overhead (or nearly overhead). It puts a capital value on how much less potential purchasers are prepared to pay compared to a similar house not under a flight path.

26. In discussions with the DfT and others several objections have been raised to which we give our answers below.

- a. Experience shows that the Land Compensation Act has worked well in the case of new roads but has not worked well with airport projects. That is true. In the case of airport expansions, such as the building of T4 at Heathrow or the second runway at Manchester, airport lawyers have argued that the increased number of jobs at the airport increases the demand for houses, so the fall in value is small. But, in most cases, that argument would not apply to a change in flight paths.
- b. Calculating the claims for each house is complicated and expensive, involving surveyors and lawyers. That is also true. A particularly wicked example has been at Stansted where the completion of a runway/taxiway extension was delayed for many years, delaying payment of compensation. And when the work was eventually completed the airport lawyers argued that the compensation claims were out of time! ¹²
- c. **We suggest that it should be solved by giving ICCAN the role of assessing the compensation due to each house, or to each house in a particular area.** That would we believe be widely welcomed, as it cut the cost of applying for compensation and ensure fair treatment for all. It would give ICCAN the role and power that it is at present lacking.
- d. Paying compensation for the adverse impact of new flight paths would be prohibitively expensive, particularly around Heathrow in view of the large number of houses. Or around Gatwick because of the number of high-value houses in areas of low ambient noise. That is a boomerang argument: it just shows the adverse impact of a new flight path. Heathrow and Gatwick airports can well afford to pay: neither have paid any corporation tax for many years.
- e. What about multiple routes? In some cases where new flight paths are proposed, it may be decided to provide respite by having two or more alternate routes. But the same principle would apply: the fall in value of each house would be less, so the compensation would be less. But it would still reimburse people for the amount of nuisance

that they suffer. This would make it easier to gain public acceptance of multiple routes.

Conclusion

27. This consultation paper addresses, but does not solve, the issue of securing public acceptance of flight path changes. The solution is in the hands of the CAA.
28. In future the CAA should make approval of any new flight path conditional upon the sponsor agreeing to pay full compensation, as assessed by ICCAN, on the basis of the Land Compensation Act.
29. That would be in accord with natural justice; and it would go a long way towards securing public acceptance. There would still be some issues to sort out: the issue of retrospective compensation for new routes introduced in recent years; and whether the compensation payments would be repayable if a flight path was subsequently moved again. We would be glad to discuss these issues with CAA officials.

¹ That meant that almost all responses to departure route changes have had to be lodged under the Post Implementation Review process, and thus miss out on much of the seven-stage system described in the consultation document.

² See GACC Guide to Gatwick Community Groups <http://www.gacc.org.uk/flight-paths.php>

³ See <http://www.gacc.org.uk/flight-paths.php>

⁴ At the end of Stage three the decision is to be taken by the change sponsor – hardly independent!

⁵ See GACC response to the Airspace consultation <http://www.gacc.org.uk/flight-paths.php> paragraphs 33-38.

⁶ A new study by Plentific.com (May 2017) has shown that, after proximity to a noisy pub, airports are a close second on the list of noise pollutants that would affect a homebuyer's decision to purchase a property, with 91% saying they would be influenced and over half (54%) saying noise levels from an airport would put them off completely. Airport flight paths also proved to be a deal breaker when it comes to buying a home, with 45% of homebuyers saying the noise levels would put them off completely. 30% of homebuyers said they would reconsider buying, while 15% said that they would be willing to offer a lower price for an affected property.

⁷ This is not always true: research by To70 helped the protest group Plane Wrong to secure a change in departure Route 4.

⁸ With separate notification of local businesses.

⁹ The information produced by Gatwick Airport on the 2013 ADNID trial was unintelligible.

¹⁰ http://www.legislation.gov.uk/ukpga/2000/38/pdfs/ukpga_20000038_en.pdf

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269527/air-navigation-guidance.pdf

¹² <http://stopstanstedexpansion.com/compensation.html>

GATWICK AREA NIGHT FLIGHT NIGHTMARE - GANN

The objective of Gatwick Area Night-flight Nightmare (GANN) is to get night flights banned simply because living under the flight paths has become a nightmare.



18 May 2017

GANN RESPONSE TO CONSULTATION ON DRAFT AIRSPACE GUIDANCE (closes 30th June)

The guidance goes in the right direction. Particularly welcome is the recognition of the additional need to address:

A change to air traffic control operational procedures by an air navigation service provider causing a permanent and planned redistribution of air traffic, without changing the 'notified' airspace design.(Tier 2).

However, the guidance fails to give sufficient weight to the concerns of those who are over-flown when those people are outside the traditional 'annoyance contours' - an issue which was recognised in the Framework for Balanced Decisions as per CAP1498. This applies to many communities, including large conurbations, such as Tunbridge Wells, living under a flight path but not covered by any legally-binding consultation process and not subject to official noise level monitoring. This needs to be rectified.

GANN would also like to see the post-implementation review process include more formal rules on the publication of results and also procedures laid down for consultation with communities to invite feedback on the review.

GANN is also disappointed that the issue of night-flights is not specifically addressed. People living under the Gatwick flight path have been suffering increasingly from excessive noise disturbance from night aircraft, made worse in recent years by an increase in the number of flights. The Davies Commission recognised the detrimental impact on well being of people affected by night flights and made recommendations to further restrict these flights in the expanded Heathrow. GANN take the view that the tightening up of restrictions on night-flights recommended for Heathrow should also apply to Gatwick and that where night-flights do take place issues relating to use of airspace should be subject to specific consultation and special consideration.

Yours Sincerely,



David Fenwick

Founder - Gatwick Area Night-flight Nightmare (GANN).

From: Duncan HM. Leslie [mailto:
Sent: 30 June 2017 16:47
To: Airspace Policy
Subject: Airspace Policy consultation

Dear Mr Metson,

Please take this email as my response. The first problem is that there are too many consultations that are simply far too wordy and long for people who have otherwise busy work and family lives to live. I alas would like to have responded more fully to this and other consultations but I simply do not have enough time to read all the words! I think the subject is important but so is my job and my family – surely simpler consultation documents could be made?

I did start trying to fill in the consultation document but at D there is no obvious category for a Heritage or other Attraction. This suggests that such important heritage assets and landscape are not considered important. Communities or at least the people living somewhere have the option to move if they find the plane noise too much – places like Hever Castle a tourist attraction in Kent with 340,000 visitors and guests last year cannot move, and were here long before most others.

The main point I wish to convey is that such places should be considered, compared to individual households, much more important as we cannot move and we provide many jobs to the rural economy and attract visitors from all over the world while also being in most cases irreplaceable significant parts of our country's heritage and history. In Hever Castle's case we are also within the High Weald AONB and while it would be impossible for planes to avoid all the AONBs around Gatwick they should surely at least avoid the most visited attractions within those AONBs. In Hever Castle's case avoiding the castle would mean significantly less residents and all the local schools east of us would also be avoided – thereby fulfilling a basic Government requirement to avoid disturbing as many people as possible.

I have been told by Tom Denton a former employee of Gatwick airport, when he was in post that Hever could be avoided. A few years ago NATS and Gatwick proposed a night time respite option for Hever and most of the people at that time affected by planes east of us. It never happened because some groups of locals believed to my mind wrongly that it would be better to turn down such an option and instead seek a procedure that would affect more people working on the theory that everyone should share the pain/noise. This in practice does not appear to have worked and merely upsets more people. The dedicated narrow route proposed by NATS and Gatwick would have affected significantly less residents and probably no schools and no tourist attractions.

I was also told this alternative route could be used in day time too but for the fact that planes flying into Heathrow are too low over the South Coast which prevents the envisaged holding design Nats wanted to employ – however I was also told by Tom that Heathrow is obliged to raise the level of its planes by 2019/20 so in theory this route could be used all the time.

Surely dedicated concentrated routes that fly over the least number of people and avoid important attractions, schools, the best of our nation's protected landscape etc. must be the preferred long term solution. Those who own homes underneath such new designated airplane highways should be compensated – just as you are if a motorway or railway line crosses your land. The owners then have the choice to sell and move and subsequent owners would benefit from a much cheaper home to buy – knowing that it might be quite noisy.

I would therefore urge the powers that be to consider our protected buildings and landscape that clearly cannot relocate especially rural areas which are clearly more affected by intrusive plane noise than any urban areas typically are. There also needs to be a better measurement of the noise nuisance as to date averaging the noise makes rural otherwise quiet areas seem much less affected than areas that are already suffering other noises such as road traffic.

Please also note that we do not have vast amounts of AONBs and taking the area here at Hever as an example it is when there are no planes flying overhead a truly beautiful and tranquil place easily reachable to all our nation's capital residents and visitors via a short car journey. This is real rural beautiful landscape incredibly close to one of the world's most important capitals. It is therefore an irreplaceable asset and should not be vandalised by noise when it can be avoided through clever well thought airspace design. With the improvements to navigation techniques and computer aided landings/flying etc. surely we avoid our country's best bits.

I would urge the designers to be clever and remember to protect what cannot be replicated elsewhere and not be too focused on avoiding London – not possible unless you move Heathrow and create

another new airport east of London. Gatwick being south of London though currently having cleaner air than Heathrow must create more pollution as most people flying from Gatwick have to travel further to get to Gatwick and there is just the one rail link! The point is that the designers need to think not just of the airspace and how it functions for the planes but also the effect any changes might have on the ground. More people flying from Gatwick would create more pollution, put further pressure on housing in the South east while providing jobs that are not really needed here but are needed further north!

Thank you for reading my submission.

Yours sincerely

Duncan Leslie

Duncan Leslie MRICS
Chief Executive

HEVER CASTLE

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From: Gavin Spink [mailto:]
Sent: 23 May 2017 09:42
To: ATOL Consultation; Airspace Policy
Subject: Draft airspace design guidance: CAA consultation - Lasham Gliding Society Response.

Dear Sir/Madam,

The following is the response of Lasham Gliding Society to the consultation entitled *Draft airspace design guidance: CAA consultation*.

Lasham Gliding Society has already replied in considerable detail to the consultation, *CAP1389 Revised Airspace Change Proposal*, regarding the revision of CAP 725. Its reply to this present consultation is in no way intended to modify or negate its earlier observations on the current CAP 725 and Lasham Gliding Society's proposed improvements.

As a general commentary, the CAA has issued so many consultations, including ACPs issued with its approval, to the extent that replying comprehensively has become unduly onerous and is inhibiting consultees from participating.

Our reply below therefore covers only two specific topics. The remarks are made without prejudice to observations that could be made regarding the content of the remainder of the document. Absence of remarks concerning these areas constitutes neither consent nor disagreement.

1. TIER 2

In CAP1523 Draft airspace design guidance: CAA consultation and CAP 1522 Annex 2: Tier 2 airspace change, the wording for Tier 2 uses the expression "notified". This has no formal definition except when referring specifically to airspace design on page 234 of CAP1520.

It is essential that "notified" is defined for all aspects of procedures and airspace. Lasham Gliding Society proposes the following.

A change to an existing procedure/airspace-design or the creation of an additional procedure/airspace-design that is deemed to be "notified" is one:

- where the procedure is or is intended to be defined within the UK AIP,
- the extent or classification of CAS is or is intended to be defined within the UK AIP.

2. ICANN

ICANN should not be a part of the CAA in any way. It is extremely important that this organisation be seen to be entirely independent of either the CAA or NATS. There is now increasing criticism of the lack of objectivity that results from what appear to be overriding commercial interests and the relationship between NATS and the CAA. Making ICANN even remotely connected to the CAA would exacerbate this problem.

Very Many Thanks

Gavin

GE Spink
General Manager
Lasham Gliding Society
<http://www.lashamgliding.com/>



Mr Andrew Haines
Chief Executive Officer
Civil Aviation Authority
CAA House
57 – 63 Kingsway
London
WC2B 6TE
(FAO: Mr Trevor Metson)
By email: airspace.policy@caa.co.uk

30th June 2017

Dear Mr Haines,

CAA Consultation - Draft Airspace Design Guidance UK Airspace Policy

This joint response is made by the London Boroughs of Hillingdon, Richmond and Wandsworth and by the Royal Borough of Windsor and Maidenhead (“the Boroughs”).

Introduction to the Boroughs

Hillingdon

As the home borough to Heathrow airport, Hillingdon is already acutely affected by its noise and air pollution. Changes to airspace will impact on an already impacted population.

Richmond

Richmond suffers greatly from the operation of Heathrow’s southern and northern runways. The southern runway is only 5 miles from Richmond Old Deer Park. It causes great disturbance to the Richmond community during the day, and sleep disturbance in the night from early morning arrivals and from late departures.

Wandsworth

Wandsworth lies just 8 miles from Heathrow airport. Most aircraft land into the prevailing westerly wind which means they make their descent across the borough causing misery to thousands of residents who suffer greatly from daily aircraft noise. Tooting, Wimbledon Common and Earlsfield are also disturbed by noise from aircraft taking off.

Windsor and Maidenhead

The residents of the Borough of Windsor and Maidenhead are just over 2 miles from the end of the runway, with central Windsor 6 miles from the northern runway. Residents suffer greatly from noise impacts and blight caused by Heathrow. Recently new flightpaths from Heathrow, which flew over residents for the first time, had to be stopped because the outcry was so great.

Our Response to the consultation is set out in the text below. We are content for this response to be published.

General Observations

The aim of introducing greater transparency to an airspace change process is welcomed and overall the consultation proposals are seen as an improvement on the current arrangements.

However, we are concerned that this consultation is premature as for the most part the government policy framework on which it relies is either not yet in place (for example to support a Tier 2 or 3 review) or where policy does exist it is out of date and not evidence based.

We support in principle the proposal to enable a 3rd party facilitator to be appointed as part of future air space change proposals but given that this person or organisation will clearly need to be expert in this process we cannot immediately see the difference in appointing such a person at the beginning of the process rather than at the end by way of an appeal mechanism, which is what consultees wished to see from the Helios review of the CAAs work in 2015. The proposed protocol will not amend the current situation where the CAA makes all the important decisions. In our view what is missing from the proposed guidance is a mechanism that ensures that genuine adverse impacts resulting from future airspace changes will be properly quantified, independently reviewed and adjudicated.

Specific Comments

Policy Framework - We have previously expressed our view that future airspace design for the UK requires new thinking. Instead, what is being proposed is in effect a new front end bolted on to historic policy rooted in "altitude based priorities" (ABPs) which are not evidence based in terms of their choice of heights. It must be clear to policymakers by now, from recent air space trials around Heathrow, that the simplistic assumption that noise ceases to become a problem once aircraft are above 7000 feet is wrong. Also these historic ABPs were enshrined in UK government policy before the potential impact of Precision Based Navigation (PBN) was appreciated.

The continued use of the current ABPs undermines the potentially useful work that the CAA has undertaken recently in other areas that could inform future airspace changes. For example we consider the recent CAA work on defining overflights and the production of bespoke "overflight contours"¹ potentially helpful in identifying future impacts.

¹ CAP 1498

Precision Based Navigation: Future airspace design will be driven to a large extent on the Government's PBN policy. Currently the Government has no policy on PBN apart from its commitment to adopt classic PBN as recommended by ICAO. Recent flight path trials around Heathrow that resulted in concentration of air traffic over specific routes lead to outrage in communities affected.

Although a range of future policy options for PBN have been mentioned by Government, including the introduction of "multiple concentrated routes", to date there has been no public consultation on these initiatives and equally no indication that the industry is willing to adopt what amount to hybrid versions of PBN for the UK.

It is already abundantly clear from experiences both in the UK, mainland Europe as well as the USA that PBN is a disaster for communities who happen to be unlucky enough to be targeted as the receptors for concentrated flight paths under classic PBN. PBN sensitises people to aircraft noise as it makes all the aircraft sound similarly loud on the ground and provides no respite.

The population around Heathrow became aware of the consequences of the implementation of the Future Airspace Strategy and specifically of PBN from the flight path trials in 2014. Those living to the west and south of the airport were overflowed by aircraft using PBN and hated the experience. Our residents' reaction was not unique; virtually every other PBN airspace change in the UK to date has, or is, generating significant levels of adverse community reaction. The latest reaction (May 2017) from communities affected by PBN changes at Luton is similar.

We see how the CAA's guidance needs to support government policy in this area but we are concerned that the guidance itself will be devalued if it does no more than provide a wrapper around policy that is not fit for purpose.

Overall we feel the consultation fails to account for the step changes in noise impact that PBN will bring on communities. We remain concerned that the continued use of a long term 16hour L_{Aeq} approach masks the impacts of flightpath changes. This is vitally important as the impacts of aircraft noise have serious health consequences. The draft environmental guidance usefully suggests other metrics which could be applied to enable communities to understand the potential impacts of change. These are only useful if the sponsor is made to provide them.

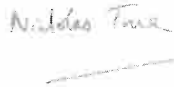
The wording of the environmental requirements, and the guidance document, must be changed to reflect the requirement to produce a full portfolio of metrics at airports where regular scheduled air services are provided. The environmental assessment methodology must include an appraisal of these additional metrics and be robust enough to assess the actual impact experienced including the cumulative impacts that may arise from the implementation of Government policy should this be dispersal or concentration.

Role of Independent Commission for Civil Aviation Noise (ICCAN) - Given the Government's latest proposals for this body together with its implied limited life beyond a single 5 year term we doubt it will achieve independence in the way the Davies Commission envisaged. We therefore consider it is unlikely to give confidence to the public and should not be relied on in terms of a proposed role in future Tier 2 or Tier 3 changes.

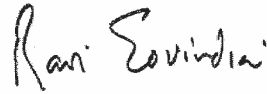
Yours sincerely,



Cllr Ray Puddifoot MBE



Lord True



Cllr Ravi Govindia



Cllr Simon Dudley



If telephoning please ask for: Deborah Miles

27 June 2017

Dear Sir/Madam

Civil Aviation Authority - draft airspace design guidance

Thank you for the opportunity to respond to the above. I represent Mole Valley District Council (MVDC) which borders Gatwick Airport.

MVDC supports the proposed mechanism for early stakeholder engagement included in the draft consultation process. The first 'define' stage of the process will help to identify and refine potential issues early on and the requirement to consult on different options when considering a potential airspace change will allow greater transparency and community engagement. It is important that the later 'design' stage is used to identify whether a proposed change would result in the overflight of new areas and ways that this could be avoided. Priority should be given to maintaining existing flight path swathes to avoid subjecting new areas to aircraft overflight.

The consultation plan is a valuable part of the new process and it is vital that the public has a choice of ways to respond to the consultation. Not all members of the public have internet access or the IT skills to use the online portal and therefore more traditional methods of responding to consultations should also be enabled

The need to engage with a wide range of interested parties will mean that the process for seeking changes to Tier 1a airspace will take a minimum of two years. It is important therefore that a more flexible approach is permissible for Tier 2 changes as these have the potential to have the most impact on communities. Flexibility and the need for a speedy resolution to address local problems suffered by communities should be kept at the heart of this process.

MVDC notes that the CAA is responsible for determining whether or not an airspace sponsor passes each 'gateway' in the consultation process. There is a perception among local communities that the CAA fails to place sufficient weight on the environmental impact of airspace design in its decision making. Criticism of recent

airspaces change decisions bears this out. We believe that the CAA needs to demonstrate that it does understand the very real impact that airspace change has on residents, and that its decisions take proper account of that impact. This makes it vitally important that communities, local parish councils, local authorities and community groups should be kept informed and engaged throughout the airspace change process.

The draft airspace guidance makes reference to the Government's guidance on compensation and advises airspace sponsors to take this in to account when assessing the options for proposed changes. MVDC supports this approach but considers that the payment of compensation should extend wider than the 63dB area. Many residents in Mole Valley are further away from the airport than this area but have recently experienced increased noise levels from concentrated departure routes (particularly Route 4.) It is our view that compensation should be made available to all residents who have not previously experienced concentrated overflights but are affected as part of an airspace change.

I would be grateful if you could bear these points in mind when considering changes to the proposed airspace guidance.

Yours faithfully

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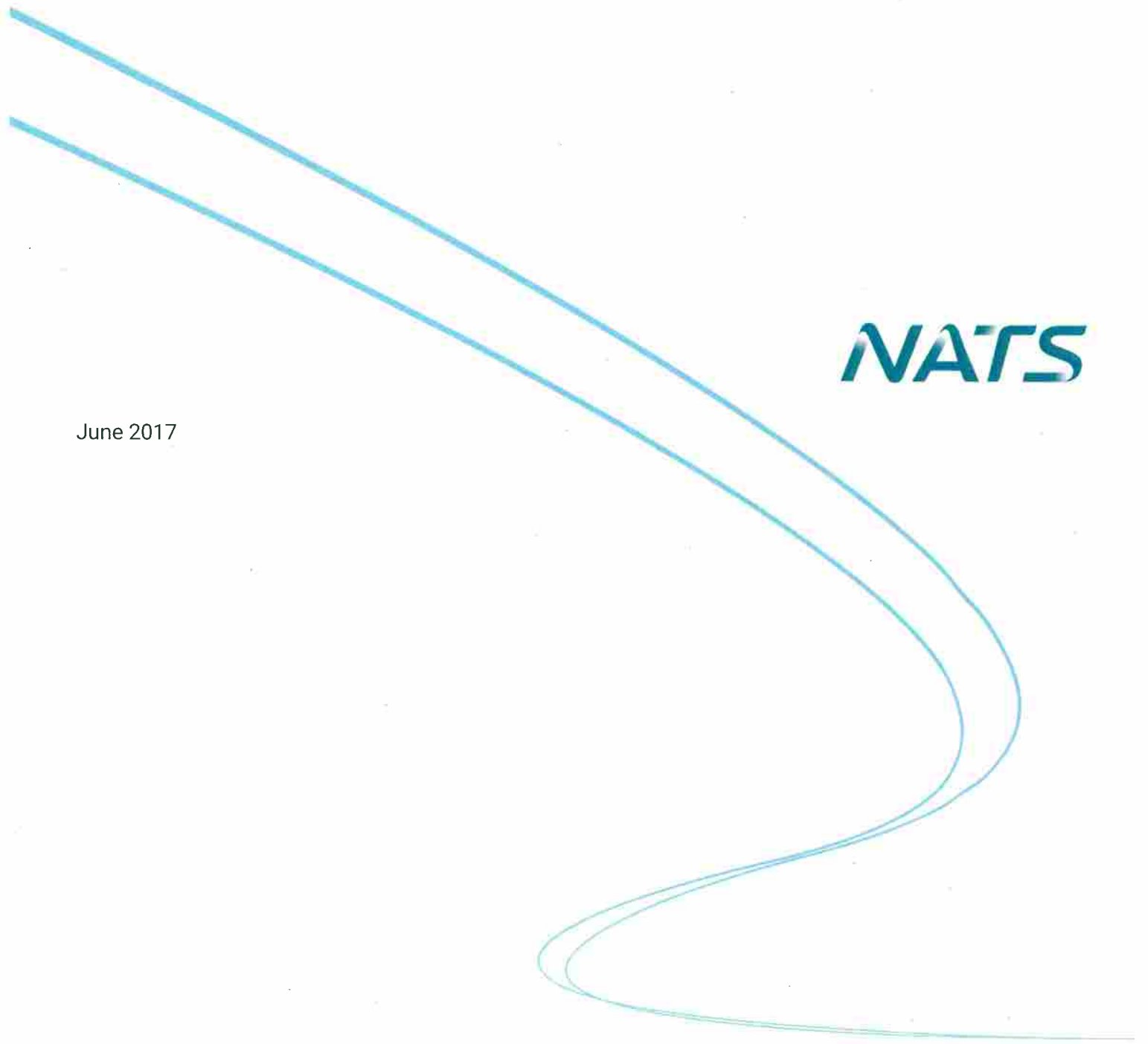
Councillor Vivienne Michael
Leader of the Council

NATS response to CAP1520 Consultation



NATS

June 2017



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1. Overview

NATS is leading the modernisation programme for UK airspace. Modernising this key transport infrastructure is vital for the sustainable development of the aviation industry which will bring future benefits to the environment, communities and economy as well as airline and the travelling public.

As airspace is a national transport infrastructure, clear and balanced guidance on how it should be developed is a key foundation stone for the modernisation programme; without this the modernisation programme will not deliver to its full potential.

NATS therefore welcomes this consultation and some of the enhancements to the guidance over the previous CAP725. However, NATS is seeking additional clarity on a number of key issues.

Clarity is vital because recent experience has shown that airspace modernisation has the potential to be highly contentious, with legal challenge on 'process' being a likely outcome.

NATS therefore seeks additional clarity on a number of key issues - details of which are provided in the text below. It is recommended that a case study approach is used to provide this clarity and minimise the risk of subjective interpretation.

Creating and publishing case studies alongside the guidance will help ensure that discussion and decisions regarding interpretation can be undertaken rationally and consistently. NATS notes that there are many contentious issues that have come up in recent years which will predictably resurface in future modernisation projects, some of which will be larger and more complex. To defer addressing these issues until they are raised in relation to a live change will simply mean the same questions have to be answered, but against a backdrop of time pressure, heightened emotion and potential political influence. All of these factors could compromise the design processes and lead to solutions that are not optimal for the long term sustainability of our aviation sector.

It is recognised that case studies cannot cover all potential scenarios, but they could provide additional clarity on process requirements for some of the more predictable/contentious scenarios. For example this could include scenarios where neighbouring airports are independently developing multiple routes that affect the same communities, or scenarios where airports are seeking to modernise routes to replicate existing routes or traffic patterns rather than redesign per se. In both cases (and many others) there will be nuanced questions as to how each stage of the process would work in practice that are not adequately covered in the draft; these should be explored in detail with potential sponsors.

To avoid confronting predictable issues in detail until they come up in a live process would represent a failure of this review of the guidance.

NATS is part of the Future Airspace Strategy Industry Implementation Group (FASIIG). Note that our response to this consultation is aligned with the NATS response in some areas, and differs in others, and therefore should be analysed and assessed fully in its own right.

2. Consultation Questions

2.1. General Issues (Question 1)

- a) The Draft Guidance is considered comprehensible, but is very long and time consuming to review and follow in practice. The CAA should strongly consider simplifying and shortening the document and its annexes as far as possible.
- b) It is assumed that the 100+ week typical expected timeline for a sponsor to complete the airspace change process relates to a relatively straightforward change at a single airport, rather than a major network redesign such as LAMP. This is considered too long to meet the UK's requirements to implement a large number of such co-dependent airspace changes over the next 5 to 10 years. Many pending airspace change proposals are essential components of the airspace modernisation programme to accommodate traffic growth, better manage environmental performance, increase journey reliability and strengthen the resilience of the air transport network (see also Section 3.3).
- c) NATS believes that the CAA could be more proactive and innovative in the measures it develops to mitigate the additional regulatory burden that the Draft Guidance will create for sponsors in terms of costs, timescales, resources and reputational risk (see also Section 2.3). A full Regulatory Impact Assessment, based on case studies, to accompany the introduction of the Draft Guidance would help to identify potential mitigating measures. NATS offers to engage directly with the CAA to support the development of a credible Regulatory Impact Assessment and the definition of measures that may reduce the commercial impact of the Draft Guidance on industry stakeholders.
- e) NATS is concerned that the Draft Guidance is not sufficiently proportionate. The mechanisms and criteria to scale how, when and where the guidance is to be applied for different types of airspace change proposal are not laid out clearly enough. NATS considers that it would not be proportionate to apply the Draft Guidance to the DfT's Policy Proposals for tier 2 and tier 3 airspace changes. NATS has responded separately to the Government's consultation on the proposed Airspace Policy setting out the industry's concerns regarding the tier 1, 2 and 3 airspace change approach. NATS understands that as a consequence the DfT are reviewing the tier approach and that this may delay the publication of the Airspace Policy. In turn, NATS understands that this adds risk to the timely publication of the Draft Guidance. Until the tiering approach is refined and the associated requirements are described in full, NATS strongly recommends that the Draft Guidance is only applied to tier 1 changes. This could be achieved if CAP1520 is revised to focus on the gateway process for changes to notified structures only (tier 1) and outstanding issues are captured in annexes or separate CAPs to be published at a later date. NATS believe this is justified for two reasons:
 - To make it clear that those changes defined as 'tier 2' and 'tier 3' are separate from the main CAP1520 process, with limited requirements (if any); and
 - To avoid delaying the publication of the core gateway process of CAP1520, should the DfT delay the publication of the Airspace Policy. (The core gateway process set out in the Draft Guidance has been well received and NATS believe that sponsors are generally keen to adopt it. Further delay to the publication of the gateway process adds uncertainty during a period when a large number of airspace change proposals are planned.) (see also Section 2.17)

- f) Local community stakeholders often express their preference to understand the impacts of airspace changes with high levels of certainty as early as possible in the process. Communities request certainty to gauge the likely personal disturbance and any risk to property values resulting from airspace changes. The Draft Guidance aims to notify all communities that might be potentially impacted by an airspace change proposal early in the process through the use of design principles and options development. But the length of the process to follow the Draft Guidance and the approaches to ensuring strong engagement and transparency mean that communities will often spend over a year with uncertainty about whether or not they will actually be affected by an airspace change. Even though the large majority of community stakeholders engaged in an airspace change proposal will ultimately be unaffected. This aspect of the Draft Guidance can add significant stress to many in the local community regardless of whether they are actually impacted by the airspace change. NATS recognises the value in starting the conversation with stakeholders at an early stage, but recommends that the CAA considers measures to reduce the unnecessary stress on local community stakeholders caused by the length and uncertainty of the airspace change process set out in the Draft Guidance.
- g) NATS is concerned about the absence of a dedicated section in the Draft Guidance on airspace change proposals that are being progressed with the primary goal of enhancing safety.
- h) NATS is concerned about the lack of detail regarding the treatment of airspace change proposals that are being implemented in the national interest and have responded separately to the Government seeking further clarity on how the proposed Call-In function for the Secretary of State for Transport will operate in practice.
- i) NATS does not understand the seemingly arbitrary requirement for 28 day deadlines linked to several aspects of the Draft Guidance, including the SoS Call-In function, the request to extend an Airspace Trial, the publication of evidence from Post Implementation Reviews to the online portal and the submission of stakeholder evidence linked to PIRs. Airspace change proposals vary greatly in size, complexity, impacts and contentiousness. The introduction of a fixed 28 day deadline (typically c.20 working days) is considered too rigid and will often provide insufficient time for the proposed activities to take place and for their outputs to be produced to the required levels of quality (see also Section 2.8)
- j) NATS believes that the Draft Guidance should set out the Freedom of Information Act (FOIA) requirements associated with airspace change proposals that the CAA must comply with in greater detail. A clear statement is required in the Draft Guidance that explains that stakeholders will not be able to access commercially sensitive material via the online portal or other means of correspondence between the sponsor and the CAA.
- k) NATS is concerned that the CAA will not have the required resource capacity or capability to conduct essential aspects of their regulatory role with regards to airspace change proposals if the Draft Guidance in its current form is to be applied to a pipeline of 100+ tier 1 airspace change proposals. NATS would like to receive more detail that provides assurance that the CAA are able to manage the internal workload that the Draft Guidance will create and that its introduction will not result in delays to the many pending airspace change proposals that are in progress.
- l) NATS is concerned that the Draft Guidance may increase the potential for uninformed, incorrect and deliberately misleading material about airspace change proposals to be shared widely by stakeholder groups that typically oppose changes (especially through the use of the online portal). Such material risks clouding or biasing the key issues and trade-offs, creating uncertainty and further eroding trust between the aviation sector and local communities (see also Section 2.4).

- m) The Draft Guidance provides for one stage of options development/appraisal and one stage of consultation only. Some larger, more complex or contentious airspace change proposals require two (and sometimes three) phases of options development, appraisal and consultation to gather stakeholder preferences and incorporate them into successive iterations of the airspace design. Early phases of options development and consultation typically present lower-granularity information about the overall design. Later phases provide progressively more detailed information about the preferred options, refined based on the feedback from earlier consultations. This multi-phase options development/appraisal and consultation approach is not currently described in the Draft Guidance (even though it has been successfully applied to recent large airspace change proposals like LAMP Phase 1a).
- n) NATS considers that the Draft Guidance should provide more details about the role of the Regulator (and potentially Government) in making trade-off decisions and prioritising the scope of an airspace change proposal if the collaborative and consultative approach led by sponsors to engage with external stakeholders is not successful.
- o) NATS believes that the aims of the noise assessment aspects of the Draft Guidance should be to inform decision making and to meet the objectives of the Government's wider noise policy, including the aims set out in the Noise Policy Statement for England (NPSE) which are incorporated into the draft Airspace Policy and the draft Airports Noise Policy Statement. These aims should be incorporated and properly reflected in the Draft Guidance.
- p) NATS considers that the Draft Guidance places an unhelpfully large emphasis on minimising the exposure to aircraft noise as a result of airspace changes at lower altitudes, rather than a broader consideration of the overall impacts on health and quality of life. The narrower interpretation of the external impacts of airspace changes, focusing primarily on aircraft noise is unlikely to generate optimal outcomes from an overall environmental performance, economic growth or network resilience perspective. NATS believe that too often airspace change proposals are biased and disproportionately influenced by the short-term reactions to changes linked to a partial and imperfect assessment of their external impacts – especially changes to the size and shape of noise contours.
- q) In addition, NATS believes that the limitations of the recommended noise metrics set out in the Draft Guidance should be more clearly acknowledged to avoid the overly prescriptive use of noise parameters and exposure based assessments. Ultimately the Draft Guidance should support the development of mechanisms that enable all of the relevant external impacts of an airspace change to be considered and given proper weight as part of an integrated assessment methodology.
- r) One feature of the existing airspace design guidance (set out in CAP725) which was welcomed by sponsors was the clarity provided about what information 'must', 'should' or 'may' be included on external impacts like aircraft noise. It is unclear in many sections of the Draft Guidance what a sponsor must, should or may provide. It would be helpful for sponsors if a clear distinction regarding the importance of the various information requirements was included in the Draft Guidance.
- s) NATS is supportive of the use of the Government's webTAG (Transport Analysis Guidance) method to guide the options appraisal required by the Draft Guidance. However as noted in the NATS response to the Government's Airspace Policy, webTAG was originally designed for analysing the impact of changes to the road network and needs significant development to be applicable to airspace change proposals. There are many metrics already available for analysing the impacts of an airspace change. The Airspace Policy and Draft Guidance describe several of these in detail. Other guidance on transport analysis (like the EUROCONTROL Standard Inputs for Cost Benefit Analysis, from November 2015) are often used by airspace change sponsors and must be aligned with the webTAG resources to avoid diverging assumptions.

- t) NATS urges the DfT and CAA to provide more clarity on the transition arrangements from the policy, process and metrics that are currently required for airspace changes to the new requirements set out in their respective proposals. Uncertainty regarding the timetable for introducing the new requirements - and the validity of existing investments in airspace change proposals that are part way through the process - are imposing significant costs and risks on the industry.
- u) Airspace change sponsors require access to transport analysis guidance immediately to progress their current proposals. A suitable interim methodology is required in the next three to six months while the aviation aspects of webTAG are fully developed and consulted on. The analysis methodology ultimately developed to support the Draft Guidance should ensure there is sufficient flexibility to incorporate important non-monetisable impacts (that are often the product of local circumstances/preferences) which can be a key factor in the options analysis and final decision-making.

2.2. Question 2, Stage 1: Define

See question 1 for general statements

2.3. Question 3, Stage 2: Develop and assess

Intermediate consent

NATS recognises the issue of 'regulatory capture' and notes that CAP1520 highlights the Gateway sign-off is for process rather than the design.

However NATS notes that the DCO process laid out in the recent National Policy Statement provides a model where consent is granted on the basis of draft designs, before final details have been established. There is therefore a clear precedent for an approval/consenting process mechanism in which a draft design can be assessed and challenged at an intermediate stage, without prejudicing the final approval that follows.

LAMP2 will commence later this year and is expected to take c. 6 years to deliver. During this period the London airports will need to develop complementary changes and the airlines would have to invest in the equipment and certification of their fleet to meet PBN requirements. Aligning the major investments required by all the contributing organisations is probably the biggest single risk to the delivery of the programme to modernise our airspace and provide sustainable capacity for expansion, at Heathrow and our other airports.

As it stands there will be no certainty around the design of the airspace until final CAA Stage 5 approval in c.2021, and therefore each organisation will be required to justify investment in an uncertain environment.

NATS proposes that the CAP1520 process includes an option for a DCO-style assessment before Stage 3, giving approval in principle to a macro-design. This approval could be bounded by conditions – eg the final route alignment will be with an agreed geographical design envelope, the population affected will be less than an agreed maximum, predicted CO₂ would be less than an agreed limit, etc. Note that this kind of approach was agreed for LAMP, by CAA SARG and CAA legal in 2012 under the 'adaptive process' workstream (John Dow/Phil Roberts).

This would not be desirable for all changes because it would increase the effort on both the sponsor and the CAA at the pre-Stage 3 decision point. This is because they would need intermediate metrics to be produced and assessed – this intermediate assessment should therefore be an option rather than a stipulation.

NATS believes this option could be critical to the successful delivery of a modernised airspace system. Should the CAA determine that this is not possible on the grounds of regulatory capture, NATS would ask for clarification on how the airspace changes associated with the DCO consenting process, and the 2012 adaptive process argument did not suffer from the same restriction (see also Section 3.2).

Design Iterations

CAP1520 recognises that designs mature through the ACP process (para 133). NATS expects some design processes to have two (or more) passes at options development and consultation; firstly with lower granularity for the macro design and design envelopes, and then again for the final options for route alignments (eg Edinburgh's ongoing process). The latter of these consultations would be the one that meets Stage 3 of CAP1520 as it stands.

CAP1520 should recognise that complex/contentious changes may benefit from two (or more) iterations of development. If a sponsor chooses such an approach, they should be able to seek an additional voluntary Gateway sign off prior to the first pass consultation, to ensure the material meets the CAA's expectations.

2.4. Question 4, Stage 3: Consult

NATS remains concerned about the reliance on the online portal - in particular, concerns around publishing feedback as it is submitted.

Consultation Integrity

Firstly NATS has concerns that feedback is subjective, often representing an opinion rather than fact. There is a risk that publishing subjective, or at worst incorrect, information during the consultation would influence subsequent responses.

NATS therefore proposes that the responses are not published until after the consultation has completed.

Furthermore, NATS proposes an additional CAA role in Stage 3: the CAA is already expected to ensure that the information put into the public domain by the sponsor is based on robust evidence, is clear and factually correct. The CAA should also ensure that the same standards are applied to information introduced by stakeholders. This should ensure that the trust that this new process is intended to foster is preserved and is not inflamed by incorrect, misleading or ambiguous information from those with little or no technical knowledge, or from those with an agenda who would gain/lose from an ACP being implemented.

It is not practical for the CAA to review all material in the public arena, but the CAA should be in position to make public statements to clarify their position on incorrect, misleading or ambiguous information presented by either sponsor or stakeholder, where it is submitted through the portal or otherwise brought to their attention. CAP1520 should include this as a fact-monitoring role.

Resourcing

NATS remains concerned that the resource required to moderate all the responses will not be available. This will be the case particularly for large scale/contentious developments where the moderator role will be most important. Responses can be in the thousands and tend to come in surges around media campaigns, events or the end of the consultation period. It will not be cost effective to have resource on standby to deal with such a surge (either at the CAA or if the function is later transferred to the sponsor).

2.5. Question 5, Stage 4: Update and submit

See question 1 for general statements

2.6. Question 6, Stage 5: Decide

Reconsultation risk – define ‘significant’

Para 195 identifies that, should design amendment after the consultation impact a significant number of new stakeholders, then consultation would be required.

More clarity is required around the definition of ‘significant’ in this instance, as it is inevitable that this situation will eventually arise. The parameters should be established objectively in advance, because any decision made during a live, contentious issue could be subject to undue political pressure.

Feedback opportunities during decision period

Paras 208 and 225 offer formal feedback opportunities during the decision phase. While this is not labelled as consultation it would be perceived as such. For contentious developments this could mean a large coordinated campaign to influence and/or filibuster. Furthermore, public evidence session participants would be self-selecting so this is not an objective way of gathering further public views – there is a risk that it compromises the aim of arriving at a ‘fair, evidence based decision’.

NATS seeks assurance that the CAA will have mitigation strategies (ie extra resources available) to ensure that dealing with such a volume at this stage will not delay the process.

2.7. Question 7, Stage 6: Implement

See question 1 for general statements

2.8. Question 8, Stage 7: Post-implementation review

PIR timescale

Para 267 puts a 28 day turn around for the provision of PIR data by the sponsor. The PIR will require processing a year’s worth of data from a variety of sources. This will involve collation, analysis, and reporting (including drafting, review and sign off cycles)

It is not reasonable to expect this to be achieved in 28 days for large/contentious changes. For example, LAMP1a’s PIR data collation took 3-4 months and required coordination with multiple

airports. NATS proposes that the scope of the PIR requirements in the regulatory decision letter should include a scalable turn-around date agreed in advance with the sponsor.

2.9. Evidence of Engagement (Question 9)

The guidance is sufficient with respect to the evidence of engagement.

2.10. Third Party Facilitation (Question 10/11)

The guidance is sufficient with respect to potential use of third party facilitation and should **not** be more prescriptive.

To be prescriptive presupposes that sponsors cannot foster trust and productive relationships with their stakeholders, when in many cases it can be/has been achieved (Heathrow's community noise forums being an example). Third party facilitation should be a consideration if engagement is clearly failing (for example if there is a breakdown of trust), however to prescribe it in all cases will be to prescribe additional cost that may not add value.

Furthermore, when considering if third party facilitation is needed for a given case, careful consideration should be given as to whether a breakdown in the relationship has arisen as a consequence of failure in the engagement process, or whether it is simply that there is legitimate disagreement on desired outcomes. In the latter case a facilitator will not necessarily resolve the issue.

NATS is committed to ensuring stakeholders are involved in the design process and may seek third party facilitation in some circumstances to achieve this – however it should be on a case by case basis rather than prescriptive.

2.11. Categorisation of responses (Question 12)

See question 1 for general statements

2.12. Options Appraisal (Question 13)

NATS agrees that a flexible approach is required for options appraisal and that final requirements must be determined on a case by case basis. As an example see previous note on iterative design at stage 2.

However, there is scope for more illustration of likely process requirements. See paragraph 3.1 later in this document on 'Practical Implications and Case Studies'.

2.13. Safety information (Question 14)

Safety information is often complex and highly technical; as a result it can be easily misconstrued or misrepresented. As a consequence, safety information is usually sensitive - for both commercial and public relations reasons. NATS is therefore opposed to publishing safety assessments in all but the most general terms, and any 'plain English summary' should focus only on the effects of the proposal. There should be no commentary, either direct or implied, on target or achieved levels of safety in the extant airspace structure.

NATS notes that the risk of misinterpretation means that both individual and organisational confidentiality is key to full and frank safety discussions. Requirements that put this at risk also introduce risk to the efficacy of the safety assessment process.

2.14. Tier 1B (Question 15):

See question 1 for general statements

2.15. Tier 1C (Question 16):

See question 1 for general statements

2.16. Spaceflights (Question 17)

If spaceflight continues in segregated airspace then there is a need for consultation on such airspace structures.

However, we note that, in the future it is likely that spaceflight is integrated into our operations as another 'airspace user' - especially for passenger-carrying edge-of-space flights (point and shoot satellite launches would continue to be segregated).

2.17. Tier 2 & 3 (question 18/19/20/21/22/23/24)

NATS supports the principle of engaging with local communities where there would be significant impacts from changes in aircraft tracks at low altitudes, as a direct result of changes to local ATC procedures.

NATS has already instigated local processes at our En Route ATC centres to ensure that the potential community impact of local procedure changes is considered - and appropriate actions taken - before changes are made.

However we have a number of concerns regarding the proposal which we believe need further consideration:

NATS welcomes the clarity provided by most of the policy proposals captured under each tier and agrees that planned and permanent changes to vectoring (Tier 2) and longer term shifts in the location of traffic flows (Tier 3) should be subject to greater transparency and community engagement. However, describing the policy and regulatory requirements for transparency and engagement as 'airspace change' for scenarios which do not involve changes to the notified airspace structure is potentially misleading.

NATS has recommended retaining the transparency and engagement proposals described under the existing Tier 2 and Tier 3 proposals, but removing the three-tier model and reference to 'airspace changes'. The requirements for engagement on changes to vectoring, and reporting on the evolution of traffic flows, should be considered in separate CAPs, clearly distinguished from the requirements for 'airspace change' and described in practical terms using case study examples.

NATS recognises that significant planned and permanent changes in the tactical management of flights can create shifts in the concentration of traffic flows with potential noise impacts. However, the following points should be given careful consideration when the regulatory approach to overseeing engagement during these kinds of developments is established:

- The definition of 'noticeable impact' and 'significant';
- The maximum and minimum timelines for completing regulatory oversight activities and how they will be consistently achieved;
- The mechanisms to ensure that regulatory oversight is highly scalable and proportionate to the impacts created by the proposed changes;
- The mechanisms to ensure that the outcome of regulatory oversight activities is not subjected to appeals;
- The requirements for stakeholder engagement – as opposed to a formal stakeholder consultation (the latter being considered disproportionate for changes in vectoring practices);
- The simplicity of the criteria and metrics required to support decision-making about the level of engagement and oversight required for these types of changes;
- The treatment of planned and permanent changes to vectoring practices that are made to maintain and enhance safety or strengthen network resilience; and
- Case studies should be used to ensure that all the consequences are understood, and that there is a clear consistent interpretation of the circumstances this process intends to capture and those it would not.

NATS notes that there is a significant difference in the potential regulatory burden created by introducing a change approvals process, rather than a regulatory oversight function.

3. Outstanding issues from previous consultation

The following issues were raised in the previous consultation on the change process. We do not believe they have been addressed in this new consultation and we are not aware of any rationale being given as to why the CAA has chosen not to address them.

3.1. Practical Implications and Case Studies

The proposed process is built around positive principles, but lacks sufficient detail as to what it would mean in reality for detailed sponsor requirements in particular circumstances. The sections on scaling do not go far enough to give sponsors the certainty required to plan and commit to investing in airspace changes with confidence.

To resolve this we strongly recommend (as we did following the previous consultation) that the CAA engages with sponsors directly to work through case studies. This would examine the detailed requirements and timescales for example scenarios, if running with the new process. The case studies should represent:

- a large scale multi organisation network redesign changing routes below 4,000ft, between 4,000ft and 7,000ft and above 7,000ft;
- a network redesign involving higher-level ATS routes or procedures, eg upper ATS routes;
- local low altitude redesign – eg changes to SIDS STARs & arrival transitions below 7,000ft;
- low altitude replication – eg replication of SIDS STARs & arrival transitions below 7,000ft; and
- replication of contingency procedures below 7,000ft – ie procedures that are never or very rarely actually flown, but exist for safety reasons (eg for radio fail)

These case studies should be part of the guidance document set so there is complete transparency and minimal risk of misinterpretation by either sponsors or stakeholders.

3.2. Process Flexibility to deal with large scale, Complex and Contentious Network Changes

The proposed process appears relatively rigid; however, it is vital that the regulatory process is flexible enough to work for proposals which may differ widely in scope and complexity. For example changes may range from local route changes sponsored by individual airports, to those involving multiple ANSPs in complex/contentious TMA environments (eg LAMP).

Our inference is that the proposed process has been developed with a focus on the former and therefore may not be entirely practical for the latter.

NATS is therefore keen to ensure that the new CAP1520 process can accommodate the 'adaptive process' approach for large scale, complex and contentious changes, eg PLAS, LAMP2 and changes for additional runways in the SE. In particular such ACPs need to accommodate phased implementation, modular ACPs with different elements sponsored by different organisations, and use of the 'design envelope consultation' methodology (previously referred to as swathe consultation) – all as used in the recent LAMP1A process.

3.3 Gateway and Decision timescales

The proposed new process will inevitably take longer so the effect of any further delays will be amplified. Clarity on the CAA's maximum turnaround time for the Tier 1A is critical for planning. There are references to the decision being within 16 weeks but crucially in para 199 it has a 'best endeavours' caveat and on page 65 (Table 3) the wording is 'at least' 16 weeks. In this context the CAA's failure to suggest any maximum time limit (to the decision making steps for Tier 1A changes) is a serious oversight. Time afforded to the CAA, as decision maker, should mirror the planning system where failure to determine even major applications within 16 weeks is de-facto grounds for appeal.

3.4 ANSP stakeholder Role

An ANSP may have a direct role in implementing a change that has been sponsored by another organisation. For example, an airport may sponsor a change to a SID, which is largely operated by NATS. NATS may not object to the change *per se*, but there may be practical issues in implementing this change which could require NATS to invest in, and schedule changes to, internal documentation, safety assurance and systems, simulation programmes, and which also may have a training requirement for operational staff. Likewise a GA organisation may sponsor a change to airspace boundaries with no objection from NATS, but the change would still impact NATS' operational information and/or staff training.

In this case it is vital that the CAA should specifically ask the sponsor whether any other ANSP (which may be NATS and/or the ANSP at a neighbouring airport) has to undertake work to enable the implementation of the proposed change. This must be a consideration from the outset, and an ongoing conversation throughout the process. The impact on other ANSPs operations must be specifically considered by all change sponsors (including NATS). They must be required to provide evidence that the third party ANSP has been engaged, and is able to undertake any required enabling work for the proposal; this should occur before the decision on implementation dates is finalised.

CAP1520 should address this issue to avoid the situation where a third party ANSP (such as NATS or a neighbouring airport) is unable to comply with a decision to implement, because of investment or scheduling conflicts of which the sponsor is unaware, and has not taken into account.

3.5 CAA resourcing and prioritisation

Without formal coordination it is reasonable to expect that many UK airports will seek to delay investment in the PBN changes required by European Implementing Rules (IR) until the latest possible point. This is because, in many cases, PBN will not offer the sponsors any immediate commercial benefit.

The above scenario would present a sharp peak around 2021/22. It is not clear how this peak could be processed by the CAA.

A lack of CAA resources to manage peaks would likely result in prioritisation of changes, effectively imposing a schedule where some are dealt with first and others are delayed.

Rather than being reactive and applying a first come first served basis, we would seek clarity from the CAA on how such scheduling conflicts are to be actively managed to the benefit of industry as a whole.

From: Hilary Burn
Sent: 23 June 2017 09:07
To: Airspace Policy
Cc: Judith Hoskin
Subject: Draft airspace design guidance CAA consultation

The Parish Council Airport Association (PCAA) met and agreed on Thursday 22 June the following comment on the 'Draft airspace design guidance CAA consultation'. The PCAA represents 17 parishes surrounding Bristol Airport. Our comment is that the document provided is incomprehensible for parishes to respond in an informed manner.

Hilary Burn
Chair
PCAA

From: Laurie Eagling [mailto: [REDACTED]]
Sent: 30 June 2017 12:42
To: Airspace Policy
Subject: Civil Aviation Authority (CAA) consultation on a new decision making process for all future airspace changes

Pitstone Parish Council wishes to respond to the above consultation, giving full support to the details comments contained within the full submission by Mrs Rachael Webb on behalf of the Bucks & Milton Keynes Association of Local Councils.

Yours

Laurie Eagling

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PLANE JUSTICE
Response to
the CAA Consultation on
Draft Airspace Design Guidance 2017

Introduction

Plane Justice was formed in response to a PBN airspace change made to Gatwick departure Route 4 in May 2016, which saw the route moved and concentrated over new communities without due consultation, and with adverse vectoring consequences for still more communities. Its current aim is to support newly overflowed communities in parts of Newdigate, Capel, Leigh, Norwood Hill, Sidlow, Salfords, Outwood and Horley achieve resolution, by whatever ways and means seem appropriate, from what many consider was a deeply flawed decision process.

As such we welcome the CAA's acknowledgement of the need for reform of the airspace change process, though time and resources regrettably permit us only to comment before the consultation deadline on what we consider to be one of the central pillars of any such process – namely the mode and extent of consultation with local communities which we consider needs to be a good deal more prescriptive, with far less room for discretion.

This response is therefore intended to inform, amend and expand upon the procedures and processes set out in the draft airspace design guidance in relation to consultation with communities, and no inference should be drawn that we are otherwise commenting upon or in agreement with any of the proposed policies or procedures set out in this consultation in Stages 1 to 7 of the draft airspace design guidance itself.

The only substantive comments we would make on the draft is that Stage 6/7 seems incredibly weak in terms of obligations upon change sponsors to set up and publicise community feedback mechanisms, which should at the very least conform to the mechanisms in (v) & (x) below.

Similarly the flexibility the CAA appears to be trying to accord itself in Section 7 to require modifications, and then to approve these for implementation if so minded, has the unreasonable potential to override the procedures earlier gone through in Sections 1 to 5 and to undermine the whole ACP process. The same is true of the latitude the CAA proposes to decide whether, and the extent to which, an airspace change is reversible if the CAA decides that a fresh ACP is required.



We do not think it acceptable for the CAA to simply say e.g. *“Some changes that accommodate new technology may be mandatory. Some may have strong interdependencies and may be difficult to reverse.”*

As a matter of course, proposed airspace changes should be designed, planned and scheduled so as to render them reversible in all but the most exceptional cases, and such exceptional cases should require the express approval of the Secretary of State. How can it be reasonable for communities to be presented at inception with what is in effect a *fait accompli*, thereby consigning them to remain subject to an airspace change which the CAA has itself pronounced as unacceptable?

Again, in making these comments on Section 6 and 7, no inference should be drawn that we consider any of the other proposals in the consultation satisfactory as they stand.

Airspace Change Proposals: What “consult”/“consultation” must mean as a minimum in relation to communities:

Going forward, airspace change proposals should consult local communities in accordance with the minimum requirements set out below:

- (i) A 6 month consultation period
- (ii) Proposals should be presented to the public with different options for change. (Where other or alternative options have been abandoned or discounted in Stage 1/2, there should also be a clear and very detailed explanation of what they were and why this was so.)
- (iii) Proposals should be presented with sufficient detail so that an individual householder can see geographically how they would be impacted. This must be done with a list of post codes (or sets of post codes where the impacts would be different) explaining how these post codes (or set of post codes) would be impacted. This should be cross-referenced to clear maps which would also be provided. ('Post code' means providing BOTH the outward code and the inward code).
- (iv) The proposals must clearly set out how households would be impacted according to at least 3 parameters – (a) geographically (b) by altitude, and (c) by frequency of aircraft (averages by hour or by day, and differentiating the hours 5.30am to 11.30pm & 11.30pm to 5.30am).
- (v) There must be clear contact details in the proposals where residents can respond, including at least a website, an email address, a postal address, and a telephone number. These four must be monitored and staffed properly (with telephone available minimum 9am to 5pm Mon to Sat) and the feedback properly documented, collated and made publicly available by website (subject to data protection requirements).
- (vi) These proposals must be sent to every individual household that would be adversely affected, by mail-shot.
- (vii) The mail-shot envelope should clearly alert the householder, e.g. in boldtype: 'IMPORTANT INFORMATION ABOUT POSSIBLE FLIGHT PATHS CHANGES THAT COULD AFFECT YOU'
- (viii) 4 months into the 6 month consultation, a reminder should be sent by mail-shot to each household which has not responded by that time.

- (ix) Other communication methods may also be employed of course (e.g. ads in newspapers, drop-in centres), but NOT in substitution for the mail-shot.
- (x) Verification: The consultation process should be monitored and verified at each stage by a wholly independent organisation. They should publish a report certifying whether they consider the airspace change sponsor has complied with the consultation requirements. If they cannot so certify then the airspace change process cannot proceed further unless the consultation is re-run. The verifying organisation should also receive, investigate and report on any complaints from the public as to the compliance of the consultation process.

The effects of airspace change are dramatic upon peoples' lives, and if the 'sponsor' of the change is not prepared to commit sufficient resources to carry out the consultation properly, then the change should not be proposed in the first place. It is not sufficient to send proposals to Councils, MPs, Councillors and other umbrella bodies since a majority of the population may not be regularly engaged with these representatives, if at all.

2 July 2017