

Robert Courts MP
Parliamentary Under Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

10 September 2021

Dear Minister

We were surprised and disappointed by your announcement that ICCAN will be wound up later this month and its functions transferred to the CAA next year. We were particularly surprised you saw no need to discuss this significant change with communities impacted by aircraft noise.

In its final report the Airports Commission recommended that an independent aviation noise authority should be established. It said, amongst other things:

- that the noise authority should be given statutory consultee status and a formal role in monitoring and quality assuring all processes and functions which have an impact on aircraft noise, and in advising central and local Government and the CAA on such issues;
- that it should be given powers which allow it to access and monitor the relevant operations of the CAA, airports and others in the aviation industry, report to the public on whether they have been carried out in a fair and transparent manner, and intervene where it finds organisations have breached due process;
- that it must be a truly independent, trusted, presence, accountable to the public through Parliament; and
- that its creation was appropriate irrespective of any Government decision on new runway capacity.

When ICCAN was finally set up it was a pale shadow of the body the Airport's Commission had recommended. It had no powers, no formal roles, no statutory backing and no ability to enforce its recommendations.

Nonetheless government and DfT statements at the time committed that ICCAN would:

- give communities a greater stake in processes which propose to make noise changes, and ensure such processes better and more transparently balance the needs of all parties;
- provide greater public confidence in noise data published by industry and the impartiality of the airspace change process;
- require the industry to enhance its approach to assessing and mitigating noise impacts and engaging communities; and
- be instrumental in ensuring that the needs of local communities are properly taken into account when considering the noise impacts of any airport expansion.

On the basis of those promises, community and environmental groups generally welcomed the additional, independent focus ICCAN offered on aircraft noise issues. Many of us have engaged intensively with it.

Unless there are significant additional changes of the sort we propose below, we cannot see how the government intends to deliver those promises if ICCAN's functions transfer to the CAA. The CAA cannot be both the regulator responsible for the airspace change and modernisation processes and provide independent oversight intended to ensure communities have a greater stake in those processes. Nor are the CAA's current statutory duties consistent with the role ICCAN was intended to play.

The initial reaction to your announcement is therefore that it represents a further loss of government commitment to addressing the adverse impacts of aviation noise. In this context we note the ICCAN independent review's comment that "*dismantling ICCAN could erode some of the positive ground made in building trust and would be a negative message to communities in terms of government commitment to the effective management of aviation noise. If ICCAN were to be dismantled, or absorbed into other structures, there would remain a need to have an independent voice on aviation noise ...*".

We hope our initial assessment is wrong. We recognise that the pandemic has reduced noise levels very substantially, and that they may remain below recent norms at many airports for some time. However, it would be a serious mistake for that to be allowed to become an excuse for inaction. Aircraft noise is, and will continue to be, a key issue for communities around airports. The current reduction in levels should be seen as an opportunity to build back better, rather than a reason to continue the "do minimum" approach the Department has pursued for the past 20 years.

We are therefore writing to propose key actions and changes that will need to accompany any transfer of roles to the CAA if it is to command the confidence of adversely impacted communities.

First, the government should commission a review of aircraft noise policy and regulation. We have long argued both that current policy is so poorly articulated that it has become a licence for inaction and that there is a regulatory vacuum, with many organisations having some role in aviation noise matters but none having clear responsibility for requiring all possible noise reduction measures to be taken and for setting and enforcing airport noise targets. These fundamental weaknesses in current arrangements should now be addressed.

Secondly, the key principles of independence and balance need to be embedded in any new arrangements.

The CAA's current overarching statutory objectives are to satisfy all substantial public demand for air traffic services at the lowest charges consistent with a high standard of safety and to further the reasonable interests of users of air transport services. In relation to its air navigation functions the CAA has a range of duties but it generally interprets its duty to secure the most efficient (i.e. maximum) use of airspace as having higher weight than its other duties, such as on noise and environmental matters.

It is not credible to expect the advice from an organisation with those legal objectives to command the confidence of people impacted by aircraft noise. There is an inescapable conflict. This is why the Airports Commission recommended an independent body. It is why the government established ICCAN separately from the CAA. And it is why the ICCAN independent review said there would remain a need to have an independent voice on aviation noise.

If there is to be any prospect of the CAA acting as a trusted independent voice on aviation noise, and particularly if it is to build the confidence of communities, it will

need to be given new duties and powers, and funding to do the job properly. Its new duties should require it to achieve noise reduction and other environmental benefits, not simply to grow the industry. It should for example, set and enforce noise limits, mandate and monitor best practice, be a statutory consultee on airport expansion planning applications and be authorised to approve airspace changes subject to noise related conditions.

There would also need to be new governance arrangements in relation to any new CAA noise roles. It should be formally answerable to the Departments for Health and the Environment, not to the Department for Transport, on noise matters. Those Departments should have formal status as consultees for all significant airspace changes and expansion proposals and be able to commission independent research on aviation noise and other health impacts of aviation.

Pending those changes the government should formally revise its priorities for the CAA to incorporate its new noise responsibilities. Neither the Secretary of State's letter to the CAA of 1 December 2020 nor the Chair's response of 25 January 2021 address noise in the comprehensive and independent way that will now be necessary.

Thirdly, subject to the above, the CAA should engage with community groups on the scope of its new responsibilities and the ways it will deliver them. It should then put in place agreed arrangements that ensure community representatives are fully involved in all aspects of its future noise work. We note the proposal that it will establish a new Environment Panel and welcome that, subject to understanding the role and composition of the Panel. But it will need to do a great deal more. Previous CAA/community engagement fora, at both working and Board levels, have lapsed and need to be replaced.

Fourthly, key ICCAN projects, such as on future noise surveys, the health impacts of aircraft noise and the monitoring of consultation best practice, need to be taken forward without delay but with agreed governance arrangements that ensure their effectiveness and independence.

ICCAN was created because the Airports Commission recognised both the need for an independent body to provide advice and act as a conduit for the voices of overflowed communities and the inherent inability of the CAA or DfT to play those roles given their other duties. Our communities understand this. By abolishing ICCAN the government has yet further undermined confidence that community interests will be recognised and taken into account in key airspace and airport processes. Without the changes we have suggested, it is difficult to see how any confidence will be restored.

Yours sincerely,

Airport Expansion Opposition Southampton
AirportWatch
Aviation Communities Forum
Aviation Environment Federation
Association of Parish Councils Aviation Group (Gatwick)
Belfast City Airport Watch
Bristol Airport Action Network
Campaign against the expansion of Liverpool John Lennon Airport
Communities Against Gatwick Noise Emissions (CAGNE, Gatwick)
Community Alternatives to Luton's Flight Path
Paul Conway, Coordinator, Heathrow Communities Noise Forum (HCNF)
Jenny Dawes (Campaigner against the reopening of Manston Airport)

Edinburgh Airport Noise Advisory Board
Edinburgh Airport Watch
Flight Free UK
Group for Action on Leeds Bradford Airport (GALBA)
Gatwick Area Conservation Campaign
Gatwick Obviously Not
HACAN East (London City Airport)
Harmondsworth & Sipson Residents Association
Heathrow Association for the Control of Air Noise (HACAN)
Heald Green Ratepayers' Association (Manchester)
Heathrow No 3rd Runway Coalition
London Luton Airport Town and Village Community Committee
Luton and District Association for the control of Aircraft Noise
Melbourne Civic Society (East Midlands airport)
North West Leeds Transport Forum
Parish Councils Airport Association (Bristol)
Andy Penn (Campaign against the expansion of London Southend Airport)
People Against Gatwick Noise and Emissions (PAGNE, Gatwick)
Plane Hell Action South East (Heathrow and London City Airports)
Plane Wrong (Gatwick)
Residents Against Aircraft Noise (Heathrow)
Richings Park Residents Association
Richmond Heathrow Campaign
Cllr David Hilton, Royal Borough of Windsor & Maidenhead
St. Albans Quieter Skies
South-West Essex Fight the Flights
St. Albans Aircraft Noise Defence
Stansted Airport Watch
Stay-Grounded UK
Stop Heathrow Expansion
Stop Low Flights From Luton
Stop Luton Airport Expansion
Teddington Action Group
Tunbridge Wells Aircraft Noise Study Group
Whitecrook Aircraft Noise Association (Glasgow)
The Windlesham Society

cc:

Huw Merriman, Chair, Transport Committee
Sir Stephen Hillier, Chair Civil Aviation Authority
Richard Moriarty, CEO, Civil Aviation Authority
Robert Light, Head Commissioner, ICCAN