

The Rt. Hon. Heidi Alexander MP
Secretary of State
Department for Transport

Sir Stephen Hillier
Chair
Civil Aviation Authority

By email to: airspace.modernisation@caa.co.uk

17 December 2024

Dear Secretary of State and Sir Stephen

Airspace modernisation – Consultation on creating a UK Airspace Design Service

I am writing on behalf of Clean Air in London ('CAL') in response to your joint consultation on 'Airspace modernisation – creating a UK Airspace Design Service' (the 'Consultation').

CAL is a voluntary organisation which has campaigned since 2006 to achieve urgently and sustainably full compliance with World Health Organisation ('WHO') guidelines for air quality throughout London and elsewhere. Since 2015, CAL has broadened its campaigning to include other environmental issues. CAL knows the City of Westminster ('Westminster') particularly well. Further information about CAL can be found at <https://cleanair.london/>.

CAL is independent of any government funding, has cross-party support and a large number of supporters both individuals and organisations. CAL provides a channel for both public concern and expert opinion on air pollution, greenhouse gases, climate change and other environmental issues. This submission provides both general and expert comments in response to the Consultation.

The Consultation proposes creating a single guiding mind responsible for future airspace demand – a UK Airspace Demand Service ('UKADS'). However, it goes further by identifying runway changes which could result in significant overflight over Central London. These potential impacts are not highlighted by the Consultation and difficult to identify.

In terms of the information presented in this Consultation, CAL makes the following overarching comments:

1. CAL does not consider that there should be any expansion of Heathrow Airport. The environmental damage, especially in terms of air pollution, greenhouse gas emissions and noise, that would be caused is unacceptable. There should be fewer flights, more respite for residents and businesses and less air pollution, greenhouse gases and noise overall from flights.
2. Westminster and Central London are likely to be badly affected by any proposal to expand Heathrow Airport and/or allow more flights nearby and overhead at low altitudes. It is unacceptable that residents and others have not been told that this could be one of the consequences of the proposals.

3. There should be no change to the existing flightpaths for a 2-runway Heathrow Airport which at least provides some respite to members of the public. Westminster is currently affected by the latest (e.g. midnight or later) and earliest flights (typically from 430am) and so the residents of Westminster sometimes have only three or four hours respite overnight (or less). There is no justification for this and it is not in the interests of anyone but the airport.
4. Westminster is a particularly sensitive area for air pollution and noise. It is a largely residential area with many protected sites including: Conservation Areas; Metropolitan Open Land; Registered Parks and Gardens; and world renown cultural and educational sites (including the Royal Albert Hall and Imperial College London). It is extremely important that these uses are not significantly affected as they play a key role in London's society and economy. Further, Hyde Park and Kensington Gardens are key areas of freely accessible open space for the public to use for leisure and recreation which are used throughout the day. Impacts from aircraft air pollution and nuisance noise on these areas of open space cannot be mitigated in any way. They should be minimised and not increased.
5. The Consultation has been conducted in an unsatisfactory way:
 - i. The period of consultation has been too short; this is particularly so given the Consultation fails to highlight the potential impacts of the proposals on members of the public.
 - ii. There is a large amount of detailed and technical information presented alongside the Consultation which is difficult to navigate through, difficult to understand and difficult to share widely. This makes the Consultation difficult to understand and puts members of the public off responding to it.
 - iii. For example, the Consultation is spread across a number of websites and pages including:

This webpage which says the Consultation closes on 20 December 2024 (see side bar on the right):

<https://consultations.caa.co.uk/policy-development/ukads-consultation/>

'How to respond to this consultation', lower down on the same webpage, says: The consultation will close at 23:59 on 17 December 2024' and 'We cannot commit to taking into account comments after this date'. Together these are highly misleading.

See also:

<https://www.gov.uk/government/consultations/creating-a-uk-airspace-design-service-ukads>

<https://consultations.caa.co.uk/policy-development/ukads-consultation/>

A complementary consultation was launched on 21 November 2024 which closes on 9 January 2025:

<https://www.caa.co.uk/our-work/publications/documents/content/cap3063/>

- iv. We found eventually 177 documents on the airspace change portal but the file lists are indigestible:
<https://airspacechange.caa.co.uk/PublicProposalArea?pID=386>
- v. The '00 Stage 2 Submission Upload Navigation Tool v2.0' listed there is hard to identify:
<https://airspacechange.caa.co.uk/documents/download/5983>
- vi. This led to a pdf document titled 'Airspace modernisation Airspace Change Proposal (ACP-2021-056) Stage 2 Submission Navigation Tool'. Within this, we found reference eventually to a document titled '13.6 Step 2B Appendix A PBN Departures v1.0 Part 6' which is about 'IOA – PBN Departures Runway 09L Options B, C, D &E' which says 'On Portal, available to view'.
- vii. This led to another pdf document titled 'Airspace Modernisation Airspace Change Proposal' Step 2B Initial Options Appraisal, Appendix A, Performance Based Navigation (PBN) standard instrument departures (SIDs) Part 6'.
- viii. CAL found Option E at the back end of the document 13.6 which seems to show the worst impacts for Westminster and Central London.
- ix. The Consultation questions are presented in an illogical order e.g. when completed online.
- x. The Consultation seems designed to discourage people from replying by being so technical in nature.

The above document 'Airspace Modernisation Airspace Change Proposal' Step 2B Initial Options Appraisal, Appendix A, Performance Based Navigation (PBN) standard instrument departures (SIDs) Part 6' states in PIB SIDs – RWY 09L Options B, C, D and E:

Communities - Air Quality

Introduction of PBN SIDs at Heathrow could affect track distribution below 1000ft within an AQMA. This may or may not have an effect on Air Quality. This is the same for all departure options and is not a differentiating factor at this stage. Any Air Quality impacts will be investigated at Full Options Appraisal (FOA).

CAL was shocked by the information contained in the Consultation. The Consultation mentions serious possible or likely impacts on air quality and then dismisses them without any detail. This is totally unacceptable. All options show and quantify an adverse impact on noise but none shows or quantifies the potential impact on air quality. Option E, for example, seems likely to have the worst impact on Westminster and Central London.

As far as CAL can identify, the runway changes open the door to routine departures from the northern runway. This might in future, with changed flightpaths and some options, result in significant overflight over Central London.

Further, the plans to use a "single-mind body" to design airspace in the south east of England mean that Heathrow and Gatwick would have the change process wrested from them, such that a new UKADS

comes up with their options which are then presented for consultation. The trade-offs UKADS decides upon to determine their choices may then remain hidden.

Air pollution and inequality

The evidence I also wish to draw to your attention shows that the effects of air pollution are unequal. This is acknowledged by the government e.g. *“Air pollution can cause and worsen health effects in all individuals, particularly society’s most vulnerable populations.”*

This is well explained in a recent article [9 January 2023]:

“Air pollution is not evenly distributed, and its impact disproportionately affects minority ethnic and low-income communities. [Those most likely to live near busy arterial roads, motorways, and transport hubs.]

“Proximity to other pollution sources, like industrial sites, is also often too close for comfort. A comparative lack of green assets, such as parks and trees, compounds the situation. Research by The Runnymede Trust paints a vivid picture of this: 20% of the UK’s most deprived areas are home to one-third of its waste incinerators, with just 90 such facilities found in the wealthiest 20% of neighbourhoods. The organisation has identified ‘air pollution sacrifice areas’, predominantly home to impoverished and minority populations.

“In November, the Mayor of London published damning evidence spotlighting the terrifying human cost. Half the city’s recorded childhood asthma hospitalisations between 2021 and 2022 were from Black, Asian and other minority ethnic groups. The fact that NO₂ levels in these communities are on average 16 to 27% higher than majority white neighbourhoods is no coincidence.”

In England, people of colour are three times more likely to live in areas with high air pollution, according to new research by Friends of the Earth: *“These areas have pollution levels that are double World Health Organization (WHO) standards for at least one of the two most deadly air pollutants, the study found.”*

The evidence about the effects of air quality shows that pollution particularly affects the young, the old and people with disabilities.

The CAA, as a public body listed under the Equality Act 2010 is subject to the public sector equality duty. This requires them to have due regard to certain equality considerations when exercising their functions, and these functions include forming policy and an enforcement strategy and making enforcement decisions.

The general duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- foster good relations between people who share and people who do not share a relevant protected characteristic.

The relevant protected characteristics include age, disability, pregnancy, maternity and race all of which, the evidence shows, render people more likely to be seriously affected by air pollution. To take but one example: air pollution in general and exposure to PM_{2.5} in particular leads to a greater incidence of dementia and cognitive decline which disproportionately affects the elderly.

Other legal and public health considerations

CAL points you to the Judgment of the Court of Justice of the European Union (“CJEU”) of 4 March 2024 which is binding under the Withdrawal Agreement:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0664>

The UK breached the nitrogen dioxide (NO₂) annual limit value in nine zones in 2023 including Greater London.

<https://uk-air.defra.gov.uk/library/annualreport/index>

With respect to health, please see the Chief Medical Officer’s annual reports on air pollution (8 December 2022) and health in cities (12 December 2024).

<https://www.gov.uk/government/publications/chief-medical-officers-annual-report-2022-air-pollution>

<https://www.gov.uk/government/publications/chief-medical-officers-annual-report-2024-health-in-cities>

In summary, there should be no change to the existing flightpaths for a 2-runway Heathrow Airport which at least provides some respite to members of the public.

Yours sincerely

Name redacted at responder's request