



Department for Transport

By email: [airspace.policy@dft.gsi.gov.uk](mailto:airspace.policy@dft.gsi.gov.uk)

25<sup>th</sup> May 2017

Dear Sir,

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

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

### **Introduction to the Boroughs**

#### **Hillingdon**

As the home borough to Heathrow airport, Hillingdon is already acutely affected by its noise and air pollution. Expansion would mean the destruction of over a thousand of its residents’ homes and over 400 hectares of green belt land.

#### **Richmond**

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

#### **Wandsworth**

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

#### **Windsor and Maidenhead**

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

Our Response to the consultation is set out both in the text below and in the Appendix in which we provide our comments to the set questions posed in the consultation document.

For the avoidance of doubt our comments on the main consultation should be taken as applying also to the Guidance (CAP1498) as well as the “Upgrading UK Airspace – Strategic Rationale”.

### ***The Government’s policy objectives***

We note that the consultation foreshadows changes to the Government’s policy on noise and whilst the consultation does not ask for feedback on the Government’s new policy we believe this is a material changes which should have been drawn to consultees attention.

It is clear from the accompanying DfT “*Strategic Rationale*” report that the science behind the proposed policy changes is immature and that at present the Government has no idea how it is going to be able to introduce PBN navigation within 20 miles of any airport in a way that is likely to be socially acceptable.

The rush to put arrangements in place for a third runway means that the government still has no answers to the problems that new precision based navigation technology (PBN), in its strict form, causes when implemented over densely populated areas. We believe that time is needed to allow the use of new monitoring tools calibrated by the results of social surveys. These have to be developed and trialled and this process will inevitably take time. The airspace modernisation process is being rushed to put in arrangements to accommodate the decision to expand Heathrow.

The consultation states that the Government’s overall policy on aviation noise henceforth will be:

*“To limit and where possible reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction between industry and communities in support of sustainable development”*

The phrases “*limit and where possible.*”, “*part of a policy of sharing benefits of noise reduction*” and “*in support of sustainable development*” are for the most part meaningless and will fail to protect millions of people living within 20 miles of major airports from relentless aircraft noise in future.

In our view what is needed is a clear policy commitment to challenge the aviation industry so that the benefits of new technology are used to *improve* the sound environment around UK airports in general and Heathrow in particular. The Government should accept that fact that what is needed is an actual reduction noise not promises of “mitigation”.

The UK government committed itself to achieving WHO noise standards “in the long term” over 20 years ago and yet the new policy contains no commitment to achieving these standards that are designed to protect human health. The Government will be aware that new WHO recommendations are imminent.

### ***Proposed New Arrangements to Facilitate Airspace Modernisation***

Our view is that the UK airspace modernisation process is being rushed by Government to support its rushed decision to expand Heathrow last October. The evidence is clear from the Airports Commission Final Report that a three runway Heathrow will require major changes to the way London’s airspace operates.

Putting proper transparent processes in place in regard to future changes to flightpaths, the metrics used to inform the impacts of these changes and the acceptability of changes of the local communities should be in place before the matter of further expansion is decided.

As things stand it is our view that the Government's current consultation on the subject is incomplete and inadequate. It fails to explain the impacts that are likely to be felt for 20 miles or more around Heathrow once a third runway is in place.

#### Airspace Modernisation - PBN Implementation

Virtually all "Airspace modernisation" changes undertaken using PBN in the UK have, to date, resulted in unprecedented levels of adverse community reaction from communities who find themselves newly overflown as well as those who have found themselves condemned to living in a "noise sewer" a result of concentrated flights paths with no respite.

There is not a single example we can find where community consultation and engagement relating to PBN routes has been conducted openly and fairly or where post implementation there has been community satisfaction with the new routes. In the cases of both Gatwick and Heathrow the adverse community reaction has been so great that the process stalled until the Secretary of State's announcement to the House of Commons on 25th October supporting Heathrow expansion.

We are not convinced that the government has thought through how it is going to develop a policy that is fit for purpose. Its new draft policy (UK Airspace Policy 5.13) suggests that:

*"it may be better in future to have multiple concentrated routes that share noise among more people, than a single concentrated route which affects fewer people to a greater extent, providing large numbers of people are not exposed to aircraft noise for the first time".*

We would make two comments on the proposed policy at this stage:

(i) The idea of creating multiple concentrated routes conflicts with the international and EU design framework specification for precision navigation. By definition there can only be a single defined route that complies with a "PBN" departure. This is the route that minimises fuel burn<sup>1</sup>. Noise mitigation does not feature as a key deliverable within the international and EU framework for airspace modernisation and as such no reliance should be placed by the Government at this stage that airlines will voluntarily accept a hybrid scheme, as it now proposes.

(ii) The use of dispersed flight paths across London to serve an expanded Heathrow will mean that at least 100,000 thousand people will be newly overflown for the first time and be impacted by noise to a significant degree. The government has not yet developed a suitable set of noise metrics that can accurately predict community response to the changes in the local sound environment that will occur. The use of a single average noise metric as currently adopted by Government understates the position as a "daily average" would include the times of the day or night when aircraft are flying using another route.

#### Altitude Based Priorities

The consultation does not address the out of date altitude based priorities. The evidence is now clear that noise must be a priority for 20 miles or more around a major airport. As a

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<sup>1</sup> See for example <http://www.iata.org/policy/promoting-aviation/Pages/european-airspace-study.aspx>

result of the flight path trials in 2014, the population around Heathrow became aware of the consequences of the UK's Future Air Space Strategy and PBN. Those living to the west and south of the airport were overflown by aircraft using PBN and hated the experience.

#### Independent Noise Authority (ICCAN)

We are disappointed to see that, in the clear recommendations of the Airports Commission for an independent aviation regulator, this has now been watered down. Instead Government is now proposing an Independent Commission on Civil Aviation Noise (ICCAN). ICCAN itself is to be part of the Civil Aviation Authority and as such will have to operate within the advice and instructions that it is given by Government.

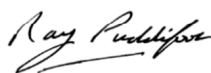
ICCAN, as proposed, will have no teeth and, without powers of enforcement, will be unable to exercise effective leadership or demonstrate impartiality to the communities affected. It also appears that the Government does not envisage a long-term role for ICCAN, possibly not beyond a single 5-year term which is insufficient time as the Government has been working on air space modernisation for 6 years already.

In conclusion we believe the Government has failed to produce a balanced impact assessment to support its proposed changes in policy and should not proceed with them. It should instead put in place policies that are challenging to the industry.

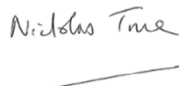
By that we mean the Government's policy should state unequivocally that from now until 2030 future gains in noise performance, due to new technology and future operational techniques, will be used to redress the balance towards communities adversely impacted. Any expansion proposals must be able to demonstrate progressive and material reductions in the amount and impact of aviation noise, both in relation to the number of people impacted and the severity. For Heathrow, current levels of noise are unacceptable.

We believe the touchstone for airspace modernisation should be that no communities within 20 miles of an airport should be exposed to aviation noise levels greater than those suffered before the introduction of new or PBN concentrated flight paths.

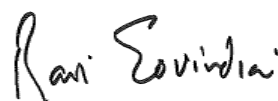
Yours sincerely,



**CLlr Ray Puddifoot MBE**



**Lord True**



**CLlr Ravi Govindia**



**CLlr Simon Dudley**

<ul style="list-style-type: none"> <li>• <b>Question 1a:</b></li> <li>• We propose that for tier 1 airspace changes, the Secretary of State should have a call-in function. This would mean that when decisions meet one or more specified criteria, the Secretary of State could call-in a proposal and decide upon it.</li> <li>• Please provide your views on the proposed call-in function for the Secretary of State in tier 1 airspace changes and the process which is proposed, including the criteria for the call-in and the details provided in the Draft Air Navigation Guidance.</li> </ul>	<p><i>Please provide any comments here:</i></p> <p>We agree with the concept of ensuring that there is democratic accountability for major changes in UK airspace use and design.</p> <p>The Tier 1 and Call-in process and decisions should satisfy the National Aviation Policy Framework objectives and in particular those for Noise, subject to them being fit for purpose in a revised NAPF</p> <p>We strongly disagree with the proposal that the call-in may not be used to reopen a planning decision. even in cases it seems where a planning decision was based on the basis of incomplete information such as “indicative flight paths” which may then be subject to significant change. We presume this applies also to a DCO, as would be the case of Heathrow expansion, we require clarity on this issue.</p> <p>We do not agree that the proposed triggers for a ministerial “call in “are proportional and balanced. The proposed economic trigger, namely that “<i>the proposal could have a significant impact (positive or negative) on UK economic growth</i>” is very general and leaves a wide scope for the Secretary of State to choose to intervene.</p> <p>By contrast the proposed environmental trigger for call in is very specific and the qualification bar set very high:</p> <p><i>“The proposal must lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr as well as having an identified adverse impact on health and quality of life”.</i></p> <p>It is unclear on what basis the environmental triggers have been set, No explanation is offered as to why, in this case, the 54dB contour has been selected. The use of the 54dB contour does not align with the government’s (draft) guidance on altitude based priorities which is to consider the effects on communities within the 51dBLAeq16 hr contour.</p> <p>We welcome the fact that the Government recognises that those newly overflowed are likely to be particularly sensitive to repeated aircraft events and, that numbers of movements that can be heard, as well as the long term average noise level, are important.</p>
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However as there is not any accompanying scientific study to determine at what level this impact can be predicted to be noticed by those newly overflown we do not understand the basis on which the accompanying draft guidance is proposing a threshold of 51 dBLAeq 16hr . Further we do not understand how the proposal to fix the “call in” threshold 3dB(A) more than this has been arrived at.

In our view both the noise and population trigger thresholds will mean that the call in procedure will effectively be limited to areas close into major airports. The population headcount appears arbitrary and not based upon emerging government policy which requires an assessment of noise related impact to evaluate the costs and ill health effects using Webtag.

All UK PBN driven flight path changes to date have resulted in concentration of movements protests with thousands of complainants and involvement of local Members of Parliament. Yet none of these new routes would have fallen within the proposed criteria of strategic national importance.

We do not understand why the 16 hr average mode noise metric has been chosen (The effect of using average mode contours in this context is to reduce the size of the actual “real time” daytime contour and thereby potentially reducing the opportunity for democratic accountability for an airspace change).

Also the proposal for the use of the N 65 metric without at least some assessment of the community response to the actual numbers, (i.e. the N) is in our view meaningless

**Question 1b:**

For tier 2 airspace changes, we recognise there should be a suitable level of oversight, for example, when changes to vectoring patterns may substantially affect communities on the ground. We propose that:

- when changes are likely to cause a permanent and planned redistribution (PPR) and create a certain level of noise impact below 7000 feet amsl, ANSPs should engage with affected communities; and
  - the Civil Aviation Authority (CAA) should assess the proposal and give its approval for the procedural change before it is implemented.
  - the CAA should establish a policy on an appropriate change process for tier 2 airspace changes in line with their duties under the Transport Act 2000, and to be consistent with better regulation principles and practices. This will include the level of engagement which is considered suitable, including where consultation is appropriate.
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- *For more information, check Chapter 4 of the Consultation document*
  - Please provide your views on the proposal that tier 2 airspace changes should be subject to a suitable change process overseen by the Civil Aviation Authority, including the Draft Air Navigation Guidance and any evidence on costs and benefits.

*Please provide any comments here*

We support the proposal to require ANSPs to engage with communities affected by noise in the case of permanent and planned redistribution of air traffic, and the proposal for the CAA to establish a process for considering these impacts.

The Tier 2 process and decisions should satisfy the National Aviation Policy Framework objectives and in particular those for Noise, subject to them being fit for purpose in a revised NAPF

We believe the 7000ft (amsl) qualification is wrong. It is out of date and is based upon historic policy developed pre PBN and by subjective assessment.

We do not agree with the assertion that noise from aircraft flying at, or above, 7000ft is unlikely to cause community annoyance. This statement is not borne out by the experience from the results of all the recent PBN trials. A simple altitude based cut off point fails to account for the numbers element which is a feature of text book PBN. We suggest 10,000 ft asml would be a more appropriate altitude based threshold if one is needed for policy purposes.

In terms of presenting noise data for the consultation we would urge that average mode 16hr LAeq contours should be supplemented with noise event based metrics. These should be consistent with National Noise Policy e.g. lowest observed adverse effect level (LOAEL). The noise data should also include local background (LA90) levels. The use of “N above” metrics may be useful once they have been calibrated to social response.

We do not support the proposed exclusions / caveats for a stage 2 change consultation. For example, the proposal to exclude “any procedural change linked solely to the maintenance of a high standard of air safety” is in effect a “catch all” clause which could be invoked simply because of pressure from an airport for an increase in atms or to changes to the traffic mix. The proposed exclusion is in our view unfair and unnecessary. Changes in airspace triggered as a result of safety issues should be defensible in a public forum, no differently to those proposed in any other way. We believe that Tier 2 change consultation requirements should not just apply to Air Navigation Service Provider (ANSPs) but also other stakeholders such as airports.

We do not accept that there no appeal process beyond the CAA to challenge controversial Tier 2 decisions. This role could be undertaken by ICCAN if it were to be given an Ombudsman type role and we urge the Government to reconsider this.

<ul style="list-style-type: none"> <li>• <b>Question 1c:</b></li> </ul> <p>For tier 3 airspace changes, we recognise the need for consistency in how industry engages with communities. We therefore propose the Civil Aviation Authority should:</p> <ul style="list-style-type: none"> <li>• put in place a suitable policy for industry to follow with respect to tier 3 airspace changes. This should set out expectations on transparency and engagement with communities, including on potential ways to mitigate adverse impacts; and <ul style="list-style-type: none"> <li>• take a light-touch approach, working in conjunction with the new Independent Commission on Civil Aviation Noise (ICCAN), to disseminate best practice and improve transparency</li> </ul> </li> <li>• <i>For more information, check Chapter 4 of the</i></li> <li>• <i>Consultation document</i></li> <li>• Please tell us your views on the proposal that tier 3 airspace changes should be subject to a suitable policy on transparency, engagement and consideration of mitigations as set out by the Civil Aviation Authority.</li> </ul>	<p><i>Please provide any comments here</i></p> <p>We support the recognition that operational changes such as shifts in the distribution of flights on particular routes can have significant noise impacts and should be recognized therefore as a category (tier 3) of airspace change and subject to an appropriate process. Such changes, which can be incremental, have the potential to impact at least as significantly as those from a tier 1 change.</p> <p>The Tier 3 process and decisions should satisfy the National Aviation Policy Framework objectives and in particular those for Noise, subject to them being fit for purpose in a revised NAPF.</p> <p>There is a need for the Government to be clear what changes are considered to be within a tolerance of natural variation e.g. a change in route usage as a result of market based demand or restrictions in overseas airspace due to conflict areas. Changes in diurnal patterns also have the potential to cause significant impact.</p> <p>We are concerned by the recommendation for the CAA to take a <i>“light-touch approach” to these changes, and to “ensure that its policy does not inhibit Tier 3 changes, as this could affect the development of new markets.”</i> We believe that any proposed change for commercial reasons should, as a minimum, be compliant with the government’s altitude based priorities.</p> <p>The proposed new policy does not address adequately the defect in current policy which only requires noise to be made the overwhelming priority up to 4000ft. This is important as adverse community reaction to concentrated ATMs over 4,000ft has been demonstrated at virtually all UK locations that have trialled PBN driven changes.</p> <p>ICCAN could, if properly empowered, play a key role in helping to shape suitable policy for industry to follow in relation to Tier 3 changes.</p>
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<ul style="list-style-type: none"> <li>• <b>Question 1d:</b></li> <li>• We want to ensure the right balance between fair compensation for those affected by aviation noise and proportionate costs on the aviation sector. This is important to create a balanced, transparent and effective process to support beneficial airspace change. We are therefore proposing the following: <ul style="list-style-type: none"> <li>• allow for the payment of financial assistance toward insulation regardless of whether a change in noise impact is attributable to an infrastructure development or an airspace change;</li> <li>• allow for financial assistance towards insulation for all homes brought into the 63dB LAeq level or above, regardless of the degree of change which has led to their falling within that contour;</li> <li>• encourage airspace promoters to consider compensation for significantly increased overflights that occur as a result of the airspace change, based upon appropriate metrics; and</li> <li>• a requirement of an offer for full insulation to be paid for by the airport</li> </ul> </li> </ul>	<p>Please provide any comments here</p> <p>Feedback from our residents clearly supports our view that people who have been newly impacted by concentrated flightpaths want their previous peace and quiet restored and that no monetary contribution towards double glazing or loft insulation is adequate. In other words for those communities newly impacted by aircraft noise, financial compensation is often irrelevant. Residents and business often choose to locate in a particular area upon the legitimate expectation that the environmental conditions (especially in relation to Heathrow) will not change suddenly and irrevocably for the worse.</p> <p>However we accept that there may, in the future, be cases when flight path changes become necessary for safety or security reasons, For these cases adequate monetary compensation is essential.</p> <p>In the current regulatory climate, most residents of our boroughs would not fall within the proposed criteria for compensation due to the manner in which the [inadequate] noise contours are used. Furthermore, performance based navigation (PBN) is likely to change the dynamics of how noise is experienced, rendering the current 63dB compensation metric largely irrelevant.</p> <p>We consider that the proposed compensation proposals are totally inadequate. The proposal for increased noise insulation would still only apply close in to Heathrow (and other major UK airports) and would provide no benefit for people who wish to exercise their basic human rights of being able to open windows use their external amenity areas.</p> <p>The proposal to encourage air space change sponsors to offer compensation voluntarily is not good enough and is an abrogation of responsibility. The polluter pays principle should apply.</p> <p>Changes in flight paths driven by PBN have the potential to significantly reduce the value of a house not only because of noise but also the new routes in future which will be published and identifiable as a line of map. Noise impacts od PBN will be felt 20 miles or more from Heathrow (as well as a other major airports).</p> <p>In the case of a new roads (or new airport runway or taxiway or terminal) the Land Compensation Act provides full compensation for any loss of property value plus 10% (+25% proposed for Heathrow R3).</p>
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<p>for homes within the 69dB LAeq or above contour, where the home owners do not wish to move.</p> <ul style="list-style-type: none"> <li>• <i>For more information, check Chapter 4 of the Consultation document</i></li> <li>• Please tell us your views on the airspace change compensation proposals.</li> </ul>	<p>Importantly compensation is not dependant on distance from the new development, and is not linked to the installation of double glazing, nor the sale of the property.</p> <p>In our view the same levels of compensation are needed for those affected by any new PBN based departure or arrival route. Compensation for a new motorway is paid by the Highways Agency: compensation for new flight paths should be paid for by the airport concerned.</p> <p>We disagree with the conclusion that airport complaints are a reliable indicator of noise impact. (“Evidence collected on airport complaints suggests no strong case for further compensation at airports that are not expanding”.)</p> <p>It is expected that new NAPF will contain new objectives on Noise. Subject to these being fit for purpose compensation should satisfy these new objectives.</p> <p>We believe that if ICCAN were properly empowered it could set a addition that there should be a trigger point at which review by ICCAN is required.</p>
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<ul style="list-style-type: none"> <li>• <b>Question 2a</b></li> <li>• To ensure sponsors transparently, consistently and objectively assess all available options for airspace design, it is proposed that an options analysis should be carried out as part of change proposals for airspace.</li> <li>• This would allow communities to have certainty that reasonable options have been considered, and that evidence-based decisions have been made.</li> <li>• <i>For more information, check Chapter 5 of the Consultation document</i></li> <li>• Please provide your views on the proposal to require options analysis in airspace change processes, as appropriate, including details provided in the Draft Air Navigation Guidance.</li> </ul>	<p>Please provide any comments here</p> <p>An option-based approach that ensures airspace change sponsors are as creative as possible is supported in principle.</p> <p>A process should be put in place to ensure that this process promotes consideration of the widest possible number of options.</p> <p>In the event that multiple options are claimed not to be viable for a proposed air space change evidence should be provided to justify this position by the airspace change sponsor.</p> <p>We support the principle of a common assessment methodology. In our view this will take time to formulate and it should be externally peer reviewed to ensure it represents best practice.</p> <p>We believe that the proposed altitude based criteria is too simplistic and needs to be clarified and supplemented with noise based criteria (LOAEL &amp; SOAEL) to provide meaningful assessments of impacts. Background noise levels (LA90) should be included as one of the noise metrics provided in any noise assessment.</p> <p>We do not agree that noise is the environmental priority only up to 4,000 ft. and that noise and carbon emissions should be balanced between 4,000 and 7,000ft.</p> <p>However, we welcome the statement in the Guidance that consideration should be given to limiting the number of aircraft on any one route between 4,000 and 7,000 feet, but again we do not agree 7,000 feet is the correct upper threshold for this policy.</p> <p>We believe that for any future altitude based priorities there is a need for a clear definition of the meaning of priority. We would also welcome clarity on how sponsors are to demonstrate that noise has been prioritised to 4000ft and balanced with carbon beyond this altitude.</p> <p>The three current National Aviation Policy Framework (NAPF) objectives are not fit for purpose.</p>
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We do not agree with the proposed change to the policy of sharing the benefits of noise reduction between the aviation industry and communities by the addition of the words “in support of sustainable development.”

The extant policy envisages that technical progress will mean less noise with more flights. The addition of ‘sustainable development’ in this context is a meaningless and redundant phrase. We fear in practice it will be used as justification for continued expansion of air travel even in cases where noise increases.

The introduction of concentrated flight paths and trials in support of these has caused great distress to communities in the UK generally however the introduction of multiple (new) routes which will expose new people to significant levels of aircraft noise is in our view contrary to government policy.

Although new multiple PBN routes might in future be used to provide respite, there are many variations of how this could work but currently the government has no policy for, or any idea of, what respite actually means.

In terms of noise metrics we welcome the proposal, at last, that the 57 leq measure of noise is to be effectively replaced by a variety of other metrics . The last social survey data (Sona 14) confirms that sensitivity to aircraft noise has increased, with the same percentage of people being highly annoyed at 54 Leq as at 57 Leq thirty years ago.

Whilst we welcome the additional measure of 51 Leq as the ‘Lowest Observed Adverse Effect Level’ for daytime noise; and 45 Leq for the night the contours are misleading in that they measure the noise averaged between easterly and westerly operations.

The concept of average noise levels is not understood by most people and therefore average levels have little or no value to those who are affected on a daily basis.

We therefore welcome the decision to introduce additional noise contours based on the number of aircraft: N65 in daytime and N60 at night. But we are concerned that these contours will still not adequately show the extent of the disturbance caused by aircraft noise

None of the proposed new metrics take background noise into account and they therefore fail to take into account the fact that the same level of aircraft noise causes far greater disturbance and annoyance in a quiet area than above a busy city centre street.

<ul style="list-style-type: none"> <li>• <b>Question 2b:</b></li> <li>• The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry.</li> <li>• Government recognises the challenges of effective engagement between industry and communities on the issue of noise and how we improve the quality of noise data and how it is used in decision making. Our intention is to provide further guidance on our aviation noise policy in order to be clear about how it should inform decisions on airspace designs and use. We are therefore proposing to introduce methodology for assessing the impacts of noise in relation to: <ul style="list-style-type: none"> <li>• Health and wellbeing impacts using webTAG</li> <li>• Frequency of noise events</li> </ul> </li> <li>• <i>For more information, check Chapter 5 of the Consultation document</i></li> <li>• Please provide your views on the proposal for assessing the impacts of noise, including on health and quality of life. Please provide any comments on the proposed metrics and process, including details provided in the Draft Air Navigation Guidance.</li> </ul>	<p>Please provide any comments here:</p> <p>The concentration of routes as occurs with text book PBN is wrong and not acceptable. We oppose the introduction of concentrated routes over new communities. We also believe it is unacceptable to intensify numbers of movements, and hence noise, using PBN over areas that already suffer from regular overflying.</p> <p>Reductions in periods of respite amount to an intensification of flights and increases in noise as described above. This is also unacceptable.</p> <p>We welcome the Government's steps to expand the range of metrics used in assessment such as Heathrow’s on going work. We urge inclusion of single mode metrics e.g. easterly/westerly only contours.</p> <p>We are concerned over WebTAG limitations in relation to aviation and note that the government has yet to publish promised additional information on this.</p> <p>We note that rather than limiting the number of people exposed to any level of aircraft noise, the new policy is concerned with limiting the number of people experiencing significant adverse effects. It is not clear how this new policy is to be implemented in practice and more information is needed. The additional information promised by government on this (March 2016) has not been provided.</p> <p>The system for assessing and weighting noise impacts is only one part of the issue. While the consultation proposes that “taking account of consultation, preferred options should normally be based on those which result in fewer people significantly affected” there is still no definition of ‘significantly affected’ to aid transparent decision-making and ‘SOAEL’ is not defined.</p> <p>We also note with concern that the government considers that “there is no hard formula, apart from the altitude-based priorities, for how different factors should be balanced against one another.”</p> <p>Overall with no defined threshold at which noise impact is deemed unacceptable and no health-based noise reduction strategy the proposed policy offers provides little comfort for those impacted by future air space changes. In our view the policy is unbalanced and is focused on facilitating growth in aviation at the expense of the health of vast numbers of people around Heathrow alone who will be impacted by new PBN flight paths. We need a national action plan to ensure that World Health Organisation Targets (WHO) are met and maintained in respect of aircraft noise.</p>
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<ul style="list-style-type: none"> <li>• <b>Question 3a:</b></li> <li>• We will establish an Independent Commission on Civil Aviation Noise (ICCAN) to support upcoming airspace changes by building trust between industry and communities and making sure noise impacts are properly and transparently considered. We propose that ICCAN’s functions are to:</li> <li>• Advise on airspace change, providing assurance that noise has been considered and mitigated where possible.</li> <li>• Advise on planning and ongoing noise management, providing guidance on the planning approach whilst following International Civil Aviation Organisation (ICAO) standards and balanced approach.</li> <li>• Publish and promote best practice guidance.</li> <li>• Review, undertake or commission research to present new evidence.</li> <li>• Monitor and quality assure noise measurements and how noise is reported, build trust in improving transparency and credibility.</li> <li>• Please provide your views on the Independent Commission on Civil Aviation Noise’s (ICCAN’s) proposed functions.</li> </ul>	<p><i>Please provide any comments here</i></p> <p>We support the concept of an ICAAN.</p> <p>However, we do not believe locating ICAAN within the CAA it the right approach. ICCAN will not be perceived as independent and one of the key aims will be undermined before it is even in place.</p> <p>In our view ICCAN needs to have real teeth with powers of enforcement as foreshadowed by the Davies commission (as per ACNUSA in France).</p> <p>Although for reasons of expediency there may be some logic in ICCAN being publically funded in the first instance (paragraph 6.25) we believe that in line with the polluter pays principle the industry should fund ICCAN as soon as is practicable.</p> <p>We agree that the work of ICCAN should be subject to a review after five years when its functions could potentially be expanded (6.24)</p> <p>We support a research role for ICCAN in particular and need to ensure that it is properly funded (this should be funded by a levy on the industry.</p> <p>Overall we believe that ICCAN should have included, as part of its a remit, an ombudsman-type role. We see within this role the investigation of complaints that have not been resolved locally and the ability to make recommendations toward bringing about resolutions. We also see ICCAN as being the forum to host mediation between airport and community where requested to do so.</p>
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<ul style="list-style-type: none"> <li>• <b>Question 3b:</b></li> <li>• Credibility will be key to the foundation of an Independent Commission on Civil Aviation Noise (ICCAN). We propose the following: <ul style="list-style-type: none"> <li>• structure - to achieve the intended benefits of an Independent Commission on Civil Aviation Noise (ICCAN) when they are most needed, our lead option is to establish ICCAN as an independent body within the Civil Aviation Authority; and</li> <li>• governance and funding - ICCAN would be accountable against its Terms of Reference, set by the Secretary of State, and its work would be subject to a sunset review after five years. ICCAN would be funded via public funds, which would enable ICCAN to be set up relatively quickly whilst maintaining an impartiality from industry.</li> </ul> </li> <li>• Please provide your views on the analysis and options for the structure and governance of ICCAN given in Chapter 6, and the lead option that the Government has set out to ensure ICCAN's credibility.</li> </ul>	<p>Please provide any comments here:</p> <p>It is unclear how the proposed role for ICCAN in the future airspace change process, including providing 'assurance' of the information provided by sponsors, will differ from that of the CAA.</p> <p>ICCAN should have a specific mandate to monitor the latest evidence on impacts, metrics and mitigation and advise the Government on whether its policies are fit for purpose.</p> <p>ICCAN should have a role in advising on the design of noise envelopes where one is being developed, such as has been suggested at Heathrow for the proposed new northwest runway.</p> <p>ICCAN should be the final arbiter on whether the processes it has to oversee has followed the correct path and dealt equitably with noise.</p> <p>ICCAN needs to be empowered to advise Government otherwise we believe it will struggle to gain and retain credibility. This is same problem that the CAA currently has is so far as it seems unwilling to show leadership in challenging out of date Government policy.</p> <p>The CAA's involvement as a competent authority for non-planning decisions will require guidance. It is unclear when that guidance will be produced and when.</p> <p>Overall, we believe that the proposal for what will be in effect multiple competent authorities does not bode well for ensuring fair and consistent decisions.</p>
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<ul style="list-style-type: none"> <li>• <b>Question 4a:</b></li> <li>• We want decisions on noise to be made locally where possible. Government’s involvement should be focussed where there are strategic decisions to be made. In line with our aims for the decision making system and the need to appoint a competent authority under European legislation, we propose that: there are two separate routes for operating restrictions to be introduced; <ul style="list-style-type: none"> <li>• For operating restrictions associated with strategically significant decisions: The Secretary of State (SofS) would be the competent authority for all operating restrictions delivered through the planning process in the case of Nationally Significant Infrastructure Projects (NSIPs), as well as any local planning decisions that are called-in by or appealed to the Secretary of State.</li> <li>• For all other planning-related operating restrictions: The local authority deciding on a planning application would be the competent authority.</li> </ul> </li> <li>• For those occasions when operating restrictions may be brought forward by an airport outside of the planning process, such</li> </ul>	<p>Please provide any comments here:</p> <p>We do not support the proposal which will see in effect the creation of three levels of a competent authority. In our view it will inevitably create ambiguity and blurring of responsibility.</p> <p>In our view the specific nature of a “competent authority” makes it difficult for a local authority to fulfil this role and meet the requirements of EU Regulation 598 which states that the competent authority “should be independent of any organisation involved in the airport’s operation, air transport or air navigation service provision, or representing the interests thereof and of the residents living in the vicinity of the airport.”</p> <p>We support the concept of enabling local decisions to be taken locally through mechanisms such as the Environmental Noise Directive (END) action planning process. We believe ICCAN has a role to play in this process and in time might help build trust between stakeholders.</p> <p>We believe that for operating restrictions such as night flight regimes the Government should remain the competent authority.</p> <p>We do not agree with the proposals to de-designate the three Ex BAA London airports over time for operational procedures.</p> <p>The consultation claims that designated airports are currently inhibited from taking noise measures because of designation. We do not agree. For example, the night flight restrictions or other operational restrictions, such as the departure noise limits, cannot be dealt with through the planning process.</p> <p>The Town Planning framework can only be used when a relevant planning application is made Therefore the process (which fixes conditions at the point of granting a permission) is in our view unsuitable in the context of regular review and improvement of regulatory control.</p> <p>Currently the proper authority for these matters is the Secretary of State as the Civil Aviation Act and we believe this should remain the case.</p>
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<p>as resulting from Noise Action Plans or similar processes, we propose that the Civil Aviation Authority (CAA) would be the competent authority for approving any such restrictions.</p> <ul style="list-style-type: none"><li>• <i>For more information, check Chapter 7 of the Consultation document</i></li><li>• Please provide your views on the proposal that the competent authority to assure application of the balanced approach to the adoption of operating restrictions at airports in England should be as set out in Chapter 7 on Ongoing Noise Management and further information at Annex F.</li></ul>	<p>We do not accept that the three ex BAA airports concerned should have competent authority status. We believe such as move would be contrary to ICAO "balanced approach" and contrary to the requirements of the associated EU Directive An airport cannot be impartial in these matters</p>
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<ul style="list-style-type: none"> <li>• <b>Question 4b:</b></li> <li>• We want the designated airports to be able to manage noise in a way that best reflects issues faced by their local communities. We therefore propose that responsibility for setting other types of noise controls, such as continuous descent approaches or departure noise limits, is transferred to the airport.</li> <li>• Our aim is to ensure noise management decisions are developed and made locally wherever possible, through the planning or airspace change process where appropriate. This would be consistent with the situation at other airports and would see Government’s involvement focussed where there are strategic decisions to be made. Local decisions could potentially be informed by Independent Commission on Civil Aviation Noise (ICCAN) best practice in the future.</li> <li>• <i>For more information, check Chapter 7 of the Consultation document</i></li> <li>• Please provide your views on the proposal that responsibility for noise controls (other than noise-related operating restrictions) at the designated airports should be as set out in Chapter 7 on Ongoing Noise Management.</li> </ul>	<p>Please provide any comments here:</p> <p>As stated above we support the principle of local solutions and support a desire for greater clarity over responsibility and accountability.</p> <p>However lack of trust remains an on-going and real issue at Heathrow. Local working groups such as the HCNF, are not mature and we see a key role for the ICCAN for some time in the development of future arrangements.</p> <p>Our concerns about the proposed role of the LPA are set out above. It is unclear what incentive exists for airports to introduce measures that are costly or impact on operations. It is also unclear when an operating restriction would be proposed outside of the planning process, so the proposed CAA role appears theoretical.</p> <p>We believe government should retain its role in respect of the designated airports. Regrettably the CAA is viewed by many residents as a promoter for the aviation industry rather than independent regulator.</p> <p>We do not agree with the suggestion that noise controls imposed by the Government may inhibit more ambitious local noise management. Our experience regrettably is that the industry will not agree to any operating controls unless imposed by Government.</p> <p>The consultation suggests, even in the absence of a planning application, controls on noise and night flights might be passed to local councils but no details are provided as to the statutory framework that it is envisaged local authorities could work with so it is not possible to comment further</p> <p>We strongly oppose a policy of transferring any existing noise controls to the airports, including control of night flights. We believe that it would be wrong in principle to hand this power to a commercial operator.</p> <p>We also oppose the proposal that airports should be given ‘ownership’ of NPRs. These limits on flight paths have been in existence for over fifty years and have been effective. People have bought their houses and based their lives on the fact that the NPRs are fixed. Relocation of NPRs using PBN will cause adverse noise impact, potentially reduce house prices and generally cause injustice. A commercial undertaking should not be granted ownership to manage and / or modify these routes.</p>
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- **Question 4c:**

- To assist in providing greater transparency to communities about where and how often aircrafts are actually flying, and to make it easier to see changes over time, we are proposing that the designated airports should publish data on their departure routes and track keeping performance.
- We also intend to encourage all major UK airports to publish similar data in the interests of transparency where practicable. The exact information published should be determined by the respective airports and in consultation with local communities.
- *For more information, check Chapter 7 of the Consultation document*
- Please provide your views on the proposal that designated airports should publish details of aircraft tracks and performance. Please include any comments on the kind of information to be published and any evidence on the costs or benefits.

*Please provide any comments here*

We support the proposal that aircraft tracks and performance should be published. Publication of this information has in any event become standard practice at many airports following the availability of similar data on commercial apps.

Whilst data requirements appear specific it is unclear in some cases what they are trying to achieve, for example why is noise/overflight information above 4000 feet not required? This should be addressed.

- **Question 4d:**

- The Government wishes for ongoing noise management tools to be used to best effect, and for the right balance to be struck between economic and environmental considerations. The Government believes that the proposals in the consultation along with existing provisions will create the right framework for the environmental impacts of aviation to be balanced with economic benefits.

- *For more information, check Chapter 7 of the Consultation document*

- Please provide your views on whether industry is sufficiently incentivised to adopt current best practice in noise management, taking into account Chapter 7 on Ongoing Noise Management, and the role of the Independent Commission on Civil Aviation Noise in driving up standards in noise management across the aviation sector.

*Please provide any comments here:*

We see no effective external incentive to reduce noise other than the application of noise related landing charges as currently operated.

Latest generation aircraft have significantly lower operating costs in terms of fuel burn and maintenance and we believe this is the main driver for fleet replacement. The fact that some of these types are less noisy than those they are replacing is convenient.

We consider it would be a retrograde step for the Department hand over responsibility for noise management to commercial airports – which have a legal responsibility to its shareholders to maximise profits.

<ul style="list-style-type: none"> <li>• <b>Question 5:</b></li> <li>• The draft 'Air Navigation Guidance: Guidance on airspace &amp; noise management and environmental objectives' reflects the proposals in this consultation, but the draft guidance will be reviewed in the light of the outcome of this consultation.</li> <li>• The aim of providing draft guidance on airspace and environmental management is to enable respondents who would like to understand how our policies would be implemented the opportunity to see draft guidance along with the high level policies when providing feedback.</li> <li>• <i>For more information, check Chapters 1 - 6 of the Draft Air Navigation Guidance</i></li> <li>• Please provide any comments on the Draft Air Navigation Guidance published alongside this consultation.</li> </ul>	<p>Please provide any comments here</p> <p>We think the 7000ft altitude base qualification wrong is and will exclude communities potentially adversely impacted by new concentrated flight paths.</p> <p>With PBN we believe the adoption of altitude based priorities is too simplistic and needs to be supplemented with noise criteria. There is a requirement for a clear definition of what "prioritising noise" means and how it can be demonstrated or measured.</p> <p>There is a need for the latest noise evidence to inform the Government's policies and for these to be applied consistently across transport and planning.</p> <p>Whilst the attempt to define what constitutes over flight for air space change purposes is welcomed as an interesting development we have a number of concerns about its presentation.</p> <p>These concerns are summarised below:</p> <p>The rationale in CAP 1498 for defining an overflight appears to be in relation to airspace change assessments. However, if adopted, we see this hypothesis being quoted more widely and in practice being used to reject complaints of overflight noise if they fall outside the proposed criteria within CAP 1498 (Paragraph 3.46 relates to this concern).</p> <p>The overflight hypothesis presented in CAP 1498 has not been subject to peer review or wider consultation and scrutiny.</p> <p>The use of overflights, as defined in CPA 1498, in our view offers, no advantages over a N-above noise metric calibrated from social studies.</p>
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