

Question 1: Will the new process gateways improve the airspace change process?

Yes * No * Don't know * Please give reasons for your answer.

Yes. The proposals are welcomed in principle. The opportunity for increased opportunities for stakeholder engagement throughout the process via the proposed new process gateways is supported. This support is, however, caveated as there is a need to ensure the new gateways are effective in terms of:

- *helping the local community and stakeholders understand the proposed change and the potential effects (information being jargon free);*
- *ensuring all the information is publicly available;*
- *properly assessing the environmental impacts (using meaningful noise metrics), and;*
- *ensuring that a fair balance between objectives has been achieved.*

Whilst it is noted that trials, and other tactical changes, are specifically excluded from this consultation, LAANC would place on record its view that for airports surrounded by densely populated areas, as is experienced at Heathrow, all airspace changes, including trials and tactical changes, should be subject to a consistent robust environmental assessment process including full public consultation. The cumulative impact of several un-consulted changes can lead to unacceptable environmental consequences for local communities. These changes are currently not accounted for and this discrepancy must be remedied.

There is a real need to recognise that the introduction of precision navigation has changed the landscape in terms of community reaction to repeated overflights of 7000ft and above.

The success of the new consultation arrangements will depend upon there being policy realignment in the forthcoming review of the Aviation Policy Framework; in particular updating of the current CAP 725 Guidance.

Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?

Yes * No * Don't know * Please give reasons for your answer.

Yes. As the design principles will influence how the airspace change proposal will be measured, it is essential that the process includes a proper understanding of the proposal, how it will be evaluated and how local views and the avoidance of impacts can be included within the design process. Local authorities, as representatives of the impacted local communities, should be statutory consultees on all airspace change proposals and involved as early as possible in the planning process. There should be early opportunity for local consultation with stakeholders including public meetings.

Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?

The types of data required to help stakeholders understand the proposal include;

- *Typical (min and max) as well as “mean” altitude data of aircraft along the proposed routes. For changes / concentrations of existing routes the data to be based on at least the previous 12 months of operations.*
- *Clear maps showing, changes to routes and timing of aircraft overhead, identification of areas newly overflown, and expected noise impacts over times of day that flights will be experienced (not just 16hrLAeq). Metrics such as N65 for day and N60 at night to be provided. For all metrics “Worst mode” should be used as well as the average 92 day Leq period. The worst mode data to be produced separately e.g. for Heathrow - westerly and easterly*
- *The numbers of aircraft predicted broken down into hourly slots.*
- *The expected lateral spread along the route*
- *An honest overview of the negative impacts on communities that will be overflown as well as identification of possible options for mitigation (A 3dB change should not be used in future as the minimum change in sound pressure level that is considered to represent significant impact).*

Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?

Additional information on the following would be helpful:

- *the need for the airspace change (in lay terms);*
- *how the perceived need complies with Government aviation policy;*
- *An explanation of how the proposal sits within the framework of airspace changes already in place at the relevant airport (to enable understanding of cumulative impacts).*

Question 5: Overall, will Stage 1 improve the airspace change process? **Yes * **No** * **Don't know** * Please give your reasons and any other views on Stage 1.**

Yes. Community involvement is essential. The proposed framework should ensure that future consultation arrangements are put on a standardised footing thus avoiding subjective decisions as to whether or not a proposed change will have a material impact for stakeholders overflown. LAANC is of the view that

all airspace changes, including trials and tactical changes, should be subject to full consultation and environmental assessment.

Question 6: Will introducing the options appraisal we propose improve the airspace change process? **Yes * **No** * **Don't know** * If so, should this initially be a ‘full’ or ‘indicative’ options appraisal? Please give your reasons and any other views on options appraisal.**

The principle of a full options appraisal for the change is supported.

Further guidance / information is required from the CAA on how proposers should frame the options matrix. New guidance on this should be produced with a similar level rigour to that

demanded by legislation such as the EIA Directive. This would ensure a robust, consistent methodology was applied and would also dictate appropriate levels of consultation.

In complex airspace changes with multiple options a two stage process might be helpful in which consultees are invited to input at the earliest opportunity.

Question 7: Overall, will Stage 2 improve the airspace change process? Yes * No * Don't know * Please give your reasons and any other views on Stage 2.

Yes in principle. Although as stated above, the test of whether this is really to be effective relies upon the forthcoming review of the Guidance to be issued by the CAA.

Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective? Yes * No * Don't know * If so, should a facilitator be a mandatory requirement for certain types of airspace change? Please give your reasons and any other views (including benefits and disbenefits) on facilitators.

Yes. Airspace change around major airports such as Heathrow can impact on substantial numbers of people. This is demonstrated by the recent flightpath trials around both Heathrow and Gatwick which were poorly managed by all parties (CAA, NATS and the airports) in terms of stakeholder engagement and the provision of clear jargon free information. If the Government is minded accept the Davies' Commission recommendation for an Independent Aviation Noise Authority (IANA) then this could be a suitable body for such a role. In the absence of IANA an independent facilitator should be considered.

Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content? Yes * No * Don't know * Please give reasons for your answer.

Yes. Publication of all stakeholder views will improve terms of transparency of the overall process.

Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period? Yes * No * Don't know * Please give reasons for your answer.

Yes. This gives the opportunity for appropriate stakeholders to engage in the process as it progresses. It will also potentially enable some discussion of perceived issues between the parties along the way.

Question 11: Should consultation responses be made solely through the online portal? Yes * No * Don't know * Please give reasons for your answer.

No. Whilst most organisations and stakeholders have access to online facilities the option for face to face and as well as written contribution should be provided.

Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality? Yes * No * Don't know * Please give reasons for your answer.

Not possible in our view to be confident that the balance will be achieved – this is a complex process. In the event that the proposals are adopted the first tranche of proposals should be subject to external review.

Question 13: Overall, will Stage 3 improve the airspace change process? Yes * No * Don't know * Please give your reasons and any other views on Stage 3.

Don't know at this stage. Whilst the extra stages are welcome and are, in principle, an improvement, there needs to be a clear understanding of the trade off / balance process and the priorities the CAA intend to give to potentially conflicting areas when making a final decision on the airspace change proposal. Further information and consultation on this is requested.

Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions? Yes * No * Don't know * Please give reasons for your answer.

Don't know given the current level of information. Whilst a standard template approach is supported there may be specific local circumstances which dictate additional information requirements. We recommend that stakeholders be given the opportunity to review the details of any proposed "standard template" via the public consultation on the forthcoming CAA guidance.

Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it? Yes * No * Don't know * Please give reasons for your answer.

Yes. It would give an additional opportunity for stakeholders to understand the process up to that point, and whether views have been appropriately interpreted and included.

Question 16: Overall, will Stage 4 improve the airspace change process? Yes * No * Don't know * Please give your reasons and any other views on Stage 4.

Yes, in terms of the introduction of more stages for stakeholder interaction with the airspace process.

Question 17: Will introduction of a new Public Evidence Session improve the airspace change process? Yes * No * Don't know * Please give reasons for your answer.

Public Evidence Sessions are strongly supported. However we not agree that this opportunity should only be provided for Level 1 airspace changes i.e. 7,000 feet or below. We strongly recommend that the altitudes used for distinguishing the levels for airspace change requirements are re-visited. Recent experience has shown that 7,000 feet cannot be considered as the cut off for defining significant noise impacts and therefore no requirement for local environmental assessment. We recommend that the revision of the CAP 725

guidance reflects changing attitudes in terms of community annoyance to numbers of overflights as opposed to pure noise energy (Leq) type assessments. Local background sound levels should be considered alongside aircraft noise emission levels.

Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision? Yes * No * **Don't know * Please give reasons for your answer.**

Don't know at this stage given the current information. Reference is made to the review of new guidance to be released in relation to the decision making process, however, we refer to our answer to Q 17. The definition of the levels for the airspace change process must be accompanied by a robust evidence base supporting the criteria at which it is considered significant local impacts could occur.

Question 19: Overall, will Stage 5 improve the airspace change process? Yes * No * Don't know * Please give your reasons and any other views on Stage 5.

Don't know at this stage given the current information. As an example, the introduction of a Public Evidence session is welcome however please see the answer to Q18.

Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?

The CAA decision not to adopt the Helios recommendation is considered to be regrettable.

In our view an appeal process would give stakeholders an opportunity to challenge the final decision without the need to seek judicial review, which for many, is a daunting experience. Judicial Review historically is not an effective forum for seeking a ruling on the merits of a controversial scheme.

As the CAA has to make decisions based upon a raft of different trade-offs there is an inevitability of conflicts between airports operators, wishing to streamline a process for efficiency of operation, and local communities not wishing to have changing patterns in flight paths. A formal appeals process would provide stakeholders with a forum for independent review of the merits of proposed scheme. Judicial Review would still be available to stakeholders in cases where there are disputed points of law.

Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?

It is important that good quality data set out in a consistent form are provided at the start of the consultation process. Essential data should be provided in terms of "current" v "do something" scenarios for:

- *Mean and typical (max and min) altitudes (agl) of aircraft along the proposed routes*
- *Numbers of aircraft per hour along the proposed route*
- *Measurements of noise impact at key receptor points on the ground using meaningful noise metrics LAeqT to be representative of typical hourly impact. Additional metrics to include N65 for day and N60 for night time operations. Worst days done separately - westerly and easterly*

Question 22: Overall, will Stage 7 improve the airspace change process? Yes * No * Don't know * Please give your reasons and any other views on Stage 7.

No - With the current level of information. It is currently unclear what weight will be accorded to stakeholder concerns within the CAAs decision matrix.

Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality? Yes * No * Don't know * Please give reasons for your answer.

The proposal to introduce clear Gateways into the consultation process is supported. However without clear and robust guidance the process will be significantly weakened.

Question 24: Should the CAA set up an Oversight Committee? Yes * No * Don't know * Please give reasons for your answer, including what benefits or drawbacks it would deliver compared with the proposed process.

Yes. *We support the Helios recommendation to the CAA and would suggest that most of the perceived difficulties surrounding the construction and composition of such a panel may be overcome should the Government decide to appoint an Independent Aviation Noise Authority (IANA) in which case the role of the Oversight Committee could be undertaken by IANA.*

Question 25: Are there any other areas where the CAA should provide guidance? Yes * No * Don't know * Please give reasons for your answer.

Yes.

In Stage 2B - specific detail on the environmental assessment methodology should be given which should align with that as laid down in legislation such as the EIA Directive. The assessment would then ensure a consistent approach and take into account the cumulative impacts of other airspace changes both existing and foreseeable.

In Stage 3A - potentially impacted local authorities should be named as statutory consultees.

In Stage 5A & 5B - clear guidance should be given on how the CAA will undertake the appraisal post implementation, how it will assess whether the objectives of the airspace change proposal have been achieved, including post-assessment of the actual impacts and what action it will consider taking in the event of non conformance being established.

Guidance on the criteria for mitigation - where the decision making process has decided that any environmental harm is out-weighed by other requirements such as efficiency or safety, there is a need to have clear measures set out which will allow impacted stakeholders to be assured of effective mitigation and compensated. Mitigation should also be available in cases where the actual detrimental impacts in practice are greater than the predicted pre-implementation impacts.

Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled? Yes * No * Don't know * Please give reasons for your answer.

Don't know with the current information. The consultation document does not include the environmental impact assessment that underpins the choice of the level of 7,000 feet as the cut off level above which there will be no need to consider noise impacts. At an airport such as Heathrow, it may not be as simple as a height cut off, the increased number of flights may also play a part in terms of discernible noise impacts. These issues need to be assessed and presented for consultation before the Level 1 benchmark level of 7,000 feet can be agreed in principle.

Local authorities should be added to the list of consultees in both levels along with communities impacted by change.

Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?

Please see answer to Q26.

Further we believe that the practice of seeking to exclude so called "tactical changes" (which may be implemented by authorities such as the airport operator and or the airspace controller) are brought within the air change process and managed within the new CAA gateway process. Recent flight path changes (classified as tactical changes) around Heathrow and Gatwick led to noticeable adverse noise effects for communities on the ground without any prior consultation. The use of Tactically Enhanced Arrival Measures (TEAM), sanctioned by NATS and the DfT, in respect of Heathrow allows the hours of 06:00-07:00am to be used to bring in landing aircraft on both runways. Tactical changes to flightpaths as well as changes in the diurnal patterns along existing routes have the ability to cause detrimental noise impacts yet these are outside the formal CAA assessment process and should not be.

Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future? Yes * No * Don't know * Please give reasons for your answer.

Yes. Given the proposals for the modernisation of airspace and the impending government decision on airport expansion.

Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?

Whilst it is acknowledged that it is not in the gift of the CAA to re-write national legislation such as the Transport Act 2000, the Council wish to register their concern that in terms of the environment there is simply the requirement to "take account of guidance on environmental objectives". Whilst the interpretation within the consultation document recognises that "sometimes a factor we must take account of is prioritised over one we need to secure" it is not clear when this will occur in practice. A clear policy statement on how the CAA intends to balance conflicts within its sphere of responsibilities. Without such a statement there will continue to be considerable community concern that safety is being used as a cloak for driving through changes in flightpaths which result in adverse impacts to those overflown. A transparent safety case should be produced as part of the documentation required at the earliest opportunity.

Question 30: Do you have a preference for either of the options for recovering the CAA's airspace change costs that are set out in Chapter 7? Please give your reasons and any other views on how the CAA recovers its airspace change costs.

No preference. *The requirement for the additional staffing levels given the additional process steps that require scrutiny and for the setting up of aspects such as the online portal to ensure all consultation materials is readily available is recognised.*

Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.

No response.

Question 32: Are our proposed transition arrangements between the old process and the new process reasonable? Yes * No * Don't know * Please provide any further comments or evidence that would inform our proposed transition arrangements.

Don't know with the current information.

Question 33: Are our timescales for introducing the new process reasonable? Yes * No * Don't know * Please give reasons for your answer.

Don't know *with the current information.*

Question 34: Do you agree with the concept of an online portal? Yes * No * Don't know * Please give reasons for your answer.

Yes. *The provision of an online portal to allow access to all the airspace change documentation through the whole process is supported as being an aid to providing greater transparency in future air space change proposals.*

Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?

The scope of the portal as outlined is supported with the caveat that consultees should be able to update and amend their comments during the consultation process.

Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?

Agree *to the portal containing all documentation which includes the uploading of the sponsor's documentation. However, the CAA need to be very clear where their scrutiny role engages in this process. Stakeholders will need to be reassured that the sponsors' handling of consultation responses is fair and transparent and that there is a level of independent scrutiny by the CAA.*

Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process? Yes * No * Don't know * Please give reasons for your answer.

Yes. The portal website system as used by the Planning Inspectorate (PINS) would appear to be a suitable model for this.

Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates? Yes * No * Don't know * Please give reasons for your answer.

Yes. *A bespoke online portal should be constructed which can be built specifically to accommodate the airspace change process.*

Question 39: Is our assessment of the effects of the new process in Table D1 reasonable? Yes * No * Don't know * Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible.

Yes. In terms of the resource cost to local authorities in terms of engaging with an airspace change proposal, the new system may help alleviate the time wasted in adversarial meetings with change sponsors and the publication of consultation documents to the public that are not understandable to a lay person.

Question 40: We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.

No response.

ENDS.

LAANC response to CAA consultation – Airspace Change v2

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