

AIRSPACE MODERNISATION SUMMARY OF COMMUNITY CONCERNS

This note sets out for GATCOM members some of the overarching concerns that community and environmental groups, both nationally and around Gatwick, have in relation to the airspace modernisation programme.

It is not intended to be a complete analysis of community concerns. In particular it does not address area-specific concerns of groups based in localities that may be adversely impacted by airspace changes. Rather it focuses on deficiencies in the overall policy, regulatory and legislative arrangements through which the modernisation programme is being delivered.

Programme outcomes

The first iteration of the Airspace Masterplan disclosed that modernisation is expected to increase national airspace capacity by 30% and allow capacity on many routes to grow by over 50%¹.

This potential increase in, and intensification of, air traffic has profound implications for communities around airports and under existing or new flight paths (often many miles from the airport) and for the environment. It is likely to lead to absolute increases in emissions, noise and traffic congestion around airports if new capacity is utilised. The CAA's view is that *"although the [modernisation] concept offers new opportunities to mitigate some of the environmental impacts of aviation, the absolute levels of aircraft noise and emissions may increase with airspace modernisation because it enables traffic growth that would not otherwise occur"*².

In relation to noise, community groups recognise that airspace modernisation has the potential to deliver some noise benefits for some communities on a per-flight basis. However, those benefits appear likely to be modest and may be substantially outweighed by noise from the additional flights that airspace modernisation will enable. In addition it is likely that some people will experience significant increases in aircraft noise when flight paths are concentrated following modernisation. Although the modernisation programme has been running for three years none of DfT, NATS, the CAA, ACOG or Gatwick Airport have produced a plausible assessment of the noise reduction benefits of the programme either nationally or at Gatwick.

At Gatwick much of the additional capacity that modernisation will create could be used without any planning permission or other consent, because there are currently no limits on Gatwick's capacity. The Northern Runway DCO process

1:[http://publicapps.caa.co.uk/docs/33/CAP1884%20Airspace%20Masterplan%20iteration%20one%20\(complete\)%20Feb%202021.pdf](http://publicapps.caa.co.uk/docs/33/CAP1884%20Airspace%20Masterplan%20iteration%20one%20(complete)%20Feb%202021.pdf)

2:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763085/nats-cao-feasibility-airspace-modernisation.pdf

might result in a capacity limit but there is no certainty it will be approved or impose limits. The government's assertion that the use of new capacity created by modernisation will be controlled through the planning system therefore does not apply at Gatwick.

In summary we believe it is very likely that modernisation will result in a series of 'win/lose' outcomes, where the industry achieves substantial cost and capacity benefits but emissions increase in a way that is wholly incompatible with national climate goals and communities are subjected to greater total noise and other impacts with potentially serious health and quality of life consequences.

The modernisation process

The regulatory and legislative arrangements through which modernisation is being delivered are institutionally biased in favour of achieving the outcomes the industry is seeking (primarily more capacity and lower costs) at the likely expense of achieving the outcomes communities are seeking (primarily reduced noise and emissions).

All airspace change processes start with a Statement of Need (SoN) that sets out the issue or opportunity the change sponsor is seeking to address and the outcomes it wishes to achieve. There is no requirement for SoNs to be consulted on, and Gatwick did not do so. SoNs therefore do not fully incorporate outcomes other stakeholders are seeking from any change. However, they form the foundation for the remainder of the airspace change process. For example change options are evaluated against the desired outcomes set out in the sponsor's statement of need.

At the end of each change process the CAA must approve or reject a proposed change. The law requires it to "*secure*" the most efficient (i.e. maximum) use of airspace but only to "*take account of*" guidance on environmental objectives. Whenever the two are in conflict it is almost inevitable that additional capacity will be prioritised over the achievement of community objectives such as noise reduction. Although the CAA asserts that may not always be the case it has not explained how any other outcome might arise.

The CAA's current airspace modernisation strategy compounds this bias by saying "*opportunities for noise improvements should be explored through the Airspace Modernisation Strategy and deployment plans where these are not in conflict with growth*"³ (emphasis added). In our view this absolute prioritisation of growth over other objectives is inconsistent with government policy and probably unlawful.

Inadequate policy delivery

3: <https://publicapps.caa.co.uk/docs/33/CAP%201711%20Airspace%20Modernisation%20Strategy.pdf>.
Para 5.8

Government policy says: “As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows”⁴.

Airspace modernisation will increase airport capacity. However, because the government has separated responsibility for the creation of new capacity, through the modernisation programme, from responsibility for controlling the use of that capacity, through the planning system, there are currently no reliable arrangements by which this policy will be clearly and fairly delivered as airspace is modernised.

The government should address the creation and use of capacity in a joined up way. Ideally both should be the responsibility of a single entity that would both approve the creation of new capacity and set noise and other conditions on its use. That could be achieved by the CAA setting noise conditions if it approves airspace changes. At some airports it might also be possible to achieve a degree of integrated decision-making by issuing much clear guidance to planning authorities. In any event, there should be clear and agreed arrangements by which new capacity can only be utilised if and when noise reduction and other conditions are met. No such conditions currently exist at Gatwick.

Inadequate regulation of outcomes

Neither the Department nor the CAA has any ability to ensure that noise or emissions reductions, or improved resilience, promised in an airport's change proposal are actually delivered. Once the CAA has approved a change and the Post Implementation Review process has been completed, the CAA does not monitor the achievement of promised outcomes and has no powers to enforce them. This is a clear regulatory failure.

Health impacts

It is clear that airspace modernisation will create concentrated, and potentially new, flight paths. However, both the Department and the CAA have so far declined to assess properly whether they have an adequate understanding of the health impacts of concentrated or new flight paths despite community groups requesting such an assessment.

Compensation

It is very likely that some people will suffer increased noise as a result of airspace modernisation. This would have a range of adverse health and quality of life impacts. It could also have impacts on property values in areas close to airports or under concentrated flight paths. No compensation is payable to such people because the Land Compensation Act does not apply and the government has failed to make other arrangements. This is clearly wrong.

⁴ Aviation Policy Framework, 2013, paragraph 3.3

Conclusions and next steps

In our view the policy and regulatory foundations of the modernisation programme are not fit for purpose. If implemented on the current basis, modernisation is very likely to result in industry win / community lose outcomes.

We propose there should be much fuller GATCOM debate on these issues, potentially at a special meeting of the Committee. We would also welcome engagement on these issues by consultative committees nationally through UKACCs.

GACC
February 2022