

AEF response to the CAA's consultation on its draft Airspace Modernisation Strategy, September 2018

General observations

1 Do you agree with the overall approach taken in the strategy, as described here?

No

Overall approach - comments:

The draft Airspace Modernisation Strategy (AMS) states that its objective is to “ensure that airspace capacity is not a constraint on the growth of commercial aviation” by 2030. It seeks to maintain and enhance current airspace in order “to provide more choice and value for customers.” In line with government policy, the strategy approach “is to be transparent, inclusive, and to take into account the needs and views of all airspace users and affected parties”.

The AMS also argues, however, that “growth has to be managed to ensure that noise and other environmental impacts are managed in alignment with policy and law”, and suggests that this be delivered by way of “the number of runways or restrictions imposed on the use of those runways by government or planning authorities”. AEF believes that it may be necessary, in some circumstances, to impose constraints on airspace capacity in order to deliver environmental objectives, for example, to manage noise to acceptable levels. The ability to impose constraints via runways is often limited (and the big decision on Heathrow has just been taken) and opportunities for planning authorities to set conditions in relation to airport use arise only sporadically. Unless and until this regulatory gap is closed, the Department for Transport and the CAA should retain the right to impose limits by way of conditions on airspace use where this the best or only means of providing environmental protection.

AEF would also like to see greater clarity and consistency between the AMS and other areas of UK aviation policy. This is most notable in relation to the scale of growth anticipated. The context for the modernisation strategy is that commercial air transport is forecast by NATS to grow by around 2% per year – from 2.5m flights in 2015, to 3.25 by 2030. We note that additional flights might be generated by a third runway at Heathrow. In contrast the official DfT 2017 forecasts show ATMs increasing from around 2million per annum in 2016 to 2.3million in 2030 (without Heathrow expansion which would take the total to 2.5million). While the CAA/NATS figures may include aircraft transiting UK airspace and other commercial users, the scale of increase (without the addition of a third runway at Heathrow) is significantly less in the Department's forecast.

In its airspace consultation document, the government was clear. Modernisation of the airspace must “balance the benefits of a thriving aviation sector with its impacts on local communities and the environment”. [UK Airspace Policy: A framework for balanced decisions: on the design and use of airspace, February 2017]. A common evidence base is vital to estimate environmental effects and to provide an appropriate level of mitigation. As the DfT is currently in the process of developing an environmental framework for aviation on the basis of its 2017 forecast, it is impossible to assess whether and how the AMS can be compatible with relevant policies.

Neither the economic benefits nor the environmental impacts of the strategy seem clear. For example, the aviation sector's contribution to the economy is vague: “efficiency and enhanced global connections CAN help drive growth [AEF's emphasis]”, but it appears uncertain whether this

will be the case [1.27]. Neither is it clear how much disbenefit comes from delays. In 2015, inadequate airspace capacity is said to have resulted in 78,000 minutes of flight delays. The AMS acknowledges that this figure is not substantial but goes on to say that, if airspace modernisation is not implemented successfully by 2030, these delays are projected to grow to 5.6 million minutes by 2030 [3.15]. This gives an alarming impression of possible future flight delays but translates into an average delay of just 1 min and 42 seconds per flight. Meanwhile, if future increases in ATMs are closer to the DfT forecast than to the NATS forecast, delays will presumably be lower.

The Future Airspace Strategy, which the AMS will replace, states that “the planning, management and regulation of the UK airspace should be developed to ... deliver balanced or “optimal” outcomes, taking into account all those involved in, or affected by, the use of airspace.” Accordingly, the AMS states that deliverable and shared benefits will be fewer flight delays for passengers, lower costs for aircraft operators, efficiency benefits for airports, and economic growth. Yet the AMS is also clear that “not every community will benefit”. [1.27]. AEF finds it unacceptable that some communities will be expected to bear the brunt of the airspace modernisation strategy, in terms of noise impacts. We elaborate on this below.

With regard to inclusiveness, the AMS appears to be aimed primarily at the aviation industry rather than at communities or the general public. Its assurances that airspace modernisation will not focus exclusively on Heathrow’s 3rd runway, together with a repeated emphasis on the need for airport and ANSP cooperation appear targeted at an industry audience, and the technicalities of the proposed 14 initiatives reflect this. While the consultation has been open to the wider public, we feel that it does not address community concerns around noise and other environmental impacts adequately. Under section 70(2) of the Transport Act 2000, the CAA is required to take account of the government’s environmental objectives. However, we feel that the objectives are obscured and are treated as a side issue in the AMS.

The government’s environmental objectives are to:

- (a) limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise;
- (b) ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions; and
- (c) minimise local air quality emissions and in particular ensure that the UK complies with its international obligations on air quality. (Air navigation Guidance, 2017).

In place of (a), the CAA proposes instead to “better manage” noise impacts, which does not look like a clear commitment to the government’s policy objective.

The explanations of the ways in which airspace modernisation will “better manage” noise impacts lack clarity. Existing flightpaths “are often longer than they need to be”, causing “excessive impacts on the environment and those living near our airports.” [1.6]. The implication is that continuous climbs and descents, together with reduced stacking of aircraft, will avoid “excessive” impacts, and that there will be overall community gains. However, paragraph 1.8 acknowledges that there will be winners and losers, because the increased frequency of flights and the way that flightpaths are used will affect communities differently. Similarly, paragraph 3.21 notes “Overall, airspace modernisation is expected to result in a reduction in the average noise levels per flight. ... However, the redistribution of noise impacts between different areas ... will often impact communities living under flightpaths. The effects of new, more frequent or concentrated noise may increase the risks of causing general annoyance, sleep disturbance, lower levels of productivity and health impacts.”

In addition, confidence in the benefits of airspace modernisation appears to wane. At para 3.18, it is stated that “[a]irspace modernisation CAN ENABLE aircraft to follow more efficient flightpaths [AEF’s emphasis]”. At paragraph 3.22 it is stated that “the creation of a respite route COULD REDUCE the number of people significantly affected [by aircraft noise] whilst increasing the absolute number of people affected [AEF’s emphasis].”

With the CAA sponsoring airspace modernisation only, and making decisions on airspace change proposals, the way that the airspace will subsequently be used is left largely to the discretion of the airports. The AMS is consequently silent on the matter of the likely numbers of air traffic movements, the fleet mix that will be used, and the type of aircraft operations that will be in place in any new airspace design. Communities have no way of knowing how they will be affected.

Policy 'ends'

2 Has the CAA identified the right Government policies in this strategy?

Mostly, but there are existing Government policies missing.

Right government policies - additional comments:

AEF notes that the AMS makes no reference to the Government's commitments and obligations contained in the Climate Change Act (2008) or the National Noise Policy Statement for England.

'Ways' of modernising airspace

3 Do you agree with the 14 initiatives set out in the strategy?

No

Agree with 14 initiatives - additional comments:

As mentioned in our response to question 1, without the appropriate environmental framework, neither the AEF, nor communities can reasonably be expected to form a view on the likely contribution of each initiative. However, we note that none of the initiatives can guarantee to deliver any significant environmental benefits.

Gaps identified in the strategy

4 Have we identified the right gaps? Are there any that we have not identified?

Gaps in the strategy?:

Growth has to be sustainable and thus managed within the constraints of environmental policy and law. As mentioned in our response to question 2, the CCA 2008 is not referenced and appears not to have been considered.

At paragraph 5.9, the AMS states: "Once airports have received permission to expand, they will expect to make full use of their capacity within planning conditions, and that airspace will support this. However, THIS CAN LEAD TO GROWTH WHICH SOME MAY FIND UNSUSTAINABLE [AEF'S emphasis]." This is dismissive, vague and wholly inadequate. It suggests very strongly that the CAA is not taking its environmental duties seriously and this constitutes a gap in the strategy.

The AMS refers frequently to the need for airports to cooperate and adopt a coordinated approach to airspace modernisation. AEF has observed a policy gap with regard to cumulative noise impacts where the flightpaths from two, or more airports overlap, yet no one takes responsibility for managing the combined impact on overflown communities. We would like to know how the airspace strategy can ensure that greater cooperation between airports will close this gap.

A UK airspace roadmap would help to identify and potentially remedy cumulative impacts and we support its creation. Many of the comments received in relation to recent airspace changes specified the need to better understand how a flightpath change related to national need, and the creation of a roadmap should be a high priority.

What are the consequences, positive and negative, of airspace modernisation to General Aviation? It is not stated. Meanwhile, the GA sector is concerned that the airspace modernisation will be designed and managed to benefit only the transport sector. Our concern is that general aviation activities have their own environmental impact and changes to airspace can displace activity to new areas or lower altitudes where that impact may be more significant.

The Aviation Strategy Green Paper (ASGP), which will address the development of aviation up to 2050, will be published this autumn. It “contains several areas of policy development that could impact on the Aviation Modernisation Strategy.” [5.6]. In particular the ASGP intends to explore the relationship between growth and noise reduction, the possibility of noise reduction targets and the potential for these to be enforceable. The AMS will need to have regard for these. [5.10].

Given the importance of this publication, the CAA’s consultation on the draft AMS seems badly timed, although we note that it may be reviewed annually. In addition, AEF notes that the CAA does not commit to a further full consultation when the AMS is revised, yet, in line with government policy, it is keen to show its support for stakeholder engagement.

The AMS stresses frequently that airspace modernisation should not fetter aviation growth. Instead, “The Government expects that future limits will be discussed and agreed in the context of proposals for new airport capacity, including planning applications, and the Airspace Modernisation Strategy would need to have regard to these.” [5.7]. This means that, practically, opportunities to restrict growth will be few and only applicable to future development. In addition, it is arguable that local planning authorities lack the skills and knowledge necessary to make informed judgements. Community groups have also raised the issue with AEF that some local authorities have financial interests in the airports about which they make decisions. This has led to feelings of mistrust about planning decisions made.

The AMS states that NATS is carrying out a feasibility assessment looking at the capacity demands of airports across the South East. One of the key requirements of the assessment “will be to establish whether the airspace design necessary to accommodate a new runway at Heathrow is possible. It is also expected to set out the interdependencies between Heathrow’s airspace needs and other airspace changes that will need to happen, i.e. a critical pathway for the airspace redesign needed to enable the third runway.” Clearly, the implications of a third runway at Heathrow are far reaching and AEF wonders why this work has not been carried out prior to the NPS and AMS consultations.

The draft AMS states that it does not cover NPRs. This leaves a gap in identifying how NPRs can be integrated with PBN.

Approach to the ‘means’ of modernising airspace

5 Do you agree with our approach of asking those organisations tasked with delivering the initiatives to set out deployment plans to identify the means (resources) necessary?

No

Deployment plans - additional comments:

We are pleased that the CAA is considering how to deliver the airspace “roadmap” that many communities have been asking for. We are concerned, however, that the intention to task a private company or group of companies with the creation of the does not appear to include a duty to consult. Both our experience and that that of some of our members is that commercial confidentiality can be a barrier to transparency in dealing with NATS. The CAA will need to take steps to ensure that the process is transparent and inclusive, in line with the airspace change process more generally.

Governance

6 The draft governance structure in this document was developed by the Department for Transport, CAA and NATS working together. Do you agree with the approach set out here?

No

Governance - additional information:

We welcome the indication that AEF will have a seat on the new strategy board. Without having seen a terms of reference however, we have some concerns about the extent to which fundamental issues such as the objective to remove all airspace-related constraints to growth, will be open for discussion. The CAA has worked closely with government and NATS and is developing the AMS together with DfT. We have some concerns about the consequence of the proposed arrangements and working practices given the significant mistrust of the CAA (and of the DfT and industry) expressed to us by many of our members.

The CAA has duties to provide environmental information to the public, to handle noise complaints, and to ensure that airspace change proposals take account of public opinion and assessments of likely noise impacts. If the CAA wants to be regarded as a truly independent authority in discharging these duties, it needs to consider not merely how delivery of the AMS is carried out, but also public perception and fears of bias.

With reference to future governance structures, perceived conflicts, transparency and independence are correctly identified as issues in paragraphs 2.42 to 2.47, it remains unclear what processes exist to “better manage” these situations.