



Airspace Policy Consultation

Response from HACAN

HACAN is the well-established body which gives a voice to residents under the Heathrow flight paths. Our response has been agreed by our Management Committee.

General Comment

There is much to be welcomed in this consultation paper. It is potentially a breakthrough document coming up with refreshing and much-needed proposals on new metrics, respite, community engagement and the need for an independent noise authority. Whether it fulfils its undoubted potential will largely depend on how the detail is fleshed out and how the proposals work out in practice.

Detailed Comments

Chapter 4

Modernizing Airspace: the procedures to be followed

In recent years airspace changes have been made and new flight paths introduced at Gatwick and London City. They caused a lot of controversy. The consultation paper shows a welcome recognition of this. It is reflected in its proposals for the new procedures to be followed.

The consultation paper identifies three separate types of changes to flight paths which could be made.

Tier 1 concerns the introduction of brand-new flight paths. This process is overseen by the Civil Aviation Authority (CAA). The CAA has been heavily criticized for the way it has done this but is putting in place new, improved procedures which will involve communities at a much earlier stage. The Airspace Policy paper is proposing the CAA does not necessarily have the final decision: “we propose that the Secretary of State should have a call-in function. This would mean that when airspace changes meet one or more specified criteria, the Secretary of State could make the final decision.” This is welcome since there is no appeal mechanism included in the CAA’s new proposals. However, the criteria for call-in laid out in 4.24 of the consultation paper sets the bar too high. It would almost certainly exclude the possibility of a call-in at most of the small and medium-sized airports.

We would add that to get community buy-in to an airspace change, an airport should go beyond the formal consultation requirements and engage with local communities at an early stage. Communities should be asked their views on key topics like respite, concentration and dispersal before plans are formulated. Heathrow is starting to do this through bodies such as the Heathrow Community Noise Forum. HACAN has engaged constructively with the process. It will not solve all the problems but the extra work being put in by the airport, local communities and others should bear fruit when Heathrow starts the formal airspace change process.

Tier 2 is where changes are planned that fall short of being brand-new flight paths. The consultation is proposing that the CAA oversees this process with a ‘suitable and proportionate’ level of community involvement. The final policy needs to clearly define ‘suitable and proportionate’. Examples would be useful. It also needs to spell out that Tier 2 does not just apply to changes proposed by the Air Navigation Service Provider (ANSPs) but also other stakeholders such as airports. We would also favour a minimum and maximum time for the consultation process to last. People need to be properly consulted but it is not in anybody’s interest for the process to last too long. Again, we would add that early engagement with local communities beyond what is officially required is likely to be fruitful.

Tier 3 is where smaller changes are made to the way flight paths are used. In fact, it may be better described as ‘airspace usage’ rather than ‘airspace changes’. Until now, communities have had no right to be informed about them and have had no redress. The consultation proposes that the CAA “puts in place a suitable process for industry to follow” which sets out “expectations on transparency and engagement with communities.” This is not going to be simple. On the one hand, NATS must retain the right to make its own decisions on day-to-day operational matters but equally when a change is made on more than a very temporary basis the local community and the airport need to be informed and involved. Again, examples of what would constitute a tier 3 change would be helpful.

These tier 3-type changes are the second single biggest topic people contact HACAN about is. (The first one is the need for respite). People are mystified, frustrated and can feel helpless. Tier 3 changes which can cause problems include flight path changes (sometimes just minor ones); more intensive use of certain routes; changing the types of aircraft on routes; the times of the day routes are used. These can be driven by passenger demand and market forces. Often the solutions are not obvious.

We would suggest the following that might help:

- Tier 3 changes should be kept to minimum. (The introduction of PBN in the coming years will reduce the requirement for Tier 3 changes). It would be helpful for the DfT to provide a framework which indicates what changes are considered to be within a tolerance of natural variation and which are not. NATS or the airport should be required to justify why the change is needed; to show there is no other option; and to indicate mitigations for people on the ground. ICCAN could have a useful role in ensuring this happens.
- All stakeholders should have the right to clear information about the changes, why they are being made and the impacts they could have before the changes are made. This would be made easier if the airport had in place a body like Heathrow’s Community Noise Forum where there is early engagement with communities and where communities are involved in shaping the changes.

Compensation

We support the broad thrust of the approach proposed. It makes sense to modernize compensation arrangements in line with modernizing airspace. But it needs to be made clearer exactly what is on offer to residents. The components of full

compensation could include diminution in value of property, comprehensive mitigation measures and meaningful packages to address the health, environmental and loss of amenity impacts of aviation noise. In cases of severe impact householders should additionally have the right to sell their properties to the relevant airport at its pre-impact value together with associated costs.

Chapter 5

Making Transparent Airspace Change Decisions

Respite, Concentration, Dispersal

We warmly welcome the recognition of respite as an equally valid option to simple concentration. The key measure the majority of our members who live within about 25 miles from Heathrow want is a predictable break from the noise for part of the day. These are areas characterized by aircraft under about 6,500ft, passing overhead at a rate of up to one every 90 seconds. Areas which get fewer planes, or where they are higher, tend to be content with dispersed flights. While most residents tell us they want respite, some communities are calling for ‘planned dispersal’ instead. This call largely comes from communities under take-off routes. This would lessen the concentration but also could shorten the periods of relief.

What PBN can provide is the multiple routes (concentrated but rotated) that would bring the much-desired relief most people tell us they want. Most residents would like to see as many routes as possible so that the noise is shared as equitably as possible. There may be a limit as to how many routes it is actually possible to have but it is important that NATS is required to think creatively to provide as many as they can. In the event that multiple options are not viable, evidence should be provided to justify this position by the airspace change sponsor. There could be a role for ICCAN in helping to assess whether the case has been made.

We recognise that creating new flight paths, particularly if they are concentrated, over new areas will not be easy. The problem will be especially acute if they are over areas that did not have planes before. Our view is that new areas should be avoided wherever possible and always be given respite when they do become overflown but we do recognise there might be occasions where they are necessary in order to give relief to people under current routes. There is an argument that new areas should be treated in the same way as new roads and people should be entitled to compensation.

We would urge the Department to look again at its proposal to retain the current practice where noise is priority only up to 4,000 ft. The complaints we get come from areas overflown up to 6,500ft. We get few complaints about aircraft higher than that. We would argue that the Government should reflect this by making noise the priority in decision-making certainly up to 6,000ft, possibly up to 7,000ft.

Metrics

The section on metrics is ground-breaking. We have long argued that the use of the 57dB LAeq contour as ‘the onset of community annoyance’ did not reflect reality. We therefore welcome its effective replacement with a 54dB LAeq contour and the recognition that “some adverse effects of annoyance can be seen to occur down to 51dB LAeq 16hr.” We welcome the proposal that, when assessing the impact of any

airspace change, “51 dB LAeq 16hr should be regarded as the LOAEL [Lowest Observed Adverse Effect Level: the level above which adverse effects on health and quality of life can be detected] for daytime noise.” Equally welcome is the proposal that “a LOAEL of 45 dB Lnight should be set for assessing the impact of aviation noise during the night.” Taking all these proposals together means the metrics used will be very close indeed to those recommended by the World Health Organisation.

We also welcome the proposal to take account of the frequency of the flights. *“To take account of people who may be significantly affected by aviation noise at levels that do not exceed the LOAEL, we propose to supplement the risk-based approach with guidance on metrics which can be used to assess the frequency of noise events...”* This is particularly important since, in our view, LAeq doesn’t fully capture the impact of frequency. Indeed, there is an argument the ‘N’ metrics should be used not just to provide information but also in the formulation of policy. So, for example, they could supplement the annual LAeq contours.

There is one additional metric we believe should be used in order to give a more complete picture of the impact of aircraft noise. An additional LAeq metric is required to measure the noise only on the days and times an area is overflown. Around Heathrow, for example, somewhere like Teddington is outside the noise annoyance metrics as it only gets planes on easterly departures (about 30% of the year) but when it does get them, they certainly are annoying! Yet they are outside of even a 54dB LAeq contour. Separate easterly and westerly contours are essential.

Webtag

We are not convinced that Webtag in its current form works for aviation. For example, it seems it is not able to factor in and take account of respite. We would suggest an expert panel is set up to review how Webtag works for aviation and to make recommendations.

Chapter 6

The Independent Noise Authority (ICCAN)

We welcome the proposal to set up ICCAN.

We agree with the thrust of the plans for ICCAN but would add four additional comments.

- It is very important that it is not just a body set up to focus on the airspace changes. Although the proposed review of its activities after five years makes sense, the body should be a permanent one. In our view, such a body has been needed for many years, long before the airspace changes were being thought about. Some airports have a useful working relationship with their communities but there are communities around others which feel ignored and mistreated by the airport and which are crying out for an ICCAN-type body to ensure fairness.
- This leads to our second point. Although we endorse the view that ICCAN should not be voice for any one group of stakeholders, we believe it is critical that it has, as part of its role, an ombudsman-type function to investigate

complaints that have not been resolved locally and to make recommendations toward bringing about resolution of the complaints. It should also have a back-stop role in mediating high-level disputes between airports and communities and a role of arbitrating or mediating between airport and community where requested to do so.

- Thirdly, there is the tricky question of where it is to be housed. We support the idea that a relatively small, flexible body is set up quickly but we feel it would be a mistake to house it in the CAA offices. Even with the plans to keep its functions and governance separate to that of the CAA, it would struggle to appear independent if it occupied the same building. We appreciate that it would need to liaise with the CAA over access to data but it does need to be housed in a separate building.
- Fourthly, there is the question whether it should simply be an advisory body. Our view is that the objectives, the agreed tasks and composition of the body are as important to its effectiveness as to whether it has regulatory powers. We cite the example of ACNUSA in France which has powers to fine but which is not well-regarded by most of the community groups. The groups point to the composition of the body and the cumbersome way in which it operates as the sources of the problem. A body can be influential without having formal regulatory powers. Nevertheless, we feel ICCAN should have more “teeth” than is proposed. We would suggest the following:
 - It should be set out very clearly that all stakeholders would be required, as the norm, to abide by the decisions and recommendations of ICCAN. If they chose not to, they would need to give clear reasons to the Secretary of State to explain their position.
 - Each airport, in drawing up its new action plan or possibly the proposed new noise envelope, would be required to submit its proposals to ICCAN (after engagement with all its other stakeholders). ICCAN would need to agree the proposals. If the Noise Action Plan/Noise Envelope was not implemented, ICCAN would be required to take action against the airport.

Chapter 7

Ongoing Noise Management

Competent Authorities

There is merit in the proposals to devolve decision-making and in the related proposal that “it would be best to determine Government involvement according to the significance of the decision, rather than the airport in question.” But we are not sure the suggested structure is right. There are two potential problems: having more than one competent authority could be confusing and there are difficulties with local authorities being the competent authority for an airport.

In our view the specific nature of a “competent authority” makes it hard for a local authority to fulfill 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.”

There are airports, for example, which are owned or part-owned by the local authority where there may be a conflict of interest in airspace matters. Luton Airport, for instance, is owned by a local authority which might be tempted to maximize the usage of the airport at the expense of communities in surrounding local authority areas, particularly since the authority’s own area (the town of Luton) is little overflowed.

There are also some local planning authorities who may not have the expertise or resources to properly oversee an airport. Although there has been an improvement recently, we would argue that the London Borough of Newham has struggled as the planning authority responsible for London City Airport.

The challenge is to develop a competent authority framework that allows for appropriate, informed local decision-making but which recognizes the potential problems of having more than one competent authority and which deals with the conflict of interest that many local authorities have. This might also be the time to look again at the distinction between designated and non-designated airports. The current system is full of anomalies – for example non-designated Manchester has more flights and flies over many more people than designated Stansted.

Local Decision-Making

While it is important the Government sets the overall framework, we know that direct engagement between airports, communities and their other stakeholders can be productive. It has moved things forward at Heathrow in recent years. We support the concept of enabling local decisions to be taken locally through mechanisms such as the Environmental Noise Directive (END) action planning process. There is also merit in decisions about a number of operational measures being decided, wherever possible, at a local level. We support the need for greater transparency and provision of data. We believe the relevance of the data published should be reviewed regularly to ensure it is still relevant and of value.

Who’s responsible for what?

It remains unclear which authority is responsible for which decisions in airspace policy and implementation. This can cause real problems for local communities and needs to be clarified in the final document. For example, if an airport wants departing aircraft to climb more steeply, who has the responsibility for authorising that and ensuring that it happens? It would increase transparency, help engender trust and assist community engagement if there was clarity about these sorts of matters.

Balanced Approach

It is not clear if it is part of Government policy to aim over the coming years for an overall reduction in the aircraft noise experienced by communities. If it is not, it should be clearly stated. If it is - and we believe it should be - it needs to inform airspace policy, the National Policy Statement and any White Paper. At present, it is not clear that it does. If the aim is to cut noise, there is merit in adopting not just an LAeq contour target, but also one signifying the number of planes passing overhead.