

Response ID ANON-V5D1-A1KW-M

Submitted to **Draft airspace design guidance**

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About you

A What is your name?

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C Where do you live?

South East

D Are you answering this consultation as:

Resident affected by aviation

E Are you affiliated with any organisation?

Yes

Affiliation:

Richmond Heathrow Campaign

Yes

F Is there anything else that you would like us to know about you regarding this consultation?

Please enter any further details:

Further evidence is available at www.richmondheathrowcampaign.org and www.rhcfacts.org

G Do you consent for your response to be published?

Yes, with personal identifying information (name, location, respondent category, organisation, additional information - please note your email address will NOT be published if you choose this option)

General observations

1 Considering the draft guidance overall, to what extent does it meet the following criteria?

Overall process matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Overall process matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Overall process matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How would you improve?:

Question 1

General

Richmond Heathrow Campaign (RHC) believes the consultation questions and draft Guidance fail in three general ways below (A, B and C). In section D we provide a brief synopsis of our understanding of the roles of the Airspace Change Sponsor, the CAA and the Public which is background relevant to our responses to the later detailed questions. RHC's principle concern is with Heathrow and therefore our response focuses on the airspace change process in relation to Heathrow. Also, Heathrow' airspace has by far the most urgent and prominent of the UK airspace issues due to its complexity, number of people affected and potential expansion. We recognise the consultation is about the UK and we suggest that some of the issues we raise are relevant elsewhere in the UK.

A. Fairness is excluded from the Questions

1. One of the main concerns of the public is that the airspace change process should be fair. The draft Guidance includes fairness along with transparency and proportionality in its aims. Yet the consultation questions focus explicitly on comprehensibility, transparency and proportionality and omit fairness. We have sought to address this omission in our response to the more detailed questions.

B. Tiers 2 and 3 are excluded from the draft Guidance

1. We believe the changes covered by these Tiers 2 and 3 could have an even greater environmental impact than those from Tier 1 changes and that the draft Guidance for the airspace change process should include all three tiers and not just Tier 1. The draft Guidance is not comprehensive.

2. The consultation seeks views on the early stages of an evolving change process for Tiers 2 and 3. The content in the consultation on these tiers is very limited (Annex 2 for Tier 2 and a few pages for Tier 3). We do not think it helps to have consultation on Tiers 2 and 3 in half baked form included with the draft Guidance for Tier 1. Accordingly we are not responding to the questions on the undeveloped Tiers 2 and 3 but would be pleased to address the Tier 2 and 3 issues and their combination with Tier 1 in the future.

C. The draft Guidance fails to deal with FAS Multiple airspace changes and is unfit for purpose

1. Airspace modernisation and the change process to achieve this needs to be viewed in the context of the Government's Future Airspace Strategy (FAS 2011).

2. FAS seeks to improve airspace efficiency and increase capacity. In principle, RHC supports increasing capacity to provide increased headroom between capacity and existing demand (e.g. 480,000 ATMs per year in the case of Heathrow) in order to improve resilience and punctuality and reduce aviation costs. FAS also seeks to reduce the impact from emissions of noise, carbon and nitrogen dioxide but its environmental terms of reference are too weak and in its current form it is not an adequate strategy for implementing the proposed airspace change process.

3. FAS also aims to increase capacity to support additional flights, which we totally oppose. Heathrow's Northwest runway (NWR) concentrates aviation at a single high cost airport at the expense of the overall UK aviation market; the economic return is substantially negative and it significantly adds to noise, carbon and nitrogen dioxide pollution. RHC's website www.richmondheathrowcampaign.org provides the evidence to support this assessment.

4. Furthermore, the DfT's recent consultation on UK Airspace Policy sought comments on its justification for airspace modernisation. We raised major doubts about the over-estimated demand by NATS, which the DfT used to justify increased airspace capacity and in turn increased ATMs in the southeast. We await the promised update on demand from the DfT.

5. In the no-expansion case we expect Heathrow's environmental impact should gradually reduce as aircraft become less noisy, although the benefit will be offset by Heathrow's fleet shifting to larger aircraft. Still there may be some environmental net credit over time, which would make it easier to re-distribute the noise impact to the benefit of the worst affected without transferring the noise cost to other communities. It could also provide some headroom to avoid burdening London's rapidly growing population with aircraft noise.

6. However, at present there is a substantial evidence gap in what might be the net noise credit created over the next 30 years, say, and what might be the cost/benefit of applying FAS to Heathrow in the no-expansion scenario. The draft Guidance fails to provide this essential context to the change process. It is not even possible for the lay person to determine with any confidence Heathrow's current airspace structure and set of operational procedures. The draft Guidance refers to the Aeronautical Information Publication (AIP) but it is almost impossible for us to compile a description of the current structure and set of procedures from this document and the draft Guidance fails to provide the context. There needs to be a regularly updated public friendly summary of the relevant parts of the AIP so the change process can be monitored.

7. Heathrow has 30 departure and arrival flight paths (SIDs and STARs). Applying FAS to the no-expansion case is likely to involve a large number of Tier 1, 2 and 3 airspace changes to these 30 flight paths.

8. The draft Airspace Design Guidance fails to address the cumulative impact of multiple airspace changes arising from FAS, and therefore is not fit for purpose.

9. The proposed change process is designed for single Tier 1 changes and cannot be scaled up to deal with multiple FAS changes and all three Tiers. The piecemeal sub-optimisation would fall far short of a "global" optimisation of all the FAS cumulative changes. The "global" optimisation process would be highly complex and take a considerable period of time. It would need to involve engagement of a large part of London's population and would require extensive consultation. The large area covered and London's high density growing population means there would be little flexibility to deal with the many substantial and diverse noise issues facing local communities. The change process would need the Government to be involved from the start and not as a late stage Secretary of State Call-in.

10. We are not saying that FAS, or elements of it, cannot be successfully introduced to achieve the no-expansion benefits we referred to in para C2 above. But the proposals, as contained in the draft Guidance, do not comprehensively address the major issues facing a large part of London and its surrounding communities.

11. Applying the draft Guidance to FAS with Heathrow's NWR expansion would be even more impractical than in the no-expansion case. There would be the additional 50% increase in noise energy as well as substantial re-distribution of noise from the many flight path changes. Heathrow's NWR expansion would effect over one million people, including those in the outer noise contours down to 51dBA, now being acknowledged as relevant by the Government.

12. NWR expansion would be highly controversial among local communities. It would cause many communities to oppose any change, as it will only increase the noise pollution they experience and surely no one would knowingly agree to increased noise pollution. Community engagement required to develop the best noise solution seems unlikely to be effective. The airspace change process is likely to set communities against each other as well as against the aviation industry and

by association against the CAA. The more powerful and outspoken stakeholders will win. The likely outcome would be a fudge with many Londoners experiencing additional noise pollution and harmful effect on their health and quality of life. Many people will see the CAA as aiding and abetting the aviation industry imposing harmful pollution on a compliant or unwitting population. The proposed Guidance does not begin to deal with this expansion case.

13. Moreover, there may be insufficient airspace, even after modernisation, to accommodate the NWR expansion in an environmentally sustainable way. We addressed the decision process on Heathrow expansion in our response to the DfT's recent consultation on the draft National Policy Statement (NPS). We said 'It is clear from the current consultation and pronouncements by the Government that it intends to close down consideration of many important issues upon determination of the NPS and therefore before proper consideration of important issues by the public and parliament. This is irrational, irresponsible and undemocratic.' It is of grave concern that the Government is seeking determination of the NPS in the next few months before parliament or local communities have been notified of the airspace changes sought for an expanded Heathrow and without an airspace change process that is fit for this purpose.

14. We understand the CAA favours NWR expansion. Surely this means it has a pre-determined bias where change proposals include expansion of Heathrow. Under these circumstances we cannot see how the CAA can assess and bring unbiased judgement to the change process decisions. Indeed, were the Government (including the Secretary of State for Transport) to replace the CAA on the airspace decisions concerning Heathrow NWR expansion, we cannot see how it also would not be biased, having stated its support for Heathrow expansion. If the decision process takes on the planning presumption that the proposal goes ahead unless demonstrated it should not, then these conflicts of interest further compromise the decision process.

15. In summary, RHC does not believe the proposed airspace change process is fit for purpose when applying FAS to the most important airspace requirements facing the UK - Heathrow's airspace modernisation and NWR expansion, should it occur. We are disappointed the current consultation fails to mention the multiple flight path changes, in spite of our raising the matter in previous consultations and meetings with the CAA. We accept the proposed change process is more appropriate for single isolated Tier 1 airspace changes. We are especially concerned that when the National Aviation Policy Statement is determined in the next few months there will be no airspace change process capable of dealing with the major changes that would be invoked by the expansion of Heathrow. We are concerned that both the CAA and Government are prejudiced in any airspace decisions involving Heathrow expansion by their stated support of the NWR expansion.

D. Background - The Roles of the Airspace Sponsor, the CAA and the Public

1. We set out below a brief synopsis of our understanding of the roles of the change sponsor, the CAA and the public. We focus on the case of Heathrow.

2. The airspace change sponsor. The draft Guidance states 'The change sponsor owns the airspace change proposal and is responsible for developing it, including taking into account feedback from relevant stakeholders, in accordance with the guidance provided by the CAA and by the Government.'

3. The change sponsor (e.g. Heathrow) is responsible for proposing an airspace change, defining the need, scaling the proposal, choosing the design principles, preparing the design, identifying the options, evaluating the options, consulting the stakeholders, change implementation, post-implementation review, proposing and adhering to a timetable, and preparing safety and environmental assessments.

4. The CAA is responsible for ensuring that each activity, including engagement with local communities, is in accordance with best practice and is fair, transparent, consistent, proportionate and comprehensive. Ultimately, the CAA chooses the decision criteria, makes the change decision and a decision on the post-implementation review. At the start the CAA checks the proposal is a Tier 1 proposal and therefore subject to the change process proposed by the draft Guidance; the CAA also monitors and controls progress using four gateways. The CAA only has contact with stakeholders in a Public Evidence Session which it organises.

5. The CAA is responsible for managing the change process on the basis of directions in the Transport Act 2000 and Secretary of State Guidance to the CAA on Environmental Objectives Relating to the Exercise of its Air Navigation Function. We also understand that the DfT Green Book and webTAG are tools used by both the change sponsor and the CAA.

6. Local communities respond to specific consultations and may be involved in a broader engagement process with the airport. The communities may have the opportunity of commenting to the CAA in a Public Evidence Session. There is no Appeal process.

7. For the purpose of transparency, the CAA runs an online portal on which change sponsors and the CAA maintain relevant content. The online portal holds all relevant information on airspace change proposals, including consultation responses.

General observations:

Tier 1a: Stages 1 to 7

2 Considering Stage 1 (Define) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 1 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 1 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 1 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Question 2

Stage 1 - Define (Assess requirement and design principles)

A. Altitude Based Design Principles

1. Altitude Based design principles are part of the Stage 1 definition process and design principles but also are relevant to the other Stages of the process such as the Decision process in Stage 5. We deal with the issue here in question 2.

2. The noise impact is the important criteria in defining and applying Level 1 scaling but we accept that an altitude test is not an unreasonable proxy if the height(s) are representative of the noise impact.

3. The Government's Air Navigation Guidance states that 'Noise is the priority below 4,000 feet whereas noise and carbon should be balance priorities between 4,000 and 7,000. Above 7,000 feet noise is no longer a priority.' The draft Guidance defines Level 1 as 'a change to the 'notified' airspace design in the Aeronautical Information Publication that affects traffic patterns below 7,000 feet (this altitude accords with the altitude-based priorities in the Government's Air Navigation Guidance to the CAA)'

4. RHC's modelling shows that aircraft footprints fall below 50 dBA at heights substantially more than 4,000 feet. It is not uncommon for aircraft to have reached 10,000 feet before the noise footprint is reduced below 50 dBA using a Single Event 90 sec metric.

5. We believe the CAA should be challenging the DfT's 4,000 and 7,000 feet criteria and noise should be recognised and given priority up to 10,000 feet. The DfT's criteria were not scientifically derived and seemed to have been somewhat arbitrarily chosen to help the airlines reduce fuel burn and hence cost between 4,000 and 7,000 feet. We suggest that fuel burn (and hence carbon) contours be calculated.

6. Aviation's carbon footprint is potentially constrained but we doubt the carbon emissions between 4,000 and 7,000 feet are critical to the overall problem of aviation carbon emissions. We do not accept that noise impact should be traded with carbon emissions under these circumstances. Carbon savings should be dealt with in other ways.

7. The altitude criteria are referenced to mean sea level and there are land features of at least 500 feet that reduce the distance between overhead aircraft and ground receptors. This highlights even further the inadequacy of the 4,000 and 7,000 feet criteria.

8. In summary, our position is that the 7,000 feet limit in the definition of Level 1 scaling should be amended to 10,000 feet and that when applying the altitude test to the airspace change process noise should be the priority up to 10,000 feet and not compromised with carbon between 4,000 and 7,000 feet as stated in the draft Guidance. There are references to 4,000 and 7,000 feet throughout the draft Guidance - all of which need changing to 10,000 feet.

B. Heathrow's choice of Design Principles

1. We are concerned with Heathrow deciding the Design Principles, albeit in dialogue with local communities. There is no consensus at present on flight concentration, dispersion, multiple flight paths and respite or rates of ascent, to name just a few of the issues. Whether it is possible to obtain broad agreement across London communities on these issues is extremely doubtful. Re-distributing noise between communities is highly contentious. We are concerned the change process, as designed, will run roughshod over this whole subject of design principles. It is difficult for anyone to judge the net effect from several changes (e.g. concentration and respite), and the relegation of significant changes to Tiers 2 and 3 will mean that individuals and communities will not be able to judge the overall net noise impact let alone the effect on their health and quality of life.

2. We believe it is important to engage a facilitator and this might be the Independent Commission for Civil Aviation Noise (ICCAN) to assist with the choice of design principles.

3 Considering Stage 2 (Develop and assess) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 2 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 2 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 2 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Question 3

Stage 2 -Develop and Assess (options development and appraisal)

Our response to this question 3 covers objectives and options but these also feature at other stages in the process such as the choice of decision criteria and decision process in Stage 5. We also respond on noise metrics.

A. Objectives

1. Heathrow is primarily responsible to its shareholders and one would expect its prime objective is to provide a satisfactory financial performance for these shareholders. As with most large corporations it claims to behave responsibly towards its employees and customers and others affected by its activities such as the local community. There is an inherent bias, as one would expect from any large corporation, towards putting its shareholders first and satisfying the community only in so far as is it needs to in order to meet its prime objective. The airlines probably behave in a similar way. We are not seeking to discredit this model.

2. Under the above circumstances the community's objectives and needs, where they conflict with those of Heathrow and the airlines, are unlikely to be satisfied. While the draft Guidance seeks to provide transparency and proportionality, it seems unlikely that it can address the industry's bias. It may expose the bias but at present there is no way local communities can effectively address the balance. There is minimal reference in the draft Guidance to the proposed Independent Commission for Civil Aviation Noise (ICCAN) and at the moment the Government proposes it should be part of the CAA. The Government's noise objectives are seriously flawed and biased against local communities as we have pointed out in our recent response to the DfT on UK Airspace Policy and in this response to the CAA. FAS is weak on environmental issues.

3. The draft Guidance is based on the noise objectives. The Guidance acknowledges there may be changes to the objectives in the future, which could lead to revision of the change process Guidance. Without the objectives being accepted by the community, the outcomes from the airspace change process are also unlikely to be accepted. We include here the environmental weaknesses of FAS and of the Secretary of State Guidance to the CAA on Environmental Objectives. We conclude that the environmental objectives on which the draft Guidance is based are seriously flawed resulting in the outcomes of the change process thereby being flawed also. We doubt any revisions to the environmental objectives by the Government will be allowed to impinge on the viability of Heathrow's NWR expansion. More likely, the objectives will be tailored to the expansion rather than the other way around. Unfortunately this is a cynical view but born of experience over the last few years and supported by the Government's cart before the horse timetable for Heathrow expansion and environmental objectives.

4. We are concerned that aviation noise objectives, as in the National Aviation Policy Framework 2013, and on which some of the criteria are based, are substantially flawed. RHC addressed this subject in its response to the DfT's recent consultation on UK Airspace Policy. In summary, we said:

a. The Government's noise objectives, as stated in the National Aviation Policy Framework, seek to limit the noise impact on communities, share the benefits of less noisy aircraft between industry and communities and balance the negative impacts of noise and the positive economic impacts of flights.

b. The noise impact objective is seriously flawed in its ambiguity and lack of ambition for noise reduction.

c. There is no assessment let alone consensus between Government, the aviation industry and communities affected by noise as to what might be the quantum of noise reduction and how the benefit might be shared.

d. There is no consensus between Government, the aviation industry and communities affected by noise as to what might be the benefits and environmental costs of aviation and how a balance might be struck.

e. It is unacceptable that Airspace Policy is being processed to adoption before the review of the National Aviation Policy Framework in 2018.

5. In summary, the environmental objectives on which the draft Guidance is based are seriously flawed and we are not confident the revisions promised by the Government will be in the right direction or go far enough to deal with the environmental pollution from aviation. We are especially concerned that a decision to expand Heathrow will be taken before the objectives have been revised.

B. Options choice and Appraisal

1. We support the inclusion of options in the change process.

2. The Base case, against which options are compared, is important. We believe it should be the Do-minimum case, which includes airspace structure and use as of the date of the proposal with variations to incorporate decisions and commitments about the future airspace already made but not yet implemented and likely future decisions and commitments that are not associated with the proposed airspace change. In most situations this is unlikely to be the Do-nothing case. There is often temptation to include benefits in a proposed project that would have arisen without the project and this must be avoided. The draft Guidance is ambiguous on this point.

3. We believe the Base case must be retained as an option through to the final airspace decision. In our view it was a serious mistake of the Airports Commission when considering runway capacity in the southeast to drop the Do-minimum case at an interim decision stage. The draft Guidance recommends that the incremental value of the options (i.e. option less Base case) be compared in the final decision and it says the Base case may not always be carried through. We disagree with this approach - the Base case needs to be carried through to the ultimate decision. The incremental values are usually much less than the absolute values and a comparison can give a highly distorted picture including that of risk. Also, we disagree with the recommended approach of comparing the net values (benefits less costs) as this can also give a highly distorted picture. There needs to be line by line comparison and evaluation.

4. Uncertainty and its treatment is barely mentioned in the draft Guidance which is a serious failing. Risk is only referred to in the context of safety and not in regard to the many estimates of demand, flight dispersion, etc., although we appreciate these may be acknowledged to some extent in the webTAG tool.

5. Forecast time-spans. The draft Guidance recommends estimates of demand and other parameters in the future should be for a minimum of 10 years. While we appreciate long term forecasts are uncertain we suggest that when considering the application of FAS to Heathrow the estimates should range for 30 or more

years. Reduction of noise at source, fleet change, population growth, etc. are gradual processes; 10 years is insufficient time to recognise the effects.

6. Air pollution. Table E2 suggests a Qualitative analysis is all that is required for air quality assessment. We disagree and believe a quantitative analysis is essential given the strict legal quantitative limit values that apply to nitrogen dioxide.

7. Real values. The draft Guidance suggests "real" monetary values be used for assessment. We agree for the most part but recommend that "nominal" values be reported also. Distortions between the two can and do arise in project appraisal.

8. Uncontrollable variables. It is of particular concern that the draft change process is very weak on traffic numbers and the CAA says it cannot intervene in the commercial activities of the airlines. The change sponsor could submit a change proposal with low traffic frequency allocated to the flight path concerned, and then after the change decision by the CAA the airlines could increase the traffic frequency as they wish. The airlines are not parties to the change process. The whole noise climate can change from that on which a change decision was based and with no come back by anyone. The increase just drops into Tier 3. This potential failing undermines the whole change process in a significant way. The same applies to other issues on which the CAA says in the draft Guidance it has no legal enforcement powers (e.g. new destinations, new aircraft types, new technology). Many of the Tier 2 and Tier 3 variables, especially when combined, have as much, if not more, impact as a Tier 1 change.

9. In summary, we have raised a number of issues regarding option appraisal. We are most concerned that the draft Guidance does not include Tier 2 and Tier3 parameters and as such is severely deficient.

C. Noise metrics

1. RHC submitted a substantive response to the DfT's recent consultation on UK Airspace Policy. The following is largely taken from that response.

2. The Government's official 57 LAeq 16 hr noise metric is not fit for purpose. The several shortfalls include averaging that fails many communities exposed to intense noise sporadically and the 57 decibel threshold that is far too high to capture the effect of lower levels of noise that clearly are affecting individuals and communities.

3. The longstanding WHO Guidelines have been ignored with no explanation by Government for far too long.

4. New WHO Guidelines are about to be issued and it is essential the Government clarify:

- i. the legal status of the WHO Guideline values, and
- ii. the UK's strategy and timetable for reducing the levels of community noise from aircraft and from other major sources to below the WHO guideline values. In particular, the Government must set targets for aircraft noise at Heathrow over the next ten years to 2027.

5. Continuing research on the health impacts of health and quality of life is essential but this should not delay introducing the WHO Guideline values, which are themselves based on research.

6. The [DfT's UK Airspace] Consultation suggests use of LOAEL and an over-flight tool. In principle these seem reasonable proposals but we would like to see further evidence on their use and applicability. The overflight tool (60 degrees or 48.5 degrees) would be too un-representative of noise exposure if used to determine who is and who is not effected by aircraft noise. It provides a tool for analysis of numbers and types of aircraft and their heights but is too restricted to reflect the flight path noise footprint for the purposes of the airspace change process.

7. RHC proposes four metrics - Single Event LAeq 90 seconds, Hourly LAeq 1 hour, Daily LAeq 16 hour and Annual LAeq 16 hour. These have been used in RHC's airspace noise model to good effect and provide information about traffic frequency, respite and weather. The Single Event metric reflects the noise energy generated from a single aircraft and we suggest this instead of the Sound Exposure Level (SEL). It is the building block of other metrics. The Hourly metric generates the noise energy over one hour for a series of Single Events or flights. The hourly metric can vary from hour to hour across the day or night. The Daily metric includes the effect of respite. The Annual metric includes the effect of weather. We believe that in the first instance these metrics should be deployed as contours for each flight path and then combined for particular segments of noise such as 100%mode.

8. In summary, while there is much discussion over the types of noise metric there are still inconsistency. We believe there needs to be dis-aggregation from broad contours to specific flight paths, single event, hourly, daily and annual metrics. These all rely on some degree of averaging but the range enables people to gauge the period and time of exposure that affects them. On the limit levels the Government has acknowledged that 57 LAeq is too high a threshold and increasingly lower levels are being measured and modelled. However, there remains a failure by Government to take on board the WHO Guidelines values. This situation undoubtedly affects the change process decisions.

4 Considering Stage 3 (Consult) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 3 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 3 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 3 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Question 4

Stage 3 - Consult (consultation preparation, appraisal, consultation, collate and review)

The Engagement process is included here in our response on Consultation.

A. Consultation

1. We have particular concern with regard to Heathrow carrying out the local community Consultations. The consultations that we have seen in recent times are seemingly significantly biased against the concerns of people exposed to noise. Heathrow vigorously promotes the expansion of Heathrow. We conclude that consultation with local communities should not be conducted by Heathrow in the expansion case but by an independent body such as ICCAN, assuming it is established as being independent. We nevertheless support joint engagement of Heathrow, local communities and other stakeholders in Heathrow's development of airspace change proposals.

2. In summary, we conclude the consultation process should be handled by an independent body and not Heathrow in the case of Heathrow expansion.

B. Engagement Process

1. However, we are concerned that the CAA seem to place considerable reliance on the Engagement Process to produce transparency. We appreciate the efforts Heathrow is making with the Heathrow Community Forum. Dialogue helps understanding by all parties but the draft Guidance seems to suggest this is the same as agreement. As we have said elsewhere in our response, noise pollution is harmful and local communities and the aviation industry remain fundamentally in conflict about additional flights and about change to the legacy airspace structure and operational procedures. The change process runs the high risk of giving the impression of conflict resolution where there is none.

2. There are a number of questions on the Engagement Process, on which the draft Guidance lacks answers:

a. What is the number of people affected by an airspace change (those exposed to an increase and in some cases to noise for the first time and those whose exposure is reduced)?

b. What is the number of vulnerable people effected by an airspace change?

c. How can everyone potentially affected by an airspace change be given notice and in a way that they can evaluate the effect on themselves and their community.

d. How can each individual respond to an airspace change. They may respond individually or rely on an elected member or local amenity group to represent their interests? How comprehensive, efficient and democratic is the response system?

e. What evidence is appropriate from local communities, especially when there is a proposed change for which there is no existing evidence other than way of precedence?

f. What weight is given to representations and what direct or indirect influence can individuals and communities have on a change decision?

g. Generally, it is possible to estimate the acoustic impact of aircraft but the effect on the health and quality of life of individuals and communities is less easy to assess. Usually, in a densely populated area such as London one person's gain is another's loss; but noise impacts are acoustically asymmetric, which means there are no simple linear trade-offs. How can communities evaluate these acoustic, health and quality of life consequences of airspace change?

h. It is not clear from the draft Guidance how the potentially substantial conflicts between communities and between communities and the aviation industry can be resolved. The draft Guidance seems to treat the local communities as "silent" witnesses to the increasing noise pollution engulfing them. Fundamentally, communities lack the lobbying power of the aviation industry and they lack the resources to assess the impact of aviation on their lives and to promote their cause. The democratic process regularly fails for various reasons. How can these imbalances be addressed?

i. Historically how many, if any, airspace changes have been proposed to reduce noise pollution?

j. Areas of Outstanding Natural Beauty and National Parks do not have residents but many visitors. It is not clear how their valued peace and quiet, especially in London, and we refer to Kew Gardens and Richmond Park as of special interest to RHC, can have a voice in the Engagement Process.

C. Conflicts of Interest

1. Conflicts of Interest. The change sponsor for Heathrow airport is likely to be Heathrow itself. Heathrow is a private company and it is not clear whether NATS, the DfT and CAA might be in some way be associated with the owner of the process in the case of the large FAS and NWR expansion changes. The draft Guidance does not adequately deal with potential conflicts of interest and the several contracts such as Statements of Principles (Heathrow/DfT) and commercial contracts between NATS, the CAA and sponsors.

D. Secretary of State

1. There is a process for Call-in by the Secretary of State. The draft Guidance lists a number of grounds on which the SOS may Call-in a decision on a Tier 1 Level 1 change. One of the grounds is where 'the proposal could 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.' We disagree that the test should be based on a netting off of people negatively and positively effected. It should be based primarily on the number of people negatively affected. Also, we regard

the 54dB test as too high. There is no process for Appeal so presumably the only options left to dissatisfied communities are judicial review and application to the European Court of Human Rights.

5 Considering Stage 4 (Update and submit) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 4 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 4 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 4 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Please see our responses to Q1 to Q4

6 Considering Stage 5 (Decide) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 5 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 5 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 5 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Please see our responses to Q1 to Q4

7 Considering Stage 6 (Implement) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 6 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 6 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 6 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Please see our responses to Q1 to Q4

8 Considering Stage 7 (Post-implementation review) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Stage 7 matrix - Comprehensible – it is clear to me what happens:

3: the guidance does not sufficiently meet this criterion

Stage 7 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

Stage 7 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

How to improve:

Please see our responses to Q1 to Q4

Tier 1a: Evidence of engagement

9 At certain stages in the process (starting with the development of design principles at Step 1b) the CAA will look for evidence of a two-way conversation to see that the sponsor has adequately engaged stakeholders. In paragraph C9 the CAA describes the evidence that

we will look for 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".Has the CAA adequately detailed what we would expect to see to know that a two-way conversation has taken place?

No

What else to show two way conversation?:

Please see our response to Q4 on Consultation and Engagement

Tier 1a:Third-party facilitation

10 At various points in the process (starting with the development of design principles at Step 1b) the CAA suggests that voluntary use of a third-party facilitator could be useful. Should the CAA be more prescriptive as to how and when a facilitator could be used?

No

Facilitator further detail:

Please see are response to Q2 in dealing with design principles and Q4 in dealing with consultation in the case of Heathrow expansion.

11 Are there any other places in the process at which you feel that a facilitator would be useful?

Facilitator - which places:

Tier 1a: Categorisation of responses

12 In paragraphs 177 and C34-C36, and Table C2, we discuss the categorisation of consultation responses. The sponsor is required to sort consultation responses into two categories: i) those responses that have the potential to impact on the proposal because they include new information or ideas that the sponsor believes could lead to an adaptation in a lead design option or a new design option, and ii) those that do not.Is the CAA's explanation of the categorisation exercise and description of the categories sufficient?

Not Answered

Categorisation - additional detail:

We would expect the analysis of responses to list all the relevant responses by topic and then to develop a separate list of findings that in aggregation form the conclusions and actions .

Tier 1a: Options appraisal

13 In paragraph E25 and E34 the CAA states that methodologies for the various aspects of the options appraisal should be agreed between the CAA and the sponsor at an early stage in the process, on a case-by-case basis. This provides flexibility for different local circumstances.Does this approach strike the right balance between proportionality and consistency?

No

OA - explain re proportionality :

Please see our response to Q3 where we deal specifically with options. We conclude that without Tiers 2 and 3 the change process is deficient.

Tier 1a: Safety information

14 At each stage in the airspace change process that an options appraisal takes place, the sponsor will be required to submit a safety assessment. The sponsor will be required to provide a plain English summary of the safety assessment and the CAA will provide a plain English summary of its review (i.e. of the Letter of Acceptance, which forms the CAA's review of the safety assessment) when it makes a decision. These documents will be available on the portal. Do you have any views on specific information that should be included and/or excluded from the plain English summary of the sponsor's safety assessment and the CAA's review?

Safety assessment:

No comment

Tier 1b: Temporary airspace changes

15 Considering Tier 1b changes, to what extent does the draft guidance on temporary airspace changes meet the following criteria?

Tier 1b matrix - Comprehensible – it is clear to me what happens:

Tier 1b matrix - Transparent – the activities are explained well and will take place as publicly as possible:

Tier 1b matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

How to improve:

No comment

Tier 1c: Operational airspace trials

16 Considering Tier 1c changes, to what extent does the draft guidance on operational airspace trials meet the following criteria?

Tier 1c matrix - Comprehensible – it is clear to me what happens:

Tier 1c matrix - Transparent – the activities are explained well and will take place as publicly as possible:

Tier 1c matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

How to improve:

No comment

Tier 1: Spaceflights

17 On 21 February 2017 the Government published the Draft Spaceflight Bill. As the foreword to the draft Bill sets out, “This legislation will see the Department for Transport and the Department for Business, Energy and Industrial Strategy, the UK Space Agency, the Civil Aviation Authority and the Health and Safety Executive working together to regulate and oversee commercial spaceflight operations in the UK.” Do you have any views on whether this process could be used or adapted to suit future airspace change proposals to enable spaceflights, as anticipated in the Draft Spaceflight Bill?

Spaceflight:

No comment

Tier 2: Permanent and planned redistribution

18 The Government proposals talk about 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. 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. Which stages of the Tier 1a airspace change process do you think are necessary for a proposal categorised as a Tier 2 change? Please select all those which apply:

Tier 2 reasons:

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier2

19 The CAA’s process for Tier 1a changes is scaled into ‘Levels’, based on the altitude-based priorities in the Government’s Air Navigation Guidance (i.e. where noise impacts are to be prioritised or considered alongside carbon emissions, a more demanding consultation is required). Could the future Tier 2 process also be scaled?

Not Answered

Tier 2 - scaled reasons:

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier2

20 Are there any other comments that you would like to make about the CAA’s potential Tier 2 process?

Tier 2 - other comments:

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier2

Tier 3: Other changes to air operations affecting noise impacts

21 To what extent does the draft best practice guidance on Tier 3 changes (other changes that may have a noise impact) meet the following criteria?

Tier 3 matrix - Comprehensible – it is clear to me what happens:

Tier 3 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

Tier 3 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

How to improve:

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier3

22 Where industry does not follow the CAA's guidance in respect of Tier 3 changes, or where there is a clear breakdown of trust between an airport and its stakeholders, is it appropriate for the CAA to publicly draw attention to this?

Not Answered

CAA action on Tier 3 further detail:

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier3

23 Considering the list of potential information proposed, would you suggest any additions which would help stakeholders, including communities, understand the impacts of Tier 3 changes and enhance transparency?

Additional information on Tier 3 impacts :

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier3

24 In relation to mitigating the impacts of Tier 3 changes, our draft guidance says that the focus should be on exploring the options for mitigating the change through two-way dialogue, because of the local and often incremental nature of Tier 3 changes. Does the guidance need to give more detail?

Not Answered

Tier 3 mitigation - reasons for Q24 answer :

Please see our response to Q1 where we conclude it inappropriate to respond at this time on the early state of evolution of Tier3