

RESPONSE FROM SASIG TO DFT CONSULTATION ON AIRSPACE MODERNISATION AND NOISE

1. Introduction

The following represents the response of the Strategic Aviation Special Interest Group (SASIG) to your consultation on the proposals to modernize the way UK airspace and aviation noise is managed.

SASIG is the largest of the twenty or so Special Interest Groups formed under the auspices of the Local Government Association. It represents over 30 statutory local authorities from a combination of the shires and cities of England with a direct or indirect interest in the development of airports and, crucially, the communities that elected them. SASIG member authorities represent 11-12 million people within their boundaries and have a wide range of statutory responsibilities directly relevant to the future development and operation of airports and hence the implementation of national policy in this regard. These include:

- land use and transport planning;
- local economic development;
- environmental mitigation and sustainability;
- climate change and air quality targets;
- the provision of health and social infrastructure and
- the overall welfare of the communities they represent.

SASIG members, therefore, have an important voice both when designing, commenting upon and implementing national policy. We trust Government recognises this and will therefore ascribe appropriate weight to our views in its consideration of the responses to this consultation, alongside those of other important interest groups (e.g. other statutory agencies, the aviation industry and business and local community groups).

In 2016, in anticipation of the various policy reviews to come, SASIG set up three Technical Working Groups (TWGs) to review key areas of aviation policy of particular interest to local authorities and the communities they represent. One of these Groups is the Environment, Planning and Airspace TWG which has co-ordinated SASIG's review of, and response to, the CAA's Airspace Change Process and more recently DfT's Night Noise consultations. It is now acting in the same capacity with regard to the current Airspace and Noise consultations.

Members of the TWG have attended relevant CAA & DfT Focus Groups and more recently ANEG meetings. The wider membership have benefited from presentations from CAA and DfT officials across this subject area and participation in a purpose designed workshop to discuss SASIG's consultation response on 7th April this year. Our response is therefore well informed and

representative of member views and it is also structured to reflect the principal focus areas of the consultation:

- Changes to Airspace
- Assessing Noise in Airspace Decisions
- Independent Commission on Civil Aviation Noise (ICCAN)
- Ongoing Noise Management

However SASIG also wishes to raise a number of issues that are not explicitly covered by the consultation questions but which our members consider directly relevant to the subject matter at hand.

2. SASIG's Core Principles

SASIG supports a sustainable approach to aviation and has developed 12 core principles against which it assesses all policy proposals by national or regional Government and any major airport or airspace change projects it is consulted upon. A number of those principles cover our strong support for the development of regional airports as reflected in our response to this consultation's sister exercise on the National Policy Statement. But there are three principles that seem particularly pertinent here:

- To minimise adverse impacts – social, economic and environmental – by protecting people and non-transferable habitats.
- To ensure that the air transport industry, not local communities, pay the costs of the impact of air journeys.
- To work with Government to ensure noise impact on local communities from airport growth and airspace change is minimised and mitigated.

Put simply, policy or project related proposals need to demonstrate that impacts have been minimized and that where there are residual impacts they are mitigated or ultimately compensated. A stepped process is required as follows:

Engagement » Optioneering » Design Out » Mitigation » Compensation

This process should also place associated costs firmly with the airport/scheme promoter and not local authorities or their communities.

The foregoing has many similarities to the Balanced Approach promoted by ICAO and given legal force by Regulation (EU) No 598/2014 of the European Parliament and of the Council on 16th April 2014, which we support. Where we take issue with those provisions is that they are not explicit about who pays any additional costs that may arise from reviewing and determining such proposals (application fees are rarely sufficient to do so), and managing their indirect and induced costs. SASIG's view on this is clear, namely that it is the scheme or airspace change promoter - not the local authority or other community interests - that should be responsible for meeting such costs, either through enhanced fees and S106 agreements/CIL levies; failing which local authorities should be able to reclaim relevant costs through the business rates they can levy on the airport. We would like to see these principles set out clearly in relevant policy documentation.

Our parallel response to the NPS consultation sets out our concerns about secondary impacts in greater detail. We attach great importance to the direct, indirect and induced cost burdens imposed by these impacts being recognised alongside the primary impacts that are identified in Environmental Impact Assessments. This is because, unlike primary impacts, which scheme or airspace change promoters are obliged to address through mitigation/compensation, secondary impacts are not similarly catered for. The options here, therefore, appear to be either the promoter (or ultimate scheme beneficiary or beneficiaries) should make appropriate contributions to these costs in the normal way, local authorities should be enabled to retain business rates from the relevant airport and then apportion them appropriately to those impacted or to address issues such as secondary impacts like pressures on social infrastructure, local roads and housing markets pro-actively.

3. Changes to Airspace

SASIG accepts there is a strong case for airspace modernisation to take advantage of satellite based technological innovations and to re-organising the aging architecture of the UK's controlled and managed airspace. We are probably beyond the point of being able to continue with a patch and mend approach. However, we are keen to ensure that it is not just the need for new capacity, that drives any changes – our view is that reconfiguration must also be as concerned with environmental improvements and long term environmental sustainability.

We support the tiered structure to airspace changes, but offer the following comments on the detail:

- Perhaps Tier 3 changes could be renamed Airspace 'usage' or 'operational' changes to distinguish them from structural design changes.
- This may also help with the problem that it is not clear when a Tier 3 change becomes so significant that it has Tier 2 status.
- Tier 3 changes use historic baseline data and regularly updated information. When does the data indicate that there is a problem that merits the instigation of the Tier 3 procedure?
- Should a Tier 3 procedure not result in a Route Action Plan, similar to a Noise Action Plan?
- Could a Tier 3 change be reversed, or mitigation proposed. Our concern is that market forces may make it difficult to reverse because of potential compensation claims?
- Tier 2 changes need to take on the equivalent status of a major planning application and there is strong argument for including it within the scope of DCO procedures with PINS acting as independent arbiters.
- The trials procedure is too long – needs speeding up to increase certainty for residents.
- Could airport consultative committees be invited to provide a helping hand in undertaking a first sieve to identify what airspace changes their airports needed?
- SASIG's west London members have flagged that even relatively minor Tier 3 changes can become a significant and therefore need to be kept to a minimum.
- Respite is important and needs to be retained.

More clarity is also required on what happens if the consultation shows there isn't local agreement on the solution and who ultimately takes responsibility for weighing the economic vs community effects. SASIG considers it important that local authorities are fully engaged in this process.

4. Assessing Noise in Airspace Decisions

SASIG understands the need for Government to consider methods by which aircraft emissions can be reduced but we do not believe that this should be given priority over local noise impacts at currently prescribed flight levels. Most noise complaints in London relate to <6,000ft and therefore we need to adjust current guidance when airspace changes are brought forward to make flight level 8,000 ft the point at which noise takes priority over heavily urbanized areas and 6,000 ft elsewhere. Our foci in terms of emissions are the ground operations of the airport, managing local air quality (especially where it is approaching or over exceedance levels), and controlling and mitigating other primary and secondary impacts that result in significant sources of emissions. It is important from SASIG's point of view that CO2 emissions are seen in this context and prioritised accordingly in any new policy framework. Hence we would envisage the removal of stacks, gate to gate procedures, reducing ground running of aircraft, airport carbon neutrality and changes to the surface access mix as being the areas where climate change objectives could most productively be pursued.

SASIG is also keen to see the use of both the LEQ57 noise contour and Lden (Day, evening, night) in noise measurement and airspace planning and suggests the use of N-above contours in addition as these are generally easier to understand. There is precedent for this since MAG acquired Stansted and began working closely with Uttlesford District Council, which we welcome. Indeed, we would argue that a generic review of standard noise planning contours is probably now needed to reflect WHO and other emerging health impact advice. Moving to a standard 54 Leq contour and an appropriate Lden equivalent would be a prudent medium term policy and would have the major advantage of sending an unambiguous policy signal that progressive and material reductions in noise form part of future airspace and capacity planning and that ATM growth must move in parallel with noise reduction.

We are pleased to see the consultation document proposes to give respite equal billing to concentration. Clearly the detail of how this works will need to be dependent on operational parameters and local stakeholder engagement but as a principle giving some periods of alleviation in an otherwise air intensive environment seems intuitively fair.

It would also be remiss not to raise under this heading the loss of PPG24 during the 'bonfire of planning guidance' the last government undertook. PPG 24 is uniquely one of those pieces of legislation that airport operators, local authorities and their communities all agreed played an important function in creating clear guidelines and certainty. SASIG has discussed this issue with the AoA and RABA and there is a unity of purpose in calling for its re-instatement or for some equivalent to replace it. Public Health England has said there is to be a new Pro-PG (Professional Practice Guidance) published on 17th June on noise – it is not clear if it will have any aviation-specific content. If not we would like to see DfT take action on this issue. We attach very high priority to it and would be willing to get involved in any industry-wide technical group set up to produce revised guidance.

The proposal to make local authorities the competent authority for ensuring airspace change proposals are in line with the ICAO/EU balanced approach provisions is welcomed in principle by SASIG, but with the very strong caveat that relevant local authorities have to (a) be able to recover their resource costs from the change promoter, and (b) have access to specialist expertise, either through ICANN or a panel of approved consultants. SASIG can provide a focal point for local authority specialists and is willing to establish a specialist Technical Working Group to liaise with external experts and share knowledge and best practice, but it cannot do this without external assistance and in reality some funding report. The principle that central Government transfers extra responsibilities to local authorities, where they reflect the localism agenda is acknowledged, but this cannot be done without appropriate resource transfer and we would like this to be clearly acknowledged by Ministers.

Other more practical administrative concerns include:

- Who would be the competent authority for noise where several authorities' areas are impacted – as for example at Heathrow?
- Further detail is needed on the additional powers designated airports might be given to respond to noise problems facing their communities and how these would be exercised. Could for example, their local authority stakeholders propose mitigation or compensation measures or would they only be allowed to originate at the airports discretion?
- There needs to be a call-in function for disputes and DfT guidance is needed on this.

5. Independent Commission on Civil Aviation Noise (ICCAN)

The need for an Independent Noise Authority as set out by the Davies Commission has been one of SASIG's red lines throughout its engagement on airspace policy matters since 2013. We therefore welcome its inclusion in the consultation document although we remain a little disappointed that ICCAN seems to be a watered-down version of IANA as recommended by the Davies Commission. However we consider that:

- It should not be regarded as a short-term body, but as a permanent feature of the 'airspace'.
- Its remit should be extended to including providing expertise on a consultancy basis to local authorities.
- It could have an ombudsman type role for disputes that have reached a deadlock?
- It might be given a role beyond merely being an advisory body and given more teeth (e.g. powers to require mediation procedures).
- Noise Action Plans could be submitted by airports to ICCAN, which would audit their implementation.
- ICCAN review should be in 3 years, or there should be an interim review if it is kept at 5 years.
- Its role in the planning process is seen as quality/compliance checking (e.g. of EIAs) rather than making recommendations on planning applications.
- The Australian equivalent may provide a useful model.

SASIG has a firm view that ICANN should be publicly, not CAA (i.e. industry) funded, although offering advice on a consultancy basis might also contribute to

its income as well as selling publications and organising specialist courses or conferences. It may also be worth considering within its remit a longer term role in providing safeguarding advice.

6. Ongoing Noise Management

Although the fundamental principles of noise protection need to be as stated earlier:

Minimise »Mitigate » Compensate

we also recognise monitoring and review is an important component of an overarching aviation noise regime.

In this regard we would like to see:

- compensation paid at the onset of noise disturbance and not delayed by the use of trigger points such as completion of the development which could be some years down the line.
- Individual incidents of noise not just decibel data forming part of the compensation regime as emerging evidence suggests that it is the number of incidents rather than the total noise load that primarily disturbs residents.
- We are also keen to see comparative airport noise tables published so that airports who are able to offer, or willing to invest in better noise environments should be able to benefit commercially in terms of business and revenue compared to their competitors.

7. Other Relevant Policy Issues

Finally SASIG would like to raise a number of other policy issues/proposals that we consider relevant to the current consultation.

- First, what is being compensated – reduced property values or quality of life?
- Should the industry not be obliged to compensate for all the damage it occurs and if not what are the principles that govern situations or activity where this is not the case?
- Masterplans require the proper consideration of noise impacts arising from future airport development – they should be required to include airspace change proposals and given formal statutory status through the planning system to help expedite planning applications.
- Masterplans can also provide a useful function in terms of safeguarding, by including relevant obstacle surface, PSZ, RESA etc maps within them. The current devolved system does not work for anything but the largest airports who have the resources to patrol it and is a major concern for local authorities and airports alike. It is a classic example of the problem with one size fits all policy.
- Serious consideration also needs to be given to the problem of noise created by helicopters which is totally different to that created by fixed wing aircraft. SASIG strongly feels that more attention should be given to this issue as it will affect airspace particularly at smaller airports. This consideration should subsequently, lead to a separate set of limits and guidelines.

8. Conclusions

SASIG supports the holistic definition of sustainable development with a focus on the best interests of local communities and has been developing this concept for some time with a view to sharing it as part of the aviation strategy consultation work. SASIG accepts that well regulated airspace change and noise management processes can make a major contribution to achieving our long-term vision of a sustainable airports being the norm for the UK.

However, SASIG has noticed that there is a tendency for Government to adopt a one size fits all policy in the field of aviation policy. We would like to believe that DfT officials are capable of resisting such conveniences and can devise a much more flexible, multi-faceted and yet cohesive approach in this policy area as well as other affecting the aviation sector. Put simply, Newquay airport is not Heathrow! It does not have the same type or level of traffic, nor the same environment and relationship with its neighbouring communities as Heathrow. A policy framework designed to regulate airspace and noise at the latter will therefore be totally unsuitable for the former.

In addition to recognising where there is a need for common standards, policy must also be capable, therefore, of explicitly acknowledging the different standards and requirements that associated with for example:

- scheduled vs business aviation,
- urban vs rural airport locations,
- larger vs smaller facilities, and
- South East vs Regional airports.

Promoters and approval authorities require this flexibility, but also a clear framework to work within. SASIG is not yet convinced that Government has delivered this. The absence of any replacement for PPG24 and the failure to identify clearly the requirement for airport masterplans to be statutorily adopted are major gaps in the current policy edifice and important components of the framework local authorities would require if they are to take on a more pro-active role in this area.

SASIG also needs Government to recognize that, in a period of unprecedented pressures on local authority budgets, devolving a material role in relation to the oversight of airspace changes would become a resource issue too far for local authorities and that a means of adequately compensating for the resource involved needs to be determined before any such role is commenced.

We would welcome the opportunity to engage further and discuss our response with your officials and can be contacted through the Secretariat at this e-mail address: secretariat@sasig.org.uk; or in writing at the address on our web site.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Macrae', with a horizontal line underneath.

Cllr Jamie Macrae
Chair of SASIG