



GATWICK AREA CONSERVATION CAMPAIGN

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Some comments on *BEYOND THE HORIZON* - *A CALL FOR EVIDENCE*

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1. First who we are. GACC is the only voluntary environmental group covering the whole area around Gatwick. Founded in 1968, our membership includes, as well as individual members, over 50 parish and district councils and over 40 groups (which vary from three CPRE county branches each with over 2,000 members, through a dozen local aircraft noise protest groups, to a number of town and village amenity groups). All pay us an annual subscription which demonstrates positive support. We have a written constitution, and a committee elected at our AGM and representing all areas around the airport.
2. We have shown this response to all our members, and have incorporated their comments.
3. We have always prided ourselves on putting forward constructive solutions to the problem of reconciling the growth in air travel with an improving environment. In this response we make a number of constructive proposals, highlighted in red.

Over the rainbow?

4. *Beyond the Horizon*¹ is a panegyric, an over-optimistic expression of praise for the aviation industry. It is assumed that the current upward trend will continue ever-upward.
5. The forthcoming Aviation Strategy should be based on a more realistic assessment including the possibility of down-turns, as in the past, due to another recession, or to an epidemic (made more likely by air travel), or to fear of terrorist action (to which aircraft are particularly vulnerable).

No new runway

6. We are delighted that *Beyond the Horizon* makes no mention of a second runway at Gatwick. That is a dead duck which should not be revived. It would do immense environmental

damage, and lead to still further over-concentration on the South East.² It would also lead to extensive urbanisation and pollution levels similar to those around Heathrow.

7. The new Aviation Strategy should firmly rule out a second Gatwick runway. The safeguarding of land for the second runway should be removed. Part of the land so released could be used for much needed housing, part for commercial expansion and part planted with trees as an acoustic, visual and pollution barrier around the airport.
8. The forecast growth in passenger numbers can largely be met through the use of larger aircraft. Indeed, we note that Figure 2 on page 10 of *Beyond the Horizon* shows that the number of flights at UK airports was still lower than in 2007. Gatwick hopes to achieve a 5 million increase passenger numbers over the next five years, largely as a result of larger aircraft.³
9. The Aviation Strategy should include a fresh assessment of how far the trend for airlines to use larger aircraft will remove the need for any new runway anywhere in the UK. And how far modern larger aircraft can be deployed without an increase in noise.

Noise

10. We note that a further consultation is to be published on environmental issues and therefore we only comment briefly on the issues raised in chapter 7 of *Beyond the Horizon*.
11. We are strongly opposed to suggestions that at designated airports (Heathrow, Gatwick and Stansted) controls on aircraft noise, including night flight restrictions, should be passed to local authorities: they are not competent to take on this task. Or, worse still, passed to the airports themselves: that would be to put the fox in charge of the hen-house. As private companies, airports are under a legal obligation to make profit their top priority.
12. We have set out, in our response to the DfT Air Space consultation, our proposals for strengthening the role of the new Independent Commission on Civil Aviation Noise. We reproduce them as Annex A.
13. ICCAN should be given an enhanced role.

Air Quality

14. An Air Quality Management Area already exists south of Gatwick in which pollution levels are approaching the EU limit. It is worth noting that recent monitoring tests have shown an area north of Gatwick at which pollution actually exceeds the EU legal limit. While this is almost entirely due to road traffic that is very similar to the situation around Heathrow.
15. Both areas would experience worse pollution if a second runway were built, indicating that doubling the size of Gatwick would run into exactly the same air quality problems as the third runway at Heathrow.

Taxation

16. The success of the aviation industry, as set out in the panegyric *Beyond the Horizon*, deflates that the strident claims made by the aviation lobbyists that Air Passenger Duty (APD) is damaging the industry.
17. *Beyond the Horizon* states that: ‘The government ... recognises that APD is the only tax paid by the airline sector.’ But the absence of any mention of what other taxes it might pay is ridiculously coy.⁴ The fact is that aviation gains considerable benefit by paying no fuel tax and no VAT. The practical difficulties of imposing either tax are well known to the policy makers in the Treasury. APD is a sensible compromise but still represents only about a quarter of the revenue lost. To say, as DfT usually does, that this cannot be mentioned because it is a matter for The Treasury is irresponsible.
18. The new Strategy for Aviation should set out clearly the amount of tax revenue lost as a result of the absence of tax on aviation fuel and the absence of VAT on air fares, and set that against the revenue gained from Air Passenger Duty.
19. One possible tax reform which has attracted considerable support in the past few years would be to convert air passenger duty into a frequent flyer levy.⁵ The Strategy for Aviation should set out the arguments for and against replacing Air Passenger Duty by a Frequent Flyer Levy.

Alcohol

20. *Beyond the Horizon* draws attention to the disruptive behaviour of drunk passengers on aircraft,⁶ and this was dramatically illustrated in three recent TV programmes. It is fuelled by the fact that alcohol is sold duty-free in airport departure lounges (and is available free in some VIP lounges) and on board aircraft. Duty-free sales of alcohol and tobacco (and goods subject to VAT) are another unjustifiable subsidy to the aviation industry. Smoking is banned on board aircraft and in the departure lounges: it is time the same applied to drinking.
21. Drinking alcohol should be banned on board aircraft and, where appropriate, a breathalyser test applied on boarding. The Treasury should be asked to find a way to limit duty free sales.

Compensation

22. *Beyond the Horizon* makes much of the millions of people who benefit from air travel. But where many benefit but some suffer as a result, natural justice implies that those who gain should compensate those who lose. That is also sound economic theory. We are glad to see a mention of ‘new forms of compensation’ in paragraph 7.33.
23. Full compensation for the impact of new roads or new railway lines, and also new airport terminals or taxiways, is already provided under the Land Compensation Act. In our recent response to the CAA consultation on Airspace Design Guidance we set out the case for extending this to cover the impact of new concentrated PBN flight

paths - motorways in the sky. We repeat this, slightly amended, in Annex B below.

24. The new Aviation Strategy should contain a pledge to extend the Land Compensation Act to all those adversely affected by new concentrated flight paths, with the level of compensation set by the Independent Commission on Civil Aviation Noise.

Climate Change

25. All members of our GACC committee, except one, consider that climate change is serious problem, and that aircraft have a substantial and growing impact. One member, however, wishes to dissociate himself from the views expressed in this section. He believes that the concern about the impact of climate change or global warming is greatly exaggerated, and sets out the reasons for this view in Annex C.
26. When the Intergovernmental Panel on Climate Change (IPCC) published their report on Aviation and the Global Atmosphere they suggested that aircraft emissions (radiative forcing) could cause up to four times as much climate change damage as similar emissions at ground level. Aircraft contrails may also have a significant impact. In the years since then academic work has created a good deal of uncertainty on these issues.⁷ But because the science is unclear does not mean that the issue can be ignored.
27. Further scientific research should be commissioned to ascertain the climate impact of emissions at high altitudes, and of aircraft contrails. The Aviation Strategy should include an assessment of the current state of scientific knowledge on the radiative forcing issue.
28. The Climate Change Committee, the official body set up to advise on the implementation of the Climate Change Act, has reported that one extra runway will be compatible with the Act. That however implied a limit on expansion at other airports. More recently international agreement was reached in ICAO (the International Civil Aviation Organisation) that expansion of aviation can be accepted subject to off-setting payments designed to encourage alternative ways to reduce CO₂ emissions. It has yet to be seen if that will work in practice.
29. The Aviation Strategy should contain an assessment of whether the expansion of aviation, as indicated in *Beyond the Horizon*, is compatible with the target set by the Climate Change Committee. And whether the ICAO off-setting proposals are likely to prove effective, especially in light of the Paris accord.
30. Britons fly more than the citizens of most other countries. *Beyond the Horizon* takes this as a sign of success. But it also means that the UK has a special responsibility for taking the lead in limiting the climate change damage due to aviation.
31. *Beyond the Horizon* states that 'CO₂ emissions from aviation use made up 8% of total UK emissions in 2015' and recognises that this figure is increasing as other industries decarbonise, and as aviation expands. This figure is based on the emissions caused by departing aircraft over their whole flight but ignore the emissions caused by arriving

aircraft. An alternative method (but more complex which is why it is not used) would be to calculate the emissions attributable to UK citizens on both their way out and their return. In fact, 58% more Brits fly out than foreigners fly in.⁸ Thus the standard statistics substantially underestimate our responsibility.

32. Gatwick is far more culpable. The number of Brits using the airport is two and a half times as many as the number of foreigners. 5 Brits out for every 2 foreigners in. That means that in terms of climate change damage caused by UK citizens Gatwick is an utter disgrace.

33. **The new Aviation Strategy should contain a calculation (approximate if need be) of the emissions attributable to UK citizens on departing and arriving flights.**

ANNEX A. THE INDEPENDENT COMMISSION ON CIVIL AVIATION NOISE

34. ICCAN, as proposed in the DfT Air Space consultation, would have no power to reduce noise.

35. 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.

36. The [Air Space] 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.

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

ANNEX B. COMPENSATION

40. 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.
41. It is obvious that those who benefit from air travel should compensate those who suffer from its impacts, particularly noise. In economic theory the loss in value of a house is the best way of putting a money value on the unpleasantness of having a new flight path overhead (or nearly overhead). It puts a capital value on how much less potential purchasers are prepared to pay compared to a similar house not under a flight path.
42. In the case of a new motorway or any new road, a new railway line, or a new airport runway or taxiway or terminal, the Land Compensation Act provides full compensation for any loss of property value plus 10% (increased to 25% in the case of HS2, and the third Heathrow runway). That is applicable at any distance from the new development, and is not linked to the installation of double glazing, nor to the sale of the property.
43. 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.

44. It would probably take several years before the necessary legislation could be passed. The CAA itself does, however, already have the power to ensure full compensation. In future the CAA should make approval of any new flight path conditional upon the sponsor (that is, either the airport or NATS) agreeing to pay full compensation on the basis of the Land Compensation Act.

45. In discussions with the DfT and others several objections have been raised to which we give our answers below:

- a. *Experience shows that the Land Compensation Act has worked well in the case of new roads but has not worked well with airport projects.* That is true. In the case of airport expansions, such as the building of T4 at Heathrow or the second runway at Manchester, airport lawyers have argued that the increased number of jobs at the airport increases the demand for houses, so the fall in value is small. But, in most cases, that argument would not apply to a change in flight paths.
- b. *Calculating the claims for each house is complicated and expensive, involving surveyors and lawyers.* That is also true. A particularly wicked example has been at Stansted where the completion of a runway/taxiway extension was delayed for many years, delaying payment of compensation. And when the work was eventually completed the airport lawyers argued that the compensation claims were out of time!

We suggest that it should be solved by giving the proposed Independent Commission on Civil Aviation Noise (ICCAN) the role of assessing the compensation due to each house, or to each house in a particular area. That would we believe be widely welcomed, as it cut the cost of applying for compensation and ensure fair treatment for all. It would give ICCAN the role and power that it is at present lacking.

- c. *Paying compensation for the adverse impact of new flight paths would be prohibitively expensive, particularly around Heathrow in view of the large number of houses.* Or around Gatwick because of the number of high-value houses in areas of low ambient noise. That is a boomerang argument: it just shows the adverse impact of a new flight path. Heathrow and Gatwick airports can well afford to pay: neither have paid any corporation tax for many years.
- d. *What about multiple routes?* In some cases where new flight paths are proposed, it may be decided to provide respite by having two or more alternate routes. But the same principle would apply: the fall in value of each house would be less, so the compensation would be less. But it would still reimburse people for the amount of nuisance that they suffer. This would

make it easier to gain public acceptance of multiple routes.

- e. *Should compensation be retrospective? Should it be available to all those who suffer from aircraft noise?* Aircraft noise has been a problem for nearly a hundred years, and a serious problem for the past fifty years. It would obviously be impracticable and ridiculous to compensate all who suffer: and anyway, many of them will have bought their house at a reduced price on account of the noise.

PBN concentrated flight paths based on satellite navigation have, however, introduced a new factor. They were first introduced at Gatwick in 2013 and are subsequently being created across the UK. A concentrated flight path is especial hell for those under it, and it has an obvious effect on house prices. It is in almost all respects identical to a new motorway or new railway line to which the Land Compensation Act applies.

Therefore we recommend that a new compensation scheme should apply to all those whose property has been devalued by a new PBN flight path introduced since 2013.

ANNEX C. A Statement by a member of the GACC committee

WHY I BELIEVE THAT GOVERNMENT AVIATION POLICY, AND GACC'S ATTITUDE TO IT, SHOULD NOT INCLUDE CLIMATE CHANGE CONSIDERATIONS.

I believe that the Government, and the public (and GACC) have been misled about climate change because the evidence shows most claims to be untrue. Climate change is NOT global warming. Of course, Machiavellian use of a falsehood to support a case is not new but I believe it is unnecessary and harmful to those who wish to show genuine care for the environment.

Everyone accepts that climate changes, but what is important is that scientists now know that CO₂ cannot cause dangerous global warming. (the Paris Agreement requires countries to do nothing about CO₂. They can do as they wish) No scientist knows all the causes of climate but if we use facts, and not wild claims by scientists paid to make them, we can be more certain of our position. The only way to examine claims of dangerous global warming is to use raw data and not computer algorithms deliberately constructed to falsify the heating effect of CO₂. CO₂ is not a pollutant, but a naturally occurring trace gas occupying just 0.04% of the atmosphere. Together with chlorophyll and sunlight, it is an essential ingredient in photosynthesis and is, accordingly, plant food. Much of the warming in the climate computer models comes from the assumption that water vapour and precipitation increase as temperatures warm producing a strong positive feedback. (Water vapour is a far more important greenhouse gas than CO₂.) However, that assumption has been shown in observations and peer reviewed research to be wrong, and in fact water vapour, (including aircraft vapour trails) and precipitation act as a slight negative feedback that reduces any small greenhouse warming from carbon dioxide.

NASA and the NOAA have deliberately doctored data from earlier periods, by lowering those earlier figures in order show an apparent recent increase in global temperature. In fact, actual data shows that there has been no increase in global

temperature for twenty years yet CO2 ppm continues to grow and is now almost 400ppm, being about 280ppm at the end of WWII (effectively when industrialisation took off). See <https://youtu.be/EHFfOOF-6Fs>

Furthermore, CO2 levels are being blamed for sea level rise, increasing typhoons and hurricanes, and other serious weather events. The frequency and incidence of such events have declined slightly over recent years, and there has been no significant rise in sea levels e.g. claims by the Maldives of a serious rise necessitating massive investment, has proved to be a sinking of the land whilst the sea level remains the same. Antarctic ice has been increasing and the extent last year was the greatest in the satellite monitoring era. Currently sea ice expansion is running ahead of last year's record pace. Also, fortunately, we are now moving away from ground temperature recordings where the heat island effect has been considerable.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/631036/aviation-strategy-call-for-evidence.pdf

² See www.gacc.org.uk/the-runway-issue

³ <http://www.mediacentre.gatwickairport.com/press-releases/2017/28-07-2017-cip.aspx>

⁴ Beyond the Horizon paragraph 6.12

⁵ <http://afreeride.org/>

⁶ *Beyond the Horizon* page 31

⁷ See for example Professor Keith P Shine FRS, Department of Meteorology, University of Reading
http://centaur.reading.ac.uk/40552/1/aea526_pub2_submitted.pdf

⁸ CAA passenger survey
http://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Passenger_survey/CAA%20Passenger%20survey%20report%202015.pdf