

**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

## MEMBERS' SERVICES

Please reply to:

Councillor Daniel Chichester-Miles  
St Albans City and District Council  
Civic Centre  
St Peters Street  
St Albans, AL1 3JE  
E-mail: [REDACTED]  
30<sup>th</sup> June 2017

Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London  
WC2B 6TE  
Email: [airspace.policy@caa.co.uk](mailto:airspace.policy@caa.co.uk)

Dear Sir/Madam

### Re: Draft airspace design guide CAP1520 March 2017

Aircraft noise has recently become a very major issue for St Albans District residents who have been particularly affected over the past few years by the introduction of RNAV at London Luton Airport (LLA) as well as a 50% increase in air traffic departing over the District in just a two year timeframe (2013-2015). This is exacerbated by the low height restrictions imposed by other airspace users.

Although the airport is located out of SACDC's administrative area and this Council does not have a role in controlling airport operations or flight paths, our residents are very interested in these issues. Evidence for this includes a public meeting of the Planning, Resources and Housing Scrutiny Committee held 17 May 2017 which had approximately 90 public attendees (minutes can be found at <http://stalbans.moderngov.co.uk/ieListDocuments.aspx?CId=518&MId=8367&Ver=4>), a report to Cabinet, and the establishment of a number of residents groups opposed to the increase in noise.

SACDC supports the modernisation of the UK's airspace structure to reduce the impact on those affected by aircraft noise. LLA is located to the north of St Albans District with both its easterly and westerly departure routes flying over St Albans District. St Albans City and District Council (SACDC) does not have technical expertise in airspace changes but is supportive of proposals which seek to reduce the effect of aircraft noise disturbance on its local residents.

It is necessary for airspace modernisation to be accompanied by a process that enables quicker changes to be made. LLA is seeking to provide improvements for affected residents, including looking at increasing the climb height of aircraft quicker on departure, developing an additional route and providing respite routes. The process to bring these mitigation measures into effect however takes years and provides no



opportunity for short-term solutions for affected communities. It is however appreciated that the introduction of a quicker process needs to be balanced with ensuring that appropriate engagement, consultation, and consideration of technical information, particularly for Tier 1 airspace changes.

SACDC supports changes to the UK's airspace which allow departures from LLA to climb quicker to reduce noise impacts on communities under, or near to, the flightpath. Flights from LLA are currently held down at Brookmans Park and are further affected by the Bovingdon Stack for Heathrow. Any airspace changes should provide opportunities for improvements in relation to noise at regional airports.

We trust that the comments above will be of assistance.

SACDC does not appear to have been notified of this consultation. Please can SACDC be notified of any future consultations by the CAA, using the email address

Yours faithfully



**Cllr D Chichester-Miles**  
**Environment Portfolio Holder**



Dear Trevor

**SKYLINES UK LTD RESPONSE TO THE CAA CONSULTATION ON THE DRAFT AIRSPACE DESIGN GUIDANCE (CAP 1465)**

Skylines UK Ltd has recently engaged jointly with Cyrrus Ltd to develop a detailed and consolidated response to the CAA's consultation detailed in CAP1465. Would you please therefore take the Cyrrus Ltd response submitted through the Citizen Space Portal to also represent the views of Skylines UK Ltd. This has the agreement of Cyrrus Ltd.

I am content for this response to be published.

Best Regards

[REDACTED]  
**Director**  
**Skylines UK Ltd**

[REDACTED]

Skylines UK Ltd is a company registered in England and Wales: [REDACTED]  
[REDACTED]

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# Slinfold Parish Council

PO Box 315, Billingshurst, West Sussex RH14 9XX

Tel

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## **SLINFOLD PARISH COUNCIL**

### **Draft CAA Airspace Design Guidance Consultation**

Reponse to:

[airspace.policy@caa.co.uk](mailto:airspace.policy@caa.co.uk)

<https://consultations.caa.co.uk/policy-development/draft-airspace-designguidance/>

#### **Introduction**

Slinfold Parish Council represents approximately 800 households and 2,100 residents. The parish is located 5 miles WSW of Horsham in West Sussex and is on the current flightpath for the BOGNA/HARDY NPR swathe.

Slinfold is a rural area where the noise environment has been seriously worsened by the recent flightpath changes with a 300% increase in overflight since the introduction of PRNAV just over four years ago. As a consequence, our residents have moved from living in a tranquil environment to a noisy one with deleterious impact on their quality of life ranging from early awakenings to potentially blighting property values

#### **The following response is submitted on behalf of the Parish Council.**

**1 Will the new process gateways improve the airspace change process?**

Yes

#### **Please give reasons for your answer.:**

Slinfold Parish Council is a member of the new CAGNE Aviation Council Forum formed in 2016 whereby parish and town councils can become members and discuss airspace changes, Gatwick, ask questions about flight routing and have their own dedicated website for them and their parishioners to use. This assists councils and the chair of CAGNE to feed into aviation meetings on airspace changes, the NMB and other national aviation bodies, ensuring that community voices are truly represented alongside industry.

Gatwick's airspace is complex. It is under Heathrow, has flight paths for arrivals from the west and it has aircraft heading towards holding stacks for both the east and west end of the runway. As airports endeavour to grow, the impact on those on the ground becomes even greater and with Gatwick's ambition of a 10% growth without a second runway, we

must ensure that community voices are as loud in the debate as those of aviation with their economic claims.

**As an elected representative body, our concerns should be given equal weight to those demands of the sponsor/ aviation.**

**2 Should the sponsor engage local stakeholders to agree design principles for the airspace change?**

Yes

**Please give reasons for your answer:**

The sponsor should be accountable at every step of the process. Gatwick Airport operated a trial in February 2014 whereby the consultative committee was not permitted to let residents know of the trial of PRNAV over areas not flown over before. This caused great anger in our community. Local stakeholders should always be engaged on matters which have a significant impact on their lives.

We question the statement 'advice on the best noise management techniques'. The management of noise cannot be fully mitigated by any noise abatement procedures or 'respite' so it is may not be appropriate to suggest to residents that it can be done, especially at Gatwick.

We refer, 'A minor change to boundaries of high altitude airspace' – this would seem to suggest that this will be of an insignificant impact as was detailed by Gatwick in 2013 with the introduction of PRNAV on all departure routes. As the CAA will be aware, it was and is not insignificant and thus we would show concern at this statement by the CAA in the consultation as noise above 7,000ft still has a significant impact on rural areas, areas not use to aircraft or volume of aircraft routing.

We would seek that all these trials be consulted on before instigation and that they be covered under a Tier that is not currently proposed. The impact of aircraft noise is significant and thus should have been consulted on, communities aware of being guinea pigs, and that compensation for loss of quality of life, tranquility and house value be assessed and offered before the trial was instigated.

We see that sponsors will be, as currently proposed, unaccountable for such changes to airspace, e.g. frequency and change in routing within the NPR, and so communities will have no recourse for the significant impact they have.

We welcome residents input at the start of any process, if it is a balanced input and not selective by the sponsors management as this could be seen as forcing through change that may impact others that are not consulted e.g. those not currently flown over – outside the NPR or other routes that would be impacted by a sponsor moving traffic from one route to another.

All changes to airspace, including Tier 1c, must be fully consulted upon throughout the process and should the sponsor wish to extend the trial the full database of stakeholders must be consulted again prior to any extension being permitted.

**3 What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

On-line and in a paper version

**Please enter your comments:**

A meaningful explanation in simple English to what is to be changed e.g. use one word instead of 20 to explain. No single line routing on a map as this does not illustrate clearly the noise shadow (CAP 1498) of each route nor the frequency for which they are to be flown e.g. 56 ATMs per hour.

We welcome the mapping as illustrated in Appendix B but detail that the maps need to show locations on the ground so that residents can find their homes, the frequency and noise levels of different aircraft types as well as day and/ or night impact.

Until the noise metrics are changed to illustrate noise events, the true impact of any proposed change will not be clear to those being consulted. Residents do not hear aircraft noise as an average.

We would suggest using 61Dbmax x 1 hour.

**4 In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

**Please enter your comments:**

This process should not become a number game whereby communities that live in built up areas are permitted to use population numbers to force aircraft over rural tranquil areas. Rural communities chose to live away from noise and as such should not have noise forced upon them for this reason. There is an argument to be had that urban lifestyle is far noisier 70dB and as such absorb aircraft noise whereas rural ambient is far lower at 30-35dB. It is recognised that rural areas suffer aircraft noise 10dB higher than in urban environments.

**5 Overall, will Stage 1 improve the airspace change process?**

**Please give your reasons and any other views on Stage 1.**

We question who are seen as stakeholders as no explanation is provided. We see the process should be lengthy to ensure that all communities are made aware of proposals to that they may have a say in the process and not just those identified by the sponsor. It should also be that consultation from the outset must go to the widest possible audience and workshops publicized to ensure that a fair to all process is operated and not just those selected by the sponsor.

We would welcome the CAA involvement from the outset but warn of the risk if all meetings are between CAA and the sponsor – this will build mis-trust as stakeholders are not involved in this process. It will be seen as the CAA and sponsor working together to obtain the sponsors demands for change.

Of particular concern, 'The CAA will allow the change sponsor to redact certain information from the published versions of the assessment meeting minutes and the Statement of Need:

- material that is confidential in the interests of national security
- material which the CAA has agreed with the change sponsor should not be made public, in order to protect the legitimate commercial interests of a person or business (in the same way that we are obliged to apply the Freedom of Information Act to any information held by the CAA).'



As a Council, also subject to FoI, we strongly disagree with the above statement. If communities are to endure, or be subject to change, then they should have full details of why as the majority may not/ will not receive any compensation for any detrimental impact on their home.

People living closer than 120m have been offered a variety of compensation schemes, including voluntary purchase by the government or, for those who don't want to sell up, 10 per cent of the "pre-blight" value of their property. For homes between 180m and 240m away, the payment will be £15,000, while for those living from 240m to 300m away, it will drop to £7,500. What do communities get for accepting intolerable new and/or increases in aircraft noise?

Communities should be permitted to participate and object to the sponsor statement of need before the lengthy process is undertaken and communities are blighted by the process. This would assist to dismiss any sponsors proposal from the outset so reducing the need for a full consultation costing the CAA, communities and the sponsor financially.

There is no true compensation like the Land Act for aviation and the current law of 2021 offers communities no protection from an out of control, undemocratic and non-transparent industry,

**6 Will introducing the options appraisal we propose improve the airspace change process?**

Yes

**Please provide your reasons:**

We refer; 'the original need identified by the sponsor as to why a change in airspace design is considered' – this is seen as the sponsor presenting a demand with the CAA approving it before communities are aware of it. If the CAA seeks to be transparent then this should be in full to ensure transparency but the CAA must not be seen to facilitate a way for the sponsor/

government to push through change. If residents do not want change then 'do nothing' must always be an option.

**7 Overall, will Stage 2 improve the airspace change process?**

Yes

**Please give your reasons and any other views on Stage 2.**

The sponsor must make it clear and so publish full details so not to discriminate against the elderly, partially sighted and the blind as well as those that do not have access to the Internet.

'The change sponsor plans its stakeholder consultation and engagement, and prepares consultation documents, including the second-phase 'Full' options appraisal with more rigorous evidence for its chosen option(s).'

We question what role communities will have in this stage?

In fact, no compensation is suggested for such airspace changes unlike with new road or railway lines. We would demand that those impacted by any new route must receive full

house value compensation some 30 miles from the runway from the sponsor. Compensation in the form of insulation or reduced council tax is totally unacceptable, as these communities will have quality of life drastically reduced and house value dramatically impacted especially those in rural areas with little background noise.

**8 Would an independent third-party facilitator make a sponsor's consultation more effective?**

Yes

**If so, should a facilitator be a mandatory requirement for certain types of airspace change? Please give your reasons and any other views (including benefits and disbenefits) on facilitators:**

Communities must come first when it comes to airspace changes. The CAA and ICCAN (Pg 17) are not adequate to act as an independent ombudsman. Even at the end of the consultation residents are still not able to fight for no change. The CAA are funded by the industry and seen as encroached into the industry it serves. ICCAN is to be connected to the CAA and has no power and it is not clear who will sit on ICCAN. For communities to raise money for a process legal battle i.e. a Judicial Review is totally unfeasible for most communities or local authorities. The Secretary of State call to facilitate review of the CAA findings as purposely been set too high for it to be feasible to take place.

ICCAN is to provide feedback during Stage 7 during the post implementation review – this is a major concern as we do not know who will sit on ICCAN, what powers they have, how they will engage with unhappy communities. There are too many question marks over this body to allow us as an elected body to support such a group of non-elected individuals from unknown backgrounds that have no power over aviation or the process and yet are seemingly the communities only hope of an unbiased ombudsman to take on their issues. Change of airspace cannot be decided solely upon the word of ICCAN.

The CAA are still endeavouring to play judge and jury in the process and the seven stages of process are seen as a way to avoid a judicial review by communities. It is not the process that will be questioned by the blight that communities are to be impacted by an out of control industry that the CAA serves.

**9 Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

No

**Please give reasons for your answer:**

It is highly unlikely that communities will be able to consider the full data if all responses are published.

This is not a referendum outcome and will not be determined by the relative quantities of the different views expressed' – We feel strongly that all concerns must be listened to and taken on board and if the view is 'change nothing' then this must be the case whether the sponsor has addressed all points raised in accordance to the CAA or DfT policy.

**10 Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?**

No

**Please give reasons for your answer:**

As above answer to question 9, we see that the sponsor will endeavor to dismiss community responses. Sadly, the CAA has already stated that communities will be administered so that the same issues will be categorised and the number of individuals that raise the same issue will be dismissed.

**11 Should consultation responses be made solely through the online portal?**

No

**Please give reasons for your answer:**

As stated before, online portal, online consultations, discriminate against a large portion of society that do not have access to computers on a daily basis, elderly, partially sighted or blind.

Indeed, as a statutory body we have an obligation to provide evidential support for our actions and are accountable to our voters for that.

**12 Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?**

No

**Please give reasons for your answer:**

The principles taken on board by the DfT and the CAA are to adhere to aviation desires and not that of communities for reduced noise. This is just a process by which will be used to force change to benefit aviation and not communities that are impacted, and are to be impacted, by the modernization of airspace at any price.

**13 Overall, will Stage 3 improve the airspace change process?**

Yes

**Please give your reasons and any other views on Stage 3:**

The changes proposed assist compared to previous consultations but they must be of a manageable size, with little jargon, with clear pictures of the ground, land marks, roads, so that residents can see where they live and it must be clear to what the true impact of noise will be i.e. above 7,000ft is still very noisy in rural areas and detail to the frequency of flight per routing must be illustrated. Comparisons to day to day life noise must be given i.e. Hoover, tractor, lorry over your house every 2 minutes.

**14 Should sponsors be required to adhere to a standard template for their airspace change submissions?**

Yes

**Please give reasons for your answer:**

This would help community groups up and down the country to help those facing a consultation for a first time. It would obviously have to have areas specific to the location, as 'one size does not fit all'.

Those responding must have the freedom to submit additional documentation that will support community questioning by outside employed experts such as acoustics, airspace designers, FOI data, etc.

15 Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed it and decided upon it?

No

**Please give reasons for your answer.:**

If the CAA is seeking transparency then all data must be available to all that are to be impacted by change. Communities must be allowed to have the same data as the CAA.

16 Overall, will Stage 4 improve the airspace change process?

Yes and No

**Please give your reasons and any other views on Stage 4.:**

We refer; if the sponsor is permitted to respond to points raised during the consultation this opportunity should also be offered to stakeholders otherwise this is unfair and imbalanced review.

This would suggest that the sponsor could dismiss community's call to 'do nothing'. This stage is very much one-sided in favour of the sponsor.

We welcome points 185 and 186 that the sponsor would have to re-consult as we are very concerned that routes are viewed in isolation with little, if any, consideration to the big picture or those to be newly overflown or witness increases in aircraft numbers or routings.

17 Will the introduction of a new Public Evidence Session improve the airspace change process?

No

**Please give reasons for your answer:**

As communities are being denied an independent Ombudsman, we would have welcomed the public evidence session and appeal but we now see this as the CAA still playing judge over their jury decisions as it would seem that the CAA that have already approved the consultation, addresses concerns, reviewed the consultation by placing concerns in 'tick boxes' some to be considered and some to be dismissed, aided by the sponsor.

As stated before ICCAN gives little hope to communities of a body that has power over aviation, the CAA, or being independent and the CAA are not seen as independent.

More details of how this public evidence session and appeal is to be operated needs to be provided before any endorsement from communities can be offered.

Communities do not have the financial resources as the sponsor, NATS, CAA, DfT, to be able to present and fight any decisions and thus experts would have to be employed which would be outside many communities' capabilities. We would suggest that financial assistance must be given to any community wishing to go to appeal and that the CAA be removed from this process completely.

18 Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?

Yes

**Please give reasons for your answer:**

It is clear to the role of the CAA but it is still too weighted in favour of aviation over the communities impacted. The CAA are still playing at being judge and jury with communities' comments being accessed alongside those of experts employed by the sponsor or interested parties such as NATS.

**19 Overall, will Stage 5 improve the airspace change process?**

Yes

**Please give your reasons and any other views on Stage 5:**

The step by step approach makes the process clearly to all but it is still too heavily weighted in favour of pushing through change at the cost to the environment and communities impacted.

'Appendix G sets out in more detail the CAA's policy approach in carrying out its duties – including what we understand those duties to mean, **how we evaluate and weigh competing priorities, whether these be strategic policy, environmental impacts such as noise, the needs of airspace users, and/or the interests (economic or otherwise) of airports or air navigation service providers**, and what evidence from stakeholders we will

take into account when reaching a decision.'

The communities are instantly at a disadvantage to the aviation industry.

**20 What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

**Please enter your comments below:**

It is totally unacceptable not to have an appeal process in place for communities to turn to as the CAA are party to the process they are not independent and as such should not be the final decision maker in the process.

What is required is an independent ombudsman that treats the concerns of the communities as equal to the demands of the sponsor/ aviation industry.

The call in by the Secretary of State is set too high for communities to be able to use this process. Also, a JR is for process and so it is envisaged that the seven stages set by the CAA will enable them to avoid JR action making it almost impossible for communities to appeal and would leave the issue for local authorities and the power of their local MP to take action against the sponsor.

What is proposed is not an improvement to the current system for example, the CAA PIR review of the departures routes at Gatwick, where many communities including Slinfold were ignored due to the averaging of noise metrics. Gatwick offered a departure review but is now only seeking to fulfill requirements as set out in the PIR review.

**21 What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post implementation review?**

**Please enter your comments below:**

What compensation will be forthcoming to the communities impacted i.e. full house value and cost of moving away due to the new aircraft noise for Tier 1, 2 and 3.

**22 Overall, will Stage 7 improve the airspace change process?**

No

**Please give your reasons and any other views on Stage 7:**

We refer; 'The post-implementation review is not a review of the decision on the airspace change proposal, and neither is it a re-run of the original decision process.'

This passage echoes that communities have no recall on any decision made by the CAA which is unacceptable as the impact, as has been the case with the introduction of PRNAV on all departure routes, was under estimated as prior to implementation Gatwick described the change as 'insignificant' but the change has been found to be significant. If this is repeated communities will have no recall on the sponsor or NATS or the CAA.

**23 Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

No

**Please give reasons for your answer:**

It is not fair to take the demands of aviation, the sponsor over those of the communities that will suffer the change, as there is no benefit for them.

**24 Should the CAA set up an Oversight Committee?**

Yes

**Please enter your comments:**

'Once the change sponsor's data submission is published on the portal, there will be a 28-day window during which any stakeholder may provide any feedback it wants the CAA to take into account when carrying out this review about whether the impacts of the change are those expected, 12 months on. This feedback is submitted using the online portal.<sup>23</sup>'

Once again this discriminates against a large proportion of the population and does not allow for communities to truly experience the impact of the change to airspace, for example Gatwick is only full in the summer and so the 12 months should be extended to 2 years.

The oversight committee would be welcomed if it were not just CAA employees judging their own homework but an independent body where the concerns of the communities are judged with the same merits as aviation or sponsors demands. The CAA must be prepared to change any decision they have made on the findings of the independent ombudsman.

**25 Are there any other areas where the CAA should provide guidance?**

Yes

**Please give reasons for your answer:**

The CAA has to provide guidance in that the sponsor must provide workshops to clearly explain and answer questions posed by communities or that an independent adviser be assigned to communities to assist them in putting forward their concerns to the changes proposed.

**26 Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

Yes

**Please give reasons for your answer:**

We repeat again, that the call in by the Secretary of State is set too high and the seven CAA stages would probably prevent a JR as this is about process and not about community objections which have already been detailed in the consultation.

It is also clear that the CAA will be administrative in putting community issues into tick boxes and that quantity of objections will be dismissed if they repeat the same issues. This is totally unacceptable behaviour by an industry regulator, as every voice should count when such major life changing issues are being addressed.

27 Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?

Yes

**Please enter your comments below:**

Not at present but this should be reviewed as the process is put into action as there could be 'teething' problems and as such should not be rigidly set in stone at this stage.

28 Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?

Yes

**Please give reasons for your answer:**

As the sponsors become greedier and the airspace becomes more concentrated in routings, we foresee the owners of airports and NATS demanding more change and new routings to increase capacity and profits for them. This is envisaging the rise in low cost leisure budget airlines as they compete for trade offering fares at unrealistic prices. This sector is heavily subsidized as they do not pay VAT or duty whilst costing the UK in terms of carbon trading and damaging the planet.

29 Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?

Yes

**Please enter your comments below:**

The CAA places too much emphasis on the travelling consumer and the demands of aviation and sponsors without equal emphasis on the impact aviation has on communities' health, quality of life or home value. The CAA seems to take the stance that aircraft noise can be mitigated, which it cannot.

Webtag inclusion of health costs is to be welcomed but the data produced will only be as good as the data submitted. We are concerned that the health data will be averaged out, as will the cost to communities, as is the noise metrics currently.

Webtag is a complex process and one community will not stand a chance of understanding unless educated in this process. This link does not simplify this and so it could be seen as data that will not be given the true consideration in the process as it should on the health implications of constant aircraft noise day and night 7 days a week with no respite as is the case currently with Gatwick Airport.

30 Do you have a preference for either of the long-term options for recovering the CAA's airspace change costs that are set out in Chapter 7? Please give your reasons and any other views on how the CAA recovers its airspace change costs.

Yes

**Please enter your comments:**

Airlines and sponsors should pay for an independent ombudsman, as the CAA is not independent from the industry it serves. Any additional costs endured by the CAA should be funded by the sponsor/aviation.

31 In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.

Yes

**Please enter your comments:**

As detailed above in question 30

32 Are our proposed transition arrangements between the old process and the new process reasonable?

Yes

**Please provide any further comments or evidence that would inform our proposed transition arrangements:**

As long as all stakeholders are fully informed, for example the communities some 30-mile radius of the sponsor.

33 Are our timescales for introducing the new process reasonable?

Yes

**Please give reasons for your answer:**

More time must be given to those that do not have access to computers on a daily basis. Also, allowance must be made for holiday season such as Christmas, August as many councils/ stakeholders are not available to be consulted and thus may miss the timescales set. For example, consultations by Gatwick Airport have always seemingly been conducted over the Christmas and New Year period, which is totally unacceptable to be considered as a well-run consultation, for the previous reasons of holidays and councils being closed.

34 Do you agree with the concept of an online portal?

No

**Please give reasons for your answer:**

It discriminates against a large section of the population that do not have daily access to the internet, elderly, partially sighted and blind.

35 Should the online portal contain any functionality beyond what we describe or documentation other than that shown in Table B1?

Yes

**Please enter your comments below:**

This must be re-examined as the process and consultations are run as 'teething' issues of those consulted may be raised and should then be altered.



36 What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?

**Please enter your comments below:**

The sponsor must pay but must not be able to change any information provided by those being consulted. All responses must be included and the sponsor may not intervene or change this. The CAA must administer this process otherwise it could be said that the sponsor has too much admin of the process and as such it become mis-trusted as a fair consultation.

37 Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?

**Please give reasons for your answer:**

It must be a website connected to the CAA website so that the consumer can find it. The regulator must administrate the site. Each sponsor should have a separate page on the CAA system so that the consumer can go to a specific section of the website as they know which

airport they are concerned about et Gatwick, Heathrow, Stansted, etc. This can have links to the sponsors website for additional information if necessary.

38 Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?

Yes

**Please give reasons for your answer.:**

As detailed above and the sponsor/aviation must pay any costs. The process is to discriminate against a large proportion of residents by being an online portal whereby disclosure of sponsor's details can be seen and any responses that do not conform to the regimented portal will be dismissed.

We are concerned that as the sponsor can read community objections that they will endeavour to remove them as objections by addressing or dismissing them as the process proceeds. This is seen as the sponsor being permitted to constantly change the goal posts.

39 Is our assessment of the effects of the new process in Table D1 reasonable?

Yes and No

**Please enter your comments:**

This should be flexible and subject to the results of the Governments 2017 consultation on policy. The constant changing of goal posts should not be permitted.

40 We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.

**Please enter your comments below:**

This question is targeted at the sponsors of airspace change and clearly illustrates that the CAA still do not recognise that communities will oppose airspace change until full and proper compensation is paid for airspace changes, whether that is directly over a property or in the noise shadow. The environmental impact and noise on communities not previously affected by aircraft noise must be the number one consideration up to 7,000ft and in a 30-mile radius of the sponsor.

As a tier of Local Government, we are funded by taxpayers and accountable to our representatives and voters. It is therefore essential that the industry is held accountable to bear its own consultation requirements and effective regulation, independently. This CAA consultation seems to be facilitating change to avoid offering communities any hope of impartial rulings by an ombudsman.

Communities do not have the resources or finances of the sponsor, the CAA, NATS or the DfT and thus will always be at a disadvantage and these proposals by the CAA do not help this imbalance.

The Government seems fixed on a process that ignores the impact of aviation on communities and so seen as an obstacle to be overcome and the CAA proposal facilitate this aim and that of aviation for uncontrolled growth in a market that is a major pollutant and yet does not pay for its negative externalities.

The size of document is also a concern as many do not have broadband and this restricts downloading and presents a costly exercise to print the full document. This CAA consultation of 268 pages is an unreasonable size to be comprehended by councils or communities without expertise and knowledge.

The CAA are seemingly seeking to make transparent the process to enable change and still communities have no recall upon a self-regulating industry that harms resident's quality of life, impacts on house value and the environment whilst being heavily subsidised by all through not paying VAT or duty.

**This concludes the consultation response from Slinfold Parish Council, we look forward to receiving your acknowledgment of receipt.**

Yours sincerely



Mary Burroughs

**PARISH CLERK on behalf of Slinfold Parish Council**

cc:

Jeremy Quin MP. for Horsham Constituency MP

Slinfold Parish Councillors

Patricia Youtan and Stuart Ritchie (Horsham District Councillors)

Christian Mitchell (West Sussex County Councillor)

Sally Pavey (CAGNE) and Peter Drummond (APCAG)

# Response to Civil Aviation Authority Consultation on Draft Airspace Design Guidance CAP 1520

Stop Stansted Expansion ('SSE') was established in 2002 in response to Government proposals for major expansion at Stansted Airport. We have some 7,500 members and registered online supporters including 150 parish and town councils and local residents' groups and national and local environmental **organisations**. Our objective is to contain the development of Stansted Airport within tight limits that are truly sustainable and, in this way, to protect the quality of life of residents over wide areas of Cambridgeshire, Essex, Hertfordshire and Suffolk, to preserve our heritage and to protect the natural environment.

Stop Stansted Expansion  
July 2017  
[www.stopstanstedexpansion.com](http://www.stopstanstedexpansion.com)



## 1. Introduction

SSE welcomes the opportunity to respond to this consultation having earlier responded to the revised airspace change process consultation in June 2016.

SSE thanks the Civil Aviation Authority ('CAA') for its considerable efforts in formulating the CAP 1520 Draft Airspace Design Guidance. SSE believes this document is an improved decision making process compared with the extant CAP 725 Airspace Change Process. Nonetheless SSE believes that CAP 1520 does not go far enough in providing sufficient protection against adverse noise and health effects for people living around airports and under flight paths.

SSE does not consider that the contents of this submission are confidential and so we have no objection to its publication.

## 2. SSE's position

In March 2017, SSE responded to the Government's UK Airspace Policy consultation and said that we wished to see the overall policy tightened '*to ensure that the harmful effects of aircraft noise disturbance are prevented, avoided or reduced*'. There is growing evidence of the social cost associated with the adverse impacts of aircraft noise, particularly at night. Adverse health effects from noise are well established, particularly poor performance at work from interrupted sleep and impaired cognitive development in primary school children who live near airports. This has a further detrimental impact on the economic value of aviation to the nation.

## 3. SSE's experience of airspace changes

There have been two recent examples of airspace changes at Stansted Airport:

- The RNP1 (RF) performance based navigation trial
- The NATS departure route airspace change

The RNP1 trial arose from local outcry in 2009 when the low cost airlines changed their departure procedure from NADP1 to NADP2. This change was made by the airlines without informing the local community or the airport. The result of the change was that, close to the airport, aircraft were lower and noisier for longer. Following a considerable amount of preparatory work by the airport's Noise and Track-keeping ('NTK') group, working together with local residents and easyJet, the RNP1 CAA trial officially started in May 2013. The trial has been hampered by Ryanair (by far the largest airline at Stansted) only using a small proportion of its fleet together with an apparent total lack of interest from the Irish CAA to expedite procedural matters. The trial was initially scheduled for 12 months but it has been continuously extended.

The trial has successfully demonstrated the capability to accurately thread aircraft between village centres for the small proportion of aircraft flying the trial route. However, the local communities for whom the trial was intended to provide mitigation under the NPRs have not noticed any benefits of fewer overflights or reduced noise annoyance since too many aircraft are not following the trial route. Consequently the number of complaints has increased not decreased. The result to date of nearly 8 years of effort trying to avoid overflying village centres close to the airport has been perceived as a failure for many local residents – quite the reverse of the intended objective.

The NATS departure route airspace change, implemented at Stansted in February 2016, has caused a storm of protest from residents living under the Clacton departure routes and particularly those living further away from the airport where previously few if any noise complaints were made. In spite of 82% of consultation responses opposing the change, it still went ahead without there being any convincing information to support the NATS claimed benefit of reduced delay and the level of CO<sub>2</sub> reduction was trivial. Nowhere in the NATS proposal or the CAA's decision were any quantitative figures given to support the claim of reduced delay.

There were no figures provided for the delay before or after the proposed airspace change or how it was weighted against the increase in the number of people annoyed. Furthermore no figures were given for the population living under departure flight paths between 4,000ft and 7,000ft. The commonly held view of local communities adversely affected by this airspace change is that the aviation industry is riding roughshod over the real concerns of local residents.

#### 4. SSE's response to CAP 1520

With the present state of aircraft technology there is, in most flight operations, a trade-off between reducing noise and reducing greenhouse gas emissions and nitrogen oxides, all of which are harmful to human health. SSE believes that high priority should be attached to overcoming this dilemma, but in the meantime, while this unenviable trade-off between two health hazards exists, we believe that close to airports and along flight paths up to 7,000 feet preference should be given to reducing noise.

While the process improvements in CAP 1520 are welcomed, the following flaws and omissions need to be satisfactorily resolved before the process can be considered fit for purpose amongst local communities to provide adequate protection against environmental harms caused by aircraft operations:

- i. The CAA does not propose to allow an appeal in respect of airspace decisions or its terms and conditions (para 236). The Helios report CAP 1365 recommended that an appeal mechanism should be introduced.<sup>1</sup> The lack of an appeal function is perceived as the CAA acting as both judge and jury and providing no avenue for local communities to seek legal recourse other than the extremely expensive route of Judicial Review. This is contrary to natural justice and SSE again calls on the CAA to introduce an appeal process.
- ii. SSE welcomed the establishment of an Independent Commission on Civil Aviation Noise ('ICCAN') by the Department for Transport ('DfT'). SSE also welcomes the involvement of ICCAN with airspace change proposals at various points within the process. To be effective, this body needs to have a clear and meaningful *raison d'être*. The Airports Commission recommended that an Independent Aviation Noise Authority be set up with powers for intervention and enforcement. The DfT proposal for ICCAN only includes functions such as advising and monitoring. In the absence of powers for intervention and enforcement, ICCAN risks becoming a toothless body. It is important that intervention and enforcement powers are included or enacted through a suitable vehicle. And it is disappointing that ICCAN is not proposed to have an Ombudsman role. Aircraft are inherently noisy machines and yet aircraft noise is subject to a far less stringent regulatory regime compared to other causes of noise pollution. The statutory framework does not allow for action to be taken on aircraft noise nuisance so long as an aircraft observes the rules. While some rules exist (e.g. fines for non-compliance with track keeping), there is no satisfactory recourse in UK law for protection against noisy aircraft. This needs to be rectified by inclusion in the ICCAN terms of reference. SSE believes that ICCAN must not become solely a communications vehicle. It is also important that it is perceived to be fully transparent and raise trust levels between the industry and the community. In addition to being an adviser for airspace change proposals, SSE wants ICCAN to have an intervention, enforcement and Ombudsman roles.
- iii. The CAA suggests that voluntary use of a third party facilitator could be useful (paras 100, 144, 306 and C31). SSE considers that there is clearly a case for an independent third party to act as a neutral facilitator and to moderate interaction with local communities.
- iv. The CAA suggests that Lmax values may also be used at selected location (paras B52 and B53). SSE considers that Lmax values must be provided particularly for locations

<sup>1</sup> Independent review of the Civil Aviation Authority's Airspace Change Process, 8 December 2015.

under flight paths where concentration has resulted from implementation of Performance Based Navigation.

- v. There is no mention anywhere of background noise levels in CAP 1520. In SSE's view this is a very serious omission. Stansted Airport is situated in rural surroundings with a large number of small villages characterised by low ambient noise. Each discrete aircraft noise event will be heard against the background noise levels of the particular location at the time. This was recognised by the previous Secretary of State for Transport when he said *'...that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. This may be especially true for rural airports such as Stansted where the ambient or background noise levels are relatively low. We would encourage the Manchester Airport Group, the operator of Stansted airport working alongside the Airport Consultative Committee to consider alternative methods which better reflect the airport's position'*.<sup>2</sup> In addition, a recent research study carried out by the Dutch research agency To70 found that: *'The percentage of annoyed residents is likely to be higher in areas with low ambient noise than in high ambient noise areas. It can be misleading to compare noise annoyance between different airports, when these local differences are not taken into account. Hence, the local difference between ambient noise levels should always be taken into account when calculating the annoyance'*.<sup>3</sup>
- vi. SSE considers that background noise levels (LA90) must be provided for locations under flight paths as part of the airspace change process.
- vii. The CAA does not propose to establish an Oversight Committee. SSE is content with this as long as there is a satisfactory appeal mechanism in respect of an airspace decision (see above).
- viii. The CAA acknowledges that, in reaching a fair outcome for an airspace change, there will have to be trade-offs where there are conflicting objectives (paras 30, 102, 148 and B47). SSE believes that this is one of the essential features of the process to achieve an equitable outcome for an airspace change designed to increase the efficiency for users and at the same time reduce the environmental harms and adverse health impacts for people living around airports and under flight paths. SSE wishes to see more guidance published by the CAA for trade-off and weighting factors for environmental impacts with assigned quantitative values.

*Stop Stansted Expansion*  
2 July 2017

<sup>2</sup> Secretary of State for Transport letter of 10 December 2013 to Sir Alan Haselhurst MP.

<sup>3</sup> <http://www.gacc.org.uk/resources/Ambient%20Noise.pdf>.



## Strategic Aviation Special Interest Group (SASIG)

# Response to the CAA Consultation on the Airspace Change process

### Introduction

1. SASIG is the Strategic Aviation Special Interest Group of the Local Government Association (LGA) and currently represents 30 local authorities of all types across England, from rural district and county councils to urban metropolitan boroughs and unitary authorities.
2. SASIG's remit is to provide networking and knowledge sharing opportunities for those working in local authorities whose responsibilities include interface with the aviation sector, and where appropriate to initiate co-ordinated engagement with key policy makers whose decisions impact on this sector in order that they have a good understanding of the collective views of Local Authorities on key issues. Airspace change is one such issue as it has a material impact on both the responsibilities of local authorities and on the environment of the communities they serve.
3. One of our main concerns arising out of the original consultation in March of last year was that for complex multi-headed organisations, such as our own, **having a single on-line portal does not make it easy to co-ordinate a collective corporate view** on any given subject or secure the necessary approvals to allow submissions. Judging by the Guidance document, this important point has not been addressed, and we would like to formally request that it is, or if not a clear explanation is provided as to why not. Respectfully, simply asserting that everything must go through the portal is not an answer.
4. The facility may be efficient for the CAA and suit small organisations or individuals, but that cannot be said for more complex, but arguably more strategically important organisations like SASIG. Moreover, it will almost certainly not suit anyone with limited access to the internet or who may be lacking in sufficient technical knowledge to handle such a process.
5. **The insistence on conforming to the online platform structures** and the tick box nature of how written contributions are converted into a form that fits that pre-determined form of output, both sit uncomfortably in such a complex policy environment where concepts cannot always be captured by ticking a box. This still leaves a major question mark in our minds as to whether it is finding the optimum

policy and procedures for airspace change that is driving this consultation, rather than the desire to impose a convenient and automated process for generating analysis of consultation responses. Old-fashioned civil service skills such as objective scrutiny, careful evaluation and balanced informed briefing have their value too!

6. It is for this reason that we have submitted this response in conventional form as well as responding electronically in so far as the format on the online platform allows us to do so.

### SASIG's Position on the Airspace Change Process Guidance Document

7. As for the document itself, in terms of whether it is appropriate, comprehensible, transparent or proportionate, we would like to document the following observations:

- **It is quite an unwieldy and wordy document** that frequently repeats itself throughout its 234 pages. The description of each stage of the process covers thoroughly (some might say didactically) what is expected of any sponsor proposing to make a change in airspace, but would it have failed in this regard were it have been a little simpler, slimmer volume that is easier to digest. In its current form it verges on the dirigiste and therefore arguably extending beyond the remit of a regulator. As a minimum we are firmly of the view that the main volume should be accompanied by some form of synopsis or beginners guide as an hors d'oeuvre to the main meal!
- **Transparency throughout the process is essential** – it should be possible for all stakeholders to see and comment upon all the evidence submitted by sponsors and other consultees at all stages of the process. The use of an online portal similar to that employed by the planning inspectorate, is prospectively a major step-forward in this regard. Just as important will be to make visible the advice put to decision-makers and their explanation of the way in which they weighed-up the evidence in coming to their conclusions.

While S171 (P.47) says: *“To maintain transparency, the change sponsor must upload offline responses to the portal without delay.”*

This is welcome, what follows is heavy handed verging on the Orwellian and simply invites lack of trust, misunderstanding, conflict unnecessarily, and should be dropped:

*The CAA sees no justification for allowing responses by email direct to the change sponsor or to the CAA, rather than using the online portal. We will therefore permit sponsors to disregard them, as such responses could equally have been made via the portal”.*

- S175 (P.48) says: *“It may be that some feedback is not provided through a formal consultation response but more informally, for example through feedback given at public events, or comments made in private or public meetings. The change sponsor*



*should decide how to introduce this feedback into the process in a transparent way”.*

This does not clarify whether this means there are avenues other than the portal, or whether the sponsor is expected to post material covering these informal consultations onto the on line portal - again we ask about those who are not familiar with IT (e.g. the elderly), or those who do not have ready access to it. How are their views to be captured and reflected?

- **In terms of the use of ‘gateways’**, we welcome the fact the CAA is willing to take a more ‘hands on’ approach, looking at everything in detail before enabling the next step to be made. This adds a measure of independent integrity, although the absence of an ‘Oversight Committee’ or independent ombudsman will inevitably leave lingering doubts over complete objectivity given the source of CAA’s funding and its heavy top to toe and day to day engagement with the industry.
- **With reference to ICCAN**, *“In its consultation the Department for Transport proposed the creation of an Independent Commission on Civil Aviation Noise (ICCAN), which would input into the airspace change process at various points. Within the airspace change process, ICCAN’s role would be to:*
  - *advise on the best noise management techniques*
  - *advise on the accessibility of noise information*
  - *verify noise forecasts and noise data.**In addition, ICCAN would be expected to produce best-practice guidance on managing aviation noise”.*

This all presumes ICCAN is indeed established; it is unclear when and how this is to be done? In its absence, what is the fall back? Some description of the orchestration between the ongoing policy and airspace change guidance processes would help clarity.

## Other Matters

8. One of the biggest concerns we had previously mentioned was regarding the issue of the boundary between CAA and DfT responsibilities. Theoretically and simplistically, the CAA airspace change process could only grant approvals where the proposal conforms to Government policy. But we are far from certain that will always be clear and sponsors, consultees and decision-makers would all benefit substantially from greater clarity about the policy principles they are working to, as well as having a better orchestrated change application and decision-making procedure. With the tearing up of the 2003 White Paper and its replacement with the 2013 Airport Policy Framework, the policy principles, the way in which they are tiered and the boundary between policy-making and procedural decision-making became much more difficult to recognise. This remains a major concern as a result of delays to the Aviation Strategy process caused by the General Election.
9. In our response last year we said we would like to see the flight level at which CO2 reduction is given priority over other environmental considerations (i.e. principally

noise and air quality metrics) raised either across the board from 7,000 ft to 8,000 ft or differentially where this can give flexibility to the way in which other constraints are handled in the design process. This has not been changed, and we would emphasise the significance of this point again.

**SASIG Secretariat**

**2<sup>nd</sup> July 2017**

## Sustainable Aviation response to the CAA Consultation on Draft Airspace Design Guidance

### Introduction

1. Sustainable Aviation welcomes the opportunity to respond to the CAA Consultation on Draft Airspace Design Guidance.
2. Sustainable Aviation has a long term strategy which sets out the collective approach of UK aviation to tackling the challenge of ensuring a sustainable future for our industry. Launched in 2005, it is a world first bringing together major UK airlines, airports, manufacturers and air navigation service providers. The industry is committed to delivering a sustainable future, and Sustainable Aviation is critical to delivering that.
3. We recognise that aviation activities also generate environmental impacts, including aircraft noise, emission of climate change gases such as carbon dioxide (CO<sub>2</sub>), and local air quality impacts close to airports. In response to this, since 2005, Sustainable Aviation (SA) has undertaken detailed work to identify opportunities to better manage these unwanted impacts. During the last ten years over 20 million tonnes of CO<sub>2</sub> emissions have been saved by UK aviation and the combined noise contour area used by the Government to define community annoyance has been reduced by 14 per cent at the major UK airports.
4. There is an urgent need to modernise airspace across the whole of the UK to handle the forecast levels of traffic without significant delays. Modernised airspace will enable us to further improve continuous climbs and descents, reduce airborne holding, and implement multiple routes which can help minimise noise and meet environmental targets. Putting this in context, our 2016 [CO<sub>2</sub> Road-Map](#) identifies that modernising airspace and operations could reduce UK aviation carbon emissions by over 8% in 2050 against a baseline of 2010. Airspace is a key part of the UK's national infrastructure and there is an urgent need to modernise airspace across the whole of the UK to handle the forecast levels of traffic without significant air traffic delays. Sustainable Aviation is committed to educating stakeholders on the need for airspace modernisation and engaging with local communities to find innovative solutions to reduce the impact of aviation.

### General Observations

5. Well-defined, long-term and stable criteria to guide airspace change decision-making is critical. The current airspace change process tends to take a long time and the industry now needs a reliable policy framework which delivers greater clarity when planning for changes and which removes uncertainty for local residents and communities. Sustainable Aviation is concerned that although the proposed new change process and guidance makes some improvements, particularly around transparency and community engagement, the process is still likely to take too long.
6. The 100+ weeks typical expected timeline for a sponsor to complete the airspace change process if 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 air traffic growth, better manage environmental performance, increase journey reliability and strengthen the resilience of the air transport network.

7. In the responding to the CAA Airspace Change Process consultation in June 2016, our response stressed that in most cases airspace changes are planned and implemented to bring about a range of benefits, including environmental, safety and economic benefits. Therefore, the airspace change process should be efficient in order to enable the necessary and beneficial changes. While the need to take sufficient action to address community issues and guard against legal challenges from affected stakeholders is fully understood by Sustainable Aviation, it is important to ensure there is sufficient clarity in terms of the processes which must be followed in order to give certainty to an expected outcome.
8. To this end, Sustainable Aviation reminds the CAA of its concern that if a 'Gateway' has been successfully passed (i.e. agreed by the CAA), that the CAA can seemingly later decide to turn down an application based on information that had previously been agreed by the CAA in order to pass through a 'Gateway'. The process would be clearer and more certain if the 'Gateway' was a known pass/fail point in the decision process.
9. Similarly, in Sustainable Aviation's response to the DfT's consultation on Airspace Modernisation, Sustainable Aviation is supportive of the Government's objective to maintain credibility and trust in the process of change, but we have again expressed concern that elements of their policy do not currently provide sufficient clarity. For example, there are certain definitions and parameters which are left open to interpretation. There is a concern that without greater clarity, there will be a heightened risk of disagreement and challenges between airports and communities during an airspace change process. The CAA must therefore ensure that guidance, while providing some freedom to allow for local circumstance, can be clearly followed and the CAA must play a role in ensuring that a change process, once the gateway steps have been followed, will not be delayed due to any ambiguity in either process or policy.
10. It is recommended that a case study approach is used to 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. We note that there are many contentious issues that have come up in recent years which will predictably resurface in future modernisation projects 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.

11. Sustainable Aviation also notes there are currently too many areas within both the recent DfT consultation on UK Airspace Policy and in this consultation that are subject to change based on the outcome of each consultation. Therefore, there are elements of this consultation which cannot be adequately addressed without having better knowledge of the outcome of the DfT consultation. Sustainable Aviation 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.

#### Tier 1a

12. It is not clear within the guidance exactly how an initial proposal will be reviewed to decide which process is to be followed. There is a need for more clarity as to how the CAA will decide what Stages or processes will be required in different circumstances. The process of going through an airspace change is already too long, so it is important to avoid creating an environment in which the CAA feels the need to insist on the whole process being followed for fear of public challenge. Further to this by making the process too lengthy, onerous and subsequently costly it could deter change sponsors from implementing changes that would bring benefits to local communities.
13. The CAA draft guidance requires evidence of a two-way conversation to ensure the sponsor has adequately engaged stakeholders. The guidance describes the necessary evidence as "detail of what sponsors have been told by their audiences; how they responded to this feedback; and how it has affected the proposals they are bringing forward." These are sensible proposals. The CAA should bear in mind the time and cost required to respond to feedback in cases where a change sponsor receives a considerable amount of feedback. Provided a change sponsor adequately addresses the overall concerns of their audiences, sponsors should be afforded a greater degree of certainty as to the likely final outcome of a decision. It is also felt that this is currently covered through Focus Groups so long as the correct membership is gained so as to ensure that the views of all affected communities are accounted for.
14. At various points in the process, the CAA suggests the use of a third-party facilitator. Sustainable Aviation feels that a facilitator could be effective in some circumstances – for example, in working through disagreements arising out of ambiguities previously mentioned in this response. While there is some concern around the additional cost and time which might be involved in the use of a facilitator, the option of the use of a facilitator should be kept open, provided it is only used to work through genuinely contentious issues were a

resolution cannot otherwise reasonably be achieved. The use of a facilitator should also be at the discretion of the change sponsor.

15. Sustainable Aviation welcomes the categorisation of consultation responses to differentiate between responses that have the potential to impact on the proposal because they include new information that could potentially lead to an adaptation in a lead design option, and those responses that do not offer new information. The airspace change process is already a costly and time-consuming process, and so any categorisation exercise which can build efficiency into the process should be welcomed.
16. The creation of a portal for the live publication of responses to airspace change consultation, which is to enhance transparency and inform audiences, needs to be re-considered. Although we are supportive of efforts to enhance transparency and to keep interested parties informed, the current proposals carry a number of significant risks for change sponsors. Firstly, publication of all airspace change correspondence without the accompanying presentations or context, risks generating a large amount of uninformed public reaction which will have to be dealt with. Secondly, the cost and resource involved in managing responses to these comments risks deterring the majority of airspace changes and will use up a large amount of CAA and sponsors capacity to deliver airspace modernisation. Thirdly, the CAA need to be careful that they may raise expectations that commentary provided in this way will result in changes to the airspace design and there is also a very real risk that poorly informed public commentary will be picked up by media, resulting in reputational risk for sponsors, CAA and Government. Furthermore, rather than aid transparency regarding the process of making airspace changes, we believe the portal proposal may add significant confusion, mask the real issues for those most affected and reduce the clarity around how airspace decisions are made.

#### Tier 1b & Tier 1c

17. The guidance is comprehensible, transparent and proportionate. It is clearer that there will be a review and that certain stages do not have to be followed. However, the inclusion of a couple of scenarios that show examples of a change that do not require the full process and what has to be completed could provide more certainty and clarity.

#### Tier 1: Spaceflights

18. An airspace change process for a Spaceflight should be treated in the same way as any other airspace changes as a Spaceflight will still require airspace that will impact on local populations and other users of the airspace, particularly if the Upper Air Routes are to be closed for periods of time. Although any proposal will be limited in time, there needs to be a clear method of providing adequate notification of activity and, potentially, change to the design.

Tier 2: Permanent and planned redistribution

19. The Government proposals describe a Tier 2 change as one which is likely to alter traffic patterns below 7,000 feet over a populated area and which therefore could have a potential noise impact for those on the ground. However, the DfT consultation is still ongoing and we ask the CAA to reflect on the outcome of the DfT consultation.
20. The key requirement is that the air navigation service provider must demonstrate that it has assessed the noise impact of the proposed change and engaged with affected communities as appropriate. The CAA asks which stages of the Tier 1a airspace change process are necessary for a proposal categorised as a Tier 2 change.
21. Tier 2 changes are not the same as airspace changes and should not follow the same proposed process as for Tier 1. Where changes are made above a certain level within controlled airspace that the ANSP has responsibility for, no consultation or notification should be required other than notification of a change. Within Class G uncontrolled airspace, other airspace users should be notified through NATMAC.

Tier 3: Other changes to air operations affecting noise impacts

22. It is difficult to provide detailed comment without a clearer definition of a Tier 3 airspace change.
23. Sustainable Aviation sees some value in providing transparency around Tier 3 usage as a means of building trust with communities. Sustainable Aviation believes that reviewing existing communication channels between the industry and communities affected, and improving these where necessary, is the key to success for Tier 3 airspace usage. Delivering this could be possible through direct discussions and there may not be a need for formal policies, particularly where these may become overly rigid and not fit for purpose. To this end, some caution is needed so as to not set unrealistic expectations about mitigations, compensation and that evolving trends can be reversed.
24. For airports, there is also a challenge in knowing when airspace Tier 3 usage has occurred as most changes are outside the control of an airport and so can only report the facts, normally after the change has occurred. However, any such reporting requirements could perhaps be structured on a seasonal reporting basis, but airports and airlines would need time to understand the type of information to be provided, and how best to provide it.
25. There could be potential long term reputational harm from the CAA publicly drawing attention to any breakdown of trust between an airport and stakeholders. An Independent Commission on Civil Aviation Noise (ICCAN) could play an advisory role in improving communication and trust with communities before such a situation might arise. Sustainable Aviation would like to reiterate its view that the focus should be on ensuring local facilitation bodies, such as Airport Consultative Committee's, are meeting this role as far as possible before any use of ICCAN is considered.

# Consultation Aviation – Airspace Design

Author John McCullough Senior Environmental Health Officer  
Tunbridge Wells Borough Council Environmental Protection Team

Tunbridge Wells Borough Council Environmental Protection Team (TWEP) accepts that there is a clear role for the CAA in reviewing proposals for changes to the use of UK airspace to ensure airline efficiency and safety. This will include new aircraft, new technology and route planning. Within this we accept that there should be a process that allows for,

- A set procedure and format for sponsors to put forward proposals.
- A set of checks and balances to ensure proposals are necessary and that all issues are addressed.
- Appropriate community engagement.
- Appropriate environmental assessments
- A robust procedure to ensure that the proposals are the best way to achieve a goal and that relevant other options are explored.

A good procedure and process is essential to rebuild trust that has been lost by the community due to errors in the past. This included not being notified about changes and trials coupled with mis-information and denials about the trials taking place.

We recognise that not all proposals are the same and that some are minor or may have no negative (perhaps only positive) environmental impacts. As such we recognise the need for appropriate scaling in relation to the process to an proportionate level.

## Key elements of the process

The key elements are -

**Transparency** – The fact that everything is published and available on line is essential for most people who have access to the internet. There are a significant minority who do not embrace modern information technology and these people should be included in the consultation process.

**Evidence based approach** – Where the sponsor of the change must outline the need for the development, options for achieving the desired outcome, and put theses out to public consultation. The CAA will have necessary expertise to ensure that nothing is missed by the public consultation as the public should not be relied upon to spot all potential issues or concerns. We support the sponsor having to satisfy the CAA through a series of gateways where they will be assessing the need for the change, options available and rely on an evidential basis for every submission.

**CAA involvement and control** – Through process gateways this should give the CAA better oversight of engagement. The use of clear design principles and public evidence sessions is also to be welcomed.

Tunbridge Wells Borough Council Environmental Protection Team (TWEP) have assessed the proposals and have the following comments to make on the Airspace Design Consultation.

The new procedure appears to have successfully included enhanced checks and balances into the entire procedure. We are particularly supportive of the Gateways that have been developed to ensure that a proposed project has followed due process and ensure that the sponsor has provided the required documentation and evidence to progress through the progress. This will prevent ill-conceived projects making it to a community consultation stage as unnecessary consultations causes community stress and “consultation” fatigue.

Another important step that the TWEP support is the inclusion of an options development and appraisal stage. This will ensure that the sponsor has considered how objectives can be achieved and has identified options for this. Some of these options may be preferable to the communities and these should be identified and assessed.



The TWEP also welcome the introduction of the formal Post-Implementation stage and the enhanced procedures over the previous operational review.

## Specific Detailed Comments

### Tier 1a Changes.

TWEP welcomes the general process sent out in the procedure particularly the requirement to,

- Describe the scope of the change
- Identify hazards and risks
- Setting mitigations

Whilst recognising that the CAA are not responsible for setting Government Policy and that they have a duty to comply with policy we feel that they also have a responsibility and duty to inform government policy in relation to Aircraft noise. TWEP feel that the policy for prioritising efficiency over noise above 7000ft is wrong. TWEP disagree with the assertion that change above 7000ft will have no significant local impact and therefore consulting the relevant communities and their local authorities is unnecessary. A change in height from 4000ft to 7000 will only result in a reduction of 5dB so major changes by way of stacking, point merge or concentrated routes could adversely affect communities even at that height. The difference in noise level between 7000ft and 10,000ft will only be a 3dB reduction which is marginal but yet is being dismissed as inconsequential. TWEP strongly agrees that the CAA should ensure that the consultation should be robust and sufficient to ensure it can make an independent assessment. As height is given as relative to sea level the 7,000ft ceiling for noise issues to be important is particularly important over higher ground. The selection of arbitrary cut off points is not a scientific approach - a hard cut off of 4000ft means that aircraft at 3999ft are treated differently than aircraft at 4001ft and the same applies to 6999ft and 7001ft where the change in noise level on the ground between the two is infinitesimally small (0.004dB) but treated totally differently. The figures do not justify a sharp demarcation for a change in emphasis from noise to efficiency.

TWEP therefore do not concur with the government that above 7000 feet at which noise impact is not a consideration. Given the CAAs evidence based approach to this consultation on Airspace where is the supporting evidence for this arbitrary cut-off? TWEP would have had above 10,000ft as the minimum level for considering noise a non-factor and only where the sponsor demonstrates this relevant to actual ground noise levels.

The typical time line for a level 1 airspace change (Fig2 page 25) is satisfactory as a general guideline for such processes.

We support the assertion for a repeat of the consultation stage if the potential impact of the design changes fundamentally from that in the consultation material submitted.

**Comments on Public Evidence Session** –TWEP would support the use of a Public Evidence Session for any proposal, not just level 1, that is not minor in nature. To a certain extent the informality of the session where the person gives personal evidence is welcomed. However, we do not feel there should be a blanket ban on people using experts or other professionals to articulate their views. The sponsors will have sought expert advice and legal advice in the design of their proposal so some balancing of the scales may be necessary and the Public Evidence Session should be flexible enough to cater for this.

**Comments on Draft Decision** – TWEP believe that in most instances, not just Level 1 proposals, it would be good to issue a draft decision so that both sides can focus in on specific points that they disagree with for a further consideration by the CAA. There will of course be situations when it is disproportionate to do so particularly where there is positive environmental noise outcomes or

negligible potential negative impact. We believe that anything that has brought significant responses showing concerns by members of the public should have draft decisions published.

**Decisions by the Secretary of State:** TWEP are in agreement with the majority of the call in criteria but disagree with the “change in noise distribution resulting in a 10,000 net increase to at least 54dB LAeq,16hr as well as an identified adverse impact on health and quality of life.” We feel that this is not the best criterion because,

- It uses the word “net” change – therefore significant numbers can be affected positively and others negatively. Some may be new areas being significantly affected.
- 10,000 people is a lot of people to be negatively affected.
- The 54dB LAeq,16hr requirement is too high considering the new noise disturbance guide of 51dB LAeq,16hr. Thus an unlimited number of people could be introduced to noise levels of 53dB for the first time and this could give rise to considerable loss of quality of life based upon their previous state of no aircraft noise.
- We are not sure what the qualifying statement of “identified adverse impact” means as these have been derived by working through using scientific studies to arrive at the 51dB LAeq,16hr LOEL so the 54dB level must be above the LOEL and therefore have some identified adverse impact almost by definition.
- Does not include any night time proposals for SoS call in.

### **Post Implementation Review**

The TWEP agree that the sponsor should have to undertake a post implementation review and that the format and content of that review should be robustly determined by the CAA. The CAA should also be aware that the content should reflect community concerns and where possible introduce assessments that will investigate potential issues that the community have identified during consultations as well as issues that the CAA feel are technically needed.

### **Review of CAA decision**

Whilst TWEP see some logic in having no appeal to the CAA we feel that in certain circumstances it would be prudent to allow appeals in the same way that courts can grant the right to appeal in certain circumstances. This would be important for very controversial developments and would give an opportunity for verification of decisions. There could be an accelerated appeal procedure to a separate independent body who would look at the material and give a second opinion. We realise that this could add a bit of time to the process but it is better to get the right decision rather than get to the wrong one quickly.

### **Implementation Stage**

We recognise the issues with regard to cycles and the need to work to a period that is truly representative of the long term implementation. The expectation that the sponsor should continue to engage with stakeholders is a welcome and necessary step and we support this stance.

### **Post Implementation Review**

We agree with the procedures for feedback but feel that it should not always be online as some key stakeholders will not be digitally orientated. The timescales are reasonable but if this is taking place during summer holiday periods account should be taken for this.

The TWEP agree with and support the purposes cited for the review. We fully support the rationale that the review should look at the anticipated impacts and benefits set out in the original proposals and identify whether these have been achieved. We also support the assertion that the review should identify issues and be able to identify subsequent requirements to further modify flight procedures.

The proposed procedure is clear to both the sponsor and to the other stakeholders as to the steps the sponsor should take to provide key relevant data to support the proposal. The sponsor responsibility to ensure that it has met its objectives and that predictions (as to noise levels) have been accurate. The requirement for the specification of the data to be presented and the monitoring required is fully supported by TWEP. The requirement to present information on complaints received and to compare the results with the period before implementation is again vitally important.

We appreciate the detailed review process that clearly marks out what the CAA is assessing during the post implementation review. The analysis looks at the whole process from the original statement of need, design principles and options appraisal. This should in theory prevent proposals creeping through on margins of error. So that if noise levels are at the boundary of what would be allowed but the review shows that they are marginally above these this can be addressed. Levels being marginally above what was predicted might not seem significant but if it is compared with what the original levels then they might not get approved in that state. So if the sponsor had summited noise levels as per the review “measured levels” and these would not have got through the earlier gates then the opportunity is there to deal with this in an appropriate manner. We agree that the review is not a second consultation but it should strongly hold the sponsor to account for the accuracy of its proposal.

The sponsor making it clear to the CAA as to the extent of the airspace change once implemented being reversible should also be notified to the public at the time of the consultation. It is key that if the proposal is irreversible the margins are significantly more important and the level of evidence needed to get past the gates should be significantly higher. The CAA should look at contingencies for a negative review when looking at a proposal which is “irreversible”. A plan for this contingency should be built into the procedure. If changes are not revisable then redesign may be needed. If the redesign does not achieve the predicted levels then there should be substantial changes to other areas to offset the degradation to the environment and make things easier for the residents who should not have to bear the brunt of the mistake. If there is no negative action to the sponsor in these circumstances they can take advantage of this potential loophole with impunity. In these circumstances perhaps financial compensation and sound insulation for affected properties well below the trigger values for normal circumstances should be implemented along with other changes the CAA things fit to impose as mitigation. If these are made clear to the sponsor at the time they submit their “irreversible” proposal they can choose to proceed contingent on them “bearing the risk” basis knowing they will be potentially liable for significant financial mitigation commitments should their proposals evaluations be inaccurate.

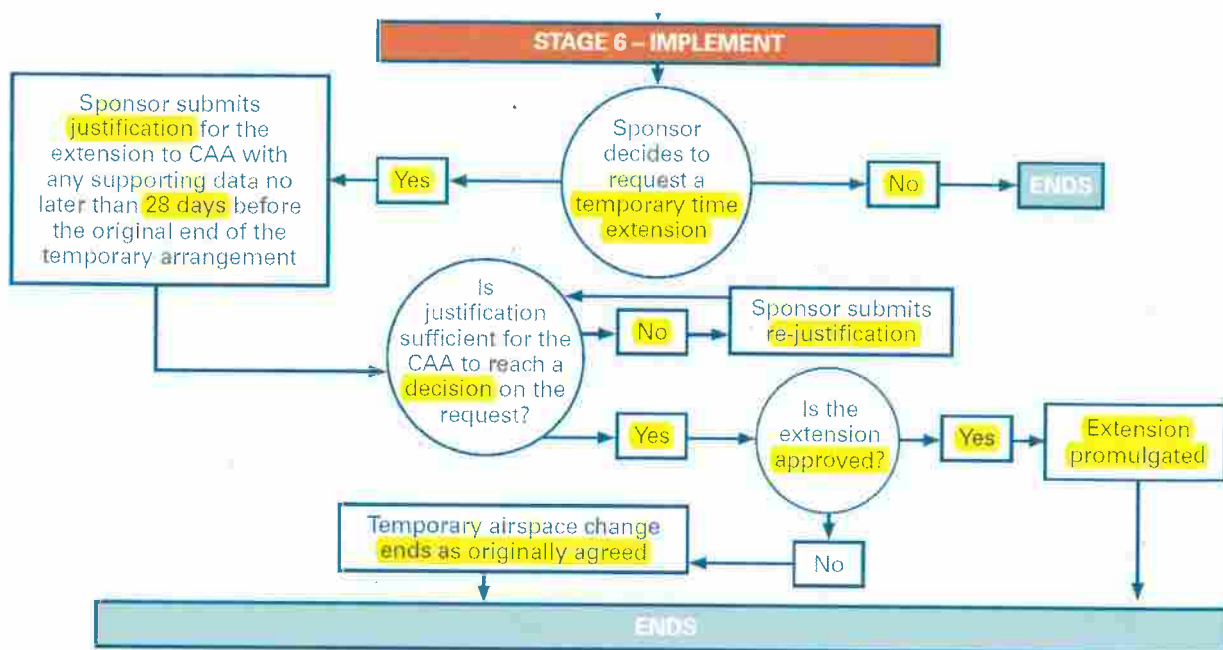
### **Tier 1B Temporary Change**

We agree that under certain circumstance temporary change will be essential and that formal appraisal for noise is not required. The CAA should however ensure that the temporary proposals do not cause unnecessary noise issues and that the best option is picked to accommodate this temporary change.

We agree that communities should be informed to temporary changes below 7000ft and that there should be continuous engagement. The 90 day limit would seem about right but it should still be justified as to why it would need to be as long as requested. We agree that any extension to increase the arrangement must be made within the period of temporary change. This should be made within the temporary period – 28 days if utilising the full 90 days but perhaps shorter if less time was utilised. The period should be proportionate to the circumstances.

If the temporary change is to be made permanent or long term the sponsor should go through full airspace change and the default position should be to revert to the previous design in the meantime unless there is overwhelming community support for the temporary change.

The flow chart (see below) for Implementation has a closed loop that can go on indefinitely circumventing the ending of the temporary period. The section “Is justification sufficient for the CAA to reach a decision” answer **No** just has a “sponsor submits re-justification”. In theory this could go on indefinitely as there will be a time period for assessing the submission and rejecting it again only to have a further re-justification.



### Tier 1c Temporary operational trial

TWEP supports the proposal for temporary amendments recognising the value of trialling technology, routes and other changes without risk of “irreversible” changes occurring. It will also ensure that assessments are accurate and can be incorporated into any future proposal to make the trial permanent.

We support the CAA trial plan and the objectives that are set for the trial. The checking if a non-operational trial (i.e. simulation) is the best option is also a prudent move. We would support the assertion that the CAA will only agree to alive trial where there is innovative airspace design or new technology. Setting the level of information and monitoring requirements on the sponsor is vital to the success of a scheme.

Notifying and documenting comments and complaints from the community and its representatives (such as Local Authorities) should always be a key part of any approval. The TWEP has reservations about the 7000ft limit as we have detailed above and this also applies to this section of our response.

We are confused by section 293 & 294 that if it should become clear that the CAA is not going to approve a permanent change then the sponsor will be required to revert back to its original state as soon as possible. This is unclear but we think that it should be made clear to the sponsor that if the trial is not meeting the expected proposals or sufficient info has been collected that shows that it is not going to be accepted as permanent change then the reason for the trial is over and the trial should stop as soon as possible and revert to the original. The issue with avoiding full air space process using temporary should never become an issue as the CAA should,

- Ensure the trial is reversible
- Set a trial time period
- Review the data received and take a “termination decision” as soon as it is established that the trial has shown itself to not meet the required objectives as per 297.

Any trial that is not reversible should not be allowed to progress through part 1c and should be reviewed solely through the permanent procedures.

We agree that trials longer than 90 days and shorter than 12 months affecting air traffic below 7000ft should require additional information to be supplied by the sponsor including, 65 dB LAmax. (TWEP feel that lower LAFMax levels should be sought as levels above LAmax 55-60dB externally are likely to cause issues affecting the restorative process of sleep by exceeding 10 incidents of LAFmax 45dB inside bedrooms at night as per the WHO.). The use of a slow weighting factor will reduce the noise level more than a fast weighting. Modern technology would support the fast weighting and would probably be the better metric. It might be worth scientifically evaluating the use of LAFmax versus LASmax as to which is the best indicator of disturbance.

## **Tier 2 Permanent and planned redistribution of Air traffic and Tier 3: Other changes to air operations affecting noise impacts**

TWEP struggled to understand a change to air traffic procedures that did not involve changing notified airspace design that would result in a permanent and planned redistribution of air traffic as opposed to a Tier 1a permanent changes to the notified airspace design. The two seem to be very similar as how can you redirect the distribution of traffic without changing notified airspace design. The given examples are change of aircraft (we would envisage this as improvement as aircraft should be getting quieter by design – but this should not be utilised to have more aircraft within “the same noise envelope” as numbers of overflights have as important a role to play on annoyance as marginal changes in the LAeq. Spelling this out - a reduction of 2dB by incorporating 3dB quieter aircraft but increasing the numbers up by 25% will not be perceived as an improvement by the majority of residents despite the 2dB reduction in the LAeq noise levels. TEWP believe that the reaction of the community would be that this represents a significant worsening of the situation. This alone is a good reason why secondary metrics should be elevated to give a fairer and more representative reaction to changes in Air Space. The other example given is air traffic control practices being adopted and we can see why this should not be subjected to scrutiny.

The key bit of this is that the result from Tier 2 & 3 can be as equally disturbing as the Tier 1a but is not subject to the same procedures. I understand that the CAA has no direct regulatory role in relation to Tier 2 & 3 just environmental information duties under section 84 of the Civil Aviation Act 2012.

This could be a massive loophole in control of aircraft noise if it is exempt from the same scrutiny as other changes to airspace. What are the scrutiny controls for these other than advising the public as to the nature of the impacts (not sure how these are obtained or assessed anyway) and advising the industry to seek to influence industry’s behaviour? Our experience in enforcement is that good industry develops good practice and poor ones exploit loopholes and therefore seek to gain economic advantage. Without enforcement there is a tendency by the better companies to reduce the advantage gained by their competitors and go for the lowest common denominator cheapest option.

These tiers give TWEP the greatest cause for concern and cannot reconcile (para 302) “could give rise to changes to the noise effects experienced by communities” with the statement that it is important that airports and navigation service providers engaged by them are aware of the principle operation all factors that cause ... (Noise effects). This is compounded by (303) the CAA expecting airports to develop relationships with local communities. Again as an enforcer of environmental legislation having an “expectation” of something often falls well short of “achieving” and financial considerations are likely to undermine those expectations. The statement in (304) that airports that are “not currently offering such services should **consider** whether it is **appropriate** to adopt such technologies and engage with their local communities to ensure their views are considered”. Again this underlines the weakness in the entire system as when would it not be “appropriate”. Having a statement in a policy document asking them to “consider” doing the right thing seems to underline a distinct weakness inherent in the system.

Table 4 exemplifies the weakness (306) “where adverse impacts are significant and dialogue is not proving effective it is possible to use a third-party facilitator to develop mutually acceptable ways forward”. The third party facilitator will have no more enforcement power than the “pretty please” request. Residents have experienced intransigence, misinformation and a distinct lack of co-operation in the past from Gatwick. One of our residents has remarked to us that the recent reversal of attitude and the adoption of better practice by Gatwick (through the Gatwick Arrivals Review report and recommendation January 2016) was directly linked to the possibility of getting an extra runway which appears to have focused their mind on complaints and how this can adversely affect their chances.

The CAA should lobby and press for the necessary tools and enforcement powers to be able to demand that reasonable good practice is undertaken by airports. The lack of power should be addressed so that ANY change of airspace is controlled by the CAA and that Tier 2 & 3 does not present an unregulated method of changing aircraft routes and practices outside the control procedure. Both the CAA and the ICCAN should be seeking policy change to regulate all aircraft related activity in the UK. We can confidently say that the communities want a regulator that can enforce all aspects of best practice and take effective action to ensure that all airlines adopt it. The CAA need to be working with Government to ensure that appropriate powers are given to it so that all aspects of aviation are controlled.

## **Appendix B Environmental Metrics and assessment requirements and Environmental requirements technical annex**

TWEP welcomes the drift towards lower noise level giving rise to annoyance and the adoption of a LAeq,16h 51dB and LAeq,8hr 45dB as being new onset of significant annoyance. The use of scientific studies to provide an evidence based approach to setting levels is to be applauded.

The decision still relies too heavily on Primary metrics as the key determinant of effect on the community when there are other metrics that can be used to supplement this assessment. We welcome the introduction of secondary metrics but feel that their importance is underestimated in the current process. However, the indications are that this can evolve and that as more research on sleep disturbance, the effects on health and education that lower LAeqs will be endorsed as will the importance of secondary metrics. The ability of the Guidance to respond quickly to new evidence to keep pace with developments is key as slowness to adapt to new information will destroy confidence in the system.

The use of LAm<sub>ax</sub> values and N<sub>x</sub> contours are seen by TWEP as having a major role to play in assessment of aviation options though we suspect they will be lower than the N70 and N65 currently utilised to assess impact for areas further out on the flight (particularly the landing) path.

The baseline environmental assessment of a do nothing/do minimum compared to a future date post implementation scenario with technology and predicted numbers is a standard approach to assessing impact and is generally supported by TWEP. Our reservations with the Government's Air Navigation Guidance altitude based priorities is discussed elsewhere in this document as we do not believe the demarcation is based on appropriate evidence based information. At least the annex indicates that sponsors must take account of the specific height above the ground not mean sea level.

Traffic forecasts for a period of 10 years may not be sufficient as road traffic goes to 20 or 30 years to assess the impact of a scenario. The assumption is that air traffic above 4000 ft will have no effect on the LAeq contours is based upon the LAeq,16hrs 51dB. This may underestimate annoyance to areas further from the airport that were quiet and have had noise levels increased to just under this metric. We would like to see assessments being made that reflect public perception of annoyance not the ridged no disturbance is caused below 51dB and 45dB day and night contours.

The Level 2 changes which do not alter traffic patterns below 7000ft are subject to our previous comments about the lack of evidence to justify the cut off. There is no practically no difference in noise level between an aeroplane at 6500ft and one at 7100ft.

The TWEP support linking airspace change proposals so that a proposal that is contingent on an enabler or part of a phased programme of change is clearly identified. Communities believe that airports have been incrementally bringing in change in “tranches” to circumvent “steps” that would be scrutinised in more detail. The CAA should look at application to ensure that previous submissions were not part of a stealth application and the sponsors should be “called out” on these as the community will be aware of a gradual accumulation of proposals that are leading towards a bigger scheme and trust in the transparency and balance in the CAA proposals will be lost.

## **Assessment of noise impacts**

We recognise that the Government sets the overall policy and the CAA are committed to following the policy in all their decision making. We expect the CAA to influence government policy and potentially the new ICCAN to do likewise. We welcome the proposed modifications sought as consultation document for the UK Airspace Policy recognising that aircraft noise has health effects and annoyance well below level previously established as LOEL. We also welcome “flexibility” in the policy towards affecting less people that would have meant that concentration of routes using PBN would have automatically ticked the reduction in numbers box regardless of the impact on those overflowed. The use of WebTAG to help in comparison is a useful tool but is flawed by complexity and underestimating the annoyance caused by lower levels of aircraft noise where once there was none or significantly less aircraft noise. WebTAG should be constantly evolved to take account of changing attitudes and in line with scientific research.

In relation to assessment the weight given to primary assessments is likely to be changed over time with research into the effects of noise. The secondary metrics are currently downgraded too much in the current proposal. These metrics have a place and should ALWAYS be considered in association with the primary metrics to give a more complete picture. The classification of “additional” noise metrics is also undervaluing the contribution these metrics have to play. We are confident that LAm<sub>ax</sub> has a key role to play in assessing impact. It is inconceivable that they are considered important by the WHO as affecting the restorative process of sleep and have been used in British Standards such as BS8233 to supplement the long term averaging of noise (and road traffic is considerably steadier than aircraft noise) and have an inconsequential role in aircraft noise assessment. We recognise that the current version of BS8233 has reduced the emphasis on LAm<sub>ax</sub> but this oversight has been addressed by the production of a ProPG: Planning and Noise 2017 guidance document by acoustic experts from the following bodies,

- The Chartered Institute of Environmental Health,
- The Association of Noise Consultants and
- The Institute of Acoustics

This documents considers LAm<sub>ax</sub> an important metric in ensuring that internal noise levels at night are suitable for the restorative purposes of sleep suggesting that internal noise levels should not exceed 45dB LAF<sub>max</sub> levels more than 10 times per night. This can be roughly converted to external noise levels by allowing 10-15dB reduction for a window partially open for ventilation. So this equates to an external noise level in the region of 55-60dB LAF<sub>max</sub>. This can be linked to the LN of L60 but it should be noted that L60 may be based on a LAS<sub>max</sub> (i.e. a slow response) rather than an LAF<sub>max</sub> and this could result in a lower reading that measured using the Fast response.

The TWEP would also strongly support the use of “difference contours” as a metric. These would show the potential impact of noise in a very visual way. We acknowledge that the contours may not always reflect the actual noise experienced as other noises from sources such as traffic may render such increases negligible. However traffic noise is generally localised to busy roads and houses set back and screened can be very quiet but will not be screened from overhead flights. So these can be very useful. It could be possible to produce contours of change for just aircraft and contours of change using noise maps to superimpose traffic and aircraft noise.

The changes should not be restricted to just the 51dB day and 45dB night contours. It would not be significantly more onerous to model down to 30dB if necessary. We would suggest that 45dB day and 35dB night would be useful data for those living further out on the landing path to see likely impact on their lives.

We would strongly support the policy of avoiding overflight of populated areas below 7000ft. We recognise and welcome that local circumstances should be considered and consultation with the community can assist in the formulation of the best options. With regard to National Parks and AONBs the TWEP would support a balanced approach – avoiding where possible these during daytime hours but perhaps reversing this to avoid night time overflying of more populated areas at night. Advice on the impact on wildlife can be sought from appropriate experts and decisions made accordingly.

We support the use operational diagrams to give visual representations of estimated overflight swathes.

The TWEP recognises the validated noise models ANCON and AEDT and their respective strengths and weaknesses. The requirement for noise contours portrayed from 51dB day and 45dB night in 3dB intervals is a good start but may not reflect noise intrusion further away from the airport on the landing path. TWEP would recommend that these contours be continued below the 51dB and 45dB minimum perhaps down as far as 42 dB day and 33dB night (but certainly lower than 51dB and 45dB). We would support the information being linked to area and population showing cumulative totals for areas and populations but would also like to see totals within defined contours being available such as between 51dB day and 57dB day etc as these are easy stats to produce. It would be useful to see how many new residents have been added in the 40dB to 51dB or 54dB LAeq contours to get a better picture of expanding lower level noise effects of a proposal.

We would like to see counts of key buildings such as schools and hospitals with defined contours. We also support the idea of providing information on aircraft movements in numbers of daily movements along routes and other supporting information that would be of use to the community in assessing potential impact of noise. All information should be clear and accurate and have non-technical summaries to advise the lay-person of the implications. We strongly disagree that Nx contours should only be considered as supplementary communication tools and it would be more balanced to have these and noise change contours elevated to primary assessment metrics along with the LAeq contours.

We have considered the definition of overflight based upon the angle of elevation between the person on the ground and the aircraft in the sky. The two angles given were 60° and 48.5°. We have checked the figures and agree roughly with the reduction stated - we had reduction of 1.25dB for 60° and 2.5dB for 48.5° (based on the hypotenuse distance from the plane v the perpendicular distance).

We are concerned at the implication for determining overflight. Is this to be for respite purposes or general numbers of people overflown. We do not understand why the figure of 58.5° was chosen. This may have been to get 3dB but we reckon that to get this you would need 45°.

We would suggest that a reduction of 3dB (a barely recognisable difference in perception) is insufficient to differentiate between an overflight and a non-overflight. We believe that a difference of 10dB (or an apparent halving of loudness) would be required and this would equate with an angle of around 20°.

At 1000ft

Angle	Aircraft Ht m	Ground Dist to Centre m	Hypotenuse actual dist to plane m	Noise difference dB
60	304.8	176.0	352.0	1.2
48.5	304.8	269.7	407.0	2.5



40	304.8	363.2	474.2	<b>3.8</b>
35	304.8	435.3	531.4	<b>4.8</b>
30	304.8	527.9	609.6	<b>6.0</b>
25	304.8	653.6	721.2	<b>7.5</b>
20	304.8	837.4	891.2	<b>9.3</b>
15	304.8	1137.5	1177.7	<b>11.7</b>
10	304.8	1728.6	1755.3	<b>15.2</b>
5	304.8	3483.9	3497.2	<b>21.2</b>

At 4000ft

Angle	Aircraft Ht m	Ground Dist to Centre m	Hypotenuse actual dist to plane m	Noise difference dB
60	1219.0	703.8	1407.6	<b>1.2</b>
48.5	1219.0	1078.5	1627.6	<b>2.5</b>
40	1219.0	1452.7	1896.4	<b>3.8</b>
35	1219.0	1740.9	2125.3	<b>4.8</b>
30	1219.0	2111.4	2438.0	<b>6.0</b>
25	1219.0	2614.2	2884.4	<b>7.5</b>
20	1219.0	3349.2	3564.1	<b>9.3</b>
15	1219.0	4549.4	4709.9	<b>11.7</b>
10	1219.0	6913.3	7019.9	<b>15.2</b>
5	1219.0	13933.2	13986.5	<b>21.2</b>

At 7000ft

Angle	Aircraft Ht m	Ground Dist to Centre m	Hypotenuse actual dist to plane m	Noise difference dB
60	2133.6	1231.8	2463.7	<b>1.2</b>
48.5	2133.6	1887.6	2848.8	<b>2.5</b>
40	2133.6	2542.7	3319.3	<b>3.8</b>
35	2133.6	3047.1	3719.8	<b>4.8</b>
30	2133.6	3695.5	4267.2	<b>6.0</b>
25	2133.6	4575.5	5048.5	<b>7.5</b>
20	2133.6	5862.0	6238.2	<b>9.3</b>
15	2133.6	7962.7	8243.6	<b>11.7</b>
10	2133.6	12100.2	12286.9	<b>15.2</b>
5	2133.6	24387.2	24480.3	<b>21.2</b>

We appreciate that dependant on the height of the aircraft the ground distance from the centre path of the aircraft increases with the altitude of the plane (see tables above column 3). It may not be possible to achieve these separation distance in all circumstances on the ground but if it is possible then reducing the angle will substantially reduce the exposure to noise. Setting a 3dB reduction is a very unambitious target.

TWEP agree with your assertion that computer modelling must incorporate real measured data on aircraft performance and noise characteristics and that all results from modelling must be validated. We would propose that the data is actually verified as well.

One of the key issues is that the Airspace Design Guidance should be capable of evolving to incorporate the latest scientific and other information to ensure that the best possible decisions are made. There needs to be an understanding that the use of airspace should not be allowed to increase incrementally to a stage where levels are causing problems but are only marginally degradations on previous situations. One of the worst fears of local residents are that with quieter aircraft the LAeq contours will shrink and airports will use the current noise envelope to facilitate more

aircraft giving the same or lower LAeq levels. For example a reduction of 3dB through aircraft improvements would allow a doubling of the number of aircraft without increasing the existing noise envelope. Even if the benefit were shared and a 2dB reduction were achieved rather than a 3dB this would result in a significant problem. The 1dB share of the benefit is that 25% more aircraft would fly over and the degradation would not be identified by the LAeq assessment which would show a 2dB improvement. Here a metric like the Nx would show an number above level of  $N(+25\%)x$ . This would most likely cause an increase in annoyance to residents as opposed to a reduction in annoyance that the 2dB reduction in LAeq would suggest.

In summary the Guidance is likely to improve community confidence in the system due to the increased transparency and gateways in the system. There are a few issues some of which are changeable in the guidance that would improve the situation and others that may be outside the scope of the CAA sphere of influence to change that needs to be addressed as policy change brought about by CAA lobbying Government for changes in the enforcement role of the CAA to give a balanced and fair control mechanism that communities can rely on. The use of Secondary and Additional metrics need to be re-assessed and become a key determinant of noise impact as the example above with the 3dB reduction in noise source levels can result in a huge discrepancy if aircraft numbers go up whilst the LAeq shows a reduction.

*John McCullough*

John McCullough BSc (Hons) MSc CMCIEH MIOA  
Senior Environmental Health Officer & Chartered Environmental Health Practitioner

## Virgin Atlantic Airways Feedback on CAP 1520 Draft Airspace Design Guidance

This document is Virgin Atlantic Airways (VAA) response to the Civil Aviation Authority's CAP1520 Draft Airspace Design Guidance. We have also contributed to responses from industry groups including Sustainable Aviation and FASIIIG and our response below takes this into account, summarising some of the main aspects and most significant themes of cross industry views.

- a) The Draft Guidance is comprehensible, but in practice is very long and time consuming to review and follow. We urge the CAA to consider simplifying and shortening the document and its annexes as far as is possible.
- b) The 100+ weeks typical expected timeline for a sponsor to complete the airspace change process when following the Draft Guidance is considered too long to meet the UK's requirements to implement the potential large number of airspace changes likely over the next 5 to 10 years, with planned or pending airspace change proposals essential to accommodate estimated air traffic growth.
- c) We 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 potentially create for sponsors in terms of cost, timescales, resources and reputational risk.
- d) We are aware that detailed reviews of the Draft Guidance from parts of the industry has generated a wide range of additional unanswered questions that will be set out in individual responses, 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 suggested level of uncertainty about how the Draft Guidance will operate in practice has led many to conclude that it is not sufficiently transparent from an industry perspective.
- e) We consider 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. We understand that as a consequence the DfT are reviewing the "Tier" approach and that this may delay the publication of the Airspace Policy? Until the Tiering approach is reviewed and any changes understood, it may be appropriate that the Draft Guidance is applied only 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. This may be 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; and
  - To avoid delaying the publication of the core Gateway process of CAP1520, should the DfT delay the publication of the Airspace Policy. 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) We note the absence of a dedicated section in the Draft Guidance on airspace change proposals that are or would be progressed with the primary goal of enhancing safety. This should be considered by the CAA in their review of feedback to this document.
- g) We do not understand the seemingly arbitrary requirement for 28 day deadlines linked to several aspects of the Draft Guidance, including the Secretary of State 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 can vary greatly in size, complexity, impacts and contentiousness. The introduction of a fixed 28 day deadline 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.
- h) We are concerned that the CAA will not have the required resources 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 over a hundred Tier 1 airspace change proposals. It would be helpful 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.
- i) Like others, VAA are concerned that the Draft Guidance may increase the potential for uninformed, incorrect or deliberately misleading material about airspace change proposals to be shared widely by stakeholder groups that typically oppose changes (in particular through the use of the online portal). Such material risks clouding the key issues, creating uncertainty and potentially eroding trust between the aviation sector and local communities.
- j) 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 may require two (and potentially 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 levels of information about the overall design. Later phases provide progressively more detailed information about the preferred options, refined from the feedback from earlier consultations. This multi-phase options development/appraisal and consultation approach is not currently described in the Draft Guidance, though we are aware it has been successfully applied to large airspace change proposals in the past.
- k) We believe that the Draft Guidance could 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 consultative approach led by sponsors to engage with external stakeholders is not successful.
- l) We consider 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. The narrower interpretation of the impacts of airspace changes, focusing primarily on aircraft noise is unlikely to generate the best outcomes from an overall environmental, economic, or resilience perspective. It may be the case that airspace change proposals are disproportionately influenced by the short-term reactions to changes linked to a partial

assessment of their external impacts – in particular changes to the size and shape of noise contours.

- m) We suggest that both the DfT and CAA 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 the respective proposals. Uncertainty regarding the timetable for introducing the new requirements and the validity of existing airspace change proposals that are part way through the process are likely to be imposing significant costs and complexity on the industry.
- n) Finally, although we have stated our opposition to the Tier 3 changes as proposed by the DfT, we do see some value in providing transparency around Tier 3 “airspace usage” as a means of building trust with communities around airports. Reviewing existing communication channels between industry and affected communities and improving these where necessary, is the key to success for Tier 3 airspace usage changes. For airports, there may be a challenge in knowing when the proposed Tier 3 airspace usage change has occurred, as most changes are outside the control of an airport and so they can only report the facts, normally after the change has occurred. However any such reporting requirements could perhaps be structured on a seasonal reporting basis, but airports and airlines would need time to understand the type of information to be provided, and how best to provide it.

**From:** [REDACTED]  
**Sent:** 27 June 2017 15:02  
**To:** Airspace Policy  
**Subject:** CAA's Airspace Change Process Consultation

Please see my thoughts below:

- The consultation is flawed as the document is lengthy and technical in wording thereby limiting those able and willing to respond;
- The proposals would result in a lengthy process (2 to 3 years) which could be to the detriment of both impacted communities and sponsors e.g. airports looking to implement changes. However, there does need to be time for adequate consultation;
- Options to reverse changes should Stage 7 (Operational Review) find the changes have not be successful should be included in the airspace change process so as to allow timely reversal;
- Where a change in airspace is proposed the consultation must be meaningful and designed to allow as wide as possible engagement i.e. not be limited to online responses to highly technical documents. The sponsor must demonstrate that they have actively engaged with the impacted communities and that options have been presented as part of the consultation;
- If a sponsor does not follow ICCAN (Independent Commission on Civil Aviation Noise) guidance, permission to an airspace change should not be given except in very exceptional circumstances and the CAA should set out clearly why they consider such circumstances to exist. The Secretary of State should be consulted in such circumstances; and
- There should be greater consideration of the impact on communities in changes in traffic volumes. Where an airspace change is being considered, in conjunction with changes in volumes, the combined impact on communities should be clearly identified at each stage of the process.
- If an airport cannot reduce noise to an acceptable level then they should be made to pay compensation to those adversely affected (the polluter pays principle)
- Any consideration by the CAA should also take into account the very real physical and mental health issues that near constant airplane noise and disruption causes to local residents - this must be properly balanced against the much trumpeted economic benefits of expanding airports; there is a cost in terms of NHS resources and productivity at work falling due to lack of sleep and health problems either caused or worsened by noise and air pollution caused by flights

Kind regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** 26 June 2017 16:19  
**To:** Airspace Policy  
**Subject:** Consultation on airspace changes

Dear CAA,

I know this emailed response is not comparable to the online form, however the size of the pdf files and 15 pages of an online questionnaire do not make it easy to review and provide qualitative answers. Hopefully you can assign my feedback below to the sections in the questionnaire.

It is disappointing that this policy review is happening at this point in time, since I have already been affected by the change to flight path to Luton Airport. At the time of the change the consultation was on the 'implementation of RNAV technology'. Both my husband and I discussed with someone on our doorstep about the benefits of using this technology to reduce a flight path corridor and improve accuracy. We had lived in the house for one year and had seen infrequent aircraft pass nearby. However, at no point did the consultation mention that the flight path had only been trialled (hence infrequent aircraft) and that RNAV would mean 80% of Luton's air traffic would now be routed this direction. Therefore, I feel a flight path has been implemented in stealth mode and any post implementation CAA review will have limited affect and highly unlikely to reverse the change.

My feedback below is the information I consider as necessary for the community to be fully informed about the change so that a healthy discussion of the proposed change can take place. Change is inevitable but must be controlled and measured to be effective and accepted.

Therefore as feedback on your consultation there are several points I wish to make about flight path changes:

#### 1) Improved residents consultation

- Wider consultation is required within the affected community; local businesses, schools, residents, community organisations, local councillors, MPs and Planning departments should all be included in any consultations
- Wider use of means to consult with the community; door to door, leaflets, newspaper articles, community meetings
- Information of when a trial is underway so that residents are aware for themselves hat the impact of a permanent flight path could be

#### 2) Provision of key metrics

The community need to know what are the key impacts and measures against what is acceptable. As a minimum this should be as per below:

- Number of aircraft in current year
- Number of aircraft estimated within 12 months
- Number of estimated aircraft within 5 years
- How often a flight will take off / how often a flight will land - plus what this will be in 12 months and 5 years

- How many flights will follow the exact flight path - this can be a percentage
- How many flights will fall within 1 mile of the flight path - this can be a percentage
- How many flights will fall within 3 miles of the flight path - this can be a percentage
- Size of aircraft
- Typical noise volume in db
- Worst case scenario of noise volume in db
- What the noise volume equates to i.e. noise files of aircraft at the typical noise level and worst case scenario, plus equivalent sounds that product the same db
- Where the noise monitors will be positioned
- Air pollution current levels
- Anticipated air pollution levels; current, within 12 months and 5 years
- Affects of air pollution on health
- Typical wind direction
- Number of air traffic controllers required to support the volume of traffic; current, within 12 years and within 5 years
- Details on how air traffic controllers will be recruited to ensure that retirement / illness do not affect the efficacy of this important role
- Estimate on how often an air traffic controller will allow an aircraft to stray off the agreed flight path. A percentage value or absolute figures should be provided e.g. 3% of flights will be advised to go off flight path due to other flight traffic, or, currently 10 per week, within 12 months estimate 20 per week, after 5 years 25 per week
- Aircraft stock due to be introduced at the aircraft i.e. will larger aircraft be part of the mix after 5 years what will the noise levels be for these

### 3) Trial metrics

- If a trial of the flight path is undertaken then the metrics covered by point 2 should be shared with the community prior to full implementation.
- If any key metric is exceeded then this will need to be addressed prior to flight path being accepted permanently

### 3) Ongoing automatic monitoring against target metrics

- Post implementation there should be automatic monitoring against the key metrics provided and notifications if any of these are exceeded. For example Luton Airport has a Travis airplane tracker which has noise monitors and records flight paths of planes. However, one needs to be either constantly watching the monitor, or, go back over time to review whether the noise level was exceeded.
- There should be an online webpage dashboard that holds all the key metrics and highlights when these have been exceeded
  - Example 1 - Noise metric: dd/mm/yyyy Aircraft x noise level recorded 82db (key metric is 80db)
  - Example 2 - On Path metric: dd/mm/yyyy Aircraft y diverted off course by air traffic control



- Example 3 - On Path metric: Calendar Month 'August' recorded 50% flights on path, 25% flights within 1 mile, 20% flights within 3 miles. 5% flights outside of flight path agreed.

#### 4) Post implementation review (after 12 months and again after 5 years)

- Follow up community meetings and consultation to deliver feedback on what the actual impact has been.
- The key metrics should be re-presented and details to state whether metrics are on, above, or below the target metrics provided in the initial consultation.
- Any differences that have increased the metrics should be justified with a plan to redress.
- If the difference is over an agreed percentage then the flight path should be considered in emergency measures

#### 5) Removal of flight path

- Removal of flight path should be considered an option if the sponsor has not delivered against metrics provided.
- Alternatively there should be government imposed restrictions and inspectors assigned to work with the airport to reign the metrics within targets.

#### 6) Consultation Process similar to new Highways

- The consultation for CAA should not be trying to re invent the wheel. There has been a process for changes to the road network for some time and therefore best practices have already been included.
- The CAA should compare and contrast the .pdfs to ensure the process is close to the new roads method of consultation. The process has been optimised over the past few decades to ensure good coverage of consultation and adequate provision of information to all affected by change.

Thank you for taking the time to produce a proposal document. I hope that my observations will be useful and considered.

Yours sincerely

