

The effectiveness and efficiency of the CAA

Personal details

Q1. Your (used for contact purposes only):
name? Tim Johnson
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Q2. Are you responding:
on behalf of an organisation?

Organisation details

Q7. Your organisation name is?
The Aviation Environment Federation

Q8. Your organisation is:
a representative body?

Q9. Your organisation is based in:
the UK?

Q10. Is your organisation regulated by the CAA?
No

CAA's strategic priorities

Q12. Are you aware of the CAA strategy?
Yes

CAA strategy

Q13. Overall do you support the CAA's strategy?

No

Please explain your answer.

In our view the CAA's strategy is inadequate in relation to all environmental issues. Many, perhaps most, of the deficiencies in the CAA's strategy arise because it has no meaningful environmental duty and few powers to require the industry to achieve positive environmental outcomes. We believe this can only be remedied if the Government provides the CAA with an environmental duty, regulatory functions and clear guidance. We comment on this further in our answers to later questions. Even with its limited powers, however, there are reasons to be critical of the CAA's approach.

For example:

- the strategy says: "In addition, we also have ambitions to further improve aviation and aerospace through enabling innovation and improving environmental performance." Positioning environmental improvement as an afterthought in relation to which the CAA has "an ambition" but no targets or meaningful regulatory levers is not appropriate or acceptable.

- the strategy says the CAA will "support the sectors as they manage and reduce their negative environmental impacts, including emissions and noise". In our view the CAA should be regulating the industry by setting and enforcing environmental targets, not supporting it. Such oversight is necessary as, with little market or economic incentive to improve performance, many of the sector's voluntary targets have not delivered their stated goal. Recent research from climate charity Possible has shown that all but one of over 50 separate climate targets which the international aviation industry set itself have been missed or abandoned.

[<https://static1.squarespace.com/static/5d30896202a18c0001b49180/t/6273db16dcb32d309eaf126e/1651759897885/Missed-Targets-Report.pdf>]

- the strategy states that "Environmental sustainability is a long-term threat to the resilience and viability of the aviation and aerospace sectors." This is one of the most bizarre characterisations of sustainability we have seen. To describe, as the strategy appears to do, the achievement of environmental sustainability as a threat to the business success of aviation and aerospace runs counter to the commitments made by the UK Government and by much of the aviation sector itself to the achievement of challenging environmental targets, most notably the achievement of net zero carbon by 2050.

CAA's strategic priorities

Q14. To what extent do you agree or disagree that the CAA is successful in:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
leading risk-based oversight and regulatory stewardship?					X	
enabling recovery, innovation and growth?						X
developing relationships to support ongoing global improvement in aviation and aerospace?						X
improving environmental performance ?					X	
enhancing organisational diversity and capability for the future?			X			

Please explain your answer.

UK aviation's CO2 emissions accounted for 7% of UK GHG emissions in 2018 and were 124% above 1990 levels. Aviation emissions have risen consistently (pre covid) since 2011 and reached a new record in 2019. Understanding and regulation of the sector's non-CO2 climate impacts has not changed materially in the last two decades despite scientific acceptance that these have historically caused greater warming than aviation's CO2 impacts.

Noise (pre covid) has increased at virtually all airports where air traffic movements have grown.

For these reasons and others the CAA has clearly not been successful in improving the industry's environmental performance and has not adopted a leading risk-based regulatory approach. Although for the most part this may be because the CAA has inadequate duties and powers, we believe the CAA itself has a responsibility both to call out deficiencies in its regulatory regime and to make more imaginative use of the powers it does have, but has not done so.

Q15. Overall to what extent do you agree or disagree that the CAA achieves its areas of focus effectively?

Strongly disagree

Please explain your answer.

In relation to environmental issues highlighted in question 9, the CAA has clearly been ineffective. In our opinion, the CAA has interpreted its role as being a passive one e.g., rather than seek to advise the DfT, and bring forward suggestions and critiques for policy consideration, the CAA has only used its environmental capacity to comment on policy when asked directly.

CAA performance, skills and capacity in delivering regulatory functions

Q16. Have you had direct experience of the CAA?

Yes

Q17. To what extent do you agree or disagree that the CAA has the right capacity to fulfil its focus areas:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
now?			X			
in the future?			X			

Please explain your answer.

The CAA has expert capacity on noise issues but should deploy those resources in ways that achieve improved regulation of the industry's noise impacts and on increasing consumer awareness of those impacts.

With regard to aviation climate issues, the CAA team is now focusing on ways to increase consumer awareness of climate impacts and has recently expanded its sustainability team. This is welcome, but it is too early to comment on whether it has the right capacity to cover all environmental issues. Looking to the future, and the potential for electric and hydrogen flights, as well as greater scrutiny of non-CO2 impacts from the sector, the CAA's environmental capacity will need to increase accordingly.

It is regrettable that the CAA has taken so long to focus on consumer awareness issues. The 2013 Aviation Policy Framework asked it to use its information functions in a way that ensured environmental performance in relation to CO2 emissions became a factor informing consumer decisions, but it failed to create necessary capacity and took no action for many years.

Q18. To what extent do you agree or disagree that the CAA has the right capability to fulfil its focus areas:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
now?				X		
in the future?				X		

Please explain your answer.

Please see our answer to question 12 in relation to the CAA's environmental performance.

Q19. To what extent do you agree or disagree that the CAA has the appropriate technical capability to make sound regulatory decisions?

Neither agree nor disagree

Q20. To what extent do you agree or disagree that the CAA makes regulatory decisions in an:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
efficient manner?			X			
effective manner?				X		

Please explain your answer.

The industry's poor environmental track record illustrates that the CAA's regulatory decisions are not effective in relation to its environmental focus areas. Additionally, few airspace change proposals have been determined under CAP1616 to date, so it is too early to comment on their effectiveness.

Q21. To what extent do you agree or disagree that the CAA makes appeals decisions in an:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
efficient manner?						X
effective manner?						X

Q22. To what extent do you agree or disagree that the CAA is appropriately:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
structured to fulfil its functions?						X
organised to fulfil its functions?						X

Q23. To what extent do you agree or disagree that the CAA is able to:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
anticipate future regulatory requirements for the sector?				X		
prepare new regulatory frameworks in a timely fashion?				X		

Please explain your answer.

The CAA's existing environmental regulatory framework is inadequate.

As far as we are aware the CAA has not developed an environmental regulatory framework (for climate and noise impacts) in relation to potential new users of airspace.

The CAA and the DfT advised AEF on 11 January 2023 that the Airspace Modernisation Strategy will not take into account the environmental or precautionary principles set out pursuant to the Environment Act 2021, as these are yet to be finalised. It will be about a year before any new policy has to comply with the principles and the AMS will not be put on hold. In addition, the CAA and DfT stated that EA principles will not be applied retrospectively to the AMS. The CAA undertook only to review the AMS in light of the finalised EA principles without committing to a timescale.

This is inadequate. Both the CAA and the DfT agreed with the AEF that the EA principles are highly important in the context of aviation. The CAA must incorporate the environmental principles into the AMS now to anticipate upcoming regulatory requirements for the sector.

On a positive note, the CAA is leading the regulation workstream for the Jet Zero Council's zero emission aircraft subgroup. AEF participates in this work, which has made a steady start facilitated by the CAA's input.

Promoting economic growth and innovation

Q24. To what extent do you agree or disagree that the CAA supports economic growth of the aviation sector through its regulatory decisions?

Agree

Please explain your answer.

The questionnaire and the CAA itself appear to misrepresent the CAA's duties with respect to growth. The CAA's duty is only to "have regard to the growth of the aviation sector", not to prioritise it over environmental sustainability. The wider Growth Duty only requires CAA to consider the economic consequences of their actions; be proportionate in their decision making; and to keep regulatory burdens to a minimum. These actions can be delivered independently from any growth in the sector

The CAA currently plainly supports the growth of the aviation sector through its regulatory decisions. However, we do not believe it is appropriate for a sector regulator to be required to support the growth of an industry it is supposed to regulate. The regulator's role should be to regulate industries, in the interests of consumers and other stakeholders such as local communities, not to ensure they grow as a primary aim. Requiring an organisation to be both cheerleader and regulator creates unnecessary conflicts and risks.

We note that the last review of the CAA concluded that the CAA's role to promote aviation was incompatible with its duties as a regulator and recommended that the Department for Transport propose an amendment to the Civil Aviation Act 1982 to remove the ambiguity.

We note that no other sector regulator (e.g. OFWAT, OFGEM, ORR, Gambling Commission) is asked to support the growth of the sector it regulates.

We note that other regulators, such as OFGEM, make clear that when they take decisions in the interests of consumers they consider their interests taken as a whole, including their interests in the reduction of greenhouse gases. We believe the CAA should do the same.

We also note that the Climate Change Committee has advised that there should be no net expansion of UK airport capacity unless the sector is on track to sufficiently outperform its net emissions trajectory and can accommodate the additional demand.

For these reasons we believe the CAA's growth duties should be removed. In any event in our view the CAA should be required to ensure that growth is at times balanced by reductions in climate impacts and noise.

Q25. To what extent do you agree or disagree that the CAA effectively supports the aviation sector outside of its core regulatory functions?

Strongly agree

Please explain your answer.

Please see our answer to question 19.

Q26. To what extent do you agree or disagree that the CAA encourages a:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
capable workforce for aviation?						X
capable workforce for aerospace?						X
diverse workforce for aviation?						X
diverse workforce for aerospace?						X
sustainable workforce for aviation?						X
sustainable workforce for aerospace?						X

Please explain your answer.

We question whether it is appropriate for a regulator to have responsibilities in relation to the workforce of the industry it is supposed to regulate other than in relation to safety and fit and proper matters.

Q27. To what extent do you agree or disagree that the CAA supports:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
technological innovation across the sector?						X
operational innovation across the sector?						X

Please explain your answer.

The CAA's role should be to regulate the industry, including in relation to its environmental impacts. In doing so it should incentivise and facilitate technological, operational and environmental innovation across the sector, as other regulators do. It should not itself support innovation except to ensure that there are appropriate standards and certification procedures in place; doing so creates conflicts of interest in relation to its core regulatory function. As far as we are aware no other regulator is asked to support sector innovation.

Net zero and environmental sustainability

Q28. To what extent do you agree or disagree that the CAA is effective in supporting the aviation sector to meet its focus area of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
enabling development of Jet Zero technology?		X				
co-leading the modernisation of airspace?				X		
reporting on the sustainability performance of industry, including noise, and providing information to consumers on the environmental impact of aviation?					X	
advising and supporting the UK government on domestic and international policy?				X		
reducing the impact of our corporate activities and operations?						X
assessing local environmental impacts in relevant regulatory activity and monitoring how industry is adapting to climate change?					X	
taking into account the environment in regulation and oversight?					X	

Please explain your answer.

As discussed in our answers to previous questions, the CAA's track record of delivering positive environmental outcomes is poor.

It has a particularly poor track record on ""reporting on the sustainability performance of industry, including noise, and providing information to consumers on the environmental impact of aviation?" The Aviation Policy Framework says "The Civil Aviation Act ... contains new information functions for the CAA. These provide scope to increase and improve the quality of information available to the public, including on the environmental effects of civil aviation in the UK and measures taken to limit them, so that environmental performance in relation to CO2 emissions can become a factor informing consumer decisions." Although we note the CAA's recent call for evidence on environmental information for consumers, these powers have not been used in the way the government intended and as a result the CAA has made little progress to date.

The APF also says "The CAA has also been given powers to produce guidance and advice for the industry with a view to reducing, controlling or mitigating the adverse effects of civil aviation in the UK". These powers have not been used effectively.

It is difficult to give other sub-questions a single answer because of the breadth of activities they cover. For example, the CAA does support the UK government in relation to international work and policies (notably through ICAO's environmental committee), but there is little evidence of an active supporting role on domestic aviation and environment policy (except through the production of information on noise contours and night-noise). Similarly, the CAA has been very active over the last eighteen months on information for the consumer on emissions, holding focus groups and stakeholder meetings, but there has been no activity on noise.

Engagement

Q29. To what extent do you agree or disagree that the CAA engages effectively with its:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
stakeholders?				X		
public?				X		
air passengers?						X
air operators?						X
those it regulates today and those it may regulate in the future?						X
government departments and other aviation regulators?				X		

Please explain your answer.

The CAA engages with us and other stakeholders extensively on some issues, such as airspace modernisation, and we are grateful for that. However, we question whether its engagement is effective. In our view it is often too willing to ignore issues that it regards as not being its responsibility, for example policy matters, rather than to recognise that it has a broader responsibility to engage with the Department for Transport to address the aviation and airspace regulatory landscape as a whole. Other regulators make clear that, where they think there are important policy gaps, they call this out. In our view the CAA does not do so and should.

Until 2020 we had annual engagement with the CAA's Board, giving them and us an opportunity to understand each others strategic perspectives. That has ceased, which we regret. In our view both parties would benefit from its reinstatement.

For some years until 2018 the CAA operated a Community Discussion Forum on airspace and noise matters. This too has ceased and we would welcome its reinstatement.

Even when engagement exists, we are concerned that it gives only the appearance of community involvement, and that it is regarded by the CAA (and the DfT) merely as a means to achieve community acceptance of policy-making and decisions. The CAA and the Government must show a genuine willingness to make changes that benefit communities, having taken their views on board.

In addition, the CAP1616 policy and process is, inevitably, highly complex and technical. For stakeholders to make informative, valuable contributions to the airspace change applications, funding should be made available to commission expert advice. We feel that this would be most appropriately offered to community representatives or groups to support involvement in making crucial early design proposals.

Q30. To what extent do you agree or disagree that the CAA seeks feedback to improve its:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
performance?			X			
customer experience (including but not limited to air passengers and customers who pay fees directly to the CAA)?						X

Q31. In your view how does the CAA's charging structure compare to other aviation regulators?

Don't know

Q32. Have you ever provided feedback to the CAA to improve its performance?

Yes

Acting upon feedback

Q33. To what extent do you agree or disagree that the CAA acts upon customer feedback to improve performance?

Disagree

Please explain your answer.

Please see our answer to question 24. We have seen limited evidence of this in recent years.

Our answer relates to our role as a community representative body on aviation matters not as a customer of the industry or the CAA itself.

CAA charges

Q34. Do you pay charges to the CAA?

No

Funding model

Q38. To what extent do you agree or disagree that the CAA's current funding model is the right model for the future?

Disagree

Please explain your answer.

While it is generally right that users of the CAA's services should pay for the costs involved, in our view it would be preferable for the CAA's airspace and environmental regulatory responsibilities to be funded by the Exchequer rather than industry, to avoid actual or perceived conflicts of interest.

Q39. To what extent do you agree or disagree that the CAA's current funding model enables the creation of future:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
regulatory frameworks?				X		
innovation?						X

Please explain your answer.

Please see our answers to question 18 and 22. We see no evidence that the CAA has sought to create a regulatory framework for future airspace users and are concerned that lack of funding may be one reason that has not happened.

Q40. Do you think the funding model could be improved?

Yes

Funding model improvement

Q41. How do you think the model could be improved?

In our view it would be preferable for the CAA's airspace and environmental regulatory responsibilities to be funded by the Exchequer rather than industry, to avoid actual or perceived conflicts of interest.

Annual consultation

Q42. To what extent do you agree or disagree that the CAA's annual consultation on its scheme of charges is effective?

Don't know

CAA customer service comparison

Q43. In your view how does the CAA's customer service compare to other aviation regulators (for example Federal Aviation Administration [FAA])?

Don't know

Regulation and licensing

Q44. To what extent do you agree or disagree that you are able to engage with CAA subject matter experts to gain timely advice on specific regulatory topics?

Agree

Q45. To what extent do you agree or disagree that the CAA effectively carries out its licensing duties for:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
airlines?						X
aircraft?						X
commercial pilots?						X
recreational/non-commercial pilots?						X
air traffic controllers?						X
air maintenance engineers?						X
commercial Remotely Piloted Aircraft System operators?						X
air travel organisers?						X
commercial airports?						X
general aviation airfields?						X
airspace?					X	

How, if at all, do you think the CAA could improve its licensing function or functions?

As no aerodrome has ever been designated under Section 5 of the Civil Aviation Act 1982, the CAA's ability to consider environmental performance as part of its aerodrome licensing function has never been tested.

The CAA's airspace change approval process has not been effective in achieving positive environmental outcomes and needs significant revision.

Aviation market regulation

Q46. To what extent do you agree or disagree that the CAA effectively regulates airlines with its current powers?

Don't know

Q47. To what extent do you agree or disagree that the CAA effectively economically regulates:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
airports with its current powers?				X		
air traffic controls with its current powers?				X		

Please explain your answer.

The CAA's economic regulation of airports has not been effective in achieving positive environmental outcomes and needs significant revision.

Q48. In your view does the CAA have the right powers to effectively regulate the aviation market?

No

Additional powers

Q49. What additional powers do you think the CAA requires?

The CAA requires both a duty and powers to regulate the aviation industry's environmental impacts. The last review of the CAA recommended that it should have a general statutory duty in relation to the environment, describing this as a "notable gap". This was not implemented and no alternative arrangements were put in place. The unsurprising result of this regulatory vacuum is that the industry's environmental impacts have increased.

In addition the CAA's existing duties should be reviewed and updated. In relation to airspace matters it is currently required by the Transport Act 2000 to prioritise maximum use of capacity over all environmental issues including noise and emissions. This has constrained the CAA's ability to secure positive environmental outcomes. We do not believe that imbalance is appropriate. Aviation's adverse climate and noise impacts have increased materially and become far better understood since 2000. In the same period the industry's economic and employment roles have declined. Additional capacity should no longer be prioritised at the expense of environmental outcomes.

The CAA's powers to enforce airspace change outcomes may also need to be updated. At present there are no effective (i.e. properly monitored and enforceable) mechanisms for ensuring that any noise/environmental benefits asserted to be delivered through airspace changes are actually delivered. Once the CAA has completed a Post Implementation Review process and approved the technical change, it does not monitor the achievement of asserted outcomes and has no powers to enforce them. This is a clear regulatory failure and should be addressed urgently. A first step in this process would be for the government to make clear that the CAA is specifically empowered to approve airspace changes subject to noise and/or emissions conditions, and to monitor and enforce those conditions.

Space regulation

Q50. To what extent do you agree or disagree that the CAA effectively regulates space with its current powers?

Don't know

Enforcement of consumer protection

Q51. To what extent do you agree or disagree that the CAA effectively administers the ATOL scheme?

Don't know

Q52. To what extent do you agree or disagree that the CAA effectively enforces consumer rights with its current powers?

Disagree

Please explain your answer.

Other regulators, such as OFGEM, make clear that when they take decisions in the interests of consumers they consider their interests taken as a whole, including their interests in the reduction of greenhouse gases. We believe the CAA should do the same.

CAA's international role

Q53. To what extent do you agree or disagree that the CAA is seen as a globally influential regulator with:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
its partner national aviation authorities?						X
international organisations?						X

Q54. To what extent do you agree or disagree that the CAA acts to support the UK:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
aviation sector?						X
travelling public?						X
economy?						X

Please explain your answer.

We do not believe that the CAA should have responsibility to support the UK aviation sector or economy. It should be a regulator not cheerleader for the aviation industry.

Final comments

Q55. Any other comments?

We hope the review will hold oral evidence hearings with stakeholders and dialogue events as the last review did.