

# Response to Department for Transport Consultation on UK Airspace Policy

Stop Stansted Expansion ('SSE') was established in 2002 in response to Government proposals for major expansion at Stansted Airport. We have some 7,500 members and registered online supporters including 150 parish and town councils and local residents' groups and national and local environmental organisations. Our objective is to contain the development of Stansted Airport within tight limits that are truly sustainable and, in this way, to protect the quality of life of residents over wide areas of Cambridgeshire, Essex, Hertfordshire and Suffolk, to preserve our heritage and to protect the natural environment.

Stop Stansted Expansion

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[www.stopstanstedexpansion.com](http://www.stopstanstedexpansion.com)



## **Introduction**

This document is the response from Stop Stansted Expansion ('SSE') to the Department for Transport's ('DfT') consultation on UK Airspace Policy. SSE welcomes initiatives to improve the operation of UK airspace which increase the efficiency for users and at the same time reduce the environmental harms and adverse health impacts for people living around airports and under flight paths.

The DfT has stated that its '*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 between industry and communities in support of sustainable development*'.<sup>1</sup> SSE believes that this policy is weaker environmental protection than intended by the Environmental Noise Directive ('END') which has the clearly stated objective: '*...to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise*'.<sup>2</sup>

SSE wishes to see this overall policy tightened '*to ensure that the harmful effects of aircraft noise disturbance are prevented, avoided or reduced*'. There is growing evidence of the social cost associated with the adverse impacts of aircraft noise, particularly at night. Adverse health effects from noise are well established, particularly poor performance at work from interrupted sleep and impaired cognitive development in primary school children who live near airports. This has a further detrimental impact on the economic value of aviation to the nation.

SSE believes that it is the number of flights related to the local background noise levels which is the most determining factor of environmental noise harms. Additionally with the progressive introduction of Performance Based Navigation ('PBN'), concentration of routes will bring another factor into play.

With the present state of aircraft technology, there is in most flight operations, a trade-off between reducing noise and reducing greenhouse gas emissions and nitrogen oxides, all of which are harmful to human health. SSE believes that high priority should be attached to overcoming this dilemma, but in the meantime, while this unenviable trade-off between two health hazards exists, we believe that close to airports and along flight paths up to 7,000 feet, preference should be given to reducing noise, particularly on take-off.

We do not consider that the contents of this submission are confidential and we have no objection to its publication.

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## **Response to the Consultation Questions**

***Q.1a: Please provide your views on the proposed call-in function for the Secretary of State 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.***

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<sup>1</sup> UK Airspace Policy Consultation, January 2017, Executive Summary, para 13.

<sup>2</sup> Directive 2002/49/EC, June 2002, Article 1, Objectives.

**A.1a:** SSE supports the proposed call-in function for the Secretary of State in Tier 1 airspace changes. However SSE does not agree that *'the criteria to trigger this is set at a level which means that it would be only for airspace changes deemed to be of national importance'*.<sup>3</sup> Tier 1 changes affect the permanent structure of UK airspace and can have a profound effect upon local communities. The proposed call-in criteria of a noise level of at least 54dB LAeq.16hr is too restrictive since it does not take into account background noise levels (see Answer 2b) and where new flight paths are proposed over areas not previously overflown, particularly those closest to PBN flight paths with increased concentration of aircraft. Additionally long term stability of routes is a material consideration for local authority planning and the call-in function of the Secretary of State in Tier 1 airspace changes is a necessary democratic safeguard. This is particularly necessary since, as matters stand, there is no appeal process in the Civil Aviation Authority's ('CAA') draft Airspace Design Guidance CAP 1520 and so there is no avenue for local communities to seek legal recourse other than the extremely expensive route of Judicial Review.

SSE's view is that a premium should be placed on maintaining the status quo with regard to flight paths, so as to provide long term stability. Similarly, there should be a presumption against introducing aircraft noise into areas previously unaffected.

SSE wishes to see the call-in function being applicable to all Tier 1 airspace changes and the call-in criteria to include background noise considerations and frequency of flights.

***Q.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, including the Draft Air Navigation Guidance and any evidence on costs and benefits.***

**A.1b:** SSE agrees with this proposal, subject to the inclusion of an appeal process in the CAA's change process.

***Q.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.***

**A.1c:** SSE agrees with this proposal, subject to the inclusion of an appeal process in the CAA's change process.

***Q.1d: Please tell us your views on the airspace change compensation proposals.***

**A.1d:** SSE agrees that the compensation proposals are an improvement for people living very close to an airport and therefore do not in practice apply to many airspace changes. SSE welcomes the addition of compensation for people further from the airport under flight paths but reserves our position until we have seen details of how this scheme would work. In the case of Stansted, this is a rural area with low background noise levels and it will be important to set adequate criteria and levels on which to base a compensation scheme. Criteria must include frequency of flights, degrees of concentration and background noise levels. Additionally

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<sup>3</sup> UK Airspace Policy Consultation, A framework for balanced decisions on the design and use of airspace, February 2017, para 4.22.

compensation must now be made compulsory, not voluntary, and paid either by the airspace change sponsor or the airport concerned.

***Q.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.***

***A.2a:*** SSE supports the proposal to require options analysis in airspace changes processes. This should set out the reasons for different solutions including reasons for discarded solutions. The options should be tailored to the particular location taking into account the frequency of aircraft movements.

***Q.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.***

***A.2b:*** SSE welcomes the Government's acknowledgement that the noise exposure metric of 57dB LAeq.16hr as marking the approximate onset of significant community annoyance is now inadequate as a sole measure of noise nuisance and adverse health impacts. SSE also notes that, in assessing adverse effects of aviation noise it is the DfT's *intention 'to provide further guidance on our aviation noise policy in order to be clear about how it should inform decisions on airspace design and use.'*<sup>4</sup> SSE looks forward to receiving this information and is willing to participate in its formulation.

While the proposed introduction of 51dB LAeq.16hr as the Lowest Observed Adverse Effect Level ('LOAEL') for daytime noise and 45 dB Lnight as the LOAEL for night noise is welcomed, these metrics will not adequately assess the adverse effects of aviation noise. A fundamental shortcoming of LAeq averaging measurements is that they are very insensitive to the number of aircraft noise events. A doubling of like-for-like aircraft movements increases the LAeq by only 3dB. Barely perceptibly less noisy aircraft would effectively permit many more aircraft movements for the same average sound pressure level LAeq. SSE believes that assessing the frequency of aircraft movements is an important factor. Metrics for overflights such as N65 and N60 'number above' metrics must also be used.

A further shortcoming of the current method of measuring aircraft noise is the absence of the use of background (or ambient) noise levels as a component in assessing noise harm. SSE believes that it is not so much the absolute aircraft noise impact that matters, but its relative impact, compared to the ambient noise level. Thus, if you live and work next to a busy road or an otherwise noisy environment you will, in all likelihood, be less disturbed by aircraft noise than if you live and work in a tranquil rural and otherwise peaceful environment. Clearly this is an extremely important issue in the case of airports located in a rural setting, and it must be given due consideration.

Stansted is a prime example of an airport situated in rural surroundings characterised by low ambient noise. This was recognised by the previous Secretary of State for Transport when he said '*... that the value of the LAeq indicator does not necessarily reflect all aspects of the*

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<sup>4</sup> UK Airspace Policy Consultation, A framework for balanced decisions on the design and use of airspace, February 2017, para 5.47.

*perception of aircraft noise. This may be especially true for rural airports such as Stansted where the ambient or background noise levels are relatively low. We would encourage the Manchester Airport Group, the operator of Stansted airport working alongside the Airport Consultative Committee to consider alternative methods which better reflect the airport's position'.<sup>5</sup>*

A recent research study carried out by the Dutch research agency To70 concluded:

*'The percentage of annoyed residents is likely to be higher in areas with low ambient noise than in high ambient noise areas. It can be misleading to compare noise annoyance between different airports, when these local differences are not taken into account. Hence, the local difference between ambient noise levels should always be taken into account when calculating the annoyance'.<sup>6</sup>*

SSE wishes to see L90 background noise measurements as well as N65 and N60 'number above' metrics included in the assessment of the adverse noise effects of aviation noise.

SSE also takes this opportunity to remind the DfT of its longstanding commitment to achieving compliance with the WHO *Guidelines for Community Noise*:

*'The [WHO] guideline values are very low. It would be very difficult, if not impossible, to achieve them in the short to medium term without draconian measures – but that is not what the WHO proposed. The recommendation was that the Guidelines for Community Noise should be adopted as long term targets for improving human health. This is also consistent with the advice above. The UK Government is committed to take account of this. In respect of aircraft noise at night, the 30 year time horizon of the White Paper, provides a suitable time parameter for 'longer term'.<sup>7</sup>*

In other words, the commitment – originally given in 2004 – was to achieve compliance with the WHO *Guidelines for Community Noise* by 2030, so we are now at the half-way point.

SSE believes that it is now incumbent upon the DfT to publish clear targets and milestones for monitoring progress towards achieving full compliance with the WHO *Guidelines* by 2030.

In assessing the adverse effects of aviation noise on health and wellbeing, the DfT should include sleep loss, fatigue and enhancing the risk of accidents from loss of concentration particularly during complex tasks. Consideration also needs to be given to the effect on cognitive performance in school children living near airports and more recently the accumulating evidence of damage to the cardiovascular system. Such effects have been published in internationally recognised peer reviewed journals and so a literature review will enable each of them to be studied in detail and given due weight.

Another important WHO publication is the *Charter on Transport, the Environment and Health* to which the UK Government became a signatory in June 1999. The *Charter* includes a commitment *'to ensure that the wellbeing of our communities is put first when preparing and*

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<sup>5</sup> Secretary of State for Transport letter of 10 December 2013 to Sir Alan Haselhurst MP.

<sup>6</sup> <http://www.gacc.org.uk/resources/Ambient%20Noise.pdf>.

<sup>7</sup> *'Night Flying Restrictions at Heathrow, Gatwick and Stansted: Stage 1 of Consultation on Restrictions to apply from 30 October 2005'*, DfT, July 2004, para 3.12.

*making decisions regarding transport and infrastructure policies*'.<sup>8</sup> The adverse health and wellbeing impacts of aviation were more specifically addressed in a paper by Banatvala J and Rao M in the BMJ in 2013.<sup>9</sup>

In framing its proposals for addressing the adverse health and well-being impacts of aviation the DfT should give the highest priority to the clear commitments entered into by the UK Government, as set down in the WHO Charter on *Transport, the Environment and Health*.

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

***A.3a:*** SSE welcomes the establishment of independent oversight of aviation's noise management around airports and under flight paths. For far too long airports have themselves been largely responsible for monitoring and reporting upon the environmental impacts of their own operations and in effect acting as policeman, judge and jury. Even in relation to the implementation of the Environmental Noise Directive, airports are given the power of competent authority and entrusted to produce their own noise action plans. This is not an acceptable or equitable situation. The establishment of an Independent Commission on Civil Aviation Noise ('ICCAN') is welcomed but, to be effective, this body needs to have clear and meaningful terms of reference.

The Airports Commission recommended that an Independent Aviation Noise Authority be set up with powers for intervention and enforcement. The DfT proposal for ICCAN only includes functions such as advising and monitoring. We believe this would be a missed opportunity to begin building trust between local communities and the aviation industry. Moreover, if the DfT were to water down this key recommendation of the independent Airports Commission, it would risk reinforcing the widely held view that the DfT attaches greater weight to the interests of the aviation industry than to the interests of local communities plagued by aircraft noise.

In the absence of powers for intervention and enforcement, ICCAN would become a toothless body; it would be merely an adviser. It is important that intervention and enforcement powers are included or enacted through a suitable vehicle. And it is disappointing that ICCAN is not proposed to have an Ombudsman role. It should be remembered that aircraft are inherently noisy machines and that aircraft noise is subject to an entirely different regulatory regime from other sources of noise pollution. While some rules exist (e.g. fines for non-compliance with NPR track keeping), there is no satisfactory recourse in UK law for protection against noisy aircraft. This needs to be rectified by inclusion in the ICCAN terms of reference.

SSE believes that ICCAN must not become solely a communications vehicle. While it is important that it is perceived to be fully transparent and raise the trust levels between the industry and the community, it must not lose sight of the need to reduce the adverse noise impacts of flying operations as one of its key objectives.

***Q.3b: Please provide your views on the analysis and options for the structure and governance of ICCAN given in Chapter 6, and the lead option that the Government has set out to ensure ICCAN's credibility.***

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<sup>8</sup> [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0006/88575/E69044.pdf?ua=1](http://www.euro.who.int/__data/assets/pdf_file/0006/88575/E69044.pdf?ua=1).

<sup>9</sup> BMJ 2013; 346:f593 - Article by Professor Banatvala J and Professor Rao M.

**A.3b:** In addition to the points made in Answer 3a above, SSE believes that it is important that the proposed Head Commissioner role is seen to be fully independent with aviation expertise being provided through the secretariat and expert panel. SSE also believes that it will be important to set up ICCAN quickly using public funds.

SSE supports DfT's lead option to establish ICCAN as an independent body within the CAA. SSE recognises that concerns exist within community groups about the independence of the CAA with respect to the aviation industry. SSE also recognises that considerable noise expertise and experience exists within the CAA and this is a valuable asset. It would therefore be very important for ICCAN to operate, and be seen to operate, independently from the CAA with ICCAN established as a separate legal entity.

**Q.4a:** *Please provide your views on the proposal that the competent authority to assure application of the balanced approach on to the adoption of operating restrictions at airports in England should be as set out in Chapter 7 on Ongoing Noise Management and further information at Annex F.*

**A.4a:** SSE is broadly in favour of the proposal of two different routes for decisions on operating restrictions. Stansted is a designated airport and SSE agrees that that it would be best to determine Government involvement according to the significance of the decision.

Outside of the planning process, the proposal for the airport to be the competent authority is viewed with extreme caution. Transferring the responsibility for noise controls to the airport does not provide sufficient safeguards for local communities. For example, our experience of the airport as the competent authority for noise action plans has not been satisfactory. As stated in Answer 3a above, an airport acting as policeman, judge and jury is not acceptable.

The concept of an airport effectively being self-regulatory for ensuring that aircraft noise reductions are achieved without external enforcement is not considered appropriate or equitable. If this proposal were to be taken forward, SSE would wish to see, as a minimum, the full involvement of ICCAN with intervention and enforcement powers (as outlined in Answers 3a and 3b above) working closely with the local community and the airport to drive improvements in noise reduction. The proposal to transfer ownership of NPRs is a contentious issue at Stansted since communities around the airport generally have trust in the Government's long held position that these routes would remain stable over a long period. If this proposal were to be taken forward, SSE would wish to see community involvement and safeguards similar to the airport having responsibility for noise controls as outlined above.

**Q.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.*

**A.4b:** See our Answer 4a above.

**Q.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.*

**A.4c:** SSE agrees with this proposal. Information on track keeping, noise complaints and numbers of fines should routinely be published. One of the useful published documents is the CAA's arrivals and departures maps showing aircraft radar tracks and heights.

**Q.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.*

**A.4d:** Noise management is not the same as noise reduction. SSE believes that the soft language is no incentive for the industry to reduce the adverse effects of aircraft noise.

The overarching policy principle of airspace use and modernisation is that '*the benefits of noise reduction brought about by new technology should be shared between industry and those affected by aircraft noise*'.<sup>10</sup>

In order to drive up standards across the aviation sector, SSE wishes to see:

- Firmer targets to reduce aviation noise and that growth in flight numbers should be conditional on the achievement of these targets.
- Firmer regulation of aviation noise by a body that has the duties and powers to mandate and enforce noise reductions
- Where aviation noise cannot be brought below acceptable thresholds people are fully compensated for its effects, in line with the widely accepted polluter pays principle.

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

**A.5:** SSE welcomes the updating of the Draft Air Navigation Guidance in line with the UK Airspace Policy and many of the SSE comments made above will equally apply to this document.

*Stop Stansted Expansion  
25 May 2017*

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<sup>10</sup> UK Airspace Policy Consultation, A framework for balanced decisions on the design and use of airspace, February 2017, para 3.14.