

## DfT Consultations

### UK Airspace Policy Consultation

**Name of participant: Richard Earis, The London Borough of Southwark.**

These are the recorded submissions for Session 1. Only sections to which responses have been recorded are listed below.

#### Chapter 4

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**Q1a. Please provide your views on 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 Air Navigation Guidance**

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**Your response:**

The Authority supports the proposed call-in function for the Secretary of State in tier 1 airspace changes however it is considered that the criteria for call-in are too narrow. Both the 'Attitudes to Noise from Aviation Sources in England' (ANASE) and 'Survey of Noise Attitudes' (SoNA) studies found that sensitivity to aircraft noise has increased in recent years with the latter study finding some adverse effects of annoyance occurring down to 51dB LAeq 16hr.

Using a fixed threshold does not allow for future changes in sensitivity to aircraft noise; annoyance affects that result from short term noise levels; or increases in numbers of aircraft without reaching the overall daytime average trigger for call-in. This also does not allow for the impact of large changes in noise exposure below the call-in threshold.

The call-in only relates to increases in numbers of people exposed to noise and not to significant increases in exposure for large numbers of people already suffering a significant adverse effect. For example 20,000 people experiencing an increase from 54dB to 57dB would not trigger the function whereas 10,000 people experiencing an increase from 51dB to 54dB would. It is inequitable and insufficiently protective that the call-in should relate to the latter and not the former situation.

The Authority would prefer the call-in function to be as wide as possible, such as in any case with a significant environmental impact, with the policy defining what this means by reference to the Noise Policy Statement for England. However, if fixed thresholds are to be used then these should relate to 51dB LAeq 16hr and 45dB Lnight, or a change of 3dB or more regardless of absolute noise level. The requirement for an adverse effect on health and quality of life should be changed to health or quality of life.

Given the call-in power is to be discretionary in any case there is no detriment to widening the possible criteria where a call-in would be considered appropriate.

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**Q1b. Please provide your views on the proposal that tier 2 airspace changes should be subject to a suitable change process overseen by the Civil Aviation Authority, including the Draft Air Navigation Guidance (opens in a new tab/window) and any evidence on costs and benefits.**

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**Your response:**

The Authority supports the proposal for greater consultation and oversight on relevant tier 2 airspace changes, including greater emphasis on evidence of costs and benefits, however, neither the consultation or draft guidance defines at what level of noise impact the CAA's approval would be needed. This is instead left to the CAA to formulate its own policy. This is crucial to whether the requirement would be effective in practice.

There is also no guidance on how the CAA is supposed to react to consultation or in what circumstances consultation could lead to a change in decision. Tier 2 changes are likely to be justified on technical grounds which would be difficult for community consultation to counter without expert support. The proposal appears to provide extremely limited oversight beyond a requirement to consult in relatively undefined circumstances. The Authority does not accept that the CAA is a suitable body to oversee noise aspects of airspace changes and would support a greater decision-making role for ICCAN in this respect.

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**Q1c. Please tell us your views on 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.**

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**Your response:**

The Authority supports the principle for a suitable policy relating to tier 3 airspace changes but not the proposal as described. The effectiveness of the proposal will depend entirely on the content of the policy which is not fully detailed in the consultation, however, the strong indication is that the policy will be ineffective.

The draft guidance emphasises the 'light touch' nature of the policy and states that 'The objective of the policy which CAA establishes should be that local communities are kept informed of relevant changes which are likely to lead to a noticeable change in impacts, where practicable, and that suitable mitigations are considered. The CAA should ensure that its policy does not inhibit Tier 3 changes, as this could affect the development of new markets'.

It is unclear what practical purpose the policy can serve, beyond keeping people somewhat informed, if it is supposed to ensure that tier 3 changes are not inhibited. The Authority does not accept the stated aim to give economic factors primacy over detrimental impacts on communities. This appears to be an ineffective approach that is only focused on keeping communities informed 'where practicable' without giving any meaningful ability to actually influence or prevent detrimental tier 3 changes. Furthermore, the guidance only states an objective that mitigations are considered, not a requirement that they are implemented.

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**Q1d. Please tell us your views on the airspace change compensation proposals.**

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**Your response:**

The Authority agrees with the principle that compensation policy would be the same for all changes which affect noise impacts regardless of whether they are a result of infrastructure change or a tier 1 or 2 airspace change.

The Authority agrees with the removal of the requirement for a minimum of 3dB change to trigger compensation.

The Authority agrees with the principle of compensation for significantly increased overflight as a result of the change but considers the policy to be insufficiently strong as it only seeks to 'encourage' airspace change promoters to 'consider' this rather than requiring that this principle is incorporated into compensation schemes. The wording also gives undue weight to the 'economics of the change proposal'.

The Authority agrees with the proposal to include a requirement of an offer of full insulation to be paid for by the airport for homes within the 69dB LAeq or more contour, where the home owners do not want to move. The Authority further believes that the requirement should extend to all households suffering a significant adverse effect, with at least those experiencing 57dB LAeq 16 hour included.

The Authority considers that mitigation and compensation policies should provide to some extent for all people within the 51dB LAeq (16hr) and 45dB Lnight contours and also for people suffering significant increases in noise level outside of the agreed thresholds.

In line with compensation on large infrastructure projects (such as Crossrail and the Thames Tideway Tunnel) the Authority considers that there should be a mechanism to make allowance for situations where people in a wider area outside of the standard agreed noise envelopes can reasonably justify special circumstances that adversely affect their sensitivity (for example relevant medical conditions or night shift working).

## Chapter 5

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**Q2a. Please provide your views on the proposal to require options analysis in airspace change processes, as appropriate, including details provided in the Draft Air Navigation Guidance**

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**Your response:**

The Authority agrees with the proposal to require options analysis in the airspace change process.

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**Q2b. Please provide your views on 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 Air Navigation Guidance**

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**Your response:**

The Authority agrees with the use of 51dB LAeq (16hr) and 45dB Lnight as appropriate thresholds for LOAEL if this is always considered in tandem with an assessment of overflight changes using N60(night) and N65(day). Frequency of overflight is stated as being 'one of the factors taken into account when airspace decisions are made' but the guidance does not commit to serious consideration of aircraft numbers in assessing the overall significance of a change. The draft guidance states N60 and N65 'should be used as supplementary metrics' and both the draft guidance and consultation suggest the use is in 'enabling communities to understand changes that are being proposed and allowing them to engage meaningfully in the change process' and 'deciding whether or not it is beneficial to design multiple routes in order to disperse aircraft traffic' rather than as a genuine part of an overall assessment of significance of a change. The ANASE study found a strong relationship between annoyance and aircraft numbers and the Authority considers that greater weight should be given in the guidance to consideration of increases in overflight when determining the significance of changes in airspace use.

## Chapter 6

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**Q3a. Please provide your views on the Independent Commission on Civil Aviation Noise's (ICCAN's) proposed functions.**

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**Your response:**

The Authority does not agree with the proposed function of ICCAN. The proposed roles are considered reasonable as far as they go, however, there is no inclusion of formal powers to direct any noise controls, to require further assessment or mitigation, to investigate and enforce against poor practice or to direct preferred route options. There is a need for an independent evidence-driven regulatory body which has aviation noise control as its primary function. ICCAN should be more than an advisory body with a much wider range of powers and regulatory functions in respect of aviation noise. ICCAN should be given formal powers to make directions which could only be overruled by the CAA where overriding safety or efficiency concerns can be justified.

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**Q3b. Please provide your views on 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.**

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**Your response:**

The Authority believes that to set up ICCAN as a structure within the CAA will undermine public trust in the organisation's neutrality. This is particularly a concern as the CAA is tasked with ruling on ICCAN's input including whether a change sponsor is justified in deviating from ICCAN advice. The Authority would strongly favour setting up ICCAN as a non-departmental public body established by the Department for Transport. This option provides the greatest real and perceived independence from other interests involved in decisions.

## Chapter 7

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**Q4a. Please provide your views on the proposal that the competent authority to assure application of the balanced approach (image opens in new tab/window) to the adoption of operating restrictions at airports in England should be as set out in Chapter 7 on Ongoing Noise Management and further information at Annex F**

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**Your response:**

The Authority does not agree 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.

The proposal that the Secretary of State is the competent authority for nationally significant infrastructure projects (NSIPs) still leaves no local or independent control or objective oversight.

The Authority agrees with the proposal that the local authority deciding on a planning application would be appointed competent authority for planning-related operating restrictions.

The Authority does not agree with the appointment of the CAA as the competent authority for those occasions when operating restrictions may be brought forward by an airport outside of the planning process.

The Authority believes that in the case of NSIPs and restrictions outside of the planning process ICCAN (or another independent body) should be set up with suitable formal regulatory powers to make it the competent authority in assuring a balanced approach, with a duty to consult the airports, local communities, and the CAA.

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**Q4b. Please provide your views on 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.**

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**Your response:**

The Authority does not agree that responsibility for other noise controls and noise preferential routes (NPRs) at designated airports should be transferred to the airports. This does not leave local accountability or sufficient impartiality in determining noise controls. Taking into account the weaknesses in processes and controls described above, the airports are very unlikely to effectively balance community interests with their own economic goals. The Authority would favour responsibility being given to ICCAN (with ICCAN provided with the necessary regulatory functions), or another independent body, in consultation with relevant parties. This would allow an objective and independent balancing of economic and safety needs and the concerns of local communities.

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**Q4c. Please provide your views on 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.**

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**Your response:**

The Authority agrees with the proposal that designated airports should publish details of aircraft tracks and performance.

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**Q4d. Please provide your views on 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.**

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**Your response:**

The Authority does not believe that the industry is sufficiently incentivised to adopt current best practice in noise management. The system described in this consultation and the powers and functions of ICCAN are too weak and leave a lack of local accountability. Stronger clear and defined oversight, incentives and penalties are needed.

## **Draft Guidance**

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**Q5. Comments on Chapter 1: Air Navigation Guidance to the CAA on the Government's environmental objectives**

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**Your response:**

Comments on the guidance and environmental objectives have been incorporated within the responses above where relevant.

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**Q5. Comments on Chapter 2: Airspace Change**

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**Your response:**

Comments on the guidance and environmental objectives have been incorporated within the responses above where relevant.

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**Q5. Comments on Chapter 3: Development and assessment of airspace change options**

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**Your response:**

Comments on the guidance and environmental objectives have been incorporated within the responses above where relevant.

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**Q5. Comments on Chapter 4: Management of aircraft noise**

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**Your response:**

Comments on the guidance and environmental objectives have been incorporated within the responses above where relevant.

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**Q5. Comments on Chapter 5: Specific navigational guidance**

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**Your response:**

Comments on the guidance and environmental objectives have been incorporated within the responses above where relevant.

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**Q5. Comments on Chapter 6: The role of Government in the Airspace Change Process**

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**Your response:**

Comments on the guidance and environmental objectives have been incorporated within the responses above where relevant.