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Dear Minister and Richard,

We are the Aviation Environment Federation's Airspace and Noise Community Forum, and we are writing to you to set out our views on the CAA's draft Airspace Modernisation Strategy 2022-2040. We are responding in this way because we believe the airspace modernisation programme needs to be reviewed and revised in a more fundamental way than is contemplated by the survey accompanying the CAA's draft strategy. This requires action by the Government.

In particular we do not believe that the legislative and regulatory processes through which modernisation is currently being progressed will deliver the Government's aircraft noise policies. Instead our analysis suggests that the programme is currently systematically biased in favour of achieving the outcomes the industry is seeking (primarily more capacity and lower costs) at the likely expense of achieving the outcomes communities are seeking (primarily reduced noise and emissions) in a manner and to an extent that is not consistent with the Government's own policies.

We expand on this and address other key issues below. Many of the issues raised in our letter are ones we have been seeking to engage on constructively for a long time. We are disappointed that no meaningful progress has been made and that in some cases the Department appears to be uninterested in seeking solutions that all parties might be able to support. Without change in these areas we do not believe the programme is fit for purpose and we are not able to support it.

Aircraft noise policy and policy delivery

In our view there is a clear contradiction between government policy and the draft modernisation strategy and the masterplan.

Government policy says that, as a general principle, “*the industry must continue to reduce and mitigate noise as airport capacity grows*”¹. It is clear that modernisation will increase potential airport capacity. In some cases, such as Belfast International, Gatwick, Glasgow and Manchester it will increase actual airport capacity because those airports have no capacity restrictions. Even at airports with capacity caps the planning system has generally failed to deliver this policy principle when airports grow. Because the planning system cannot be relied upon to deliver this key policy, the Government should take additional steps to ensure it is achieved in the context of airspace modernisation, as well as more generally.

Neither the CAA’s draft strategy nor ACOG’s masterplan reference or acknowledge this key element of government policy. Neither document provides any evidence that the policy will be delivered in the context of airspace modernisation. And neither body has explained what steps they will take to ensure it is delivered.

The CAA proposes that sustainability should be an “overarching principle”. However, it fails to explain adequately how the application of that principle will result in noise reductions or other environmental benefits in a situation where capacity is increasing, or even to commit that there should be reductions in noise or other environmental impacts in those circumstances. In fact the CAA anticipates that modernisation may increase aviation’s adverse noise and other environmental impacts, stating “*the absolute levels of aircraft noise and emissions increase with airspace modernisation because it enables traffic growth that would not otherwise occur*”². It is notable that the CAA has not felt able to adopt ICAO’s goal (in the Global Air Navigation Plan) that aviation’s environmental impacts should be reduced, referring instead to “*improving*” those impacts, without explaining what that means.

We recognise that neither the CAA nor ACOG control airport capacity or set policy. However, we are surprised that both bodies feel able to publish documents containing proposals the implementation of which would be likely to result in breaches of government policy. In our view they are not policy compliant in this respect.

We note the draft strategy says that the potential for modernisation to increase the number of flights, and therefore total noise, will be “*considered as part of the airspace change decision-making*”³ but are not aware of any further explanation of how this will be done. Clear and robust policy and policy delivery arrangements are central to the delivery of any government programme. It is therefore surprising that, well over three years after the current modernisation programme was established, the CAA is not able to explain how it will address aviation’s adverse environmental impacts in its decision making, simply describing this as a “*key policy issue*”⁴.

¹ Aviation Policy Framework paragraph 3.3

²:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763085/nats-cao-feasibility-airspace-modernisation.pdf

³ Paragraph 2.50

⁴ Paragraph 2.37

We also remain concerned that achieving airports' capacity aspirations is being seen as a fixed and primary requirement from airspace modernisation rather than a variable outcome. In our view there must be full visibility and discussion of trade-offs between airports' capacity aspirations and fully defined and agreed, and directly proportionate, noise reduction outcomes at a programme level. If allowing for airports' capacity aspirations might compromise the achievement of noise reduction goals this should be visible and debated. The next iteration of the masterplan should set out capacity/noise trade-offs at different capacity levels including, for example, the maximum demand growth advised by the CCC in its September 2019 letter to the Secretary of State.

The government should explain how the CAA and ACOG will be required to achieve the policy requirement referenced above. It should also set out the monitoring and enforcement arrangements that will ensure the policy is delivered over time. Until this has been done, and agreed with stakeholders, the government should not accept the CAA's draft strategy.

Specifically, the government should assess noise levels at each airport, using a suite of measures, both with and without the additional capacity modernisation would create and explain the processes and changes through which the policy requirement to reduce noise as capacity grows will be delivered. Because those processes either do not exist (for example at airports that have no limits and so require no planning consent to grow), or are ineffective, the government should put in place alternative regulatory processes to ensure its policy is delivered. In our view this will require changes to Section 70 of the Transport Act 1980 and/or to the Air Navigation Guidance including, potentially, requiring the CAA to set noise conditions if it approves airspace changes.

Economic principles

The draft strategy refers frequently to the need to meet demand including from new entrants. However, it fails to provide any coherent economic principles by which the demand and supply of airspace will be balanced. Unfettered supply of a commodity at zero or artificially low cost will inevitably lead to excess, non-economic, demand.

The government should set out the economic principles it expects the aviation industry to operate within. In particular it should make clear that it expects the aviation industry to take responsibility for, and bear the full costs of, its adverse impacts on the environment and society, and will secure this through fiscal measures and tougher regulation if necessary. New airspace should only be made available where the costs its use imposes on society are fully borne by the user, pursuant to the polluter pays principle.

Inadequate regulatory mechanisms

Neither the Department nor the CAA has any ability to ensure that noise or emissions reductions (or improved resilience) promised in an airport's change proposal are actually delivered. Once the CAA has completed the Post

Implementation Review process and approved the technical change, it does not monitor the achievement of promised outcomes and has no powers to enforce them. This is a clear regulatory failure and should be addressed urgently.

The government should explain how noise, emissions and any other community benefits asserted in airspace change proposals will be monitored and their delivery enforced over time. If, as we believe, current regulatory processes do not achieve sufficient monitoring and enforcement new processes should be developed, consulted on and put in place.

The draft strategy emphasises repeatedly the need for new users of airspace (such as remotely piloted systems) to be able to access airspace. However, it says nothing about the adverse noise and other environmental impacts of this new traffic beyond an assumption that there will be statutory noise requirements of some sort, presumably addressing noise and emissions associated with the technology rather than cumulative impacts.

A robust noise and emissions regulation regime for new forms of air traffic, and for cumulative impacts, must be developed and agreed before such traffic is permitted to operate.

Technology

ACOG's iteration 2 masterplan states that *"a portion of the fleet operating at the time that the airspace changes are first deployed will not have the airframe or avionics capabilities needed to maximise the performance of the new route network and that further benefits will be released over time as the technology used across the fleet evolves"*⁵.

Our understanding is that this means that some route or multiple-route network options which might offer noise benefits will not be achievable when airspace changes are first made. These may include laterally dispersed arrival routes and noise optimised vertical flight profiles using 'tubes in space'. This creates a possibility of a 'jam tomorrow' approach where changes that achieve capacity and cost benefits for the industry would be implemented initially but changes that achieve noise or other environmental benefits could be deferred, potentially for many years or indefinitely.

We do not agree with the presumption that changes should go ahead even if they would not initially achieve a set of outcomes that is fair and balanced across stakeholder groups. This seems to us to be potentially inconsistent with government policy and ACOG's commitment to evaluate whether, at a programme level, the benefits and/or disadvantages of the masterplan are *"proportionate across stakeholder groups and that negative impacts are managed and mitigated proportionately"*.

If noise or other community benefits would not initially be delivered by an airspace change the Department and the CAA should:

- 1. review with stakeholders whether a sufficiently balanced set of benefits is proposed and require new arrangements if they are not; and**

⁵ Paragraph 100

- 2. commit to a process through which subsequent changes that achieve noise and other environmental benefits will be mandated and implemented, including their timing, the process to be followed and the steps to be taken if potential noise benefits are not initially achieved.**

Health impacts

A requirement of the UK's airspace safety goal is that there should be "*... no serious injuries or fatalities to third parties as a result of any aviation activities*". While this relates to physical harm, there is no objective to protect the health of those overflown from the effects of aircraft and emissions.

Airspace modernisation is likely to result in changes to the distribution and intensity of aircraft noise, potentially on a scale not experienced before. The CAA and the Department accept that change is a key factor in people's reaction to aviation noise. Sound, up-to-date, evidence on the impacts of changes in noise should therefore be a pre-requisite of the airspace modernisation programme as a whole and all airspace changes within it. ,

In our view, however, deficiencies in past surveys of noise attitudes (such as SoNA) means that none of the government, the CAA or ACOG currently has a sufficiently detailed and robust understanding of the health and quality of life impacts of aircraft noise particularly in circumstances where noise changes or is concentrated through the use of PBN technologies. Likewise policies and models (such as WebTAG) derived from past studies do not in our view provide a sound basis for assessing the noise impacts of airspace change proposals. While we are aware that some studies are underway or are planned to update the evidence, in the absence of the results none of the public, the industry, the CAA or planning authorities will, in our view, be in a position to assess properly the expected health, annoyance and other consequences of airspace change proposals.

As the decision-making bodies for airspace change proposals the Department and the CAA should assess formally and thoroughly the adequacy of the current understanding and guidance as regards aviation noise impacts, including the way in which annoyance and health impacts are assessed. Community representatives and other stakeholders should be consulted on the terms of reference for this assessment, and in the work itself. The finding from the review should be published and engaged on.

There should be an independent peer review of WebTAG as regards its use in the airspace change process. There is currently little confidence that it adequately reflects the impacts of aviation noise on people and communities.

Compensation

The draft strategy and ACOG's masterplan acknowledge that some people are likely to suffer increased noise as a result of airspace modernisation. This would have a range of adverse health and quality of life impacts. It could also have impacts on property values in areas close to airports or under concentrated flight paths. However, airspace modernisation does not currently include policies or

arrangements through which the financial impacts of increased noise on the value of property and other assets are to be compensated, because the Land Compensation Act does not currently apply and the government has failed to make other arrangements. This is clearly inadequate.

The government should require airspace change sponsors to provide full compensation to any person adversely impacted by a change, including for loss of property value. It should engage with all stakeholders on a framework and benchmarks for appropriate compensation, including the possibility of using or adapting the Land Compensation Act.

Climate impacts

The draft strategy pays little attention to the government's key environmental objective that the aviation sector should "*make a significant and cost effective contribution to reducing greenhouse gas emissions*", focussing solely on reducing emissions per flight rather than the net change in cumulative emissions. Airspace modernisation will be delivered over the next 10 years – the years identified by the IPCC as the most crucial in tackling climate change. This implies a need (in a responsible world) for priority to be given to achieving the carbon-reducing benefits of modernisation but without negating these benefits by, at the same time, creating more capacity.

The government and the CAA should set out clearly the extent to which airspace modernisation might increase emissions by increasing capacity and explain how this is consistent with policy.

In addition, amongst other things, sponsors should be required to demonstrate how their plans contribute to the Government meeting its climate commitments and obligations and the CAA should be required to conduct an overall assessment of the climate impacts of airspace modernisation in each case taking account of the additional capacity to be created by the programme.

Engagement

We recognise that there has been engagement on airspace modernisation issues by the Department the CAA, ACOG and in some cases locally. However, there is little evidence that the engagement that has taken place centrally has influenced the approach being adopted by the co-sponsors or by ACOG. In particular we have repeatedly requested that the key policy, policy deliver and regulatory issues set out in this letter should be considered carefully and openly by the Department. That has not happened. Requests for these issues to be discussed at the Airspace Strategy Board have consistently been declined by its secretariat. Consequently we do not believe either the CAA or the Department are meeting the CAA's own core principle for engagement, that there should be an effective, open two-way conversation.

In addition, we are concerned that ACOG remains an industry-only body. There are no community or environmental representatives on ACOG's board and, as far as we are aware, no one in the ACOG structure has responsibility for

representing either environmental interests or the interests of impacted communities, specifically the need to reduce noise. Whilst we understand some further engagement is proposed we are not confident that ACOG is currently set up or governed in a way that enables it to be impartial in advising on trade-offs or that it will achieve a fair balance between competing stakeholder interests. This clear imbalance in ACOG's processes and governance should be addressed.

Conclusions

In conclusion, community groups recognise that airspace modernisation has the potential to deliver some noise benefits on a per-flight basis. But those benefits appear likely to be modest and may be substantially outweighed by the noise and other adverse impacts from additional flights facilitated by modernisation, over which there is currently no effective or policy compliant control. Unless that key issue is addressed airspace modernisation is likely to result in a series of "win/lose" outcomes, where the industry achieves substantial cost and capacity benefits but communities are subjected to greater total adverse noise and environmental impacts. That is not an acceptable or sustainable basis on which to take forward a fundamental redesign of UK airspace.

We hope that the Department will now engage seriously on the key issues set out in this letter and work with us to develop a programme that can command wider support.

Yours sincerely,

Rob Gibson
ANCF Coordinator
Aviation Environment Federation

cc: Huw Merriman, Chair, Transport Committee;
Sir Stephen Hillier, Chair Civil Aviation Authority