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Civil Aviation Authority
Head of Business Management
Directorate of Airspace Policy
CAA House
45-59 Kingsway
London WC2B 6TE

Dear Sirs

Consultation for Terminal Control North (TCN) Airspace Change Proposal

I am writing on behalf of Stop Stansted Expansion ('SSE') in relation to the NATS' Consultation for the TCN Airspace Change Proposal ('the Proposal').

SSE represents more than 7,000 members and supporters including 140 parish and town councils, residents' groups, national and local environmental groups and other organisations. A copy of our response to the Proposal is attached for your information and reference.

The purpose of this letter is to express our dissatisfaction with the NATS' consultation and, in line with the CAA's responsibilities for overseeing the process, to draw your attention to its shortcomings with particular reference to two documents:

- CAP725 CAA Guidance on the Application of the Airspace Change Process March 2007 CAA Directorate of Airspace Policy
- Guidance to the Civil Aviation Authority on Environmental Objectives relating to the exercise of its air navigation functions January 2002 Department for Transport, Local Government and the Regions

In the first instance, NATS did not follow the requirements of CAP 725 in respect of the Proposal and related consultation. The size and impacts of the proposed changes are large and widespread throughout the region and they will affect the quality of life of millions of people. It is therefore imperative that CAP 725 should have been carefully followed to ensure that its requirements were met.

The particular shortcomings of this consultation include the issues described in paragraphs 1 to 6 below (for which the CAP 725 references are given in brackets) and paragraphs 7 and 8 (where the Department's Guidance to the CAA on Environmental Objectives reinforces the issues involved).

Patron: Terry Waite CBE

Stop Stansted Expansion is a working group of the North West Essex and East Herts Preservation Association

1. **NATS did not ensure that the consultation was clear, concise and widely accessible (CAP 725 paragraph 18c).**
 - 1.1. On the day of publication access to the NATS' consultation website was virtually impossible – at a time when many people would have been trying to learn more about the proposals, stimulated by the media coverage which followed the briefings the previous day. Problems in accessing the consultation website have continued since, albeit on an intermittent basis.
 - 1.2. NATS refused to provide printed copies of the consultation documents, instead directing people to its website where the documents listed amount to more than 150MB due to the extensive use of colour maps. Printed copies of the documents were not made available even to parish and town councils who wished to respond on behalf of the communities they represent. NATS' advice to 'visit the library to consult copies' was not acceptable.
 - 1.3. For the local area around Stansted ('Part G: East Hertfordshire and West Essex Area'), for example, it was necessary to download a 17.7MB file which was impractical for those without access to a high speed broadband connection. Additional large files also needed to be downloaded to understand the context. Where required for onward distribution to others – for example, to members of a parish council – the task of downloading and copying (including the requirement for colour printing facilities for the maps to be decipherable and for current and proposed pictures to be compared) was virtually impossible in many cases with the result that few people had an adequate understanding of exactly what was being proposed.
 - 1.4. This problem was compounded by gaps (e.g. no details of alternatives considered) and errors (e.g. initially labelling Figure G50 as Luton when it refers to Stansted) in the consultation document. NATS launched the consultation with a claim for an overall 20 per cent reduction in the numbers to be affected by aircraft noise. However, this only referred to the population under the Noise Preferential Routes (NPRs) and it later emerged in the Addendum that the claimed population reduction under NPRs for Stansted Airport was not 7,933 as originally claimed in Part C but 6054, some 24% less. Furthermore, the Stansted NPR map given in Figure 3 of the Addendum was not consistent with the corresponding Figure G10 of Part G since it gave incorrectly colour coded information and an incorrectly positioned swathe for the existing Buzad NPR from Runway 23.
 - 1.5. There were problems with the 'Postcode Finder' facility on NATS' consultation website. Maps showing precise locations consistently reverted to a default Heathrow-centric picture and when the relevant maps were found on the Postcode Finder, these could not be printed. This was wholly unhelpful for those wishing to obtain a side-by-side comparison between the proposals and the current position, either for their own benefit or to discuss with others.
 - 1.6. There were problems with the online response form where, for example, NATS used a method with a built-in bias. Respondents were not allowed to be neutral on the question asking whether arrivals should be routed by 'direct flight path' or by 'specified routes'. Unless a respondent chose one of these, he or she was returned to a page which advised there was a 'login problem'. The respondent then needed to start filling in the online response form all over again.

- 1.7. NATS failed to include established local airport community groups such as Stop Stansted Expansion (Stansted), HACAN Clearskies (Heathrow) and LADACAN (Luton) in the formal stakeholder list. These organisations have considerable experience in aviation matters and should have been involved in the development of the Proposal. This omission is contrary to the Department's Guidance paragraph 53 which states that the consultation should include *'other organisations and individuals (if any) who may represent the interests of people living there'* which is definitely the case in respect of Stop Stansted Expansion with over 7,000 members and supporters.
- 1.8. This whole issue is reinforced by the Department's Guidance paragraph 52 which states that it should *'make it as easy as possible for readers to respond, make contact or complain'*.
- 2. NATS proposed a single design option and did not state what other options had been considered, nor did it give the reasons why these options were discarded (CAP 725 paragraph 19).**
 - 2.1. The CAA's decision letter of 28 January 2008 on Terminal Control South West Proposed Changes to Airspace stated *'for future proposals, sponsors will be required to provide a more detailed explanation of design options in all consultation material.'* This instruction was not followed in the TCN Proposal where NATS proposed only one solution. NATS neither provided details of design options nor gave reasons for discarding options.
 - 2.2. Furthermore, NATS did not provide any explanation of the methods used for assessing (and discarding) alternative options or of the scoring system used for trade-offs. This meant that no comparative judgements could be made on the one solution proposed. It was also not possible to make any assessment of the need for any changes weighed against the environmental impacts.
 - 2.3. This issue is reinforced by the Department's Guidance paragraph 57 which states that *'consultation should usually include an examination of more than one option and reasons should be given if one option is strongly favoured over the others. An explanation should be given of the factors that will be taken into account in reaching a decision, but not so that these preclude consideration of relevant information and comments received from respondents'*. This process has not been followed, since respondents did not have the opportunity to assess any options.
- 3. NATS has not undertaken sufficient public engagement through open/public meetings (CAP 725 paragraph 20e).**
 - 3.1. Parish and town councils have told us that while they asked NATS to come and explain the proposals to them, NATS refused. Many individual members of the public have told us that they submitted questions to NATS and received either inadequate or late answers making it difficult to properly understand and respond fully to the Proposal.

3.2. Furthermore, we understand that while Uttlesford District Council (the local planning authority for Stansted Airport) was granted a meeting with NATS, this was on the basis of exclusion of any members of the public and press. Similarly, a presentation by NATS to the Stansted Airport Consultative Committee – which normally sits in open session – was also held behind closed doors.

4. NATS failed to state to whom consultees should direct queries regarding the Proposal (CAP 725 paragraph 22).

4.1 Furthermore, when SSE and others attempted to obtain responses to questions the replies took an inordinate length of time and appeared only after an appeal was made to NATS' Chief Executive by letter on 2 May 2008.

4.2 This issue is reinforced by the Department's Guidance paragraph 52 which states that it should *'make it as easy as possible for readers to respond, make contact or complain'*.

5. NATS has relied solely on the 'population count' methodology to claim environmental benefits for the proposed changes without applying the necessary caution in its interpretation for environmental assessment (CAP 725 paragraph 94).

5.1. The 'population count' methodology only provided an indication of the number of people overflowed. The major flaw in the NATS' method of assessing noise impact outside the close environs of Stansted Airport was that it was solely defined by the number of people overflowed rather than by the amount of noise that people would suffer. Furthermore it took no account of the number of aircraft noise events and the difference between peak noise levels (L_{max}) and background noise levels (L₉₀) which determine the amount of annoyance suffered by the community.

5.2. In one respect, however, the population count will increase as a result of the proposed changes because steeper take offs will lead to an expanded noise footprint which – by NATS' own admission – will result in an increase in the number of people who fall within the 57 dBA Leq 16 hour contour around Stansted Airport: an additional 200 people which equates to an increase of some 8.6%.

5.3. In assessing the environmental impacts in the region around Stansted Airport, it is clear from the Proposal that route mileage for all Stansted arriving and departing aircraft will increase overall by an average of some 2,500 nautical miles every day with a corresponding increase of noise, emissions and visual intrusion. The NATS' methodology of population count only included those people living within the Stansted Airport 57 dBA Leq contour and under the NPRs and holding stacks. By so doing, NATS did not count those people living under the new flight paths outside of these localized areas. NATS has therefore ignored the impacts of noise being visited on these other communities that currently enjoy relative tranquillity and do not suffer adverse noise and visual intrusion effects. If proper account were taken of the noise impacts suffered by all the people who would be overflowed and this were compared to current background noise levels, it would show a different and more adverse result.

5.4. On the other hand, NATS has not assessed the option of offshore stacks where the 'population count' methodology could have a particularly meaningful impact in comparing options.

6. NATS has not attached adequate weight to the objective of preserving the tranquillity of rural areas (CAP 725 Appendix B, paragraph 119).

6.1 Appendix B, paragraph 119 states that *'Tranquillity can be defined as a state of calm or quietude'* and goes on to quote the Department's Guidance paragraph 46 *'to pursue policies that will help to preserve the tranquillity where this does not increase significantly the environmental burdens on congested areas. This guidance takes into account the relevant parts of the Rural White Paper (DETR, 2000) which states that the countryside has a unique character which includes less tangible features such as tranquillity and lack of noise. The white paper goes on to state that protecting the countryside from further intrusion of noise is not a luxury.'* This requirement is particularly relevant to the region around Stansted Airport which is predominantly rural and tranquil. As such the background noise levels are typically low yet, as stated in paragraph 5.1 above, NATS did not make any assessment of the impact of the number of aircraft noise events and the difference in levels between these events and low background noise. This would result in destroying the tranquillity of the many areas of low background noise in the region. This is one of the flaws of the NATS' population count methodology.

7. The importance of the stability in the relationship between airspace and land use planning has been ignored (Environmental Objectives Guidance paragraph 35).

7.1. Paragraph 35 states *'When considering changes to airspace arrangements, the DAP should place a high value on the legacy of planning decisions and the location of noise-sensitive development, and generally should recognise the importance of the long-term stability of the route structure in the vicinity of airports, since people need to know where significant aircraft noise will be experienced.'* This guidance has been totally ignored by NATS. The widescale changes to NPRs, routes and holding stacks in this region will be a significant alteration to the established route structures. With minimal warning, the long-term stability would be disrupted and bring a high level of uncertainty in to planning, the housing market and noise-sensitive development in general.

8. No environmental benefit would accrue from the Proposal in this region (Environmental Objectives Guidance paragraph 36).

8.1. Paragraph 36 states that *'changes to airspace arrangements (which includes procedures for the use of controlled airspace in addition to its design) should be made after consultation, only where it is clear that an overall environmental benefit will accrue or where airspace management considerations and the overriding need for safety allow for no practical alternative.'* NATS' proposals would appear to bring no overall environmental benefits to the 12.6 million people living under the TCN airspace. There would be no overall difference to fuel burn and emissions per flight and while claiming to overfly less population, this disguises the fact that many more will either suffer increased aircraft noise pollution or suffer aircraft noise pollution for the first time. In this region, the fact of the matter is that track mileage would

increase, the two holding stacks would increase to three, the 57 dBA contour would increase at both Stansted and Luton airports and aircraft would fly over previously tranquil areas. In this region there will certainly not be any overall environmental benefit. There will be a definite adverse environmental impact.

- 8.2. The Proposal has made no attempt to recognise the priority given by the Government to reducing emissions and the CAP 725 Foreword which states '*...it is recognized that forecast growth in aviation will exert a significant and detrimental impact on climate change*'. It is our view that NATS has not given sufficient weight to the objective of reducing emissions since its Proposal would result in no change to overall fuel burn and emissions per flight.
- 8.3. The proposals do not take into account BAA's planning application for increased use of the existing Stansted Airport runway (currently awaiting Government decision) and the BAA planning application for a second runway. These two proposals would both exacerbate the environmental harms still further.

9. NATS has failed to make clear its interest in the Proposal

9.1. Finally, we consider that NATS should have declared its interest in the Proposal. NATS Ltd is a wholly owned subsidiary of NATS Holdings Ltd which is 41.9% owned by The Airline Group Ltd, a consortium of seven airlines. The remaining shares are held by BAA (4.2%), NATS employees (5.0%) and the Government via DfT (48.9%). The Airline Group Ltd has the majority of the voting rights. The shareholder objectives (agreed by the Airline Group, BAA and DfT) are:

- Maintaining (and where appropriate enhancing) NATS' safety performance and culture;
- To provide over the long term a risk-adjusted commercial return to NATS' shareholders through:
 - efficiently and cost effectively providing air traffic services that meet the reasonable requirements of customers in terms of reliability, capacity and delay;
 - investing efficiently and cost effectively in appropriate air traffic control (ATC) infrastructure to be able to deliver those services;
 - pursuing strategic commercial growth opportunities in the UK and overseas ATC markets, including European.

While the objectives relate to safety, financial performance and efficient services for airspace users, there are no environmental objectives. This should have been made clear in the Proposal.

It is SSE's opinion that, for the reasons given above, the NATS' consultation is flawed and these shortcomings in the application of the Process need to be satisfactorily resolved before a Regulatory Decision can be made.

I am copying this letter to Sir Alan Haselhurst MP and Mark Prisk MP who are following this issue closely.

Yours faithfully

A handwritten signature in blue ink that reads "Peter Sanders". The signature is written in a cursive style with a large initial 'P'.

Peter Sanders
Chairman

Enc

cc Sir Alan Haselhurst MP
Mark Prisk MP