

Department for Transport

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Dear Sirs,

## Re: Consultation on reforming policy on the design and use of UK airspace

Thank you for the opportunity to comment on the above consultation.

I attach our response to the consultation questions; however would like to highlight the key aspects of our response, as follows:

Unreasonably high thresholds for Secretary of State (SoS) call in of airspace changes. The proposed SoS call in process would only apply to cases that are described as being of 'strategic national importance'. This is a very high threshold, which would be highly unlikely to be triggered in the case of Gatwick even though a proposal could have a negative impact on large numbers of residents. The call-in threshold should be lower and based on relative change in impact as opposed to absolute change.

Lack of any clear appeals mechanism related to handing noise controls to larger airports. If the SoS call-in is not triggered, the only 'appeal' mechanism appears to be via the Civil Aviation Authority. However the consultation suggests that the CAA could only intervene if it concludes the correct process has not been followed by the operator. There needs to be a clear appeals process to ensure that local communities are able to challenge airspace changes introduced by operators that have a negative impact on them. Recent experience in Reigate & Banstead borough – where airspace changes have resulted in considerable negative impacts for residents – highlights the importance of this.

An unrealistic approach to defining what constitutes overflight. The Government is proposing to provide a clearer definition of 'overflight', which is, in principle, welcomed. However, the proposal that overflight should be defined on the basis of height, as opposed to noise, seems illogical. The definition of overflight should be based on noise metrics or - if a noise-based definition is not supported by Government - the height threshold should be increased from 7,000ft (above sea level) to a height above which noise experience will not be disruptive to communities.

cont..

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Unintended consequences of establishment of temporary Independent Commission on Civil Aviation Noise. Whilst the establishment of the Commission is welcomed, we are concerned by the suggestion that it may be time limited. Local communities and local authorities do not have the technical expertise (or resources) to properly assess the impact of airspace changes proposed by operators: removal of an independent source of expertise that is able to assess airspace changes objectively will severely constrain the ability of local communities to hold airport operators to account.

Level of clarity in relation to transfer of 'ownership' of NPRs to airports such as Gatwick. It will be important that – if ownership of NPRs is transferred to designated airports – greater clarity and guidance is provided by Government as to the airports' options and responsibilities in relation to these to ensure full assessment of the local implications of any changes, and (as above) proper decision appeal channels.

I hope that you find our comments helpful, and would be very happy to meet to discuss airspace policy issues in Reigate & Banstead further.

Yours faithfully,

**Tom Kealey**

Head of Health & Wellbeing

## Annex: Reigate & Banstead Borough Council response to consultation

### Q1. Please provide your views on:

#### a. 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 guidance.

1.1 The lack of any call-in criteria based on night noise levels is a particular concern, given the more significant health impact of night noise.

1.2 The proposed daytime noise call in criteria of 10,000 additional residents suffering a noise level of 54 dB  $L_{Aeq\ 16hr}$ , is an impossibly high threshold to set for Gatwick and most other airports in the UK. While this may be an appropriate criterion for Heathrow, at Gatwick it will mean that no tier one airspace change will ever be called in under these criteria.

1.3 Given the comments in para 4.12 (*'we recognise in recent years, some groups have expressed their mistrust of the CAA and around its focus on environmental impacts..'*) the effective removal of any call in function on environmental grounds at Gatwick will do little to address these concerns.

#### b. the proposal that tier 2 airspace changes should be subject to a suitable change process overseen by the Civil Aviation Authority, including the draft guidance and any evidence on costs and benefits.

1.4 Any tier 2 airspace change process must also include an appeal process beyond the CAA.

#### c. 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.

1.5 Any tier 3 change as a minimum should be

- i) subject to consultation with the relevant airport consultative committee as per tier 1 and 2 changes, and
- ii) the subsequent policy and 'change' be audited by an independent body to ensure that the impact on local communities is as expected and that the policy proposed is being followed.

#### d. the airspace change compensation proposals.

1.6 Overall the changes are broadly welcomed.

1.7 However, while the principle behind point 3 under para 4.45 is welcome i.e. *'inclusion of additional wording in the policy to encourage an airspace change promotor to consider compensation for significantly increased overflight as a result of the change based on appropriate metrics, which could be decided*

*upon according to local circumstances and economics of the change proposal..'*  
the detail is sadly lacking.

- 1.8 'Significant' needs to be defined and it is unclear why the compensation payment should be decided upon according to local circumstances. Given the purpose of the document is to make decisions on UK airspace more objectively the government should be setting a minimum payment level based on health / annoyance studies, and then the change proposer can decide if they wish to pay in excess of the minimum level based on local circumstances.
- 1.9 Once again the lack of an appeals process / independent arbiter here is a major omission and concern given the nature of the proposals in point 3 para 4.45.
- 1.10 The Council would also suggest that night noise criteria also need to be set that trigger financial assistance for noise insulation / full insulation costs.

**Q2. Please provide your views on:**

**a. the proposal to require options analysis in airspace change processes, as appropriate, including details provided in the draft guidance.**

2.1 The Council has no objections to the options analysis and in principle it is a welcome development. However, when a final decision is reached on a route all of the options considered must be discussed in detail in the final document, including the reasons for certain options being scoped out. In addition, all of the input data used in the assessment of these options must also be made publically available so that they can be reviewed by a third party if necessary.

**b. 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 guidance.**

2.2 The Council has significant concerns with the proposed overflight metric which are discussed further in question 5, and it is unclear how the overflight metric will be used within webTAG (unlike for example the N60 metric where there is a much clearer association with health impacts).

2.3 While the use of webTAG is arguably more objective it is only as good as the 'options available' to the user, and that all of the health impacts are adequately and accurately monetised.

2.4 So for example it is unclear from the box on p.51 if webTAG includes the impact of noise on children's' learning, while the latest WHO Night Noise Guidelines for Europe<sup>1</sup> indicate that sleep disturbance occurs below 45 dB  $L_{Amax}$  for a number of effects including '*changes in duration of various stages of sleep, sleep structure, and fragmentation of sleep*' which has a threshold of 35 dB  $L_{Amax}$ . This would suggest that in paragraph 5.44 of the consultation that the outdoor  $L_{Amax}$  value of 60 dB should in fact be 50 dB.

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<sup>1</sup> WHO (2009) Night Noise Guidelines for Europe ISBN 978 92 890 4173 7.

- 2.5 Therefore, it would appear that at present the webTAG assessment is likely to underestimate the health costs of any change proposal.
- 2.6 It also underlines the need for all of the input data used in the assessment of the options to be publically available (as per comments under 2a above), so that they can be reviewed by a third party if necessarily.

**Q3. Please provide your views on:**

- a. the Independent Commission on Civil Aviation Noise's (ICCAN's) proposed functions.**
- b. 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.**

- 3.1 While the establishment of an independent noise group is welcomed, if established the proposals to then potentially disband the group after five years are not (para 6.24). One of the stated objectives of ICCAN is to 'build trust'. Based on recent experience at Gatwick trust is very rapidly lost (within months) and thus if ICCAN is disbanded in effect the government will be back to 'square one' after five years of work.

**Q4. Please provide your views on:**

- a. the proposal that the competent authority to assure application of the balanced approach should be as set out in Chapter 7 on Ongoing Noise Management and further information at Annex F.**
- b. 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.**

- 4.1 The Council has serious concerns over the proposals within this section including
- i) the suitability of the planning process for implementing conditions on airport operations over potentially decades, and
  - ii) the airport operator to be considered a competent authority (defined as independent of any organisation which could be affected by noise or the restriction)

- 4.2 If the DfT wants to absolve itself of responsibility for such matters in the way that is being proposed then it will have to set up an independent arbiter that can adjudicate in the inevitable local disputes, and in the south east the potential conflicts between competing airports in relation to the design of NPRs e.g. incoming Heathrow traffic holding down departing Gatwick traffic, or route design e.g. Biggin Hill entering Gatwick airspace.

- 4.3 The likely problems associated with matters being dealt with locally are exemplified by recent events at Gatwick, where Gatwick Airport gave minuted assurances to the Consultative Committee that in the event of significant

problems with the introduction of PBN the airport would revert back to the original arrangement for a two year period. Despite some very serious problems for the local community the commitment was not honoured, which led to a breakdown of trust and also the creation of several pressure groups.

**c. 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**

4.4 We are unaware of what other airports publish in this respect, but this authority is generally satisfied with the material published by Gatwick and made available through the noise and track keeping monitoring group (NATMAG).

**d. 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.**

4.5 As an authority we have seen no evidence to suggest that the airport operator (as opposed to the airlines) is incentivised to adopt current best practice in relation to noise management. For example with the night noise regime the improvements to date have come about as a result of DfT changes, and have not been driven by the airport operator. With the latest night flight consultation it was suggested to the airport that non-scheduled QC4 aircraft be prohibited from departing at night, given scheduled QC4 flights are already prohibited and they represent only a handful of flights but are the most disruptive to local residents. The airport said no.

4.6 As there is no financial incentive for an airport operator to reduce noise, unless ICCAN is given the ability to impose minimum noise 'standards' on airports, then in the UK any noise improvements that do occur will be technology following rather than an active improvement.

**Q5. Please provide any comments on the draft air navigation guidance on airspace and noise management and environmental objectives published alongside this consultation.**

5.1 Within this document (p.13 bullet point 4) it states that '*changes above 7000 ft. have little or no significant local impact*' and on p.22 it states sponsors should be '*assessing overflight as per CAP 1498*', which in effect ignores any aircraft over 7000 feet.

5.2 This proposed approach will need to be looked at again as at present the statement is misleading as changes above 7000ft can have a significant impact on noise, and the CAP1498 document is fundamentally flawed by defining overflight primarily by an arbitrary cut off height - 7000ft, rather than using a noise based metric e.g. N60, N55. As a consequence, any new route assessed

using this methodology has the potential to significantly underestimate the noise impact on local residents.

- 5.3 For example based on measurements around Gatwick Airport departing aircraft noise at 7000 ft. (and above) can be in excess of 60 dB  $L_{Amax}$  for certain aircraft types, which falls within the DfT's own assessment criteria<sup>2</sup> which states:  
*'Metrics that should be considered for these purposes include the overall number of overflights and N65 for daytime noise and N60 for night time noise. These latter metrics should be used as supplementary metrics to consider any impacts on annoyance and sleep disturbance effects respectively...'*

Given aircraft at Gatwick above 7000 ft. are capable of causing sleep disturbance they cannot be said to have 'little or no significant local impact'.

- 5.4 It is also worth noting that the Council's own work following changes at Gatwick Airport in recent years suggests that where a new flight path is introduced 'annoyance' that prompts complaints from residents occurs around 50 dB  $L_{Amax}$  during the day, which would indicate that the use of the N65 metric will lead to a significant underestimate of noise annoyance in the case of Gatwick.

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<sup>2</sup> Air Navigation Guidance: Guidance on airspace and noise management and environmental objectives. DfT February 2017. P.22 para 3.14.