

**Gatwick Area Conservation Campaign**

**GACC**

**Campaign Office**

**01293 863 369**

**Stan Hill**

**[www.gacc.org.uk](http://www.gacc.org.uk)**

**Charlwood**

**[gacc@btconnect.com](mailto:gacc@btconnect.com)**

**Surrey RH6 OEP**

# **RESPONSE TO The UK Airspace Consultation 2017**

## **Introduction**

1. The consultation asks us to describe who we are and who we represent. GACC is the main environmental organisation concerned with Gatwick, and the only voluntary group that covers the whole area around the airport. Founded in 1968, we have as members many hundreds of individuals, over 50 District and Parish Councils, and over 40 community groups. These groups vary from three county branches of the CPRE, each with over 2,000 members, through over a dozen local aviation protest groups which have sprung up in the past four years in opposition to new flight paths, to many village amenity societies for whom aircraft noise is only one of their concerns. All our members pay us an annual subscription, demonstrating positive support. We also have several hundred supporters on our email list.
2. Our membership covers an area about 20 miles radius around Gatwick, from Guildford to Crowborough, from Tonbridge to Petworth. Over the years we have established a reputation for accuracy and responsibility which has earned us the support of all local Members of Parliament. Recently we have led the successful campaign against a second runway.
3. This response has been discussed and approved by our committee. It has also been circulated in draft to all our members, and their comments invited and taken into account.

4. We answer below the questions as posed in the consultation.

### **Q. 1 Changes to Airspace**

**Please provide your views on:**

- a. 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changes and the process which is proposed, including the criteria for the call-in and the details provided in the draft guidance.**
- b. the proposal that tier 2 airspace changes [that is permanent changes to vectoring] should be subject to a suitable change process overseen by the CAA, including the draft guidance and any evidence on costs and benefits.**

5. We agree that the Secretary of State (SoS) should have a call-in power, as with all important planning applications.
6. The proposed criteria are, however, too restrictive. The three major changes in flight paths at Gatwick in the past four years have been the ADNID trial, the concentration of approach routes to the east of the airport, and the concentration of departure routes. All these changes have created massive protests with thousands of complainants, articles in the national press and involvement of local Members of Parliament. Yet none of these new routes would have fallen within the proposed criteria.
7. Basing the criteria on the 54 leq contour would be unsatisfactory because this metric does not take ambient noise levels into account. It also fails to take account of the increased level of annoyance caused when a new flight path is over areas which have not been previously overflown. Moreover, it would be near impossible to identify a specific impact on health linked to a specific route.
8. Tier 1 Changes which were not called in, and all Tier 2 changes, would be decided by the CAA. The CAA is described as independent but unfortunately that is not how it is perceived by the public. Despite efforts to give it an environmental role, it is still perceived by many of those aggrieved by new flight paths as mainly concerned to seek the advancement of airlines and airports. That remains so despite the appointment of a chair and a number of Board members from outside the aviation industry. The CAA's priorities are safety, consumers and the promotion of aviation. The CAA website says little about protecting the public from the adverse impacts of aviation. Giving the CAA power to take decisions on all new flight paths not called-in would mean it being perceived as dictatorial. The CAA decision making process is not transparent. Although there is much talk about balancing various factors it is not clear who decides what balance is appropriate. Giving the CAA almost unlimited power would make local MPs impotent.

9. It is therefore unfortunate that ICCAN has not been given the power to take final decisions on new flight paths, and unfortunate that it is to be made, in effect a subsidiary of the CAA (see paragraphs 34-39 below).
10. Decisions on new flight paths may affect an individual's health, and they may knock £100,000 or more off the value of a house. It is difficult to think of any other public body which is given such dictatorial power.

**c. 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.**

11. We agree with the recommendation in the consultation but with the addition that there should be a trigger point at which review by ICCAN is required. The trigger might be a doubling of traffic within two years on a particular route, or a rise to more than a given percentage of the movements at the relevant airport. To give an example, at Gatwick there is a departure route called WIZAD. At present it is unused except in emergencies. If a decision were to be taken to use it regularly it would have an adverse effect on the town of Horsham. If in any year its use increased to, say, more than 5% of the total number of departures, it should be subject to review.

**d. the airspace change compensation proposals.**

12. Many of our members who are affected by new flight paths dislike us discussing compensation because it sounds like accepting defeat: they want their previous peace and quiet restored. But when flight path changes become irrevocable, compensation is essential.
13. We consider that the compensation proposals are risible. The proposal for increased noise insulation would only apply very close to the airport and would provide no benefit for people who wish to open their windows or go out-of-doors. The proposal to encourage air space change sponsors to offer compensation voluntarily is a negation of responsibility.
14. The reason why changes in flight paths can knock £100,000 off the value of a house is partly because of the increased noise actually heard, and partly because the publication of a line on a map can deter potential purchasers. That may well occur at up to 10 or 15 miles from the airport.
15. In the case of a new motorway or any new road, a new airport runway or taxiway or terminal, the Land Compensation Act provides full compensation for any loss of property value plus 10%. That is applicable at any distance from the new development, and is not linked to the installation of double glazing, nor the sale of the property.

16. The Act should be amended to provide the same compensation for those affected by a 'new motorway in the sky'. By this we mean any new departure or arrival route operated by PBN. Compensation for a new motorway is paid by the Highways Agency: compensation for new flight paths would be paid by the airport concerned. That would of course be reflected in air fares. That is equitable: economic theory says that those who benefit should compensate those who suffer. So does natural justice. Air fares are already artificially low as a result of airlines paying no fuel tax and no VAT.

## **Q. 2 Assessing Noise in Airspace Decisions**

**Please provide your views on:**

**a. 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 guidance.**

17. We are disappointed that the consultation paper states that there is no intention to amend the Government guidance which states that noise should be given priority up to 4,000 feet, and noise and climate change equal priority up to 7,000 feet. While we do recognise the importance of climate change, many of our members are severely disturbed by the noise of aircraft between 4,000 and 7,000 feet. This is particularly true where ambient noise levels are low. We welcome the statement in the Guidance that consideration should be given to limiting the number of aircraft on any one route between 4,000 and 7,000 feet.
18. We are shocked by the proposed change to the policy of sharing the benefits of noise reduction between the aviation industry and communities by the addition of the words "in support of sustainable development." The original words meant that the policy envisaged that technical progress meant more aircraft and less noise. The addition of 'sustainable development' is fairly meaningless but can only be assumed to mean that noise reduction becomes subservient to the expansion of air travel.
19. We welcome the publication of CAP 1498, as predicted in the consultation. This provides a useful discussion on how to define 'over-flight' which corresponds with what some environmental groups call 'noise shadow'.

### Flight paths

20. In the past four years the introduction of concentrated flight paths based on satellite navigation has caused great distress around Gatwick, and so we are delighted that the consultation paper suggests that the Government policy of promoting concentrated flight paths is to be amended to permit multiple routes.

21. Many of our members would dearly love to see a return to the random distribution of flight paths as pertained before the introduction of satellite navigation, but we recognise that satellite navigation is here to stay. Multiple PBN routes should ideally be used to create dispersal. If used to provide respite, this should be based on a daily schedule – for example, route 1 on Mondays, route 2 on Tuesdays, and route 3 on Wednesdays – with the schedule published well in advance so that people can organise their lives to avoid the noisy days.

### Metrics

22. It is good that the 57 leq measure of noise is to be supplemented by a variety of other metrics. It was widely believed by environmental groups that 57 Leq led the Government to underestimate the number of people affected by aircraft noise. That is confirmed by the new survey, SoNA, which found that over the years sensitivity to aircraft noise has increased, with the same percentage of people being highly annoyed at 54 Leq as at 57 Leq thirty years ago.
23. But the 54 leq contour still only measures the area within which a majority of the community are seriously annoyed by aircraft noise. We therefore welcome the additional measure of 51 Leq as the 'Lowest Observed Adverse Effect Level' for daytime noise; and 45 Leq for the night.
24. These contours are also misleading in that they measure the noise averaged between easterly and westerly operations. Separate contours should be provided for each.
25. Nevertheless, as the consultation paper says, many people find the concept of average noise difficult to understand. We therefore welcome the decision to introduce additional contours based on the number of aircraft: N65 in daytime and N60 at night. But we are concerned that these contours will still not adequately show the extent of the disturbance caused by aircraft noise.
26. The main problem with all these new metrics is that none of them take ambient noise into account. They fail to take into account the fact that the same level of aircraft noise causes far greater disturbance and annoyance in a quiet rural area than above a busy city centre. As the Rural White Paper 2000 said: *There will always be sources of noise in the countryside, and many of these - such as noise from harvesting and livestock - are themselves representative of activities which have long been central to the rural way of life. But protecting the countryside from further intrusion of noise is not a luxury. It is about preserving and promoting a feature that is genuinely valued by residents and visitors alike.*
27. Gatwick is surrounded on three sides by Areas of Outstanding Natural Beauty where peace and quiet are even more highly valued and the

intrusion of aircraft noise even more resented. In such areas where the ambient noise may be below 30 dBA, a noise event of 55 dBA may cause annoyance. See *Ambient Noise* [www.gacc.org.uk/research-studies](http://www.gacc.org.uk/research-studies).

28. We request that the DfT or CAA should produce new contour maps showing the 54 leq and 51 leq contours (for easterly, and for westerly operations); and also the N65, N60 and N55 contours.

29. The fact that a high proportion of the public interviewed for the SoNA survey lived near Heathrow means that the survey results may underestimate the impact at Gatwick. We understand that the reason the SoNA survey did not include ambient noise was the difficulty of obtaining appropriate figures for the levels of ambient noise at the locations where the interviews took place. That does not appear an insuperable problem, and we hope that further work can be done on this issue.

30. We note that a further analysis of the SoNA survey relating to night time disturbance is to be published soon.

**b. the proposal to require options analysis in airspace change processes, as appropriate, including details provided in the draft guidance.**

31. We are in favour of a more formal options analysis to aid decision making on new flight paths, or on dispersal versus respite or versus concentration. Indeed not to provide such an analysis might well open any decision to judicial review.

32. There is a risk, however, that the choice of options would tend to set community against community. Any consultation on options should make it clear that it is not a public opinion poll based on the number of votes.

**Q. 3 Independent Commission on Civil Aviation Noise**

**Please provide your views on:**

**a. the Independent Commission on Civil Aviation Noise's (ICCAN's) proposed functions.**

**b. 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.**

33. ICCAN would have no power to reduce noise. We therefore can summon up little enthusiasm for it.

34. It is also disappointing that it is not proposed that ICCAN should act as an Ombudsman. Many people who have complained about aircraft noise have found unsatisfactory the system whereby their complaints are dealt with by

the airport, and then the buck is passed between the Department, CAA, NATs and the offending airline. A single point for complaints, an aircraft noise ombudsman with power to order improvement or compensation, is needed.

35. The consultation proposes that ICCAN should:

- *advise on changes in air space.* If its advice was not accepted, ICCAN would soon become distrusted.
- *promulgate best practice.* This role could equally well be fulfilled by the CAA.
- *commission research.* This would be welcome if given a sufficient budget: merely taking over part of the CAA budget would be of little benefit.
- *undertake monitoring and quality assurance* in order to increase trust by local communities. This would only work if ICCAN could demonstrate its independence by taking action to negate plans put forward by airports; but that is what it would have no power to do.

36. Making ICCAN in effect a semi-detached subsidiary of the CAA would further reduce confidence in its independence.

37. While we recognise that at this stage it is not practicable to suggest major changes in ICCAN we suggest that in future it should:

- *be set up by statute, and should report to Parliament annually.*
- *have power to adjudicate on flight paths.*
- *be given the role of deciding the level of compensation for new flight paths as suggested in paragraphs 15-16 above.*
- *to act as an Ombudsman for noise complaints with power to order compensation.*
- *have power to force improvements in Noise Action Plans (assuming they continue after Brexit), and power to enforce compliance.*

38. Giving ICCAN such powers would go some way to rectifying the injustice caused since 1920 by the exemption of nuisance caused by aircraft from normal legal redress.

39. The lack of trust between Gatwick Airport and local communities has grown up over many years: in 2010 we were told there would be no new runway, and a year later plans for a runway are produced; consultation on the 2012 master plan concealed mention of increased noise; consultations on airspace changes have been conducted without maps so that the public could not understand what was proposed; changes in arrival routes were made in secret and then denied; the ADNID flight path trial was launched without warning on an inaccurate excuse – the list of instances where the public feel they have been misled is endless. We doubt if ICCAN – unless

given much wider powers - could compel Gatwick to behave in a more respectable way.

#### **Q. 4 Ongoing Noise Management**

**Please provide your views on:**

- a. 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 and further information at Annex F.**
- b. 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.**

40. We do not support the proposals for shifting controls on aircraft noise from the Department for Transport to the local council or to the airport. We do not agree with the suggestion that noise controls imposed by the DfT may inhibit more ambitious local noise management: the one does not preclude the other.
41. The suggestion that controls on noise might be imposed by local councils as planning conditions would only work where a very large development was proposed. Indeed there are restrictions on the use of planning conditions: paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are: ... relevant .... to the development to be permitted ...”
42. It might work at Heathrow in relation to a planning application for a third runway. At Gatwick it would not work because, apart from a new hangar, as far as we know there is no big planning application in prospect.
43. Even if there were a major planning application we are not optimistic that the proposed system would work: the last big planning application at Gatwick was in 2009 for a large extension to the North Terminal. GACC urged that “conditions should be imposed to ensure no increase in noise, no increase in pollution, a higher proportion of use of public transport ...” Crawley Borough Council declined to impose any such conditions.
44. The consultation also floats the idea that, even in the absence of a planning application, controls on noise and night flights might to be passed to local councils. Crawley is the planning authority for Gatwick and the severity of the controls would tend to fluctuate according to the political control of the council. An alternative solution would be for the controls to be implemented jointly by all the District/Borough councils around the airport. But we would prefer the Government to maintain its authority.
45. We strongly oppose a policy of transferring some noise controls to the airports, including control of night flights. We believe that it would be wrong

in principle to put such controls into the hands of a commercial business. Our experience over many years has shown that Gatwick will always put profit first: indeed that is their legal duty to their shareholders. As has been said, 'don't put the fox in charge of the henhouse!'

46. We also oppose the suggestion that airports should be given 'ownership' of NPRs. These limits on flight paths have been in existence for fifty years and have been effective. People have bought their houses and based their lives on the fact that the NPRs are fixed. Moving them would create great injustice and should not be put into the power of a commercial business.

47. The consultation paper also hints that the Gatwick Noise Management Board (NMB) might be involved in setting controls on noise, eg noise limits or night flight quotas. So far that body has only dealt with arrivals and it has yet to be seen how effective it is in forcing the airport to take action which could be against its commercial interest. The requirement for a 75% majority means that it would be unlikely to take any action which was opposed by the airport and the airlines. If the NMB were to take on wider legal responsibilities, it would need a revised constitution to ensure that it had real power and represented all communities around the airport.

**c. 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.**

48. We are content with the Caspar system in operation at Gatwick. The procedure for submitting complaints through the Caspar system is, however, unnecessarily complex and appears designed to discourage complaints.

**d. 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.**

49. No. We see no effective incentive to reduce noise. ICCAN will be well-meaning but without power. Over the past forty years we have frequently criticised the Department for Transport for being too close to the aviation industry. But at least Ministers are democratically responsible. We consider it would be a retrograde step for the Department hand over responsibility to commercial airports – which have a legal responsibility to maximise profits.

**Q. 5 Guidance**

**Please provide any comments on the draft Air Navigation Guidance: guidance on airspace & noise management and environmental objectives published**

**alongside this consultation.**

50. The Objectives should include the **improvement of the environment** and the **reduction of noise**. Delete the weasel word 'mitigation'.

51. All our comments on the main consultation should be taken as applying also to the Guidance.