

We helped get the white paper scrapped. So what's next?



Protesters opposing a third runway at Heathrow. The Coalition Government has ruled out new runways in the South East, but what about the rest of the UK?
<http://www.guardian.co.uk/commentisfree/commentisfree+environment/heathrow-third-runway>

Ever since the Government in 2003 set out its vision for massive airport expansion across the UK, AEF has been arguing that to predict demand, then consider environmental impacts as an add-on, gets things the wrong way round. At last, we may be making headway.

Aviation emissions cap: the nail in the white paper coffin

After the white paper came out, we helped to publicise research showing that the Government's aims on climate were at odds with its plans for airport expansion. And on noise, the ANASE study, to which AEF contributed, revealed that noise annoyance in the UK had increased and that the 57Leq contour was no longer a good indication of where significant annoyance began.

By 2009 the Government was feeling the heat over the environmental impact of the UK's largest airport, and when it announced its continued support for Heathrow expansion it also imposed a new cap on UK aviation emissions.

Finally, at the end of 2009, the Committee on Climate Change concluded that the aviation growth forecast in 2003 was not compatible with the new emissions target. The Government's response is due imminently. Influenced by concerns about both climate and noise, it has already scrapped South East airport expansion plans. So how will it replace the discredited 2003 white paper?

The new scoping study

A consultation on 'Developing a sustainable framework for UK Aviation' was published in March.

Given all the wrangling over what the 2003 white paper recommendations for specific airports, the new aviation policy is likely focus more on general principles. But we have few clues as to any Government plans even in general terms, with respondents expected to do most of the work. The first question, for example, asks "How does the aviation sector as a whole benefit the UK?", as if looking for an introductory paragraph about the importance of aviation for the final policy document.

One new idea introduced in the document is that of noise 'envelopes', capping how much growth would be permitted. How they would be measured and whether they would include qualitative as well as quantitative aspects of noise impacts is currently not defined, however.

Tell us what you think

The consultation – open for six months – begins a process that will take two years to complete. On 18th June we'll be joined by aviation minister Theresa Villiers for an AEF / AirportWatch conference to discuss it. The current government is the first we can remember to have put the brakes on airport expansions that had previously been given the all clear. It's a good time to set out what we think a sustainable aviation policy might look like. Please tell us your views, either at the conference or by contacting cait@aef.org.uk.

Cait Hewitt

GA noise and the Human Rights Act: Wycombe campaigners secure historic intervention from Transport Secretary



Richard Wetenhall of WAPAG

In 2001 The European Court of Human Rights ruled that night noise at Heathrow Airport contravened the rights of nearby residents to respect for their private and family life. Two years later, however, the judgment was superceded by a ruling that the benefit of night flights nationally outweighed the noise impact to individuals. Now campaigners at another UK aerodrome have found a new way of using human rights law to protect them from noise nuisance, and this time without stepping inside a court.

Wycombe Air Park (WAP) is perhaps not a typical General Aviation airfield (GA being largely leisure flying). With around 100,000 aircraft movements a year it is busier than all but the largest international airports, and unlike many GA airfields it requires a CAA license. Nevertheless, recent events at WAP could well have wider relevance.

Council on board

Like many aerodromes without stringent planning conditions, WAP has made significant incremental changes to its operations over the years without the need for planning permission. While gliders dominated in the past, for example, there has recently been substantial growth in helicopter activity, and the air park has become a major centre for helicopter training.

Keen to protect residents from increasing noise impacts, in 1988 the local authority, Wycombe District Council, applied to the Government for a specification order under Section 5 of the Civil Aviation Act 1982 (see below). This was turned down, however, in favour of various recommendations about how to minimise noise at the aerodrome - the use of hushkits, for example, and better adherence with prescribed routes.

The JCC and human rights

Residents consider these recommendations to have fallen on deaf ears. By 2007 Wycombe Air Park Action Group (WAPAG) had formed to try to negotiate for improvements through the airport's Joint Consultative Committee (JCC), but without success. Given that the committee had no residents' representatives, it was always going to be an uphill struggle.

WAPAG looked to the law for help, and found a ruling from the European Court of Human Rights that where a facility is causing

environmental damage, the State has a duty to strike a "fair balance" between the interests of users and of affected residents. Since the JCC at WAP offered no opportunity for residents' views to be heard, it was impossible for such a balance to be struck, argued the campaigners. And the Department for Transport had to agree. In December 2010, Aviation Minister Theresa Villiers, referring to the request for Section 5 specification, concluded that "Government intervention may be necessary."

Final decision still awaited

DfT officials will be visiting WAP in the coming weeks to gain a better understanding of the issues and hope to be able to broker a local solution. WAPAG believes the Government will have to make a section 5 order to impose proper conditions on WAP's operating license. Either way, the views of residents can no longer be dismissed.

Cait Hewitt, Richard Wetenhall, Tim Johnson and Tim Thomas

Airport regulation and the Civil Aviation Act

AEF spent most of its early years campaigning for better controls on GA aerodromes, and helped to secure Section 5 of the 1982 Civil Aviation Act, empowering the Secretary of State to 'specify' aerodromes at which the CAA must take environmental factors into account when issuing a license. As a safety requirement, any aerodrome that has public transport flights must be licensed, but none has ever been specified under Section 5.

The requests from Wycombe for specification are not the first. Soon after the act was passed, residents at Headcorn in Kent, for example, who had for many years been seeking further controls on noisy activities at the airfield such as flying training and aerobatics, requested DfT to specify the airport under Section 5. But despite the appointment of inspectors to investigate the situation their requests were turned down in favour of local resolution.

In 2000, the CAA suggested deleting Section 5 on the basis that they lacked the expertise to implement it. AEF argued, successfully, for it to be retained. Will it finally be put to use?

Budget 2011 from 'the greenest government ever'



Business jet travellers, while emitting more CO2 per head than for any other form of travel, currently pay no Air Passenger Duty. But the Government is looking at how to end this special treatment. <http://tinyurl.com/3fhonza>

Air tax reform shelved

On the day Cameron and Clegg held their renowned press conference in the rose garden, they also published a series of policies that the two parties had agreed to pursue. Among the environmental pledges was a commitment to replace the current Air Passenger Duty with a tax chargeable per plane, graded according to environmental impact. But despite the extra revenue the plan could have generated for a cash-strapped government, it's already been ruled out.

The idea wasn't new. A similar reform had been proposed by the last government, and was supported by AEF as a step towards getting the aviation sector to pay its full environmental costs, as some of the exemptions from Air Passenger Duty, such as transfer passengers, freight and business jets, could have been covered. The plan was scrapped, however, under pressure from freight operators complaining of the impacts of recession. This time round it seems the

Government was nervous about a tax on aircraft looking like a tax on fuel - currently prohibited for international travel by numerous legal agreements. Instead, it has launched, you guessed it, another consultation on APD, focusing this time on how the system of distance banding might be improved.

APD rates frozen

The industry has been divided over APD reform, with Easyjet, set to benefit from the proposed change given its high rates of seat occupancy and relatively efficient aircraft, a vocal supporter. Airlines carrying freight, meanwhile, have tended to be opposed.

An industry coalition was just about held together, however, to call for planned increases in Air Passenger Duty to be scrapped. With the 'Fair Tax on Flying' campaign running scare stories about how much extra ordinary Brits would have to pay to go on holiday, freezing APD rates perhaps seemed an attractive sweetener for the Chancellor to

be able to announce, in a budget full of cuts to public services.

One all

The industry may have got their way over APD rates, but we did score a small win in relation to business jets. AEF work over the past 12 months has highlighted the fact that business jets, while providing the most polluting means available of getting from A to B, enjoy even more substantial tax exemptions than the rest of the industry, as APD is levied only on fare paying passengers.

But in his Budget speech the Chancellor announced plans "to bring private jets, which pay no duty at all, into the scope of taxation." The Government's proposal is to charge any passengers not currently liable to APD but travelling in aircraft using turbine fuel and with a maximum take off weight of 5.7 tonnes or greater, at the highest rate of APD, irrespective of distance travelled.

Greenest Government ever?

The Environmental Audit Committee, the parliamentary body that assesses the government's environmental performance, recently invited AEF to give oral evidence at their inquiry into the environmental impact of the budget. As it is the better off in society who have the highest propensity to fly, AEF believes that an increase in the cost of flying would be socially 'progressive' as well as helping to ensure that the sector pays its environmental costs.

The Coalition has a long way to go to deliver its promise to be the 'greenest government ever'. We hope, at least, to see some progress on air tax.

Cait Hewitt

AEF behind the scenes

Cait has returned, part time, from maternity leave, and is gradually getting up to speed with all that's been going on at AEF. Apologies, however, for the lateness of this Flying Green. [I can't help but wonder if everything happened more smoothly in my absence!] We've also been joined by a new intern, Dan, who, as a student of electrical engineering, has a good head for numbers and has been analysing CAA statistics to see what they tell us about which sectors of UK society have the highest 'propensity to fly' and whether this has changed over time.

Alongside his work on UK policy, Tim Johnson's involvement with international climate policy has recently focused on developing UN guidance on how countries should measure and report their actions on tackling aviation's climate impact. ICAO (the UN's International Civil Aviation Organisation) has so far failed to agree a binding emissions cap for the sector, but instead setting aspirational efficiency goals. Countries with emerging markets, such as China and India, have been reluctant to sign up to climate measures on which they feel developed countries should be taking the lead, but Tim took part in a gathering in Delhi, organised by the British High Commission and the Confederation of Indian Businesses, to discuss potential improvements in the fuel efficiency of Indian airlines.

Tim Thomas continues to tackle general aviation issues, and represented AEF at a meeting of the Helicopter Noise Coalition, which discussed how to tackle the problems many people experience in identifying the registration numbers for helicopters, which many complaints systems require.

Nic recently submitted our response to a European Commission consultation on VAT reform, arguing that VAT should be applied, as far as possible, to air tickets. And Roger, with impressive patience, has been challenging NATS over two recent planning applications in which Government policy on third party risk seems to have been mis-applied, and has submitted a Freedom of Information request to DfT for details about changes to risk modelling around airports.

Aims and Objectives

The objectives of the Federation are as follows:

- to foster a climate of opinion which takes full account of the environmental issues arising from aircraft and aerodrome use;
- to promote a relationship between the environment and aviation in which the detrimental effects of aviation on quality of life and on the natural and man-made environment are kept to a minimum;
- to encourage wide discussion of the problems involved and to seek practical solutions;
- to consult and co-operate with local, national and international governments, the aviation industry, regulatory authorities, universities, professional institutions, research bodies, and any others for the purpose of reducing noise, disturbance and all forms of pollution by technical and operational means;
- to pursue these objectives with policy-making and legislative bodies - local, national and international - so that laws and policies include measures for effective environmental protection;
- to provide relevant advice and information to assist its members;
- to publicise and promote the viewpoint of the Federation through the media and through representation among bodies responsible for aviation matters as appropriate.



Two months' respite from GA noise?

Flights operated under Visual Flights Rules (VFR) will be restricted in an area stretching from south of Gatwick to North of Luton, west of Farnborough and East of Southend throughout the period of the Olympic Games, the Government has announced. A smaller 'prohibited zone' covering Heathrow, London City, and airfields such as

Denham, Fair Oaks and White Waltham will be in place, in which no VFR flights at all will be permitted. The measures are being taken to manage the threat of terrorist attacks during the games. Contact Tim Thomas (timthom@aef.org.uk) for more detail. ■ The CAA recently consulted on its high level strategy for airspace. AEF's response focused on the need to adequately tackle noise impacts and called for some fresh thinking on flight dispersal.

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