



Response to CAA Proposed Criteria for Assessing and Accepting the Airspace Change Masterplan

26 June 2020

Stop Stansted Expansion ('SSE') was established in 2002 in response to Government proposals for major expansion at Stansted Airport. We have some 7,500 members and registered online supporters including 150 parish and town councils and local residents' groups and national and local environmental organisations. Our objective is to contain the development of Stansted Airport within sustainable limits and, in this way, to protect the quality of life of residents over wide areas of Cambridgeshire, Essex, Hertfordshire and Suffolk, to preserve our heritage and to protect the natural environment.

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Introduction

SSE welcomes the opportunity to respond to the Civil Aviation Authority's ('CAA') Proposed Criteria for Assessing and Accepting the Airspace Change Masterplan CAP 1887. We have already separately responded via the CAA online survey and we would also like to submit this hard copy version. In this response we have referred to and provide the same answers to the questions listed in the CAA's online survey.

Response to Residual Questions

Question 6. Is there anything else that you would like us to know in connection with your response?

We believe that improving the efficiency of airspace should also provide environmental benefits including the reduction of noise harms for residents living around airports and under flight paths. Furthermore the Masterplan must be consistent with the 2050 net-zero carbon emissions objective for aviation.

SSE also welcomes the creation of a coordinated FASI-S Masterplan for airspace changes in the south of the UK. We believe this Masterplan will be a major improvement over previous piecemeal processes by coordinating the multifaceted airspace changes involved across the region. In September 2014, SSE responded to a NATS airspace change proposal ('ACP') to switch Stansted daytime flights from Dover departure routes to Clacton departure routes¹. We noted at the time that the proposal was described as being part of the much wider London Airspace Management Programme ('LAMP'). One of our criticisms of this particular Stansted ACP was that it could not be assessed in the context and knowledge of the future LAMP phases and for which no information was available.

SSE believes that CAP 1887 should also apply to a FASI-N Masterplan in the north of UK

The Executive Summary of CAP 1887 (paragraph 2) states the objective includes "*being more environmentally friendly by minimising the negative impacts of noise on local communities and minimising carbon emissions per flight*". SSE believes that this is insufficient protection against environmental harms and is in contradiction to further references throughout the consultation document for noise (and to some extent emissions) where it clearly states "reduce" not "minimise". For example, paragraph 9 of the Executive Summary states: "*reduce noise, deliver air quality or fuel efficiency benefits*". We wish to see a consistent principle in the Masterplan criteria to reduce not just the noise of individual flights (CAP 1887 paragraph 34, 2nd bullet) but also the total adverse effects of noise, as set out in the Air Navigation Guidance 2017.

In principle SSE welcomes and supports the establishment of the Airspace Change Organising Group ('ACOG') to coordinate airspace changes. We believe it has the potential to resolve conflicts and trade-offs between the use made of airspace by different airports that could have noise reduction and environmental benefits. However, as discussed later in our answer to Question 8, we do not believe ACOG is currently an "impartial team" because it does not include representation from communities or environmental interests and the trade-off process, as described in the consultation, appears to be exclusively an industry process.

¹ <http://stopstanstedexpansion.com/documents/SSE-response-to-NATS-Departure-Route-Proposal-for-Stansted-Airport-final.pdf> to 1.7.2020
or <http://sse.rifledesign.co.uk/wp-content/uploads/2020/04/SSE-response-to-NATS-Departure-Route-Proposal-for-Stansted-Airport-final-Sept-2014.pdf> from 1.7.2020

The absence of community and environmental representation in ACOG's structure and its work is a major governance gap that we believe would undermine confidence in its decisions. This clear imbalance in the overall process should be addressed urgently.

In addition to community and environmental representation in ACOG's work, we believe that the Independent Commission on Civil Aviation Noise ('ICCAN') should have a formal and prominent role in advising on the noise aspects of the Masterplan, particularly where conflicts and trade-offs will need to be resolved. A condition of acceptance of the Masterplan should be that ACOG has fully incorporated ICCAN's advice.

Question 7. Do you consent to your response being published?

Yes, with personal identifying information (name, organisation, respondent category, location, additional information).

Question 8. CAP 1887 details the proposed criteria to be used to inform whether to accept the Airspace Change Masterplan, which is being created by the Airspace Change Organising Group (ACOG), an impartial team in NERL. Do you have any general comments you would like to share on the proposed criteria for assessing and accepting the Airspace Change Masterplan?

SSE has two significant concerns about the three proposed criteria.

Firstly it is quite clear that the forecast growth in demand for aviation to 2050 across all sectors, as given by the Department for Transport ('DfT') 2017 forecast² is now significantly out of date due to, inter alia, the profound impact of the COVID-19 pandemic and following the Court of Appeal's ruling that the Airports National Policy Statement is unlawful. Without reliable forecast figures for demand, a fundamental input for the airspace modernisation Masterplan is currently lacking. A revised demand forecast is required both in the light of the COVID-19 pandemic and to reflect revised policy once it has been developed.

Secondly, DfT has not published the results of the Green Paper consultation for the Future of UK Aviation leading to a revised Aviation White Paper. SSE does not believe that key government policies against which the Masterplan is to be prepared, assessed and accepted are currently sufficiently clear. In particular the government's emerging aviation noise and environmental policies lack specificity such that it will not, in our view, be possible for ACOG to resolve conflicts, trade-offs and dependencies associated with airspace redesign in a way that is transparent and equitable. We also maintain that aviation growth should deliver equitable and proportionate reductions in noise and other environmental adverse impacts or, in situations where this is not possible, suitable compensation.

Related to our second significant concern is the key airspace modernisation technological advance of Performance Based Navigation ('PBN'). We support the implementation of this new technology since it can accurately and consistently improve track keeping. This has the capability to tailor route designs to reduce noise impacts. However it is clear that insufficient research has been undertaken to determine the effects of concentration on communities living under PBN flight paths for noise and health impacts. In particular for:

- Measurement methods, criteria and thresholds for noise and health effects
- Modelling tools to assist the forecasting of the effects of airspace changes for PBN routes on communities underneath flight paths

² DfT UK Aviation Forecasts, October 2017.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878705/uk-aviation-forecasts-2017.pdf

- Comparison methods for single, alternative and multiple routes
- Sensitivity analysis methods including options appraisal
- PBN overflight metric and population count tools
- The impact of PBN routes on property asset values. DfT recognises that higher noise levels cause lower house prices.

Without further research and understanding of these elements, we believe it will not be possible properly to assess options and resolve conflicts and trade-offs when considering the impacts on local communities living under PBN routes. Moreover it will not be possible for a properly informed assessment of the Masterplan to be carried out.

ACOG does not appear to have responsibility for representing environmental interests or the interests of impacted communities, specifically concerning the need to reduce noise. The outcome is likely to be a Masterplan that subordinates adverse noise impacts to aviation industry benefits and results in a return to the unsatisfactory situation that ICCAN criticised last year: “we have generally found trust between the industry, regulators and communities to be in a negative place”³. The public engagement exercise proposed for ACOG is not an acceptable substitute for adequate involvement of community and environmental representatives. ACOG’s work in general, and for trade-off and dependency discussions in particular, should be organised on an equitable basis for community representative involvement with industry.

Accordingly, we do not agree that ACOG can be an “impartial team” within NERL as stated in CAP 1887 (Executive Summary, paragraph 7). Although it may be impartial as regards competing airspace change sponsor interests, it is not currently set up or governed in a way that can realistically enable it to be impartial as regards other stakeholders. In particular it needs to be capable of representing the noise and environmental outcomes that need to be achieved. This clear imbalance in the ACOG processes and governance must be addressed.

In addition to community and environmental representation in ACOG’s work we wish to see ICCAN being given a formal and prominent role in advising on noise issues particularly where there are conflicts and trade-offs to be resolved.

The inter-relationship between CAP 1887 and the Airspace Change Process CAP 1616 for an ACP is unclear concerning adequate and timely involvement of community and environmental groups for the satisfactory resolution of conflicts and trade-offs. Paragraph 97 of CAP 1887 says “*Consultation by individual sponsors at Stage 3 of the CAP 1616 process is too late for public views to be taken into account as solutions to conflicts have already been decided*”. This needs to be clarified to ensure that an equitable balance between operational and environmental aspects, including options, of an ACP is satisfactorily resolved at an early stage.

Regarding the third criterion in CAP 1887, where an individual ACP delivers, inter alia, noise reductions but conflicts with the Masterplan, it is unclear what trade-off factors will be used by the CAA when it “*will have to consider refusing it*”. We are concerned that a local benefit of noise reduction for an individual ACP could be ignored and sacrificed for operational reasons elsewhere without proper assessment of the trade-offs.

UK airspace modernisation will have far reaching implications for many UK citizens and must therefore be based on the firm foundations of clear government policy, reliable and up-to-date aviation demand forecasts and adequate community involvement and protection from environmental harms. We do not believe that these firm foundations currently exist.

³ ICCAN Corporate Strategy 2019-2021, Foreword, July 2019.

While we welcome the development of a Masterplan, we believe that it is premature to approve the criteria for assessing and accepting the Masterplan without further work.

9. Are the proposed criteria detailed in CAP 1887 the right criteria to enable acceptance?

Significant modifications are needed. Please also see our response to Questions 6 and 8

SSE believes the information requirements set down in paragraph 63 of CAP 1887 are a good starting point but the acceptance criteria are not sufficiently clear and should ensure that:

- The demand forecast against which the Masterplan is prepared is up-to-date and reliable. SSE does not believe that this is currently the case as set out in our answer to Question 8.
- The policy framework is sufficiently clear to enable ACOG to resolve conflicts and trade-offs and permit the Masterplan to be assessed against policy. SSE does not believe that this is currently the case as set out in our answer to Question 8.
- The Masterplan's assessment of the effects of noise and other environmental impacts is based on a robust understanding of the community and health impacts of aircraft noise particularly where noise changes in levels and/or is concentrated through the use of PBN technologies. SSE does not believe that this is currently the case as set out in our answer to Question 8.
- Options are adequately assessed and conflicts and trade-offs are adequately resolved for the impacts on local communities living under PBN routes. SSE does not believe this is currently the case as set out in our answer to Question 8.
- All trade-offs are resolved in a manner that is demonstrably consistent with government policy once clear policy exists.
- Outcomes expected to arise from implementation of the Masterplan are fair and equitable, particularly that benefits are shared between the aviation industry and local communities by ensuring that total noise and other environmental impacts are reduced.
- Community and environmental representatives have been fully involved in resolving trade-offs and determining solutions to dependencies on an equitable basis with industry representatives.
- ICCAN is fully involved in the Masterplan and its advice has been fully incorporated as set out in our answer to Question 6.
- The criteria should be consistent with the aviation sector achieving net-zero carbon emissions by 2050.
- The criteria should be consistent with the 2018 WHO guidelines for aviation noise.

Furthermore, SSE does not believe that ACOG's proposed approach to developing iterations 2 and 3 of the Masterplan takes sufficient account of the concerns of communities impacted by aircraft noise or sufficiently involves community representatives. The consultation does not describe how trade-offs involving noise or other environmental impacts will be carried out, what assessment methodologies and weighting factors will be used or how the results will be validated. We wish to see a more descriptive approach with qualitative and quantitative values stated. The trade-off process described in paragraphs 70 and 73-75 of CAP 1887 appears to be exclusively an industry process. There is no involvement of community or environmental representatives and no evidence that their concerns will be adequately considered in the trade-offs being made.

10. Chapter 3 of CAP 1887 details the policy considerations that are relevant to the Airspace Change Masterplan. Are there examples of where further policy may be required to guide trade-off decisions?

Yes. Please also see our response to Questions 6 and 8.

SSE maintains that government aviation noise and environmental impact policies are currently insufficiently clear to allow the Masterplan to be assessed and accepted on an objective basis. CAP 1887 effectively acknowledges this in paragraph 85. This lack of evidence-based policy clarity is compounded by the Airports National Policy Statement, referenced extensively in CAP 1887, having been ruled by the Court of Appeal to be unlawful and of no legal effect. Furthermore, the government has not yet responded to the CCC's September 2019 recommendations regarding aviation emissions reduction.

There are no weighting factors proposed to evaluate trade-offs. Paragraph 86 of CAP 1887 considers "*how trade-offs should be struck between the different objectives that a single airspace design could be focused on achieving (for example, reducing controlled airspace, increasing commercial capacity, noise reduction)*". It is crucial for communities to know how trade-offs will be decided between more flights (especially with PBN) and more noise, and what weighting factors would be used.

The starting point for any Masterplan that involves making trade-offs between competing policy objectives must be a clear statement of government policy on all relevant matters. SSE does not believe that such a statement currently exists and therefore we do not believe a Masterplan can currently be assessed or accepted until these matters are clarified.

We note that the CAA and DfT are planning to issue additional policy guidance on trade-offs. Any such guidance should be published and consulted on prior to adoption.

Aviation policy should transparently and comprehensively incorporate both the 'Polluter pays Principle' and the 'Precautionary Principle' for decision-making under uncertainty⁴ where the environmental impacts of the industry's activities are unclear. Environmental policy is entirely absent from the summary of government policy contained in paragraph 80 of CAP 1887.

Additional research and policy is needed as regards the community and health impacts of aircraft noise particularly in circumstances where noise is concentrated through the use of PBN technologies. Current policy is based on the Survey of Noise Attitudes ('SoNA') 2014, which did not survey areas where there had been significant changes in noise levels. It is therefore not a reliable basis for assessing noise impacts in the context of the airspace modernisation programme, which is likely to involve substantial airspace changes. Furthermore ICCAN's December 2019 Review of SoNA 2014 recommended material changes to the noise research base and called for a new regular attitudinal survey. Additional technical information and potentially additional policy is needed on the issue of concentration or dispersal of aviation noise.

Before a Masterplan can be drawn up there must be informed technical discussion and engagement on the options for safely dispersing traffic, and therefore noise, on multiple routes (or on respite, depending on local circumstances), and on the trade-offs between concentration, dispersal and capacity. In addition, policy on compensation for loss of property and amenity value associated with increases or changes in aviation noise should be consulted upon.

11. Chapter 4 of CAP 1887 details the engagement expectations for the Airspace Change Organising Group (ACOG) to undertake. Do you have any comments on the engagement we are asking ACOG to undertake?

⁴ The precautionary principle: decision-making under uncertainty, European Commission, September 2017. https://ec.europa.eu/environment/integration/research/newsalert/pdf/precautionary_principle_decision_making_under_uncertainty_FB18_en.pdf.

As set out in our response to Questions 6 and 8, SSE does not believe that the ACOG engagement expectations satisfactorily and adequately provide for the full involvement of community and environmental stakeholders.

We also do not agree with the assertion in paragraph 42 of CAP 1887 that the ACOG's cross-industry Steering Committee will "*guide it to act impartially and to facilitate the production of a Masterplan that is the product of input from all relevant airports and is in the interests of the whole airspace network and its stakeholders, and the wider public*". Neither ACOG nor its Steering Committee currently contains any community or environmental representation and cannot therefore be entrusted or expected to act in the interests of those stakeholders.

It is therefore essential that the trade-off process described in paragraphs 70 and 73-75 of the consultation involves, on an equitable basis, all stakeholders rather than just industry representatives whose priority will be to optimise industry outcomes. In addition, either the government or the industry should fund the provision of appropriate strategic and technical advice to communities both collectively at the programme level and on specific change proposals in due course.



We hope you find this response helpful and we would welcome an opportunity to discuss any aspect with you.