



No Night Flights

NNF15

**A critique of
RiverOak Strategic Partners'
Revised Noise Mitigation Plan**

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Acronyms

- **CCC** Community Consultative Committee
- **CTF** Community Trust Fund
- **NMP** Noise Mitigation Plan
- **RSP** RiverOak Strategic Partners

Preamble

1. The existence of a NMP is material recognition of the obligation on RSP to be “a good neighbour” and strive to reduce the impact on local people of the unwanted by-products of their business – particularly noise.
2. The NMP was RSP’s opportunity to present a framework for operations, and a system of monitoring, and an approach to mitigation that would reassure the local residents that anyone disadvantaged by the operation of RSP’s freight hub would be recompensed according to the scale of their need. Instead, RSP sets its own (absurdly high) ATM and QC limits, and draws up its own noise maps. RSP’s *theoretical* noise contours will define who can apply to the CCC to make a claim – relocation and noise insulation and ventilation claims will only be valid within specific noise contours. The CCC will assess the claims solely on the basis of the NMP. RSP’s *theoretical* noise contours will also define where the CTF money goes.
3. RSP makes no effort to identify the actual noise contours, to establish, accurately, who is entitled to recompense. This simple ruse ensures that RSP’s mitigation costs will be hugely reduced. Mitigation won’t be offered on the basis of actual need, but solely on the basis of RSP’s theoretical noise contours.
4. The NMP offers too little to too few.
5. The NMP does not address locals’ concerns about night flights. RSP’s extraordinary and carefully chosen metric dictates that 18 or more night flights of a certain level of loudness are required before there is **even the possibility** of being woken. This contradicts the evidence that one flight a night at this level of loudness is enough to wake people.
6. The NMP offers nothing to too many.

Pages 1-4

7. This document suffers from lack of clarity and poor drafting.
 - Page 1 is headed **MANSTON AIRPORT NOISE MITIGATION PLAN**.
 - Page 5 is headed **NOISE MITIGATION PLAN**.
8. Where does the NMP actually start? Are pages 1-4 included in the NMP? Given that **any and all claims** will be determined “*based solely on the provisions of this Noise Mitigation Plan*” [6.4], it is essential to know exactly which pages of this document constitute the NMP.
9. RSP states that it is “*not obligatory*” to produce a NMP, but that they believe “*that it is right to do so*”. A simpler truth that requires no belief in an altruistic applicant, is that it is inconceivable that an application for a nationally significant air freight hub would not be accompanied by an NMP.
10. RSP goes on: “*It is also right that those potentially affected by noise were given a chance to comment upon the provisions of the plan during the statutory consultation period before it was finalised and included in RiverOak’s application.*” (p1). Let us be clear: the consultation itself was **deeply flawed**, and the application now being examined threatens **levels of noise far beyond anything that has ever been consulted on**. There has been precious little in the way of “right” so far.
11. The methodology RSP proposes to use to identify “*significant adverse effects on health and quality of life on individual receptors*” (p1) is also flawed.
12. **Best Practice** RSP says that the effect levels for aircraft noise it has adopted are based on the most recent evidence and best practice. This is nonsense. RSP’s levels are based on out of date guidelines. NNF has commented on this in detail in NNF09 paragraphs 80-130 and in NNF14.
13. **LAeq (x hours)** is used as a metric. As highlighted in the recent Government consultation¹ this is widely recognised as being **unhelpfully misleading**, in that this metric does not accurately reflect the situation actually experienced by “*individual receptors*”, i.e. people (see also para 20 in this document). NNF has commented on this in detail in NNF09 at paragraphs 7-24.
14. **SOAEL** of 63dB LAeq (16 hour) is **unacceptably high** [see ExQ2 Ns 2.13]. As the ExA points out, the Aviation Policy Framework and the CAA both cite **57 dB** LAeq (16 hour) as the appropriate SOAEL threshold. RSP are demanding to be allowed to get away with making a far higher level of noise, and this **must be rejected**. NNF has commented on this in detail in NNF09 paragraphs 80-130 and in NNF14.
15. **Basner** is quite simply the most **extraordinary** metric we have ever seen in relation to night noise nuisance. Basner is not used in any other UK Noise Mitigation Plan that we can find. Significantly, this Basner metric is not referred to anywhere else in this document, which emphasises the importance of clarifying whether pages 1-4 form part of the NMP. We have commented on Basner in detail in NNF09 pp17-21 and NNF14 pp3-5.

¹ Department for Transport (2017) Consultation Response on UK Airspace Policy: A Framework for balanced decisions on the design and use of airspace.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653801/consultation-response-on-uk-airspace-policy-web-version.pdf

16. **Runway Preference Scheme** is presented as a novel and promising solution to be explored. In fact, it has been tried, and proved **ineffectual**. The prevailing winds continued to prevail – regardless of any policy-writing – and the pilots continued to fly the planes safely, i.e. **into** the wind. The airport operator’s stated directional preference can only come into play when the wind can safely be ignored.
17. On p3 footnote 6 regarding the QC count: *“The night time period quota figure has been arrived at based on a typical mix of aircraft operating within the noise levels that have been assessed in the environmental statement, rather than taking the noisiest possible aircraft”*. RSP make no attempt to explain or justify their explicit decision to **avoid** looking at the **worst** case. Night flight noise nuisance is the key issue for many local residents, but RSP’s decision to ignore the noisiest case in favour of their hypothetical *“typical mix of aircraft”* (which is not described) is relegated to a footnote on page 3, which may or may not be part of the NMP. Wholly unsatisfactory.
18. On p3 RSP mention the Aviation Policy recommendations, referring in footnote 7 to para [2.39] of the response to a DfT consultation on airspace.² The rest of the section from that consultation is relevant, and is reproduced in full at Appendix 1 in this document. Here are some highlights, our emphasis throughout:
19. *“Some considered the proposals were inadequate and felt reducing noise should be the priority through **quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation.**” [2.42]*
20. *“Many felt that the current metrics needed to be re-assessed and were concerned that **average noise contours do not accurately reflect the situation.**” [2.43]*
21. *“The majority supported the proposal for financial assistance toward insulation [...] but **criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn’t lessen noise impacts outside.**” [2.45]*
22. *“Some felt that the noise thresholds for financial assistance and full insulation are set too high and that **noise contours and consequent compensation eligibility could be expanded.**” [2.46]*
23. Although these comments were made in the context of a wider Government consultation, it is striking how readily they can be applied to this proposal – simply because RSP’s proposal exhibits exactly those recurring flaws that have been so widely recognised and criticised in the Government consultation.

² *ibid.*

Process

Community Consultative Committee

24. The independent Chair (appointed in consultation with Thanet DC, Canterbury CC, and Dover DC) establishes the CCC's terms of reference, based on the NMP [8.4]. We can see no rationale whatsoever for limiting the CCC's terms of reference to issues mentioned in the NMP. This would mean that the airport's consultative committee would have a far less influential and far-reaching role than the previous consultative committee had. This is unacceptable.
25. Amongst other things, the CCC will make "*recommendations*" to the operator regarding noise insulation and ventilation claims, and relocation claims [8.2]. This raises the issue of how much power or influence the CCC has over the airport operator. Given that the CCC will have effectively grown out of the NMP, the airport operator should have no grounds or reason to refuse or ignore the CCC's recommendations. How much clout will the CCC actually have?
26. We note that there is no provision made here for **public meetings** of the CCC. Again, what RSP is proposing falls short of what was in place previously. This really does demonstrate RSP's keenness to have the community involved as little as possible, and to have as little voice or influence as possible.

Community Trust Fund

27. All penalties will be paid into the CTF [9.1]. The penalties described in sections [16] and [17] are levied on the aircraft operators by RSP. NNF's view of this proposal is jaundiced by experience. Our previous experience is that penalties were not always levied when they should have been. Indeed, the airport's Managing Director on one occasion told us that "*he did not want the airport to get a difficult reputation*". The airport operator is of course free to make such a business decision, but **must** then pay the fine into the CTF itself. The terms of the NMP dictate that specified breaches attract fines paid into the CTF – if the airport operator wishes to waive the fine on a customer, they must pick up the tab themselves.
28. In [9.2] RSP says that the CCC will "*apply*" these funds to "*projects that can offer a direct benefit to communities living within the 50 dB LA_{eq} (16 hour) day time contour and* 40 dB LA_{eq} (8 hour) night time contours*". * Does this "**and**" mean that either condition can be met, or that both conditions must be met?
29. RSP will pay £50,000 per annum (reviewed annually) into the CTF [9.3]. The CTF is always cash-limited – to whatever cash is in it – and RSP needs to clarify whether unspent money is rolled over from year to year. This has severe implications for those noise sensitive community buildings that fall fractionally outside RSP's SOAEL but which experience significant noise nuisance. They will all be competing for a very limited mitigation fund.

Making a claim

30. Annually, "*the airport operator will report the forecast noise exposure*" which will "*identify properties which may be eligible for a claim*" [6.1], and this brings us to the intellectual dishonesty and moral bankruptcy at the heart of this NMP.
31. It is common ground that the airport operator is obliged to protect residents who experience the worst effects of the airport's operation. Whatever threshold is set – the Government and CAA would use 57dB, RSP wants to use 63dB – the explicit understanding is that anyone over that threshold gets the appropriate protection. Those protective, mitigating measures are explicitly and directly linked to the level of noise experienced by residents – inevitably, given their purpose. The mitigation should go wherever the noise goes – the more noise, the more

mitigation. It is intellectually dishonest and morally bankrupt of RSP to try to limit mitigation to an area within a **theoretical noise contour of their own devising**. Any resident experiencing noise nuisance above the agreed threshold who happens to live outside RSP's noise contour must not be ignored, they deserve recompense. They would be evidence of the flaws in RSP's model.

32. **Every resident experiencing noise nuisance above the agreed threshold deserves recompense, regardless of whether or not they reside within a theoretical noise contour generated by RSP's computer model.** Compensation must be based on the reality of the noise suffered by people, and not on a theoretical forecast.
33. Disappointingly but unsurprisingly, RSP makes no commitment to establishing **actual** noise contours. RSP's noise maps are shown to be flawed by the actual readings taken when the airport was operational, and the area that would be entitled to mitigation is actually far larger than RSP's maps would suggest. RSP wish to rely on their theoretical noise contours to keep down their mitigation costs. As an example, in 2009, when the airport was operational, TDC gave planning permission for a two storey dwelling to be built in St Mildred's Road, Ramsgate. St Mildred's Road is in the centre of town towards the harbour. A condition was imposed that the developer should first submit for approval a noise attenuation scheme, reflecting the fact that the proposed dwelling would be affected by aircraft noise would be in the 57-63dB L_{Aeq} 24hours contour for aircraft noise. RSP's theoretical contour maps do not reflect this reality.
34. The airport operator will notify property owners within the noise contour of their eligibility **[6.2]**, and those owners will then be able to apply to the Community Consultative Committee **[6.3]**.
35. Disappointingly but unsurprisingly, RSP makes no move to proactively contact those whose quality of life they are diminishing, preferring to make the residents do the work. The NMP is predicated on RSP's own **modelled** noise contours which, become the sole determinant of who is **eligible** – not eligible to claim, but eligible to *apply* to claim. If the CCC approve the claim, RSP will appoint the contractor to do the work. The NMP ensures that only those living within the specific noise contour can ask for anything, and they only get what they're given.

Purchase and relocation assistance scheme

36. In **[5.2]** RSP says: *"the airport operator will offer to purchase the property for its market value (in the absence of the proposed development)"* [emphasis added]
37. However, **[5.4.2]** says: *"All properties predicted to be eligible for relocation assistance ... will be valued by an independent surveyor within 6 months of the making of [the DCO]."* [emphasis added]
38. **All** eligible properties should be valued not just in the **absence** of the proposed development, but in the **absence of the threat** of the proposed development, i.e. **before** the DCO is made. Values, already dented by the threat of a DCO, will fall if the DCO is made, and will fall further through the construction and subsequent operational phases of the proposed development. The baseline for valuation should be as **"DCO-free"** as possible.
39. In **[5.5]** RSP says that the *"relocation settlement shall take account of any reduction in property value resulting from a change in the noise environment following the opening of the airport"*, which begs a few questions:
 - How does RSP propose to distinguish the value reduction due to noise from value reductions due to any other causes?
 - Does this mean that noise **before** the awarding of the DCO and the opening of the airport is completely disregarded?

- Does this mean that nobody can relocate until after the airport has opened, i.e. **after** they have been subjected to the noise?

40. In [5.2] RSP makes clear the sum total of its offer: relocation expenses of £5,000 plus 2.5% of purchase price (up to £600,000), i.e. a maximum of £20k. That's it. Moving house is stressful enough at the best of times (on a par with death and divorce, apparently), and it can only be worse to have it forced on you. Yet this is exactly what RSP will be doing, and offering miserly compensation in return. This is unacceptable.
41. This proposed mitigation measure suffers from the same basic flaw as do RSP's other mitigation measures, i.e. they are based on LAeq (16 hour) contours. The fact is that RSP plans to operate a smaller number of much noisier planes than other airports that offer mitigation based on LAeq. As we have said previously, NNF has commented in detail on the inappropriateness of LAeq as **the** metric to assess the actual noise impact on residents and their lives of the potential RSP proposals.

Airport operator reporting responsibilities

42. The reporting deliverables that RSP proposes in [7.1] are infrequent and largely high-level, i.e. of limited use. The most notable gap in their proposed suite of reports is any reporting of **actual** noise contours. As explained earlier, RSP seek to avoid their **actual** obligations. What RSP suggests falls far short of the reporting provided by previous operators. Previously, all the reporting was quarterly. In addition, the **actual** noise monitor readings were reported, as were the number of night flights, the airlines responsible, and the reasons for any unscheduled night flights having been allowed. Runway usage was also reported on. It is clearly ludicrous to report just once a year on issues such as complaints. This suggest that RSP has little or no interest in addressing complaints promptly.
43. RSP makes no mention of real-time or live data reporting, which we assume is an oversight. Modern flight-tracking software (e.g. Webtrak) provides timely, accurate information on individual ATMs and would help residents identify "problem" flights. RSP should provide this facility on the airport's website, in the interest of transparency.
44. In [7.4] RSP says: "[...] *The airport operator will be expected to formally respond to any recommendations made by the Community Consultative Committee, taking any actions deemed necessary within the bounds of this noise mitigation plan.*"
45. The obligation on RSP is to "*respond to*" recommendations, not to follow them or provide alternative solutions, which suggests that RSP will be free to ignore the CCC. RSP may then take "*any actions deemed necessary*" – by whom? – "*within the bounds of this noise mitigation plan*" – a phrase that adds no clarity. In practice, RSP alone will determine what is "*necessary*", and what is "*within the bounds*" of the NMP.

Noise

Aircraft noise monitoring

46. Aircraft noise monitoring can serve two useful purposes: by providing quantitative measures of the impact on people (or “*residential receptors*”); and by providing validating or corrective input for computer modelling. RSP’s approach provides neither.
47. RSP’s “aircraft noise monitoring” appears to consist entirely of fining some noisy departures, which is inadequate, and rather pointless. A single sensor under each departure route, a long way from the airport, offers too small a sample of the world to be useful. RSP needs to deploy a larger number of sensors along the length of the arrivals routes, **and** along the length of the departures routes, paying particular attention to where there are concentrations of people.
48. In [16.1] RSP says that “*Permanent fixed noise monitoring terminals will be located under each of the aircraft departure flight paths at a distance of 6.5km from the start of take-off roll*” and that aircraft will be fined for exceeding a time-dependent noise threshold. This begs a number of questions.
- Why only departures? Departing aircraft can peel away to the left or right, avoiding the largest towns. Arriving aircraft will **always** be restricted to a straight-line approach over the largest towns, and will therefore **always** be experienced by largest number of people. Clearly the arrivals **must** be subject to the same regime as the departures.
 - Why **only** at 6.5km? As mentioned above, a wider array would prove far more useful.
 - Will the thresholds ever be exceeded? The limits are 90dB LASmax (daytime), and 82dB LASmax (0600-0700), 6.5 km from the start of take-off roll. These aircraft have taken off and flown several kilometres from the airport. There are two issues here: if an aircraft is creating 90dB LA_{max} 6.5 km from the start of take-off roll, then the noise that will have been created when that aircraft overflew Ramsgate (for example) will have been substantially louder than this. Secondly, an aircraft is creating 90dB LA_{max} 6.5 km from the start of take-off roll, when it *should* be high in the sky by then, it suggests that the aircraft has been flying low for many kilometres. This is clearly a safety issue.
 - How does [16.3] marry up with RSP’s proposal to operate nothing louder than QC4 at night? RSP says it will fine aircraft exceeding 82dB LASmax at the noise monitor 6.5km away. Can RSP clarify what QC category of plane it would expect to make this level of noise. The QC certification procedure, laid down in Chapter 3 of ICAO Annex 16, requires three 'reference points' to be taken into account:
 - **approach**, under a 3 degree descent path 2000 m from the runway threshold;
 - **lateral** (or sideline), 450 m to the side of the initial climb after lift-off (or 650 m for Chapter 2 aircraft) - at the longitudinal position where noise is greatest;
 - **flyover**, under the departure climb path, 6500 m from start-of-roll (SOR).
49. RSP must commit to measuring the **actual** noise over **residential** areas. Aircraft noise monitoring is not done for its own sake, it is done to assess the impact of the airport’s operations on **all** the local residents – not just those who happen to live on a departure route 6.5km from the start of take-off roll. Once again, it is clear that RSP intends to take less responsibility for the noise pollution created by its operation than previous operators did. Even in what was accepted by TDC to be a sub-optimal noise monitoring regime, previous operators committed to having noise monitors in residential areas. This is the only way of measuring accurately the impact of airport operations on the local noise environment in which people live and work.

Aircraft quota count and movement restrictions

50. RSP is ignoring Government policy on the issue of Quota Count ratings and the level at which the noise generated by an aircraft causes disturbance. NNF comments on this in detail in NNF09 paragraphs 96-110. Put simply, RSP has ignored the Government's new QC category and has ignored the fact that the Government says that all ATMs (bar a very few specialist aircraft) should count towards an airport's overall limit on night ATMs and the Quota Count.
51. In [1.7] RSP wants an Annual QC cap of 3,028 between 2300-**0700** to cover its night-time traffic. Laughably, RSP then proceed to try to redefine night as 2300-**0600**. This is unacceptable, showing a shocking disregard for all the local residents and everyone under the departure flightpaths. Let's be clear – the eight hour spell from 2300-0700 was specifically and deliberately designed and defined to provide respite from aircraft noise for everyone in earshot.
52. Given the conditions stipulated in [1.4] and [1.5], the logical inference is that the 3,028 QC points will be used up by:
- unscheduled landings between 2300-0600, and
 - take-offs, and scheduled landings, and unscheduled landings, between 0600-0700.
53. RSP should be able to confirm this is the case.
54. The simplest conclusion is that RSP's business model assumes:
- a large number of late arrivals ("*unscheduled landings*") through the night, and/or
 - a frantic early morning rush-hour between 0600-0700.
55. On the one hand, RSP insists '*no night flights... except late arrivals*'. On the other hand, RSP is asking for a **huge QC count** for night-time noise. This Quota Count far exceeds the proposed Quota Count previously rejected by TDC as having the potential to cause more harm than good. NNF comments on this in NNF09 at paragraphs 144-149. In addition, we have highlighted in our response to ExAQ2 Ns. 2.4 the fact that RSP is seeking a disproportionately higher Quota Count than Heathrow, when the Quota Count is compared to the annual ATM cap. RSP has produced no evidence to support the notion that any value created by this over-generous night flight scheme could outweigh the considerable environmental and social downsides.
56. Again, RSP is being **intellectually dishonest**. Saying that there will be no night flights – *except for late arrivals* – is self-contradicting nonsense. A flight, **any** flight, between 2300 and 0700 is a night flight, by definition. It doesn't matter whether it is scheduled or unscheduled, or whether it is late or early, or whether it is arriving or departing – it's still a night flight. It doesn't even matter if the airport operator has tried to move the goalposts and pretend 0600-0700 *isn't* night – **it's still a night flight**.
57. To make matters worse, RSP persists in seeking to include QC4 rated aircraft in its night flight scheme [1.6]. This means that a fully laden 747-400F could take off from Manston heading east over Ramsgate from 0600 in the morning. It also means that a fully laden 747-400F could land "late" at any time between 2300-0700 (a landing 747-400F only counts as QC2). Given the years of evidence when Manston was operational about the disruption to sleep that just one of these planes causes, this is clearly unacceptable. Again RSP has not set out any "balancing act" between the disruption that this would cause to local residents and the environment, and any benefit that RSP says would accrue if this night flight regime is accepted. When the Government expresses concern that planes rated QC0 and QC0.125 expose affected communities to noise levels that the WHO identify as being capable of

causing sleep disturbance, it is extraordinary that RSP is proposing ATMs rated QC4 at Manston, at night.

Noise insulation and ventilation scheme – residential properties

58. In [2.1] RSP states that “*Eligibility for the scheme is consistent with current and emerging Government policy.*” This is clearly not the case. As highlighted in para 14 of this document, RSP wants to set the threshold for SOAEL – which defines eligibility for mitigation – far higher than is recommended by the CAA or the Aviation Policy. RSP seeks to hide the meanness of its treatment of local residents by presenting it as the norm.
59. In [2.2] RSP imposes an arbitrary cap of £10,000 on funding “*towards acoustic insulation and ventilation*”. This should **not** be capped. RSP has **no right** to impose any adverse effects on anyone, and should pay whatever it takes to provide effective mitigation. Some mitigation measures will be more expensive than others. It’s simply one of the costs of doing business for RSP.
60. In [2.3] RSP states that it is they alone who will appoint the contractors to carry out the mitigation works. RSP need to clarify their responsibilities. If the work is sub-standard or ineffective, does the resident claim against the contractor or RSP?
61. In [2.5] RSP stipulates “*One application will be considered per property*”, which is unhelpfully loose drafting. RSP must specify how it will deal with HMOs, with blocks of flats, shared freeholds, etc. There also needs to be sensible provision for the resident who finds they need further mitigation measures (the first instalment having proved ineffective) and applies for more, while still below the £10k cap.
62. In [2.8] RSP specifically excludes properties that are not “*in residential use*” on the date of the DCO being made. This would exclude, for example, the Manston Green development and other properties being built during and after the DCO. What about properties that happened not to be “*in residential use*” on that particular day? In practice, this mean exclusion is simply another ruse by RSP to avoid taking responsibility for the consequences of their actions.

Noise insulation and ventilation scheme – noise-sensitive buildings

63. In [3.1] RSP says it will “*provide reasonable levels of noise insulation and ventilation*” within the “*60dB LAeq (16 hour) day time contour*”. The term “*reasonable*” is unhelpfully undefined, and is itself unhelpful. RSP must commit to delivering **effective** levels of noise insulation and ventilation, rather than “*reasonable*” levels. That is the point of mitigation: it’s not about the quantity of it, it’s about whether there’s enough of it – and this applies equally to residential properties and noise-sensitive buildings.
64. RSP makes no commitment to funding mitigation for schools within the 50dB LAeq (daytime) contour, saying merely that it will assess the need. Again, this is simply not good enough. As the polluter, RSP must pay to mitigate the adverse effects of its development.
65. One example of a CTF-funded project given in the NMP is “*Noise insulation and ventilation grants for noise sensitive community buildings outside the SOAEL level*” [9.4.1]. This should not be paid for from the CTF, it should be dealt with as part of the standard mitigation measures and paid for by RSP. Common sense dictates that if a noise-sensitive building is suffering enough noise that it requires noise insulation and ventilation grants, and it happens to be outside the SOAEL boundary, then **the boundary is in the wrong place**. Once again, we see RSP trying to limit mitigation to its own theoretical noise contours, rather than providing mitigation on the basis of need.

66. In the March ISH on Noise, RSP was questioned about the appropriateness of its chosen metric, i.e. LAeq , when assessing the noise impact on schools. Self-evidently, schools do not operate a 16 hour day. What matters to schools is the actual noise impact on the educational environment, both inside and outside the classroom, while pupils are present. A 16 hour average will always understate the reality. NNF and other local residents have given evidence at the two open floor hearings of the damaging effect of aircraft noise on our schools and the interruption to lessons that was experienced when the airport was operational. RSP's proposals seek to avoid taking responsibility for just such an impact.

Operational Issues

Training Flights

67. In [10.1] RSP says “*Other than General Aviation training that is based at Manston Airport, there will be no routine training flights.*” Which raises obvious issues:
68. RSP need to describe the nature, quantity and timing of “*General Aviation training*”, and
69. RSP need to describe the nature, quantity and timing of **non-routine** training.
70. NNF has commented on the disproportionate impact of training flights before, and most recently in its response to ExAQ2 Ns. 2.8. RSP has yet to provide any assessment of the potential costs and benefits of training flights to enable the ExA to assess whether an appropriate balancing act is capable of being made between the known negative impact on residents and the local environment, and any claimed potential benefit that might accrue..

Reverse Thrust

71. In [12.1] RSP says “*The airport operator will establish a policy...*” This policy should already be written, and should form part of the NMP.
72. RSP hopes to minimise the use of reverse thrust – except where “*operationally essential*” – by relying on guidelines to pilots in the AIP. In practice, it will be the pilot’s call.

Aircraft approach

73. Aircraft operators will be encouraged to use low power/low drag procedures to reduce noise [13.1] – by relying on guidelines to pilots in the AIP, some of which are unachievable. Section [13.2.1] (f) requires that “*inbound aircraft in both VMC and IMC should, whenever possible avoid flight below 3000 ft over towns*”, which is clearly impossible over Ramsgate, and may not be possible over Herne Bay. RSP needs to spell out clearly how what it proposes here is an improvement on previous operations.
74. We welcome noise mitigation measures being “baked in”, but Manston’s problem (as ever) is location, location, location. The reality is that Ramsgate will **always** get hammered by arrivals from the east **and** departures to the east, and that Herne Bay will **always** be under the mandatory route for arrivals from the west.

Runway operation

75. In [14.1] RSP offers a heavily caveated commitment to Runway 28 for Departures and Runway 10 for Arrivals, **i.e. towards the West** – and a matching note to pilots in the AIP. We have dealt with RSP’s “Runway Preference Scheme” in paragraph 16 of this document and in a series of submissions by No Night Flights. The fact remains that years of evidence reported to the Airport Consultative Committee show that around 70% of arrivals were over Ramsgate, and that variable number of departures (between 30-70%) were also over Ramsgate.

Off track flight

76. In [17.2] RSP says it will “*seek to establish*” routes that avoid densely populated areas. Given the simple facts of life, as explained above in paragraph 74, there is very little room for manoeuvre here. This is an unrealistic hope, being presented as a policy goal.
77. In [17.3] RSP says that aircraft operators will be required to ensure **95%** of each calendar year’s departures are within the NPR. Which begs the questions:

78. What about **arrivals**?

79. Given the quality of instrumentation on the ground and in the air, why not nearer **100%**?

80. In [17.4] RSP says: *“Any aircraft operator which fails to meet the target in paragraph 17.3 [i.e. the 95% threshold] and subsequently fails to work collaboratively with the airport operator after being notified of persistent departures outside of the NPRs will be subject to a track keeping penalty of £500 per aircraft departure.”*

81. So, RSP will inform an aircraft operator at the start of the year whether it has breached the 95% limit by persistently departing outside the NPRs in the previous year. It's then RSP's call to determine whether they have *“worked collaboratively”*. If they haven't, a small fine will be imposed... when? On every departure? Forever? It's hard to see this poorly-drafted penalty clause ever being invoked.

Wake Turbulence

82. The Wake Turbulence Policy outlined in RSP's Appendix 2 should be improved. RSP are expecting residents to wait for two days – while they have a hole in their roof – until RSP's experts arrive. Surely RSP would have enough expertise on tap at Manston, amongst its hundreds of employees, to be able to provide (in less than two days) someone who can recognise vortex damage.

83. It would be helpful for RSP to commit in writing in this policy to fully reimbursing residents who have been obliged to carry out emergency repairs.

84. It appears that RSP want to appoint the contractors for the repairs. As described in paragraph 60 of this document, RSP need to clarify the lines of accountability for the works carried out.

Summary

85. RSP has no **right** to impose noise on local residents.
86. RSP has an **obligation** to mitigate the impacts of its business on residents.
87. RSP's current proposals threaten far more aircraft and far more noise than was ever consulted on, and this NMP does not offer adequate protection to residents.
88. RSP claims to be using "best practice". It isn't. It is using out of date guidelines.
89. RSP uses LAeq (x hours) throughout the NMP. This misleading metric must be replaced.
90. RSP sets the SOAEL level too high at 63dB LAeq (16 hour) – it should be 57dB LAeq (16 hour).
91. RSP wants to use the Basner metric, expecting us to believe that 17 flights a night, every night, would never wake anyone. This absurd metric would allow an intolerable number of night flights, and must be rejected.
92. RSP wants to hobble the Community Consultative Committee by restricting its terms of reference to the NMP alone. The CCC should be able to represent and champion the interests of the community unfettered by this pointless restriction.
93. RSP offers no public CCC meetings – for a "community" body, this is clearly unacceptable.
94. RSP predicates its entire mitigation provision on its own computer-generated, theoretical noise contours, regardless of actual need.
95. RSP makes no attempt to establish **actual** noise contours, i.e. no attempt to find out who is actually suffering from the adverse effects of RSP's business.
96. RSP must be directed to produce, and refresh, **actual** noise contour maps.
97. RSP's preferred reporting style is "little and late". RSP must provide live flight tracking and reporting on its airport's website.
98. RSP says it will only monitor the noise of departures. This is ridiculous.
99. RSP wants to whittle away at the internationally accepted definition of "night". RSP must not be allowed to shrink the night to satisfy their greed.
100. RSP promised "no night flights" throughout the consultation, and now wants a huge Quota Count for night flights – more than Heathrow, *pro rata* by ATMs. This must be rejected.
101. RSP wants to allow QC4 aircraft at Manston at night. This is unacceptable.
102. RSP wants to cap mitigation at £10k, regardless of need. This is unacceptable.
103. RSP wants to cap relocation compensation at £25,000. This is miserly and unacceptable.
104. The NMP offers too little to too few, and offers nothing to too many.

Appendix 1 – Airspace Change Compensation Proposals

105. Question 1d Please tell us your views on the airspace change compensation proposals.

106. 2.39 *The government proposed four changes to aviation noise compensation policy, to improve fairness and transparency. The purpose was to incorporate airspace changes into the existing compensation policy so that compensation policy would be the same for all changes which affect noise impacts regardless of whether they are a result of infrastructure change or a tier 1 or 2 airspace change. The four proposed changes to current policy were:*

- *Change the policy wording to remove the word ‘development’ in terms of when financial assistance towards insulation is expected so that compensation is applicable regardless of the type of change (infrastructure or airspace change);*
- *Change the policy wording to allow for financial assistance towards insulation in the 63dB LAeq level or above to be applicable regardless of the level of change that causes a property to be in that noise contour level (i.e. remove requirement for a minimum 3dB change);*
- *Additional wording to encourage an airspace change promoter to consider compensation for significantly increased overflight as a result of the change, based on appropriate metrics which could be decided upon according to local circumstances and the economics of the change proposal; and*
- *Include a requirement of an offer of full insulation to be paid for by the airport for homes within the 69dB LAeq or more contour, where the home owners do not want to move.*

107. 2.40 *Question 1d received 374 comments and the majority of responses were supportive of the four changes proposed. They were broadly seen as fair, thorough and addressed noise impacts. Many also welcomed the cost being absorbed by the aviation industry.*

108. 2.41 *Most supported the proposed removal of the word development and removal of the requirement for a 3dB change and agreed these additional steps would ensure that those impacted by airspace changes were compensated. 15*

109. 2.42 *Some considered the proposals were inadequate and felt reducing noise should be the priority through quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation. Some were concerned that, due to the new expectation to consider compensation, airspace design could be limited and that rather than aiming to limit noise or carbon emissions, it could instead lead to increased routing over rural areas in order to minimise paying compensation.*

110. 2.43 *Many felt that the current metrics needed to be re-assessed and were concerned that average noise contours do not accurately reflect the situation. They also felt Performance Based Navigation (PBN) changed the dynamics of how noise is experienced with the increase in the number and concentration of aircraft overhead.*

111. 2.44 *Several thought noise changes impacted on property value. Some requested a policy on compliance with compensation that can be monitored and enforced, including a policy on fining those who have not met their obligations to compensate.*

112. 2.45 *The majority supported the proposal for financial assistance toward insulation regardless of whether a change in noise impact is attributable to an infrastructure development or an airspace change, but criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn’t lessen noise impacts outside.*

113. **2.46** *Some felt that the noise thresholds for financial assistance and full insulation are set too high and that noise contours and consequent compensation eligibility could be expanded.*
114. **2.47** *The proposal to encourage airspace promoters to consider compensation for significantly increased overflights that occur as a result of the airspace change based upon appropriate metrics was supported in principle. However several respondents disagreed with the words 'encourage' and 'consider', and were concerned that airspace change sponsors will exploit the wording to lessen the amount of compensation payments. Others commented that 'overflight' as well as 'significantly increased' are not defined clearly enough and again that this could lead to the proposals not being complied with.*



Department
for Transport

Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace

Moving Britain Ahead



Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace

Presented to Parliament
by the Secretary of State for Transport
by Command of Her Majesty

October 2017



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Foreword



Take a walk around any airport and you can see first-hand the vital role aviation plays in supporting our economy. Whether it's the flights taking off to important international markets, passengers being reunited with friends or family, vital medical supplies being exported to other countries or simply looking at the number of people employed in the airport.

It's no surprise, therefore, that many of our airports are handling more passengers than ever before – indeed Gatwick, Manchester, Luton, Edinburgh, Birmingham, Glasgow and London City have all seen growth of more than 35% over the last seven years.

With this growth comes the need to increase our airport capacity – something successive governments have failed to do, particularly in the south east. This is why we back the proposed construction of a new north-west runway at Heathrow and why we're supporting other airports in making the best use of their existing capacity. Looking to the future, we will also consider additional airport expansion across the country if there's demand and if the environmental impacts can be managed.

However, while the impact of this growth is easy to see on the ground, it's harder to appreciate the challenge of accommodating more planes in our increasingly crowded airspace. This piece of our national infrastructure is every bit as important as our road and rail networks, but modernising it is both well overdue and highly complex.

In February we asked for views on how we could make the much-needed changes to our airspace to enable airports like Heathrow and others across the UK keep up with future demand. We also put forward proposals to address the noise impacts of aviation.

By combining the changes we put forward with recent advances in technology, we can make a real difference to passengers, to those who live near our airports and to the environment. For example reducing the need for stacking, which can see aircraft spending long periods circling above airports before landing. Reducing this helps tackle delays, cut emissions and reduce the amount of noise on the ground.

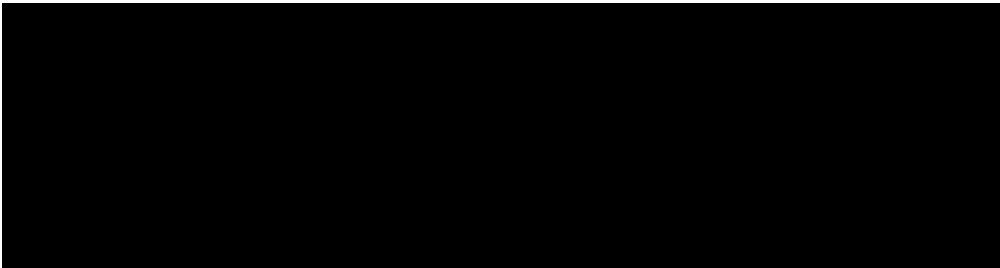
We had almost 800 responses to our consultation and I'm grateful to everyone who took the time to share their views. I am pleased that we are now in a position to set out the measures we will be taking forward to improve the way we manage our airspace and give people who live near our airports a greater say in the changes which affect them.

I can confirm that next year we will set up an Independent Commission on Civil Aviation Noise (ICCAN). This new body will help ensure that the noise impacts of any

airspace changes are properly considered as part of a trusted and transparent process, and give communities a greater stake in noise management. In particular, ICCAN will be instrumental in ensuring that the needs of local communities are properly taken into account when considering the noise impacts of any expansion of Heathrow and any of other airports. To ensure ICCAN delivers what we intend, I have asked for a review of the Commission within two years, including further consideration of giving it statutory powers.

In addition, we have agreed that the Secretary Of State (SofS) should be given call-in powers to have the final word on airspace changes of national importance. This will allow the government to provide high-level direction and act as a democratic backstop on the most significant decisions – something which has been called for local communities for many years. We will also take forward new metrics to assess the impacts of noise, helping ensure decisions are taken based on robust evidence and local circumstances.

Managing our airspace and the thousands of aircraft movements which happen over our heads every day is hugely complex and modernising this will take time. But now is the time to be making changes if we want to meet the growing demand for air travel and make our journeys faster, easier and more considerate of the environment and local communities. I am confident the measures I am outlining today will ensure the UK remains at the forefront of global aviation.



Lord Callanan,

Parliamentary Under Secretary of State for Transport (Minister for Aviation)

Executive summary

Introduction

- 1 The aviation industry is a major contributor to the economy, bringing people together and showing the world Britain is open for business. Indeed, the UK's aviation sector is a global success story. It directly supports around 230,000 jobs with many more employed indirectly and contributes around £20bn annually to UK economy. It supports the movement of goods, workers and tourists, and drives business innovation and investment.
- 2 Growth in demand for air travel means we must also look to manage the increasing pressure that this is putting on our airspace, which hasn't been modernised for over 50 years. Many routes and practices are not utilising the modern technologies available. Aircraft continue to use flightpaths that are outdated, often longer or lower than they need to be, and are not optimised to reduce noise impacts or offer relief. This means it can be both inefficient and ineffective, leading to unnecessary delays for passengers and excessive impacts on the environment and those living near our airports.
- 3 It is therefore essential that the UK's airspace is modernised. However, we recognise that implementing new airspace design will affect communities. Whilst unlocking the benefits of modernisation, such as reduced stacking and allowing flights to climb and descend continuously - which will make journeys faster and more environmentally friendly - we also need to ensure that those affected by airspace changes are involved in the decision making process
- 4 Back in February, we launched a consultation that proposed how we would address the noise impacts of aviation, whilst also supporting much-needed airspace changes required to meet future demand. We recognised a need for a framework which ensured a greater focus on industry and communities working together to find ways to manage noise impacts.
- 5 We have analysed the responses and we are now in a position to set out a stronger and more robust approach to airspace modernisation that is fair and transparent. The government will implement a range of proposals, including:
 - **A new Secretary of State Call In Power** on airspace changes of national importance, providing high level direction and a democratic back-stop on the most significant airspace change decisions, something much called for by communities;
 - **Important changes to aviation noise compensation policy**, to improve fairness and transparency;
 - **The creation of an Independent Commission on Civil Aviation Noise (ICCAN)** - an important step to rebuild the trust lost in industry by communities. The body will help ensure that the noise impacts of airspace changes are properly considered and give communities a greater stake in noise management. In order to ensure appropriate measures are being taken to address aviation noise issues, a review of ICCAN within two years of set-up will include further consideration of

statutory powers for the body. We have listened to the concerns raised through the consultation process and have decided that ICCAN will be set up as a new non departmental public body of the DfT, rather than an independent body within the CAA.

- **A new requirement for options analysis in airspace change**, to enable communities to engage with a transparent airspace change process and ensure options such as multiple routes are considered.
- **New metrics and appraisal guidance to assess noise impacts** and their impacts on health and quality of life. In particular this will ensure noise impacts are considered much further away from airports than at present.
- **We will not take forward our proposal to transfer responsibility for noise controls to the designated airports (Heathrow, Gatwick and Stansted).** Instead, we will make designated airports responsible for sponsoring these changes and these will require approval of the Secretary of State (SofS).

- 6 These changes strike a balance between unlocking the vast economic and social benefits that airspace modernisation will bring whilst addressing local impacts, so that we can secure the UK's position as a world leader in aviation.
- 7 The changes we are making will also support delivery of the airspace changes needed for a proposed Northwest Runway at Heathrow, by implementing an improved decision making process with a larger role for communities living near the airport.
- 8 Changes to the way our airspace is managed and organised is an important issue for the development of the government's new Aviation Strategy. The Aviation Strategy Call for Evidence was published in July 2017 and closed on 13th October 2017.
- 9 The Government's current aviation policy is set out in the Aviation Policy Framework (APF). The policies set out within this document provide an update to some of the policies on aviation noise contained within the APF, and should be viewed as the current government policy. The government also intends to develop aviation noise policy further through the Aviation Strategy consultation process. As part of the Aviation Strategy consultation on sustainable growth planned for 2018 the government intends to consider the roles, structures and powers that currently exist and what, if any, new ones will be necessary to bring about the network wide, co-ordinated and complex changes needed for airspace modernisation.
- 10 The strategy will also explore how sustainable growth should be defined in terms of noise. For example, whether it is possible to design targets for noise reduction and how best to monitor and report aviation noise at a national level. In particular the strategy will consider whether we should do more to strengthen the enforcement regime for aviation noise targets, which was a major theme of responses to this consultation.

1. Introduction

- 11 This document sets out the government response to the consultation, UK Airspace Policy: A framework for balanced decisions on the design and use of airspace¹.
- 12 The Department for Transport (DfT) received 794 responses to the consultation. This document provides a high level summary of these responses and sets out the government's conclusions and next steps.
- 13 The government also contracted OPM Group to receive, collate and analyse consultation responses on behalf of the DfT and to produce a summary report of the findings. This report is published alongside this response and provides a more detailed summary of respondents' views.

Stakeholder engagement

- 14 We held discussions with a range of stakeholders at 32 events around the country during the consultation period. A list of all events is provided at Annex A.
- 15 We have also formed a new Airspace and Noise Engagement Group (ANEG), which brings together representatives from local authorities, community and environmental groups, airports, airlines, air navigation service providers and sectoral bodies.
- 16 Details can be found at:

www.gov.uk/government/groups/airspace-and-noise-engagement-group

Next Steps for implementing the updated airspace policy.

- 17 The government has issued revised Air Navigation Directions and Air Navigation Guidance to the Civil Aviation Authority (CAA) which will take effect from 1 January 2018, although we expect that airspace change sponsors will seek to follow the new guidance immediately and apply it retrospectively.

UK Airspace government response: suite of related documents

- 18 This government response document sets out our policy principles. Alongside this, a range of supporting documents have also been published:
 - A summary report of consultation feedback, prepared by the OPM Group.
 - This report provides a detailed summary of the comments made by respondents in relation to each of the thirteen questions included in the Consultation Document.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588186/uk-airspace-policy-a-framework-for-balanced-decisions-on-the-design-and-use-of-airspace-web-version.pdf

- Air Navigation Guidance
 - The guidance outlines how these policy principles will be put into place and it provides guidance to the CAA under section 70(2) of the Transport Act 2000 and also the aviation industry.
 - Included in this guidance is a copy of the new air navigation directions which the government has issued to the CAA under section 66(1) of the Transport Act 2000.
- Impact assessments
 - These assessments provide detailed analysis and outline the estimates of the costs and benefits of the various policies.
- Burden assessment
 - This assessment is designed to provide details on the net additional cost of any potential burden placed on local authorities (and on parishes, police and fire and rescue authorities) by central government.

Consultation on the draft Airports National Policy Statement

- 19 The policies set out in this airspace government response will influence decisions taken later in the planning process for a proposed new Northwest Runway at Heathrow, including how those living near airports can have their say on airspace design and how the impacts on communities are taken into account. However, it is important to note that the new airspace change process will be used nationally, not just in relation to Heathrow.

Use of the 'tier' system

- 20 As set out in the consultation document, the government suggested a three category approach to describe airspace related changes. These were:
- Tier 1: Changes to the permanent structure of UK airspace, including temporary changes and airspace trials;
 - Tier 2: Planned and permanent changes to ATC's day-to-day operational procedures (e.g. vectoring practices); and
 - Tier 3: Changes to aircraft operations – for example significant shifts in the distribution of flights on particular routes. These may not be planned decisions to change the use of airspace, but shifts over time and in response to changes in demand.
- 21 **The government has decided not to proceed with the 'tier' categorisation proposal.** The categories will instead be renamed as per the list below. These changes have been reflected in the CAA's Air Navigation Guidance:
- The phrase 'Airspace change' replaces 'tier 1'.
 - The phrase tier 2 will remain in the near term (see question 1b). However, in future, we will also not proceed with the term tier 2. Instead this will be known as 'permanent and planned redistribution of air traffic'.
 - The phrase 'Aircraft operational changes to airspace usage' will replace 'tier 3'.

2. Summary of consultation responses and government response

Question 1a Please provide your views on the proposed call-in function for the Secretary of State (SofS) in tier 1 airspace changes and the process which is proposed, including the criteria for the call-in and the details provided in the Draft Air Navigation Guidance.

- 2.1 The CAA is responsible for approving or rejecting airspace change proposals. In addition to this, the SofS currently has a limited role in the approval of tier 1 airspace changes (which are changes to the permanent structure of the UKs airspace).
- 2.2 The government's proposal was to give the SofS a clearer role in the approval of tier 1 permanent changes to airspace by establishing a call-in function. So in cases where an airspace change was deemed to be of national importance or with significant adverse noise impacts, it could be called-in by the SofS who would then take the final decision. The consultation proposed criteria for this and set out that the decision to accept a call in request would be at his or her discretion.
- 2.3 Question 1a received 308 responses. **The majority of respondents expressed support for the proposal.** This was often because they believed it will improve transparency and accountability to communities.
- 2.4 There were some additional issues raised. In particular many commented that they would like to see further clarity or changes to the criteria for call-in, particularly with regard to the metrics proposed. Many felt that the threshold of a net 10,000 people to be newly affected by noise excluded major changes in airspace which could result in the re-routing of flightpaths, potentially affecting adversely thousands of new or existing people or smaller more rural communities who may not qualify. Many also questioned the proposal to set a single 54 dB LAeq 16hr noise threshold on the basis that a single metric is too inflexible, while some believed the metric used was too high and wasn't consistent with the metrics used elsewhere in the consultation.
- 2.5 Many wanted to see the call-in process extended to cover changes to air traffic control procedures (tier 2 airspace changes in the consultation document), as they felt that they could have the same impact on local communities as tier 1 changes (changes to the design of UK airspace). Many respondents strongly expressed the need for the impartiality of the SofS when making a decision on an airspace proposal.

Government Response

- 2.6 **The government has decided to proceed with this proposal in the same form as set out in the consultation. The three call-in criteria will also remain as set out in the consultation.**
- 2.7 **We welcome the overall support for the proposed new call-in function. This will provide a strategic role for the SofS and democratic accountability in the airspace change process for those changes which are nationally significant.**

- 2.8 **Anybody should be able to ask for the SofS to call-in a proposal and that if an airspace change proposal meets the criteria, the SofS will have discretion over whether or not to call in. The only environmental trigger would be the likely noise impact on local communities.**
- 2.9 **The government considers that the three criteria set for the SofS to call in an airspace change proposal are appropriate to meet the government's policy objectives.** In particular, the government believes that the limit of a net 10,000 people to be newly affected by aircraft noise remains proportionate to capture only nationally significant airspace changes. Consequently, sponsors of airspace changes can take this into account when developing their proposals and communities can consider in how they respond.
- 2.10 **The government also believes that the 54 dB LAeq 16hr metric remains appropriate.** This is because the metric is consistent with the findings of the recent Survey of Noise Attitudes study² (SoNA 2014) commissioned by the DfT which indicated that the degree of annoyance (based on % of respondents highly annoyed) previously occurring at 57 dB LAeq,16h, now occurs at 54 dB LAeq,16h.
- 2.11 **The government recognises respondents' views that greater clarity is needed on exactly how the call-in process will work. We have therefore updated the process for call-in as set out in the Air Navigation Guidance.** We have sought to clarify how the interdependencies between the planning process and call-in function operate. **We have also added a statement to the guidance to set out that the SofS is required to act impartially in call-in decisions and that only a Minister without a direct link to the area underneath the proposed flightpath (below 7000 feet) will make the final decision.**
- 2.12 Regarding the views expressed by respondents that tier 2 changes should also be subject to the call-in process, on the basis of feedback from the consultation we are seeking to undertake further work on the proposal around permanent air traffic control operational changes. Through this further consideration can be given to whether the call-in process should be extended to cover tier 2 changes.
- 2.13 The Department is confident these changes strike a balance between improving transparency and accountability without significantly increasing the costs of undertaking airspace change. The central estimate for costs to industry is £52,000 per year, as set out in the relevant Impact Assessment.

Question 1b Please provide your views on the proposal that tier 2 airspace changes should be subject to a suitable change process overseen by the Civil Aviation Authority (CAA), including the Draft Air Navigation Guidance and any evidence on costs and benefits.

- 2.14 Currently changes to airspace design are subject to the CAA's airspace change process, and need to be consulted on, whereas air traffic control procedural changes can be implemented without consultation, even where the noise impacts are similar.
- 2.15 In the consultation the government proposed that Air Navigation Service Providers (ANSP) should assess whether a proposal to amend their operational practices might lead to a permanent and planned redistribution of aircraft (PPR), which shifts the distribution of aircraft sufficiently for it to lead to a reasonable level of noise disturbance. The proposal also included an approval role for the CAA.
- 2.16 The government also set out that clarity was needed for ANSPs and the CAA in determining when a PPR may create an impact that would mean it should be subject

² Civil Aviation Authority, 2017. CAP 1506 Survey of noise attitudes 2014: aircraft.

to consultation and when this would be disproportionate. More detail on the criteria for determining this was set out in draft guidance published alongside the consultation.

- 2.17 Question 1b received 311 responses. **The majority welcomed the introduction of greater consultation and engagement for tier 2 changes. Many respondents believed that it would increase transparency and accountability and help to protect communities.**
- 2.18 A large number of respondents wanted more details on the trigger point for when community involvement would be required and assurance that it would be a full consultation process.
- 2.19 There were a range of views on the PPR criteria and exclusions; some supported the 50,000 per annum air transport movement figure, whilst others thought that there should be no limit. Several felt that there should be no safety-related exemption and that tier 2 should be subject to the SofS call-in process. Some asked for clarification of what 'a certain level of noise impact' means, and requested wider measurement criteria. They also emphasised that the altitude threshold itself should be higher.
- 2.20 Whilst the CAA's role in the change process was broadly supported, there were concerns over the CAA's ability to be sufficiently independent and to fully ensure community and environmental needs were considered. It was also suggested that the CAA should respond to feedback once it had made a decision.
- 2.21 Some were concerned that the proposals could risk the change process being delayed unnecessarily due to additional consultation requirements and associated costs.

Government Response

- 2.22 **We welcome the strong support for the proposal. The government continues to believe that a proportionate change process for significant changes to Air Traffic Control (ATC) procedures will be beneficial and provide a greater level of transparency than the current system.**
- 2.23 **Responses indicate that while such a change is broadly welcomed, the proposal requires more specificity and clarity to ensure it will work effectively in practice.** Most changes to air traffic control procedures do not markedly affect the distribution or impact of noise and a balance must be struck to ensure that the increase in regulatory requirements does not have unintended consequences. If the scope is too wide then many of the thousands of procedural changes made by ANSPs across the UK without noise implications will have to be considered in parallel to those which do have noise impacts, leading to an inefficient and highly disruptive process.
- 2.24 **We will undertake further work on this proposal to ensure that any new arrangements are suitable and reflect the need to be proportionate in addressing those permanent and planned redistribution of air traffic events which have a significant noise impact and not to cover the very large number of ATC operational changes which take place each year that may have no such impacts.** This work will include consideration of the definition of 'what is a permanent and planned redistribution of air traffic' and how we relate this to the CAA's airspace change process to ensure that such events can be dealt with efficiently by the CAA.
- 2.25 **Consequently, the changes proposed have been removed from the draft Guidance at the current time to allow for further policy development. The policy will be implemented as soon as possible and if further consultation is required**

to implement the policy we aim to undertake this in 2018, potentially as part of the consultation on a new aviation strategy.

- 2.26 In future, we will also drop the term tier 2 (as well as all other references to tier 1 and tier 3) since this was considered by some respondents to be causing unnecessary confusion, but we intend to retain the phrase 'permanent and planned redistribution of air traffic' given that these are the events we are trying to identify.

Question 1c Please tell us your views on the proposal that tier 3 airspace changes should be subject to a suitable policy on transparency, engagement and consideration of mitigations as set out by the Civil Aviation Authority.

- 2.27 The government proposed that the CAA should put in place a suitable policy for industry to follow in respect of tier 3 airspace changes (changes in airspace usage which were not linked to air traffic control procedural changes or amendments to the UK airspace design) and that this should include setting out expectations on transparency and engagement with communities. The policy set out by the CAA should remain light touch, and we envisage a role for the new Independent Commission on Civil Aviation Noise in advising on best practice.
- 2.28 Question 1c received 300 responses and **the majority of respondents supported the principle of our proposal.** There were divided views on how the policy should best be implemented. There were strong requests for clarity on the roles of the CAA and ICCAN and for assurance that decisions will be subject to suitable audit.
- 2.29 Some were concerned the proposed 'light touch' approach was not robust enough, particularly with respect to community engagement and could provide industry with complete discretion. Many emphasised the importance of community engagement and localised decision-making, suggesting that it be extended to tier 3, in line with the proposal for tier 1 and 2. Others supported the light touch approach proposed, with some highlighting that community engagement already happened and that the focus should be on improving existing mechanisms rather than creating new ones.
- 2.30 Although some felt the CAA is well-placed to perform the proposed role, others believed it needed additional enforcement powers or a change of its current practice in order to fulfil the role effectively.
- 2.31 Many asked for clearer guidance and definition of tier 3 as they felt the current labelling could be misleading. Also suggested was that tier 3 was re-defined as 'airspace usage' or 'operational changes'.

Government Response

- 2.32 **The government believes that tier 3 airspace changes should be subject to a suitable policy on transparency, engagement and consideration of mitigations.**
- 2.33 **We have worked with the CAA to make clear our expectations around changes in airspace usage, and updated guidance accordingly.** Clearer definition of the types of data we would expect to be released will be set out in the CAA guidance.
- 2.34 **The guidance to the CAA sets out that we expect airports to engage with communities, and act transparently regarding any changes in airspace usage over time, and without prior regulatory approval, which could have an impact on the level of noise disturbance.**
- 2.35 **We also agree with respondents that ICCAN should also have a role in determining the type and frequency of information that airports will be expected to publish.** ICCAN will also provide guidance on the level of engagement

that should be undertaken by the airport once a change in the distribution of traffic has been identified.

- 2.36 The government believes that a light-touch approach is still appropriate, with engagement to take place at a minimum of once a year and the involvement of ICCAN to ensure that the process is transparent and achieves a sufficient level of engagement.
- 2.37 **The government has also listened to the concerns of some respondents about the name of the category and we have therefore renamed tier 3** as 'Aircraft operational changes to airspace usage' in Section 4 of the Air Navigation Guidance. The guidance provides clarity that tier 3 relates to airspace usage rather than changes to the design of that airspace or the air traffic control procedural changes applicable to that volume of airspace. It also sets out the government's expectations of what airports should do to provide their local communities with sufficient information about air operations in their vicinity.
- 2.38 The government also suggests that the CAA could use their powers of information should they become aware an airport is withholding information which might be useful for communities to understand changes in airspace usage.

Question 1d Please tell us your views on the airspace change compensation proposals.

- 2.39 The government proposed four changes to aviation noise compensation policy, to improve fairness and transparency. The purpose was to incorporate airspace changes into the existing compensation policy so that compensation policy would be the same for all changes which affect noise impacts regardless of whether they are a result of infrastructure change or a tier 1 or 2 airspace change. The four proposed changes to current policy were:
- Change the policy wording to remove the word 'development' in terms of when financial assistance towards insulation is expected so that compensation is applicable regardless of the type of change (infrastructure or airspace change);
 - Change the policy wording to allow for financial assistance towards insulation in the 63dB LAeq level or above to be applicable regardless of the level of change that causes a property to be in that noise contour level (i.e. remove requirement for a minimum 3dB change);
 - Additional wording to encourage an airspace change promoter to consider compensation for significantly increased overflight as a result of the change, based on appropriate metrics which could be decided upon according to local circumstances and the economics of the change proposal; and
 - Include a requirement of an offer of full insulation to be paid for by the airport for homes within the 69dB LAeq or more contour, where the home owners do not want to move.
- 2.40 Question 1d received 374 comments and **the majority of responses were supportive of the four changes proposed.** They were broadly seen as fair, thorough and addressed noise impacts. Many also welcomed the cost being absorbed by the aviation industry.
- 2.41 **Most supported the proposed removal of the word development and removal of the requirement for a 3dB change and agreed these additional steps would ensure that those impacted by airspace changes were compensated.**

- 2.42 Some considered the proposals were inadequate and felt reducing noise should be the priority through quieter or fewer aircraft, rather than to allow noise and then mitigate the impact with compensation. Some were concerned that, due to the new expectation to consider compensation, airspace design could be limited and that rather than aiming to limit noise or carbon emissions, it could instead lead to increased routing over rural areas in order to minimise paying compensation.
- 2.43 Many felt that the current metrics needed to be re-assessed and were concerned that average noise contours do not accurately reflect the situation. They also felt Performance Based Navigation (PBN) changed the dynamics of how noise is experienced with the increase in the number and concentration of aircraft overhead.
- 2.44 Several thought noise changes impacted on property value. Some requested a policy on compliance with compensation that can be monitored and enforced, including a policy on fining those who have not met their obligations to compensate.
- 2.45 **The majority supported the proposal for financial assistance toward insulation** regardless of whether a change in noise impact is attributable to an infrastructure development or an airspace change, but criticised building insulation or glazing as a means of compensation, both because windows and doors needed to be closed to receive the benefit and it doesn't lessen noise impacts outside.
- 2.46 Some felt that the noise thresholds for financial assistance and full insulation are set too high and that noise contours and consequent compensation eligibility could be expanded.
- 2.47 The proposal to encourage airspace promoters to consider compensation for significantly increased overflights that occur as a result of the airspace change based upon appropriate metrics was supported in principle. However several respondents disagreed with the words 'encourage' and 'consider', and were concerned that airspace change sponsors will exploit the wording to lessen the amount of compensation payments. Others commented that 'overflight' as well as 'significantly increased' are not defined clearly enough and again that this could lead to the proposals not being complied with.

Government Response

- 2.48 **We welcome that the majority supported the four changes proposed in the consultation. Therefore we intend to make all of the changes as proposed.**
- 2.49 We recognise further points were raised regarding the proposals and will undertake additional consideration of this issue through the Aviation Strategy, by exploring whether a new approach to reducing noise annoyance is needed, for example through better information engagement or by creating a greater sense of 'fairness' and sharing of the benefits of aviation growth, including new forms of compensation and community investment.
- 2.50 We acknowledge the views that noise should be limited in preference to compensation being offered. The Aviation Strategy will also consider the wider question of noise targets which could aim to limit the amount of noise which communities could experience. We also recognise that more guidance would be helpful in circumstances where an airspace sponsor should consider compensation for significantly increased overflight, such as the metrics to be used in assessing increases in overflight and how to ensure airspace sponsors have adequately considered compensation. We will work with the CAA to develop this, taking guidance from ICCAN as appropriate.

Question 2a Please provide your views on the proposal to require options analysis in airspace change processes, as appropriate, including details provided in the Draft Air Navigation Guidance.

- 2.51 The government proposed the introduction of options analysis as part of the airspace change process. The intention was to ensure change sponsors consider an appropriate range of options and communities would have the ability to have a say in the process at a much earlier stage and to influence the development of options to be considered. It will also improve the transparency of the airspace change process by making clear the evidence that has informed a decision, including on whether single or multiple routes are appropriate in the circumstances. Question 2a received 566 responses. **The majority were supportive of the proposal to require options analysis in airspace change processes.** This was often due to the belief that it would increase transparency and enable communities to better understand, and challenge, the basis on which airspace change decisions are taken. **There was also broad support for greater community engagement in airspace change decisions through the options analysis process.**
- 2.52 Although there was broad support for the proposal, there were some areas where respondents wanted further consideration. This included how options analysis would take into account communities with differing views. Some responses also called for a process that doesn't allow communities to overrule others due to size or number of responses.
- 2.53 There was no clear agreement on what options analysis should look like; some favoured all options (including a 'do nothing') and others asked that only 'feasible or realistic' options were presented. There was a desire for options analysis to be based on as much research, and evaluation of the impacts associated with different options, as possible.
- 2.54 A common concern was that while options analysis enabled the best option to be chosen there was no noise threshold for when an airspace change would be considered unacceptable and that more flights would be justified in the future by opting for the 'least bad' option. The responses did not give a clear overall preference on concentration, multiple routes or respite and reflected that there is not a one size fits all option.

Government Response

- 2.55 **We welcome the support for the introduction of options analysis into the airspace change process and will therefore implement this proposal, which will be an important addition to the airspace change decision making process.** It will be for the CAA to ensure that their new airspace change process delivers a proportionate method that offers a transparent consideration of suitable options, which was a clear aim of our consultation.
- 2.56 **The Air Navigation Guidance includes high-level guidance on what should be included as part of an assessment.** We have been working with the CAA to ensure sponsors and stakeholders are clear about what the assessment involves and what is expected (in line with HM Treasury Green Book guidance³).
- 2.57 We recognise that some respondents are concerned about how the analysis would address the views of differing communities. **We believe that a transparent and fair**

³ HM Treasury guidance on appraisal and evaluation in central government:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220541/green_book_complete.pdf

options analysis is the best way to ensure these views are appropriately considered.

- 2.58 We acknowledge the comments about the options appraisal not setting thresholds or targets for noise. This is a strategic issue which raises broader questions on the role of limits or targets and is not something we would expect individual airspace decisions to consider in isolation. **We believe that further work should be undertaken and that the Aviation Strategy is best placed** to consider how the government can support the sustainable growth of aviation. The recent call for evidence publication asked for views on how such targets could work in practice and we expect to undertake further consultation on this area in 2018.

Question 2b Please provide your views on the proposal for assessing the impacts of noise, including on health and quality of life. Please provide any comments on the proposed metrics and process, including details provided in the Draft Air Navigation Guidance.

- 2.59 It is important for noise assessment to clearly relate to the real-life impacts of noise exposure and to be based on best available evidence. We proposed that our policy should mean that the number of people experiencing adverse effects as a result of aviation noise should be limited and, where possible, reduced. Adverse effects are considered to be those related to health and quality of life. These adverse effects should be assessed using a risk-based approach above the lowest-observed-adverse-effect level (LOAEL), using the DfT's transport appraisal guidance WebTAG.
- 2.60 Question 2b received 560 responses. **The vast majority supported the proposal with notable support for the principle of limiting or where possible reducing the number of people significantly affected by aviation noise.**
- 2.61 **There was overwhelming support to assess the frequency of noise events in addition to existing metrics.** Others pointed out that for all metrics the true extent of concentration during certain periods may not be captured (including frequency-based measures averaged out of the course of a 16 hour day or over days when areas are not overflown). 'Limit' and 'significant' were challenged, as they are undefined in the consultation document and do not set parameters that determine if the policy has been met. In particular, as mentioned in responses to 2a, some criticised the fact that the proposals did not include any overall noise targets, either in terms of number of people affected or noise levels.
- 2.62 **Using a LOAEL (Lowest Observed Adverse Effect Level) was broadly supported in principle as part of the broader risk-based approach to noise assessment. The specific daytime and night-time values proposed for the LOAEL: 51dB LAeq 16hr and 45dB Lnight also received broad support.** Some welcomed that these values are consistent with WHO guidance, while others felt they did not align completely.
- 2.63 **The use of WebTAG was supported and many emphasised that health, wellbeing and quality of life needed to be assessed against the impacts of aircraft noise.** Some however challenged WebTAG's ability to suitably assess health impacts and suggested it wasn't effective for use in aviation.
- 2.64 **Some supported the definition of 'overflight' (CAA definition based on whether an individual will perceive an aircraft as overflying them),** but whilst welcoming the principle, some questioned elements of the definition.
- 2.65 Many felt the proposals didn't go far enough to recognise the impacts that noise could have in certain circumstances and that more needed to be done to take

account of Areas of Outstanding Natural Beauty (AONB), Tranquil Areas, heritage assets, background noise and the difference between rural and urban areas.

- 2.66 Some felt they were being impacted by aircraft noise, but noted that they did not fall within the LOAEL or that using an average to measure noise does not capture noise increases where an airspace change has occurred. Others felt average noise levels didn't accurately reflect the frequency of noise events, respite periods, or their full significance in terms of health and quality of life impacts and called for more research.
- 2.67 There was also requests for WebTAG to be explained further to improve understanding of how it is used, whilst some suggested that WebTAG is further developed and consulted on, and that the new metrics should be consulted on before being implemented. It was also suggested ICCAN could help to research metrics and establish best practice.

Government Response

- 2.68 **We welcome the support for the proposals and we will proceed with these proposals** as we believe they are the correct ones for ensuring that evidence-based and transparent decisions are made regarding aircraft noise.
- 2.69 The government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development. Consistent with the Noise Policy Statement for England, our objectives in implementing this policy are to:
- limit and, where possible, reduce the number of people in the UK significantly affected by the adverse impacts from aircraft noise;
 - ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions; and
 - minimise local air quality emissions and in particular ensure that the UK complies with its international obligations on air quality⁴.
- 2.70 **The government acknowledges the evidence from recent research⁵ which shows that sensitivity to aircraft noise has increased**, with the same percentage of people reporting to be highly annoyed at a level of 54 dB LAeq 16hr as occurred at 57 dB LAeq 16 hr in the past. The research also showed that some adverse effects of annoyance can be seen to occur down to 51dB LAeq.
- 2.71 Taking account of this and other evidence on the link between exposure to noise from all sources and chronic health outcomes, **we will adopt the risk based approach proposed in our consultation so that airspace decisions are made in line with the latest evidence and consistent with current guidance from the World Health Organisation.**
- 2.72 So that the potential adverse effects of an airspace change can be properly assessed, for the purpose of informing decisions on airspace design and use, **we will set a LOAEL at 51 dB LAeq 16 hr for daytime, and based on feedback and further discussion with CAA we are making one minor change to the LOAEL night metric to be 45dB LAeq 8hr rather than Lnight to be consistent with the daytime metric.** These metrics will ensure that the total adverse effects on people can be assessed and airspace options compared. They will also ensure airspace

⁴ Air Navigation Guidance 2017, DfT, Section 1.2.

⁵ Survey of Noise Attitudes 2014 <http://www.caa.co.uk/cap1506>

decisions are consistent with the objectives of the overall policy to avoid significant adverse impacts and minimise adverse impacts.

- 2.73 There is not at present any available hard evidence to link outcomes on health and quality of life with frequency-based noise metrics however **we will ensure that any new evidence in this area is incorporated into the appropriate assessment methodologies. This is an area of study which may be appropriate for ICCAN to undertake further work.**
- 2.74 **Frequency of noise is important and supplementing this risk-based approach with the frequency-based noise metrics will ensure that aircraft noise and its impacts can be accurately factored into decisions.** It will also ensure communities understand how they will be affected by any changes and will enable interested parties to engage in an informed manner.
- 2.75 While it is not possible to quantify all of the noise impacts from aviation experienced in either rural and urban areas, it is important that local circumstances such as these, or noise from other sources, including aircraft from other airports, are taken into account when decisions are being made. Sponsors should demonstrate how they have taken account of local circumstances that may affect how noise is experienced, and the CAA will verify that this has been done in accordance with the government's overall policy on aviation noise.
- 2.76 The definition of overflight is still a working definition and at this stage we expect the CAA to refine it for use in the airspace change process. We believe that metrics should offer flexibility in order to consider both local circumstances and sponsors' views. We also believe these metrics should inform decisions and the CAA will ensure consideration of them in their new airspace change process.
- 2.77 Regarding specific noise targets on an airport or industry-wide basis, as mentioned in paragraph 2.58 the government asked for views on how such targets might work as part of the recent Aviation Strategy Call for Evidence and we will consider this further as part of the process to develop the Strategy. This will allow consideration of how the overall policy can be assessed at a national level.

Question 3a Please provide your views on the Independent Commission on Civil Aviation Noise (ICCAN's) proposed functions.

- 2.78 The government proposed establishing an Independent Commission on Civil Aviation Noise to provide advice on how best to manage noise in upcoming airspace and infrastructure changes. We see this as an important step to promoting effective local engagement in these processes and to help rebuild the trust lost in industry by communities.
- 2.79 Question 3a received 523 responses. **There was overwhelming support for the creation of the Commission.**
- 2.80 The majority welcomed ICCAN's advisory role and believed ICCAN should be an expert on noise management best practice, to help improve consistency and performance across the industry. The research function was also supported with suggestions of additional funding to implement this. Some saw the potential for ICCAN to provide an independent and expert voice on aviation noise and to promote engagement between communities and the aviation industry. However some had concerns ICCAN could add a bureaucratic layer or be a barrier to change.
- 2.81 Along with this overall support for the creation of ICCAN, there were strong calls for ICCAN to be a statutory body and have enforcement powers. Many respondents were concerned that without powers ICCAN would be unable to make a real

difference and felt that the Airports Commission's recommendations had been diluted. Conversely others felt that if ICCAN acted as an enforcement body, its independence would be compromised.

Government Response

- 2.82 **We continue to believe it is important for the benefit of communities that ICCAN adds value to the management of civil aviation noise in the short and medium term, given the numerous airspace changes planned for coming years including those related to the proposed Heathrow expansion.**
- 2.83 For this reason **we intend to set up ICCAN as quickly as possible, by spring 2018.** On this timetable it would not be possible to introduce the legislation required for it to have enforcement powers or an ombudsman or other statutory role. It will be able to start work immediately in assessing, developing and promoting best practice in noise management and information provision, as well as advising the SofS on policy and the exercise of the SofS's noise functions such as airspace change decisions.
- 2.84 We have noted the concerns regarding the independence of the body alongside the requests for more regulatory powers. There are existing enforcement measures available to government, the CAA and airports, and **a review of existing mechanisms for enforcement and complaint resolution will be a priority for ICCAN upon setup.**
- 2.85 **We will undertake a full review of ICCAN's functions within two years of its establishment. At this point it may be more likely that a legislative slot could be secured to provide it with statutory powers. Possible future powers could include a role as a statutory consultee in the airspace change process or the power to fine for noise breaches.**
- 2.86 It should be noted that the government continues to believe that to apply appropriate noise enforcement measures, ICCAN would need understanding of the full circumstances with expertise in safety and air navigation matters. This would replicate work of the CAA and significantly increase costs. It could also conflict ICCAN's work on best practice. However we look forward to ICCAN's advice on the subject.
- 2.87 We recognise that there is a lack of public confidence in the current compliance and enforcement regime around noise, as shown by the number of responses to our consultation on this theme. For this reason we will also review this separately as part of the work to develop a new Aviation Strategy. This will consider how we can make better use of existing powers which Government, the CAA or airports have.

Question 3b Please provide your views on the analysis and options for the structure and governance of ICCAN and the lead option that the government has set out to ensure ICCAN's credibility.

- 2.88 The government's lead option was to establish ICCAN as an independent body within the CAA, and that this body was publically funded. The government also proposed that the ICCAN Board is responsible for developing and delivering against a work programme in line with terms of reference set by government and is accountable to government, with a sunset review after five years.
- 2.89 Question 3b received 510 responses. **The majority of respondents welcomed that ICCAN was a public body and publically funded and saw this as ensuring the impartiality and independence of ICCAN.**

- 2.90 Many felt the independence of ICCAN was a key issue with significant concern across a broad range of responses that ICCAN's credibility as an independent body would be compromised if it was established within the CAA. Some emphasised that the Commission needed to be independent from both communities and the aviation industry and they saw it as an intermediary, that should assess the differing views, to support decision making. It was felt by some that ICCAN and its meetings should be fully accessible to the public to ensure transparency.
- 2.91 Some requested that the terms of reference be subject to a public consultation. It was felt that the Head Commissioner will be a crucial appointment who should be visibly independent for the benefit of all interested parties. Many felt that the Board should have wide-ranging experience including those with expertise in the aviation sector, as well as health, community engagement and environment. Many felt MPs, councillors and local communities should be included on the Board to ensure that ICCAN consider the viewpoints of all sides. It was also suggested that the protected areas (e.g. AONB) and DEFRA should be represented through attendance of a senior official.
- 2.92 A number felt that the proposed review of ICCAN after five years was a plan to close it down before it had started functioning, while others felt that since airspace change was a lengthy process, a review within five years was too soon to assess ICCAN's effectiveness.

Government Response

- 2.93 We welcome the considerable support for this proposal which will establish a credible and authoritative voice on aviation noise issues. We have listened to the concerns respondents held with regard to the lead option proposed and in order **to address the concerns over independence and perception of independence, we will no longer implement our original proposal to establish ICCAN as an independent body within the CAA. Instead, we will set up ICCAN as an advisory non-departmental public body.**
- 2.94 Government recognises that independence, credibility and accountability will be crucial to the success of ICCAN. We agree with the key message from the responses, that there should be sufficient expertise and experience and representation from both community and industry perspectives. **The Terms of Reference will contain the detailed functions and structure of ICCAN, including the engagement mechanisms to ensure it has a balanced view and is not representative of one viewpoint over another.** ICCAN's Terms of Reference will be published to support the transparency of the body. It will be for ICCAN itself to establish its ways of working and how it wishes to engage with the public, but in order to deliver on the success criteria set out above we would expect it to take a transparent and open approach.
- 2.95 We have noted the comments on the proposed five year review. In accordance with Cabinet Office guidelines for a new body, **ICCAN will be subject to a tailored review within 18-24 months** and subsequently once within the lifetime of a parliament. Through these reviews, we would in particular assess if the functions are still appropriate, and whether the model of ICCAN continues to be in line with good corporate governance.
- 2.96 As mentioned above, at this point it may be more likely that a legislative slot could be secured to transfer statutory powers. Possible future powers could include a role as a statutory consultee in the airspace change process or the power to fine for noise

breaches. We would also evidence any recommendations for further functions, including the need for a statutory role.

Question 4a Please provide your views on: the proposal that the competent authority to assure application of the balanced approach should be as set out in Chapter 7 on Ongoing Noise Management.

2.97 The UK is required to appoint a competent authority to ensure that the rules set out in Regulation (EU) 598/2014⁶ are followed when the introduction of operating restrictions is being considered at major airports. The competent authority would be required to ensure that the balanced approach is applied, and noise problems are addressed in the most cost effective way. Operating restrictions are one of the four measures to address noise identified under ICAO's Balanced Approach. Given that operating restrictions are usually considered as part of the planning process, we proposed that the most appropriate choice for competent authority should be the body deciding on the planning application or appeal or application for development consent.

- Operating restrictions associated with strategically significant decisions: The SofS would be appointed competent authority for all operating restrictions determined through the planning process in the case of Nationally Significant Infrastructure Projects (NSIPs), as well as any planning applications that are called in or planning appeals that are recovered by the Secretary of State.
- All other planning-related operating restrictions: The local planning authority deciding a planning application would be appointed competent authority.
- The CAA should be appointed competent authority for determining the adoption of any restrictions made outside of the planning process, unless any restrictions are imposed by the SofS using powers under section 78 of the Civil Aviation Act 1982 where the SofS would remain the competent authority.

2.98 Question 4a received 366 responses. **The majority were supportive of the proposal that operating restrictions should be aligned and considered as a part of the planning process when a development takes place, or by the CAA when operations restrictions are being considered outside the planning process.**

2.99 **Nearly all welcomed the proposal to give the SofS a role in making decisions relating to operating restrictions associated with strategically significant decisions**, including applications for NSIPs and planning applications that are called in or planning appeals that are recovered. However, some questioned the SofS's ability to be the competent authority due to insufficient technical knowledge and were concerned about political influence.

2.100 **Many respondents agreed with the principle of decisions being made locally where the decision was not strategically significant and supported the role for local authorities.** Others felt that it was not appropriate for local authorities to be involved in both planning decisions and noise management. In addition, others felt that this approach wouldn't allow local authorities the power to intervene outside of the planning process in response to noise problems.

⁶ On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

- 2.101 Some respondents questioned the impartiality of local authorities performing this role, due to political pressures or possible conflicts of interest arising from local authorities which have a financial stake in an airport.
- 2.102 Some felt that the proposal was too complicated as it resulted in multiple parties potentially having the role of competent authority and could create confusion about who was responsible for noise management. A large number suggested that local authorities did not currently have the expertise or resource to perform this role. A common suggestion was that there should be a joint decision by all local authorities affected by noise. Also proposed was additional funding for training and guidance to build the expertise of local authorities to review and assess applications and apply the balanced approach.
- 2.103 There were mixed views on the proposal that the CAA should be the competent authority when considering noise-related operating restrictions outside of the planning system. Many questioned the CAA's ability to be impartial and regarded the SofS as the most appropriate person to make these decisions outside the planning process. It was suggested ICCAN had a role in considering the appropriateness of noise actions plans and advising government, and this was seen as a way of ensuring there was appropriate consideration of operating restrictions outside of the planning system.

Government Response

- 2.104 **The government believes that it makes sense to align the role of competent authority with the body making decisions under the planning system. This reflects the reality that such restrictions are most often considered as planning conditions or requirements to mitigate the impact of airport development proposals.**
- 2.105 **The SofS should be the competent authority for all planning and development consent applications determined by the SofS which, if approved, would impose operating restrictions. This would relate to any relevant applications for development consent, in the case of NSIPs, as well as any planning applications called-in and planning appeals recovered by the SofS. For all other planning-related operating restrictions, the local planning authority deciding on a planning application lodged by or on behalf of a relevant airport should be appointed competent authority.** Government's aim is to ensure that any noise management strategies and necessary mitigation are developed and decided upon locally wherever possible, and that government's involvement is focussed where there are strategic decisions to be made. The government believes that the most effective way for appropriate operating restrictions to be considered is to align decisions with the land use planning process when airport development is proposed.
- 2.106 This means that the local planning authority, having regard to their statutory duties⁷, would, as necessary, balance any material considerations including the National Planning Policy Framework⁸, whilst ensuring communities and other stakeholders are properly consulted on noise measures in accordance with the Regulation, before making any planning decisions.
- 2.107 We note the concerns about the local planning authority's ability to make decisions where the local authority has a commercial interest in the airport. In such situations, local planning authorities should put appropriate arrangements in place to ensure that there is no pre-determination of an application and no real possibility of bias in its

⁷ s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf

determination. We also note that there are examples of where local authorities have managed a potential conflict of interest when such issues have arisen. For instance, in 2013 Luton Borough Council, which owns Luton Airport through a subsidiary company, placed night flight operating restrictions on the airport when granting planning permission for terminal improvements and a passenger cap increase. Therefore, we are confident that local planning authorities are able to apply the balanced approach in such situations.

- 2.108 **Separately, we note the concerns about local planning authority's ability to make decisions where the impacts of those decisions extend to neighbouring boroughs. It is important to recognise that existing planning policy and guidance such as the National Planning Policy Framework, already sets out policy and guidance in relation to local planning authorities considering the economic, social, and environmental impacts, including noise impacts, of a proposal when determining planning applications.** It is also important to recognise that there are detailed statutory consultation requirements on local planning authorities in relation to planning applications. Where impacts could arise outside their boundaries, local planning authorities may wish should ensure the neighbouring boroughs are also provided with the opportunity to feed into the consultation process. This cooperation already happens in practice, such as the Memorandum of Understanding in place between authorities around Gatwick. The applicant may also want to consider whether any non-statutory pre-application consultation should be carried out.
- 2.109 We have assessed the potential burden of this policy on local planning authorities, both in terms of financial cost and resources. Although we accept having the relevant expertise to make a considered planning decisions does have a cost, we believe the obligation to have this expertise already exists due to current planning laws, policy and guidance, and that therefore, this policy itself will not bring about an additional burden or responsibility on local authorities. Whilst we accept there will be some familiarisation costs, we believe these will be minimal.
- 2.110 Planning applications are essentially commercial decisions for the airport, and so we would not expect local planning authorities to see an increase in applications. We accept that local authorities may incur additional costs to in order to fulfil their obligation under Regulation 598/2014 to monitor the effectiveness of any operating restrictions imposed, and our guidance will provide guidance to local planning authorities on such matters.
- 2.111 We welcome the support for the SofS to make decisions on operating restrictions when they are also the planning decision maker, for instance for NSIPs. The SofS would also be the competent authority for any future operating restrictions including for example night flight restrictions set at the designated airports (Heathrow, Gatwick, and Stansted) using powers in the Civil Aviation Act, but we confirm our objective that such restrictions should in future be considered through the planning process or otherwise agreed locally where possible.
- 2.112 **The government has listened to respondents' concerns about the appointment of the CAA to the role of competent authority for approving any restrictions made outside of the planning process and will therefore not take forward this proposal. Instead the SofS will also act as the competent authority for any such restrictions.** This will address two concerns raised by respondents. Firstly, it will avoid overcomplicating the system by reducing the number of parties who have a role in approving operating restrictions related to noise. Secondly,

ICCAN could also play a role in the process by giving advice directly to the SofS, which he or she will take into account when approving proposed restrictions.

- 2.113 Furthermore, to ensure noise management outside of the planning process takes place effectively, ICCAN could have a role of working with Defra in producing guidance on airports' noise action plans, including the circumstances when operating restrictions might be considered.

Question 4b Please provide your views on the proposal that responsibility for noise controls (other than noise-related operating restrictions) at the designated airports should be as set out in Chapter 7 on Ongoing Noise Management.

- 2.114 To manage noise in a way that best reflects the issues faced by their local communities, we proposed to allow the designated airports (Heathrow, Gatwick and Stansted) - rather than the government - to set noise controls and operating procedures (other than operating restrictions) such as departure noise limits, continuous descent approaches and noise-preferential routes (NPRs).
- 2.115 Question 4b received 348 responses. **The majority of responses disagreed that the government should transfer responsibility for these controls to the designated airports. Many instead suggested the solution was for government to become better at setting the right controls.**
- 2.116 Many highlighted that there was no incentive for airports to implement controls that would disadvantage its primary customers (airlines) and that it was therefore important for government to maintain its role. Others felt local authorities should be able to impose controls, both inside and outside the planning process, or that a body such as ICCAN, the CAA, or airport consultative committees, should have an approval role for any proposed changes.
- 2.117 A number felt that the important thing was that controls were actually enforced, and that the penalties for breaching them should be greater than any benefit derived from not complying with them.
- 2.118 Some respondents expressed support for the proposals on the basis that airports are best placed to liaise with their local communities on noise management and to understand local priorities.

Government Response

- 2.119 **We have considered the responses and we accept that it is not only important for communities that the right controls are in place, but that they can trust that these controls will be enforced. We will not proceed with the proposal to transfer responsibility for NPRs and non-operating restriction noise controls, to the designated airports.**
- 2.120 **Instead, on the basis that operational changes are best developed locally, we will make designated airports responsible for sponsoring these changes but these will still require SofS approval.** We expect the designated airports to take responsibility for developing options for potential improvements to controls by working with communities to identify and sponsor proposals for the government to consider for approval by the SofS.
- 2.121 Providing that the designated airports can demonstrate that their proposals have been developed through consultation and have the support of local communities, we would look favourably on these so as not to prevent these changes from being introduced.

2.122 We will review at a later date whether it remains appropriate for the government to retain the approval role indefinitely. The Department has also published an associated Impact Assessment which provides high level estimates of the potential costs and benefits to industry and communities. It demonstrates that even under conservative assumptions, the expected costs to industry are well below £1 million per year.

Question 4c Please provide your views on the proposal that designated airports should publish details of aircraft tracks and performance. Please include any comments on the kind of information to be published and any evidence on the costs or benefits.

2.123 We proposed that the designated airports should publish data on their departure routes and track keeping performance. The aim was to provide greater transparency to communities about where aircraft are actually flying and how often, and make it easier to see changes over time. Government also proposed that the information provided should be determined by the airport and in consultation with their local communities.

2.124 Question 4c received 296 responses. **The proposal that designated airports should publish details of aircraft tracks and performance received overwhelming support.**

2.125 **Many supported the publication of track keeping and noise performance as a way to improve transparency and build trust between communities and the aviation industry, as well as encourage airline compliance.** They saw this as a useful tool to help communities understand why there has been a change in impacts and felt it would help to inform the analysis of route options.

2.126 Some acknowledged that publishing data required additional resource but felt that building trust and understanding changes was more important. Some also highlighted that having a standard requirement would enable comparisons and identify trends that informed local circumstances.

2.127 Others were concerned that the data may lead to impacts on property values or make the situation appear worse than the reality.

2.128 There were some suggestions about the type of information that should be published, and queries on whether it would be made mandatory or independently audited. Some also mentioned the efforts made already by a number of airports to provide suitable information to their communities.

Government Response

2.129 **We welcome the strong support for the proposed new information and transparency requirements on aircraft flightpaths and we will therefore proceed with this proposal.**

2.130 **As set out in our consultation, we expect that airports should work with their local communities to determine the precise information published, how often, the format, and how the information will be used.** In section 5 of the revised air navigation guidance, we have set out the information we anticipate airports could provide to their communities. In view of some of the concerns that were raised about our original proposal, we will offer more flexibility on the range of information that should be published by allowing airports, working with their local community, to determine the precise data which is published. The associated Impact Assessment published alongside this document suggests the resource burden on industry would

be very low, as many of the required systems are already in place at designated airports.

- 2.131 **We also consider that ICCAN should have a role in the monitoring and quality assurance of airport noise measurements and reporting, as well as how such measures are enforced.**

Question 4d Please provide your views on whether industry is sufficiently incentivised to adopt current best practice in noise management, taking into account Chapter 7 on Ongoing Noise Management, and the role of the Independent Commission on Civil Aviation Noise in driving up standards in noise management across the aviation sector.

- 2.132 Question 4d received 323 responses. **Responses were mixed, with an even split between those considering that industry is sufficiently incentivised to adopt best practice in noise management, and those who didn't.**
- 2.133 Of the respondents who considered that industry is sufficiently incentivised, some pointed to examples of good practice and noted that much of this was already implemented voluntarily.
- 2.134 Respondents who did not believe sufficient incentives are in place believe that there is a conflict of interest between the commercial interests of airports and the incentives to reduce noise or environmental impacts.
- 2.135 Other respondents also provided views on ways to improve industry's incentives. Some saw increased fines or noise charges as essential. Others asked for greater use of sanctions for non-compliance. Suggested measures included airlines being made to stop operating temporarily or permanently, or airports having their flight allowance reduced if they do not reduce noise levels.
- 2.136 **Most supported ICCAN acting as a force for change, providing oversight and guidance and building trust**, however there were concerns over its independence and lack of powers.

Government Response

- 2.137 **We acknowledge that there are differing views on this issue. The government maintains its position that the ICAO's balanced approach should be the guiding principle for noise management.**
- 2.138 **We welcome the positive views on ICCAN's potential role in this area. ICCAN's ability to carry out research and publish best practice guidance on noise management, as well as giving advice to the SofS, will ensure that industry has further incentives to improve its performance.**
- 2.139 Information is a key tool to incentivise better performance and we encourage airports to publish comparative performance information. ICCAN will also have a role in advising on best practice on information provision, and could provide advice on areas where it may be beneficial for the CAA to use its information powers to improve transparency and drive improvements.
- 2.140 We will give this issue further consideration through the Aviation Strategy. In particular, we will look at the use of tools such as noise charges at airports and mechanisms which ensure aircraft are flown in compliance with procedures to manage noise. A review of existing enforcement mechanisms for enforcement and complaint resolution will also be a priority for ICCAN.

Question 5 Please provide any comments on the Draft Air Navigation Guidance published alongside this consultation.

2.141 Question 5 received 232 responses. **Many supported the draft Guidance as a useful and clear document that supported decision-making.**

2.142 Many respondents raised concerns with the Altitude Based Priorities (ABPs). In particular many believed that noise should be prioritised up to 7,000ft and that ABPs needed to be re-assessed as they felt aircraft noise can impact above 4,000ft. It is widely believed that airlines interpret the ABPs for their own benefit to conserve fuel and reduce engine wear.

2.143 Many responses raised issues already covered in Questions 1-4 and so these have been included in the government responses to these questions.

Government Response

2.144 We have noted the numerous responses raising concerns with the ABPs, particularly on the priority between 4000ft and 7000ft. We have therefore updated the guidance to make it clearer that, in this volume of airspace, noise is the environmental priority, although the CAA takes into account CO2 emissions if it considers that these would be disproportionately increased. The potential impacts of these changes have been assessed through a full Regulatory Impact Assessment, published alongside this document.

2.145 All the changes mentioned in the government's response above are reflected in the revised air navigation guidance, which has been published alongside this document.

Annex A List of events

Monday 13 February	Southall
Tuesday 14 February	Uxbridge
Wednesday 15 February	Kingston
Thursday 16 February	Bracknell
Friday 17 February	Wimbledon
Saturday 18 February	Ealing
Monday 20 February	Staines
Thursday 23 February	Twickenham
Friday 24 February	Putney
Monday 27 February	Hounslow
Tuesday 28 February	Stanwell Moor
Wednesday 01 March	Kensington
Friday 03 March	Windsor
Saturday 04 March	West Drayton
Monday 06 March	Hammersmith
Tuesday 07 March	Maidenhead
Friday 10 March	Richmond
Saturday 11 March	Gerrards Cross
Monday 13 March	Slough
Wednesday 15 March	Isleworth
Monday 20th March	Manchester
Wednesday 22nd March	Birmingham
Friday 24th March	Leeds
Monday 27th March	Newcastle
Wednesday 29th March	Edinburgh
Friday 31st March	Glasgow
Monday 3rd April	Belfast
Wednesday 5th April	Liverpool
Friday 7th April	Cardiff
Wednesday 12th April	Reading
Tuesday 18th April	Brighton
Thursday 20th April	London

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