

PLANE JUSTICE RESPONSE

To the Government Green Paper 'Aviation 2050: The future of UK aviation'

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Introduction

Plane Justice was formed in response to a PBN airspace change made to Gatwick departure Route 4 in May 2016, which saw the route moved and concentrated over new communities to the north of the airport, with adverse vectoring consequences for yet more communities.

Our aim as a community group is to ensure there is a fair and ethical balance between commercial aviation interests on the one hand, and on the other communities who are or would be affected by changes to airspace and airport operations.

Time and resources regrettably permit us to comment only on those areas of the Green Paper which we consider impact communities on the ground.

Though our main focus as a community group may be currently centred upon Gatwick, adverse references in this response to part or parts of the aviation industry should not necessarily be taken as criticism of Gatwick in particular.

Summary of this response

There are a number of proposals in the Green Paper which Plane Justice welcomes (see various sections below), and many of these if implemented would require airports to give higher priority to noise and emissions, as well as provide more information about their operations.

- Noise caps and noise reduction plans are especially welcome.
- More detail is required about the proposed new national noise indicator, but it is welcome in principle.

Those proposals in the Green Paper which we would oppose, or which do not go far enough are:-

- (i) The seemingly uncritical analysis of growth projections, including in light of the Government's extremely recent commitment to reduce greenhouse gas emissions to net zero by 2050, and the absence of a demand management strategy (sections 1 & 2 below).
- (ii) The suggested changes to compensation provisions, though welcome for the always overflowed, do not go nearly far enough with respect to any communities which are or would be newly overflowed (see section 6 below).
- (iii) The defeatist attitude to new navigation technology that sees concentrated flight paths with the possibility of respite as the only options and a fait accompli (section 10).

There are also important omissions in the Green Paper that need be addressed, in particular:-

- a) Strengthening protections for those who are or would be newly overflowed. We believe some of these protections already exist - if only they were not currently being ignored or misinterpreted (see section 8(i) & also 9).
- b) Introducing a general direction that in modernising airspace routes below 7,000 feet, airspace planners and decision makers should take where the aircraft were actually flying in 2012 as their baseline starting point for any design (section 9).
- c) The absence of any narrative on NPRs, and in particular of a commitment to abolish NPRs (section 8(vi)).
- d) The absence of proposals to reduce night flights at airports. We wish to see a cap on night flights at their current level with a phased reduction thereafter. An assessment of the value of night flights to the national and local economies needs to be carried out. There may be economic value in some intercontinental and freight flights but the majority of the night flights at most UK airports are holiday flights where the benefit to the economy is not the main driver.
- e) There is nothing about reforming the CAA which we regard as a priority (section 9, page 8).

Despite some of the welcome measures being proposed, there is **no real comfort given in the Green Paper that noise levels will fall** given the level of growth predicted (but see section 1 on growth). We are sceptical about the CAA noise study (section 7) and the over-reliance on quieter aircraft as the driver for noise reduction.

We consider that many mistakes have been made in implementing aviation policy in the last six to ten years, and many communities have suffered as a result. These wrongs need to be put right and we have put forward proposals in section 9.

The Green Paper talks of developing a partnership for sustainable growth, but without righting the damage done in recent years such a partnership may be difficult to achieve with the general public in communities around airports, whose trust and goodwill has been eroded by ill-thought-through changes made in the last decade.

1. Green Paper growth forecasts

Many of the Green Paper's proposals are predicated on the passenger and ATM growth projections it quotes. We are highly sceptical of these growth projections because the Green Paper does not lay bare the assumptions upon which they have been made. Furthermore so far as we are aware the projections have not been subjected to independent external audit.

What weight has been given in the projections to the growing awareness and concern amongst the public (especially in the last two years) of 'green' issues in general and the need to reduce reliance on carbon-based energy in particular?

Moreover, how do these projections now sit in the face of the government's announcement only this month of a commitment to reduce greenhouse gas emissions to net zero by 2050?

It is not difficult to imagine an alternative scenario that growth may be close to peaking and plateauing out, which is why disclosing the assumptions upon which these projections have been made is so important, and their absence a fatal flaw in the arguments the Green Paper advances.

We are conscious that these may not be arguments the Government wants to entertain – it likes the image of aviation growing on the back of ever-increasing business. But the reality may be very different.

2. Demand management

Whilst few would argue with the proposition that aviation brings real benefits to the economy, it is a fact that business travel accounts for under 20% of journeys at most airports, and that 70% of air travel from the UK is undertaken by 15% of the population. Most people only take one or two flights each year at most, while a small number are taking dozens of flights.

An alternative approach in the Green Paper would be to pursue a strategy similar to that for food labelling, where would-be passengers are presented with the carbon and energy footprint of the journey they are about to undertake and asked to confirm, before they click 'buy', that they are sure they wish to buy the tickets.

There could also be a Frequent Flyers Levy (<http://afreeride.org/>) which could curb growth without stopping people enjoying a holiday abroad or damaging business. Everybody would be entitled to one tax-free return leisure flight a year but the level of tax would increase with each subsequent leisure flight.

With more people taking leisure breaks in this country, this would also boost UK tourism as an alternative strategy to the one proposed in the Green Paper. The Green Paper does not acknowledge that the UK has a current tourism deficit, with more money spent abroad by UK residents than by visitors to this country.

Such a strategy might also encourage a switch from air to 'greener' rail – something the Green Paper fails to consider.

There should be a revised Green Paper which investigates and models this alternative view of the future.

3. Climate Change

The Green Paper argued that aviation can grow as predicted while still meeting the Government target of reducing aviation's climate emissions to their 2005 levels by 2050.

Whilst laudable on paper, the three measures proposed to do so ('Long Term Vision & pathway', a Long term ICAO goal' and strengthening CORSIA) are either highly speculative or susceptible to political out-maneuvring. There is no certainty at all that

other countries will agree to sign up to such measures, or at least to measures that would be effective and have some teeth. The likelihood of the can being kicked down the road is high, given the history of such international environmental initiatives up to now.

Moreover, this approach is called even more into question by the fact that since the Green Paper, the Government has announced a legally binding commitment to reduce UK emissions to net zero by 2050.

We believe these proposals are unlikely to cut the mustard on their own and that a strategy of demand management measures as we set out in section 2 is required.

4. The setting up of ICCAN (Independent Commission on Civil Aviation Noise).

The commissioners having only recently been appointed, it is far too early to assess the impact this body might have. This will depend almost entirely upon the quality of the commissioners (early indications in this respect are favourable), and the extent to which they are allowed to be open minded in their approach to mitigating aircraft noise or face obstruction from vested interests within the industry, including the CAA.

5. Noise generally

We welcome the Government's recognition in the Green Paper that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flight paths.

We also welcome the belated recognition that:

- statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flight paths
- the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology
- people can become annoyed by noise at lower levels than previously thought.

We also welcome the jettisoning of the discredited 57dB LAeq contour as the 'onset of community annoyance' and the adoption of 54 and 51 decibel contours. We also note the Government is studying a recent report from the World Health Organisation that suggested 10% of people became highly annoyed when noise averaged out at 45 decibels.

However, these new contours represent only a marginal improvement in the measurement of the true impact of aircraft noise on populations because they still employ the device of in effect averaging noise over a period of time. What is desperately needed is a metric capable of measuring maximum aircraft noise levels against ATM frequency below 7,000 feet. Set alongside the above measures, this would provide a more realistic and rounded measure of aircraft noise than the hitherto reliance on metrics which employ averaging.

With one exception (section 8(v)), the specific measures in the Green Paper to deal with noise are individually potentially welcome (section 8), but collectively they do not go nearly far enough.

They do nothing to tackle excess demand for air travel (see 1 & 2 above) and they fail to make the industry accountable for the costs it imposes on communities and society as a whole (section 6 below).

6. Compensation

In particular, in wishing to keep air infrastructure up to date as the Government alleges is necessary, it must be even-handed with affected communities and therefore also modernise the antediluvian compensation rules that apply in the air, by aligning them with those for ground transport - where changing airspace entails overflying new communities.

Whilst offering improved grants for double glazing or community projects may be very welcome measures for those who were historically overflowed as part of a policy of minimising aircraft noise impact, such compensation is frankly derisory to communities who might find themselves newly overflowed.

As with building terrestrial highways, compensation for such communities must include as a minimum loss of amenity and diminution in property value as applies under the Land Compensation Act.

7. Will noise levels fall by 2050?

The Government should be applauded for commissioning a study to assess future noise levels if the predicted levels of growth were to take place. But we believe this should have been carried out by an independent respected research organisation, and we seriously question the decision to task the CAA with carrying out this work.

The question mark this leaves over the independence of the findings in the report leads to considerable scepticism whether it has properly taken into account the impact of the increased flight there may be over some communities as a result of the predicted growth and concentrated flight paths.

8. Other specific proposed measures in the Green Paper to tackle noise

(i) A new **objective** to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise.

Whilst the above is a welcome objective, our approval is conditional upon the assumption that the present objective will also be retained in parallel – i.e. **“to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise...”** because the two objectives may address different aspects of the impact of aviation.

The Government says there has been uncertainty on how this existing objective should be interpreted, measured and enforced, but that is only because the Government has

allowed industry and the CAA to interpret it howsoever they wished without proper guidance from the DfT.

For us its meaning was self-evident from the first time of reading:-

“to limit”: It seems entirely clear this is an instruction to limit the spread of aircraft noise by taking every feasible step possible to avoid the overflight of new communities

“and, where possible, reduce the number of people in the UK significantly affected...”: This is a direction to take every feasible opportunity to reduce noise for communities already overflowed (for example by altering vertical profiles and incentivising quieter aircraft) so that it ceases to be ‘significant’ whilst doing everything possible to avoid breaching the primary instruction “to limit” (“to limit” is the primary instruction because unlike the second limb of the objective, it is not conditioned by the words “where possible”).

(ii) **Noise caps** to become routine at airports where planning permission is given for growth.

(These could take a number of forms such as an annual cap on the number of planes using an airport; capping flight numbers over any one community; or an overall or average upper noise limit.)

This is perhaps the most welcome proposal in the Green Paper. At their most basic, these caps should be used to set an annual cap on the number of planes using an airport, where an airport has plans to make more or better use of its existing infrastructure as part of government policy.

(iii) All major airports where there is no noise cap to draw up a **noise reduction plan** – this is potentially much stronger than the current noise action plans and is welcomed, but as so often the devil will be in the detail.

However, we would wish to see all airports, not just those without a noise cap, required to produce a noise reduction plan as it would mandate them to map out how they planned to reduce noise.

(iv) A new **national noise indicator** to track the long term performance of aviation in reducing noise. This is welcome but again the devil will be in the detail. ***Any national indicator should incorporate frequency of ATM measures as well as average noise measures.***

(v) The introduction of **multiple flight paths** to provide **respite** with the decision down to individual airports.

We do not support this proposal for the reasons given in section 10 below.

(vi) **Provide more information** to people moving into an area under a flight path.

People do not need more information if they can trust that aviation decision makers will not move flight paths over new communities except in the most extenuating of

circumstances. People can generally see and hear for themselves if a house they are planning to buy or rent is being overflowed. However, advice that people should try where possible to visit a prospective home more than once is good advice, for a host of reasons not only in relation to aircraft noise.

However we wonder if the Government is using the term ‘flight path’ here to include departure route NPR monitoring swathes?

In fact we are disturbed as well as surprised that the Green Paper appears to be silent on the question of NPRs.

We believe that NPRs provide no credible answer to the ethical dilemmas posed by airspace change and management:

- NPRs provide a false sense of public pre-knowledge for airspace planners and policy makers, creating the danger of a misplaced sense of entitlement to overfly new communities which fall within an NPR monitoring swathe but who are not currently overflowed.
- They engender discord between communities, by furnishing a pretext for one community to try and push its overflight over another community.
- They further create an undesirable ethical divide between the treatment of communities affected by arrivals, and those affected by departures.

We contend that NPRs are an anachronism, used by only a handful of airports/countries.

We see one positive outcome of a UK airspace modernisation programme as the opportunity for Government to dispense with NPRs and maintain the focus where it should be – on where the aircraft are actually flying. We would wish to see the Government move to abolish NPRs in the next 12 months so that the modernisation programme is not hamstrung by this anachronism.

(vii) **Promote best practice** in operating procedures; give the CAA the duty to require information on the practices used;

(viii) **Introduce a new power to direct airports to publish information**, such as league tables of airline noise performance, whether airlines are using the best operational practices - such as where they lower their landing gear – available to them etc.

We strongly recommend that publication of the information in (vii) & (viii) above should be overseen by ICCAN.

9. Retrospective remedies & CAA reform

We consider that until around 2012 the aviation industry had operated in something of a bubble, where there was minimal interaction with communities on the ground. This had limited consequences back then, because little had changed in the airlines for decades, and overflowed communities rightfully accepted their lot because they had literally ‘bought into’ their situation. The industry, including the CAA, went about their business dealing

with their colleagues and international counterparts, without the need to spare much thought for affected communities. The closest they came perhaps to considering members of the public, was liaising with bodies representing air passengers.

This all changed with the alterations wrought to airspace in the last ten years, and the industry and its regulators were singularly ill-prepared for the public backlash that was unleashed. Seemingly, and amazingly, they appear to have blithely assumed they could make these changes with no real consequences and that the public would remain supine as they had for decades. They had little insight, let alone metrics fit for purpose, to appreciate the tyrannies inflicted upon newly overflowed communities or communities facing concentrated flight paths, far less how properly to engage and interact with us, 'the great unwashed'.

That was unforgivably negligent, and by far the greatest share of the responsibility for the damage that has been done lies with those in the position of oversight, who failed to inject an ethical dimension into what seemed to us a headlong commercial rush.

We contend that four important changes need to be made to aviation policy to begin to right the wrongs that have been done to communities affected by these changes since around 2012:-

- A. In modernising airspace routes below 7,000 feet, airspace planners and decision makers should take where the aircraft were actually flying in 2012 as their baseline starting point for any design.
- B. Section 70 of the Transport Act 2000 sub-paragraphs (a) and (c) need to be amended to require the CAA *to exercise its air navigation functions in the manner it thinks best calculated:*
 - (a) *to secure the most balanced use of airspace consistent with:*
 - (i) *the safe operation of aircraft,*
 - (ii) *limiting the promulgation of, and subject thereto and where possible reducing, aircraft noise and emissions; and*
 - (iii) *the efficient and expeditious flow of air traffic;*
 -
 - (c) *to take account of the interests of any person (other than an operator of an aircraft) in relation to the use of any particular airspace or the use of airspace generally (and for the avoidance of doubt, 'any person' may include any community);*
- C. The CAA should have a senior executive at board level and an adequate staffing whose sole brief is engagement and liaison with communities on the ground.
- D. The availability of compensation as per section 6 needs to be retrospective back to 2012.

10. Flight paths

The "new" satellite-based navigation systems allow for aircraft to be guided along more precise flight paths. This is expected to allow airlines to save fuel and cut climate change

emissions (per plane); and to increase the capacity and improve the resilience of airports.

The Green Paper is guilty of swallowing the industry argument that the only options will be precise, concentrated flight paths without respite, or the creation of a number of these flight paths so respite is possible, with the decision on respite left to individual airports.

This is a grossly distorted prospectus for the reasons below:

First, we do not support “respite” (which we define as the allocation of different routes on different days or time periods, except where such allocation occurs ‘naturally’ because of prevailing wind direction).

We oppose respite because we believe it is a recipe for long term discord between communities, and for undue influence being wielded by those who ‘umpire’ the allocation of the respite.

We consider respite is unnecessary if the industry adheres to the twin policy objectives set out at 8(i). This means strictly limiting the overflight of new communities and only contemplating such new overflight where existing areas would suffer a step-change (>20%) in frequency of noise events. In such cases, only the excess volume of aircraft generating the step-change should be a candidate for moving over new communities and only with full compensation (see section 6).

This still leaves the question of **concentration of flight paths**, which we consider an invidious consequence of the lazy or ill-informed application of new navigation technology by the industry and its regulators. **The Green Paper is incorrect technically, when it states without qualification that new navigation technologies are not capable of delivering dispersion associated with conventional navigation.**

At least some emulation of the dispersion experienced when flying conventionally or using RNAV1 coded overlays, can and should be designed-in to each and every route. This can be accomplished by taking each RNAV1 route design and developing two or three marginally different route designs around its nominal track, which could be designated to be flown by different airlines or different aircraft types.

This design approach has been verified as sound by our aviation consultants Cyrrus and several commercial pilots with whom we have discussed it.

To be clear, we are here not talking about what are often described as ‘multiple routes or multiple pathways’, as e.g. on page 55 of the Green Paper. What we envisage would be for example Route 1A, 1B & 1C where the lateral distance between the nominal tracks of each sub-route design would be something like 0.3 kilometres.

It is also necessary to explode the myth that routes need to be placed a kilometre or more apart in order to offer a reduction in noise that can be experienced. A lateral separation of anything from a third of a kilometre upwards achieves a very

worthwhile amelioration and can be accommodated without the overflight of new communities which “multiple routes” will often entail.

Finally, RNAV1 technology should be used in all cases rather than RNP, because the latter tends to concentrate flight paths more than RNAV1.

11. Air Pollution

Levels of air pollution have steadily fallen over the past 40 years.

The UK is currently compliant with ambient air quality legislation for most pollutants, the exception being nitrogen oxides (although emissions have fallen by almost 27% between 2010 and 2016).

However, we cannot be complacent as we now know far more about the health impacts of air pollution.

The Green Paper suggested requirement for all major airports to develop air quality plans to meet local air quality targets, with the Government setting out the minimum criteria to be included in the plans, **is welcomed.**

The proposal to improve the understanding of aviation’s impact on local air quality is essential: at present the official view is that aircraft contribute to air pollution only in areas relatively close to an airport. However there is now research which suggests this is complacent thinking, and that planes may worsen air pollution many miles from it.

The proposal to explore the impact of ultrafine particles is particularly important and overdue.

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