

## Response ID ANON-V5D1-A1QJ-D

Submitted to **Draft airspace design guidance**

Submitted on **2017-06-30 13:38:58**

### About you

#### A What is your name?

**Name:**

Cait Hewitt

#### B What is your email address?

**Email:**

cait@aef.org.uk

#### C Where do you live?

South East

#### D Are you answering this consultation as:

Representative or national organisation or institute

#### E Are you affiliated with any organisation?

Yes

**Affiliation:**

Aviation Environment Federation

Yes

#### F Is there anything else that you would like us to know about you regarding this consultation?

Please enter any further details:

#### G Do you consent for your response to be published?

Yes, with personal identifying information (name, location, respondent category, organisation, additional information - please note your email address will NOT be published if you choose this option)

### General observations

#### 1 Considering the draft guidance overall, to what extent does it meet the following criteria?

**Overall process matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Overall process matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Overall process matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

2: the guidance mostly meets this criterion

**How would you improve?:**

We found this a daunting document to try to get to grips with not least in terms of its scale. It was unfortunate that the consultation period overlapped significantly with that of major consultations from the DfT, limiting our capacity to devote time and energy to it or to conduct a systematic internal consultation with AEF members (although we did give members the opportunity to share their views with us and directly with the CAA at an all-day workshop focused on airspace and noise issues).

While we appreciate the steps taken to make the guidance accessible in terms of language and a thorough glossary, it is unrealistic in our view to expect community groups to be able to engage thoroughly or effectively with such a long and complex document. Overall, the guidance felt more appropriate for an airspace sponsor's specialist staff members than for members of community groups. While individual sections are therefore comprehensible, the document overall does not, in our view, provide easily comprehensible guidance for community stakeholders on how the system will work and how they can participate in it. For this reason, we have felt unable to score any individual section as 1.

We believe that many elements of the new process will be beneficial to communities but believe that they are likely to need more support to be able to understand

the opportunities and to participate effectively. As one useful element of this support, we would strongly support the development of guidance specifically targeted at community groups. This should include clear and simple guidance on, for example, how to engage with a local airport about noise (including what kind of engagement the CAA would expect an airport to undertake proactively), how to find out whether an airport has recently implemented airspace changes (whether Tier 1, 2 or 3), and how to participate in the airspace change process if it is ongoing. It should also clearly set out the scope of the new process. While we appreciate that the guidance provides a formal definition of 'notified' airspace, and explains that all Level 1 processes apply only if there is a change to the notified airspace, we are unclear about the proposed scope of Tier 3. A significant proportion of the complaints we receive relate to helicopters and light aircraft, for example, and it is unclear to us whether any of the proposals in the guidance would apply in such cases.

While the new process should help to improve transparency and engagement, the impression we have from the guidance is that the CAA's involvement will remain very much desk-based. This is a disappointment, and does not reflect, in our view, a fully proportionate response to the problem of a lack of community trust in the regulator. We hope that active involvement of CAA staff, including staff dedicated to community support and engagement, will be put in place alongside the new guidance.

Relatedly, while the guidance encourages engagement and transparency from airports, there is no apparent means of redress if people feel that the communication has been inadequate, or if they doubt the accuracy of the information provided. If, for example, an individual feels that they are being overflowed for the first time or suddenly much more intensively overflowed, but are told by the airport that nothing has changed, is there any opportunity to ask the CAA to confirm whether or not this is the case? Does the CAA envisage intervening in any way in such cases? If so, this should be made clear. If not, there will remain a lack of accountability in the process.

#### **General observations:**

Even if the CAA's guidance was entirely transparent and accessible, and CAA staff fully and effectively engaged, there are a number of issues in terms of airspace and noise that will not be addressed without substantive change to the current regulatory arrangements. Of particular relevance is the fact that the CAA maintains that it has no role in regulating whether the number of aircraft using a given route should be limited for noise reasons, and that its role is only in determining where those routes should be. This situation presents a number of problems:

- The distinction between regulating for noise impacts arising from an airspace change versus regulating for noise impacts arising from increases in aviation activity starts to break down in cases where an airspace change facilitates growth. We strongly support the CAA's proposals in its guidance for sponsors to present noise information relating to both the 'base case' and the 'with option' scenarios, and for this to address both current noise levels and projections for the future. But the base case scenario may well be associated with lower future noise projections simply because of capacity constraints than the 'with option' scenario.
- The guidance implies that in such situations, the CAA will tend – given its legal obligations – to prioritise the option that allows for an increase in aircraft numbers. This is consistent with the CAA's duties beyond airspace, and reflects our impression that the CAA fundamentally sees its role as facilitating the growth of aviation. For as long as this is the case, it is impossible, in our view, for the CAA to be seen as an independent arbiter between communities and the industry when it comes to noise management, however rigorous the process is in terms of community engagement and transparency.
- Since local authorities can only impose operational restrictions in the context of planning applications, there is currently very limited opportunity for any authority or regulator to impose restrictions for noise-related reasons. We consider this a significant gap in the system. While we support the introduction of the concept of a Tier 3 airspace change and the provision of better information for communities about the noise-related impacts of such a change, the fact that neither the CAA nor any other body is able to judge these impacts to be unacceptable and to take action undermines the integrity of the current DfT-CAA approach to noise management. We are concerned, for example, that a flight path change could be approved on the basis of a particular forecast in terms of traffic movements being considered acceptable in terms of noise impact without any clear mechanism for the CAA to enforce such usage (in contrast to the way planning conditions on aircraft infrastructure operate), or to repeal approval of a flight path if, for example, usage is more intensive than originally anticipated.

Finally, it is impossible to foresee all aspects of how the process will work in practice. The guidance material, and the process more widely, should therefore be kept under review, with opportunities for all stakeholders to feed back on their experience of it.

## **Tier 1a: Stages 1 to 7**

### **2 Considering Stage 1 (Define) of the process, to what extent does the draft guidance on that stage meet the following criteria?**

#### **Stage 1 matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

#### **Stage 1 matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

3: the guidance does not sufficiently meet this criterion

#### **Stage 1 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

2: the guidance mostly meets this criterion

#### **How to improve:**

As we argued in our response to the CAA's consultation on proposals for a revised airspace change process (CAP1389), we believe that community stakeholders should have the opportunity to comment on and ask questions about the Statement of Need, so should be engaged from Step 1A, not just from Step 1B. The intended purpose of the change is an area where – a number of our members at different airports have made clear – suspicion can arise, and for communities to have trust in the subsequent process, they should have the opportunity to interrogate the Statement of Need itself.

### **3 Considering Stage 2 (Develop and assess) of the process, to what extent does the draft guidance on that stage meet the following criteria?**

**Stage 2 matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Stage 2 matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Stage 2 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

2: the guidance mostly meets this criterion

**How to improve:**

We support the use of an options appraisal but do have a number of concerns about the guidance in relation to this stage.

First, we do not consider that the guidance provides sufficient clarity over how the results of a cost benefit analysis should be weighted, and in particular how to ensure that the introduction of cost benefit analysis does not render the entire consultation process void.

In the absence of guidance targeted at a general audience and specifically focused on the use of WebTAG in airspace decision-making, we struggle to understand how WebTAG will work in this context, and we have concerns about whether its routine use could undermine plans to improve community trust since the means by which different outcomes are reached remains opaque. As we argued in response to the CAA's consultation on proposals for a revised airspace change process, "The use of cost benefit analysis in any form is highly controversial among communities. Some of our members are able to cite instances where a cost benefit analysis has for example shed light on the scale of noise impacts in a way that has proved very helpful to them. Others consider firmly that the approach is unjust even in principle, arguing that people's health and quality of life should not be 'reduced' to monetary values. An important question arises therefore around whether or not the introduction of this approach would support the CAA's aim to increase community trust, or whether it could create even more suspicion."

We do not feel that the draft guidance resolves this issue satisfactorily. Not only is WebTAG itself hard to fathom, but it remains unclear to us under what circumstances a decision might be taken, following consultation, not to implement the lead option as indicated by the options appraisal, in other words what factors could override the output of a WebTAG appraisal. Some factors significant in the context of airspace change do not appear to be adequately dealt with by WebTAG. Evidence, for example, of a 'change effect' – the observance of additional annoyance and sleep disturbance responses than would be predicted by standard dose-response curves in cases where there is a step change in noise exposure – is not reflected in Webtag but should be taken into account in the context of airspace change decisions. The National Audit Office's 2016 inquiry into the sustainability of the Department of Transport on reviewing WebTAG, meanwhile, noted that "The Department has not been able to provide us with an example where the appraisal of environmental impacts was significant enough for decision makers to reject a project altogether", suggesting that environmental impacts may routinely be under-valued by the system.

Second, while we support many aspects of the proposed approach to environmental assessment, we have several specific comments on Annex 1 CAP 1521:

- In relation to paragraphs 8-11 on traffic forecasts, the requirement for traffic to be modelled by route against the current baseline should further specify that sponsors should show worst-case and average scenarios for traffic as well as highlighting seasonal and night (and other temporal) variations.
- In relation to noise metrics, we support the proposed recommendation for sponsors to use 48.5 degrees to define 'overflight'. Paragraph 22 indicates that "change sponsors may include a count of the number of schools, hospitals and other special buildings within the noise exposure contours". We would argue that 'may' should be replaced by 'must' and that in the context of the appraisal overall this would add only a minimal burden. We are disappointed to see no mention of measuring background noise levels. Many of our members, whether in rural or urban areas feel strongly that noise is more disturbing when the background level is quiet. While the research to date into the relationship between background noise level and annoyance may have generated mixed conclusions, there is nevertheless a strong case for including information on background levels in the context of airspace change appraisal.
- In relation to paragraphs 83-92 on air quality, we consider the threshold for modelling – namely that there must be an anticipated change in aviation emissions (by volume or location) below 1,000ft, and that the location of the emissions is within or adjacent to an identified AQMA – to be inadequate. Air quality impacts should be modelled in all cases where exceedances of limit values are possible with the change, irrespective of whether an AQMA has been declared. Some areas may be close to exceeding limit values now or in the future, and the additional emissions resulting from an airspace change may be significant in terms of whether there is an exceedance.

Third, there is a lack of clarity about what constitutes the 'base case'. While we strongly support the principle that modelling should include a 'do minimum' scenario, the guidance is not clear, in our view, about how to present current day and future forecasts under this scenario in cases where the present arrangement limits safe levels of traffic growth. We are concerned in this context about the implications of the heading "Setting the base case: doing nothing is not always an option" and of paragraph E21, which indicates that "airspace may need to be changed to reflect the UK's international obligations". The guidance does not make clear whether the introduction of PBN could classify as one such obligation, in which case this paragraph could have a very wide scope. For communities it could, in many cases, mean that saying no is not an option.

Fourth, in relation to the guidance in Appendix B, and as reflected throughout the guidance, many of our members do not consider the height-based priorities to be an effective way of determining whether or not noise impacts are significant. We understand that the CAA is required to implement the DfT's guidance on this issue, but the fact the CAA is required to prioritise fuel efficiency considerations over noise considerations above 7000 feet does not, in our view, necessarily mean that noise impacts should be entirely disregarded by change sponsors or the CAA at higher altitudes, particularly in areas of high elevation, where background noise levels are low, or where a significant change is proposed.

**4 Considering Stage 3 (Consult) of the process, to what extent does the draft guidance on that stage meet the following criteria?**

**Stage 3 matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Stage 3 matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Stage 3 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

2: the guidance mostly meets this criterion

**How to improve:**

We support the requirements set out, but how effective the implementation of these are in practice remains to be seen particularly in areas where the CAA will need to exercise judgement (whether or not information is presented in a clear and impartial way, for example).

As set out in response to question 10, we consider that community stakeholders may in some cases need access to specialist support in order to participate effectively in consultation.

**5 Considering Stage 4 (Update and submit) of the process, to what extent does the draft guidance on that stage meet the following criteria?**

**Stage 4 matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Stage 4 matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Stage 4 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

2: the guidance mostly meets this criterion

**How to improve:**

The proposals appear satisfactory, but should be kept under active review.

**6 Considering Stage 5 (Decide) of the process, to what extent does the draft guidance on that stage meet the following criteria?**

**Stage 5 matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Stage 5 matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

3: the guidance does not sufficiently meet this criterion

**Stage 5 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

3: the guidance does not sufficiently meet this criterion

**How to improve:**

Our view is that the CAA's interpretation of its statutory duties as giving precedence to the need to maximise the number of aircraft in a given portion of airspace means that it cannot be seen as an independent arbiter between communities and the industry when it comes to noise management. Please see our comments on question 1.

As set out in response to the CAA consultation on proposals for a revised airspace change process, we do not support the CAA's interpretation of its duty to secure the efficient use of airspace. This is a critical factor in terms of how the CAA reaches its decisions and our view remains as previously expressed:

"We consider that the CAA should place little weight on its duty to secure the efficient use of airspace. This is for 2 reasons:

(i) The definition in terms of maximising the number of aircraft seems inadequate. Efficiency can only be judged in relation to a given objective and minimising environmental impacts (noise in particular) could be an equally valid objective against which efficiency could be judged. Indeed such objectives should be actively pursued by the CAA. Increasing traffic to the point where congestion occurs and aircraft have to stack not only conflicts with 'expeditious flow' but also potentially with such a wider definition of efficiency since stacking has unwanted impacts in terms of both noise and emissions.

(ii) As the CAA acknowledges, issues such as environmental impacts or other impacts on local communities may rank above this efficiency duty depending on the scale of the impact as judged by the CAA.

To determine what weighting should be given to competing factors, we argue, either the Government needs to provide more explicit guidance to the CAA on how to resolve conflicts in the context of Section 70 duties or the CAA should accept that there can be no shortcut to it making its own judgments including setting out an appropriate ranking of impacts.

A critical point in relation to the airspace change process in general, in our view, is that the CAA should be actively considering the public interest in relation to noise without relying on communities to have to fight their own corner. Meeting the requirement "to take account of the interests of an person (other than an operator or owner of an aircraft in relation to the use of any particular airspace or the use of airspace generally)" needs the CAA to take the initiative in assessing community impacts through objective research, and in representing these interests in a way that doesn't rely on local communities having to do this for themselves. Not only does this place an unfair burden on those communities, but it expects too much, in some cases, of their capacity to be able to accurately predict the impact of a change, especially if newly overflown. The proposals as a whole undoubtedly allow more engagement by communities, but whether or not they do in fact engage, and have the resources to engage effectively, is moot."

## 7 Considering Stage 6 (Implement) of the process, to what extent does the draft guidance on that stage meet the following criteria?

### Stage 6 matrix - Comprehensible – it is clear to me what happens:

2: the guidance mostly meets this criterion

### Stage 6 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

2: the guidance mostly meets this criterion

### Stage 6 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

2: the guidance mostly meets this criterion

### How to improve:

## 8 Considering Stage 7 (Post-implementation review) of the process, to what extent does the draft guidance on that stage meet the following criteria?

### Stage 7 matrix - Comprehensible – it is clear to me what happens:

2: the guidance mostly meets this criterion

### Stage 7 matrix - Transparent – the activities are explained well and will take place as publicly as possible:

3: the guidance does not sufficiently meet this criterion

### Stage 7 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:

3: the guidance does not sufficiently meet this criterion

### How to improve:

We are concerned that this stage in the process – which should be a key juncture for assessing whether the change has or has not achieved its objectives – leaves so much to the judgment of the CAA. We would like to see much more detail set out in relation to the parameters that the CAA will use to assess whether or not the impacts accord sufficiently closely to those anticipated at the outset. These should be quantitative where possible - the percentage difference from the forecast impact that will be considered tolerable for example.

Communities need to feel confident that sponsors will be held to account if the change does not perform as sponsors claimed that it would. If such cases arise and yet the change is in practice irreversible, then some form of penalty should be applied. We welcome the proposal for ICCAN, if created, to be involved in this stage of the process. Some form of independent scrutiny and judgement seems particularly important given the inevitable desire within the CAA for changes in which it has invested a large amount of time and resource to be shown to be successful.

## Tier 1a: Evidence of engagement

**9 At certain stages in the process (starting with the development of design principles at Step 1b) the CAA will look for evidence of a two-way conversation to see that the sponsor has adequately engaged stakeholders. In paragraph C9 the CAA describes the evidence that we will look for as "detail of what sponsors have been told by their audiences; how they responded to this feedback; and how it has affected the proposals they are bringing forward". Has the CAA adequately detailed what we would expect to see to know that a two-way conversation has taken place?**

Don't know

### What else to show two way conversation?:

We hope that in practice the CAA will be sufficiently engaged with the process to have a sense of whether sponsors are engaging effectively with their local communities to avoid this provision of written evidence becoming a box-ticking exercise.

## Tier 1a:Third-party facilitation

**10 At various points in the process (starting with the development of design principles at Step 1b) the CAA suggests that voluntary use of a third-party facilitator could be useful. Should the CAA be more prescriptive as to how and when a facilitator could be used?**

No

### Facilitator further detail:

Our members' views on the value or otherwise of facilitation are very mixed. Some take the view that consultations should be undertaken entirely by third parties, rather than by sponsors who cannot be considered independent. Others consider that the CAA itself should take on this role and that bringing in third parties could create confusion and a lack of consistency. At worst, any third party could create additional distrust, particularly if appointed and paid for by change sponsors.

Meanwhile, there are a number of areas where communities would value external input but which probably fall outside the scope of a facilitator's role. These include:

- A rigorous assessment of the accuracy and adequacy of information provided by sponsors as part of the consultation process
- Arbitration regarding any need for compensation associated with the proposal
- Independent expertise, and support for communities (and potentially local authorities) in understanding and interpreting technical data presented by sponsors.

- Research and similar on behalf of communities to enable them to come forward with their own proposals.

If it is envisaged that sponsors would set aside some budget to pay for facilitation it may be that the money is in some cases better directed towards one of these outputs. Meanwhile, we had previously understood that the CAA itself was to appoint several community engagement managers, who may be able to fulfil some of these functions. It is unclear whether this proposal is being taken forward.

#### **11 Are there any other places in the process at which you feel that a facilitator would be useful?**

##### **Facilitator - which places:**

We find it hard to be prescriptive at present.

#### **Tier 1a: Categorisation of responses**

**12 In paragraphs 177 and C34-C36, and Table C2, we discuss the categorisation of consultation responses. The sponsor is required to sort consultation responses into two categories: i) those responses that have the potential to impact on the proposal because they include new information or ideas that the sponsor believes could lead to an adaptation in a lead design option or a new design option, and ii) those that do not. Is the CAA's explanation of the categorisation exercise and description of the categories sufficient?**

No

##### **Categorisation - additional detail:**

Given the requirement for sponsors to 'capture and understand feedback' from all responses however they are categorised it is unclear to us what the purpose of the exercise is. We imagine that responses may often not fall straightforwardly into one category or another. If, for example, a respondent indicated that they felt unable to form a judgement on the proposal until further information was provided or analysis undertaken, it is not clear to us which side of the categorisation this would fall.

#### **Tier 1a: Options appraisal**

**13 In paragraph E25 and E34 the CAA states that methodologies for the various aspects of the options appraisal should be agreed between the CAA and the sponsor at an early stage in the process, on a case-by-case basis. This provides flexibility for different local circumstances. Does this approach strike the right balance between proportionality and consistency?**

Don't know

##### **OA - explain re proportionality :**

In theory it seems acceptable for the approach to be varied on a case by case basis, though perhaps over time a formula for an essential core set of components will become apparent and this question should therefore be kept under review. Given the current level of suspicion among many communities in relation to the CAA, the less the requirement for judgment on the part of the CAA of what is required of a given sponsor the better. In any case, we consider that stakeholders including local communities should have the opportunity to feed in to the discussion the components they consider to be necessary for a given appraisal. If a sponsor has, for example, claimed that a change is necessary in order to reduce route length then the options appraisal should include consideration of likely fuel burn.

#### **Tier 1a: Safety information**

**14 At each stage in the airspace change process that an options appraisal takes place, the sponsor will be required to submit a safety assessment. The sponsor will be required to provide a plain English summary of the safety assessment and the CAA will provide a plain English summary of its review (i.e. of the Letter of Acceptance, which forms the CAA's review of the safety assessment) when it makes a decision. These documents will be available on the portal. Do you have any views on specific information that should be included and/or excluded from the plain English summary of the sponsor's safety assessment and the CAA's review?**

##### **Safety assessment:**

The guidance makes no explicit reference to public safety. Airspace change can have a significant impact on risk to surrounding communities and in some cases to the area within which planning restrictions are imposed in order to minimise this risk. Sponsors should, as a minimum, assess whether the proposed change will impact the size or shape of any public safety zone at the airport and this information should be provided to local communities and – in particular – to local authorities, in an accessible form.

#### **Tier 1b: Temporary airspace changes**

**15 Considering Tier 1b changes, to what extent does the draft guidance on temporary airspace changes meet the following criteria?**

##### **Tier 1b matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

##### **Tier 1b matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Tier 1b matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

3: the guidance does not sufficiently meet this criterion

**How to improve:**

It is not clear to us why a shorter process that omits consultation with local communities is necessary except in cases of emergency. 90 days appears a long time for a change that has not been consulted on, and we can see nothing in the guidance to limit how frequently these changes may be made. For regular special events, for example, we would consider that the full Tier 1a process should be followed.

**Tier 1c: Operational airspace trials**

**16 Considering Tier 1c changes, to what extent does the draft guidance on operational airspace trials meet the following criteria?**

**Tier 1c matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Tier 1c matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Tier 1c matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

3: the guidance does not sufficiently meet this criterion

**How to improve:**

We very much welcome the introduction of a process for airspace trials. Nevertheless, as set out in response to question 15, we struggle to see the logic of consulting in advance with industry stakeholders but not with local communities, especially as the process does require these communities to be informed about the plans. We are also concerned about the statement that “it is not always practical or prudent to disestablish a trial procedure. In such instances, the CAA may consider allowing a Tier 1b temporary airspace change (subject to satisfactory completion of the CAA process above) while the airspace change process is being progressed.” No explanation is provided for why reverting to the previous arrangement may not be prudent or practical. Communities should not have to be exposed for a long period to new airspace arrangements before being asked for their view on whether or not they would favour a return to the previous airspace structure.

**Tier 1: Spaceflights**

**17 On 21 February 2017 the Government published the Draft Spaceflight Bill. As the foreword to the draft Bill sets out, “This legislation will see the Department for Transport and the Department for Business, Energy and Industrial Strategy, the UK Space Agency, the Civil Aviation Authority and the Health and Safety Executive working together to regulate and oversee commercial spaceflight operations in the UK.” Do you have any views on whether this process could be used or adapted to suit future airspace change proposals to enable spaceflights, as anticipated in the Draft Spaceflight Bill?**

**Spaceflight:**

Spaceflight currently falls outside our remit and expertise.

**Tier 2: Permanent and planned redistribution**

**18 The Government proposals talk about a Tier 2 change as one which is likely to alter traffic patterns below 7,000 feet over a populated area and which therefore could have a potential noise impact for those on the ground. The key requirement is that the air navigation service provider must demonstrate that it has assessed the noise impact of the proposed change and engaged with affected communities as appropriate. Which stages of the Tier 1a airspace change process do you think are necessary for a proposal categorised as a Tier 2 change? Please select all those which apply:**

Stage 1 Define, Stage 2 Develop and assess, Stage 3 Consult, Stage 4 Update and submit, Stage 5 Decide, Stage 6 Implement, Stage 7 Post-implementation review

**Tier 2 reasons:**

It is hard to see how any shortcuts in the process could be justified. As Tier 2 has been proposed specifically in response to community concerns that the noise impacts from these changes can be as significant as those from Tier 1 changes, the appraisal and consultation should be as thorough as they are for Tier 1.

**19 The CAA’s process for Tier 1a changes is scaled into ‘Levels’, based on the altitude-based priorities in the Government’s Air Navigation Guidance (i.e. where noise impacts are to be prioritised or considered alongside carbon emissions, a more demanding consultation is required). Could the future Tier 2 process also be scaled?**

Don't know

**Tier 2 - scaled reasons:**

We don't accept the use of the altitude-based priorities as an appropriate basis for scaling. We do, however, consider that at least some Tier 2 changes require a more thorough process of assessment than is current proposed in the guidance.

**20 Are there any other comments that you would like to make about the CAA’s potential Tier 2 process?**

**Tier 2 - other comments:**

We are confused as to why no draft guidance has been prepared on this Tier, given that the remainder of the guidance is in any case conditional on the DfT's proposals being implemented.

**Tier 3: Other changes to air operations affecting noise impacts**

**21 To what extent does the draft best practice guidance on Tier 3 changes (other changes that may have a noise impact) meet the following criteria?**

**Tier 3 matrix - Comprehensible – it is clear to me what happens:**

2: the guidance mostly meets this criterion

**Tier 3 matrix - Transparent – the activities are explained well and will take place as publicly as possible:**

2: the guidance mostly meets this criterion

**Tier 3 matrix - Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances:**

3: the guidance does not sufficiently meet this criterion

**How to improve:**

As set out in response to subsequent questions.

**22 Where industry does not follow the CAA's guidance in respect of Tier 3 changes, or where there is a clear breakdown of trust between an airport and its stakeholders, is it appropriate for the CAA to publicly draw attention to this?**

Yes

**CAA action on Tier 3 further detail:**

The CAA needs to consider an appropriate means of engaging with communities about how effectively they feel the Tier 3 best practice is followed. We are confused by paragraph 305; if the CAA does not engage directly with communities, how does it expect to become aware of issues that are not being effectively managed locally?

Sponsors should also be able to demonstrate that they have sought and considered feedback on the information provided and whether or not it is appropriate for the local situation.

**23 Considering the list of potential information proposed, would you suggest any additions which would help stakeholders, including communities, understand the impacts of Tier 3 changes and enhance transparency?**

**Additional information on Tier 3 impacts :**

During discussions at the last DfT ANEG meeting, we were supportive of a requirement on airports to disclose traffic numbers by route on a quarterly basis. This would allow communities to track operational changes that may be perceived as a material intensification. This would help to inform the two-way dialogue envisaged in question 24.

Historical information on how average altitudes over a given geographical area should also be included, as a common concern among communities is a perception that aircraft are flying lower than in the past.

**24 In relation to mitigating the impacts of Tier 3 changes, our draft guidance says that the focus should be on exploring the options for mitigating the change through two-way dialogue, because of the local and often incremental nature of Tier 3 changes. Does the guidance need to give more detail?**

Yes

**Tier 3 mitigation - reasons for Q24 answer :**

While we note that the DfT draft policy specifies a 'light touch approach' from the CAA in this area, it does nevertheless propose that the CAA develop guidance for airports on potential ways to mitigate adverse impacts. If this proposal from DfT goes forward then the CAA's paragraph 306, which simply says that mitigation is complex, may be inadvisable, and may need input from a facilitator will not suffice. The CAA will instead, in our view, need to come up with a guidance document – in an Annex or Appendix – that sets out a range of deliverable mitigation options such as options for respite; provision of insulation; changes to landing and take-off arrangements; and movement limits, either generally or for specified times of day.

Properly addressing the issue of the noise impact of Tier 3 changes will, however, require structural change to the system as outlined in detail in response to q1. A system of self-imposed restraints by airports based on a set of best practice guidance from the CAA, will not fill this gap.