

Response to Civil Aviation Authority Consultation on Draft Airspace Design Guidance CAP 1520

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 tight limits that are truly sustainable 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.

Stop Stansted Expansion
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www.stopstanstedexpansion.com



1. Introduction

SSE welcomes the opportunity to respond to this consultation having earlier responded to the revised airspace change process consultation in June 2016.

SSE thanks the Civil Aviation Authority ('CAA') for its considerable efforts in formulating the CAP 1520 Draft Airspace Design Guidance. SSE believes this document is an improved decision making process compared with the extant CAP 725 Airspace Change Process. Nonetheless SSE believes that CAP 1520 does not go far enough in providing sufficient protection against adverse noise and health effects for people living around airports and under flight paths.

SSE does not consider that the contents of this submission are confidential and so we have no objection to its publication.

2. SSE's position

In March 2017, SSE responded to the Government's UK Airspace Policy consultation and said that we wished to see the overall policy tightened '*to ensure that the harmful effects of aircraft noise disturbance are prevented, avoided or reduced*'. There is growing evidence of the social cost associated with the adverse impacts of aircraft noise, particularly at night. Adverse health effects from noise are well established, particularly poor performance at work from interrupted sleep and impaired cognitive development in primary school children who live near airports. This has a further detrimental impact on the economic value of aviation to the nation.

3. SSE's experience of airspace changes

There have been two recent examples of airspace changes at Stansted Airport:

- The RNP1 (RF) performance based navigation trial
- The NATS departure route airspace change

The RNP1 trial arose from local outcry in 2009 when the low cost airlines changed their departure procedure from NADP1 to NADP2. This change was made by the airlines without informing the local community or the airport. The result of the change was that, close to the airport, aircraft were lower and noisier for longer. Following a considerable amount of preparatory work by the airport's Noise and Track-keeping ('NTK') group, working together with local residents and easyJet, the RNP1 CAA trial officially started in May 2013. The trial has been hampered by Ryanair (by far the largest airline at Stansted) only using a small proportion of its fleet together with an apparent total lack of interest from the Irish CAA to expedite procedural matters. The trial was initially scheduled for 12 months but it has been continuously extended.

The trial has successfully demonstrated the capability to accurately thread aircraft between village centres for the small proportion of aircraft flying the trial route. However, the local communities for whom the trial was intended to provide mitigation under the NPRs have not noticed any benefits of fewer overflights or reduced noise annoyance since too many aircraft are not following the trial route. Consequently the number of complaints has increased not decreased. The result to date of nearly 8 years of effort trying to avoid overflying village centres close to the airport has been perceived as a failure for many local residents – quite the reverse of the intended objective.

The NATS departure route airspace change, implemented at Stansted in February 2016, has caused a storm of protest from residents living under the Clacton departure routes and particularly those living further away from the airport where previously few if any noise complaints were made. In spite of 82% of consultation responses opposing the change, it still went ahead without there being any convincing information to support the NATS claimed benefit of reduced delay and the level of CO₂ reduction was trivial. Nowhere in the NATS proposal or the CAA's decision were any quantitative figures given to support the claim of reduced delay.

There were no figures provided for the delay before or after the proposed airspace change or how it was weighted against the increase in the number of people annoyed. Furthermore no figures were given for the population living under departure flight paths between 4,000ft and 7,000ft. The commonly held view of local communities adversely affected by this airspace change is that the aviation industry is riding roughshod over the real concerns of local residents.

4. SSE's response to CAP 1520

With the present state of aircraft technology there is, in most flight operations, a trade-off between reducing noise and reducing greenhouse gas emissions and nitrogen oxides, all of which are harmful to human health. SSE believes that high priority should be attached to overcoming this dilemma, but in the meantime, while this unenviable trade-off between two health hazards exists, we believe that close to airports and along flight paths up to 7,000 feet preference should be given to reducing noise.

While the process improvements in CAP 1520 are welcomed, the following flaws and omissions need to be satisfactorily resolved before the process can be considered fit for purpose amongst local communities to provide adequate protection against environmental harms caused by aircraft operations:

- i. The CAA does not propose to allow an appeal in respect of airspace decisions or its terms and conditions (para 236). The Helios report CAP 1365 recommended that an appeal mechanism should be introduced.¹ The lack of an appeal function is perceived as the CAA acting as both judge and jury and providing no avenue for local communities to seek legal recourse other than the extremely expensive route of Judicial Review. This is contrary to natural justice and SSE again calls on the CAA to introduce an appeal process.
- ii. SSE welcomed the establishment of an Independent Commission on Civil Aviation Noise ('ICCAN') by the Department for Transport ('DfT'). SSE also welcomes the involvement of ICCAN with airspace change proposals at various points within the process. To be effective, this body needs to have a clear and meaningful *raison d'être*. The Airports Commission recommended that an Independent Aviation Noise Authority be set up with powers for intervention and enforcement. The DfT proposal for ICCAN only includes functions such as advising and monitoring. In the absence of powers for intervention and enforcement, ICCAN risks becoming a toothless body. It is important that intervention and enforcement powers are included or enacted through a suitable vehicle. And it is disappointing that ICCAN is not proposed to have an Ombudsman role. Aircraft are inherently noisy machines and yet aircraft noise is subject to a far less stringent regulatory regime compared to other causes of noise pollution. The statutory framework does not allow for action to be taken on aircraft noise nuisance so long as an aircraft observes the rules. While some rules exist (e.g. fines for non-compliance with track keeping), there is no satisfactory recourse in UK law for protection against noisy aircraft. This needs to be rectified by inclusion in the ICCAN terms of reference. SSE believes that ICCAN must not become solely a communications vehicle. It is also important that it is perceived to be fully transparent and raise trust levels between the industry and the community. In addition to being an adviser for airspace change proposals, SSE wants ICCAN to have an intervention, enforcement and Ombudsman roles.
- iii. The CAA suggests that voluntary use of a third party facilitator could be useful (paras 100, 144, 306 and C31). SSE considers that there is clearly a case for an independent third party to act as a neutral facilitator and to moderate interaction with local communities.
- iv. The CAA suggests that Lmax values may also be used at selected location (paras B52 and B53). SSE considers that Lmax values must be provided particularly for locations

¹ Independent review of the Civil Aviation Authority's Airspace Change Process, 8 December 2015.

under flight paths where concentration has resulted from implementation of Performance Based Navigation.

- v. There is no mention anywhere of background noise levels in CAP 1520. In SSE's view this is a very serious omission. Stansted Airport is situated in rural surroundings with a large number of small villages characterised by low ambient noise. Each discrete aircraft noise event will be heard against the background noise levels of the particular location at the time. This was recognised by the previous Secretary of State for Transport when he said '*...that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. This may be especially true for rural airports such as Stansted where the ambient or background noise levels are relatively low. We would encourage the Manchester Airport Group, the operator of Stansted airport working alongside the Airport Consultative Committee to consider alternative methods which better reflect the airport's position*'.² In addition, a recent research study carried out by the Dutch research agency To70 found that: '*The percentage of annoyed residents is likely to be higher in areas with low ambient noise than in high ambient noise areas. It can be misleading to compare noise annoyance between different airports, when these local differences are not taken into account. Hence, the local difference between ambient noise levels should always be taken into account when calculating the annoyance*'.³
- vi. SSE considers that background noise levels (LA90) must be provided for locations under flight paths as part of the airspace change process.
- vii. The CAA does not propose to establish an Oversight Committee. SSE is content with this as long as there is a satisfactory appeal mechanism in respect of an airspace decision (see above).
- viii. The CAA acknowledges that, in reaching a fair outcome for an airspace change, there will have to be trade-offs where there are conflicting objectives (paras 30, 102, 148 and B47). SSE believes that this is one of the essential features of the process to achieve an equitable outcome for an airspace change designed to increase the efficiency for users and at the same time reduce the environmental harms and adverse health impacts for people living around airports and under flight paths. SSE wishes to see more guidance published by the CAA for trade-off and weighting factors for environmental impacts with assigned quantitative values.

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² Secretary of State for Transport letter of 10 December 2013 to Sir Alan Haselhurst MP.

³ <http://www.gacc.org.uk/resources/Ambient%20Noise.pdf>.