



Department  
for Transport

# Consultation on Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions

25 June 2013

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Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR  
Telephone 0300 330 3000  
Website [www.gov.uk/dft](http://www.gov.uk/dft)  
General email enquiries <https://www.dft.gov.uk/about/contact/form/>

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# Executive summary

- 1.1 Section 70(2) of the Transport Act 2000 requires the Civil Aviation Authority (CAA) to take account of any guidance on environmental objectives given to it by the Secretary of State. Guidance was first issued by the then Department for Transport, Local Government and the Regions to the CAA in 2002 and has subsequently formed the basis of how the CAA interprets its environmental duties when considering changes to the UK's airspace structure.
- 1.2 The purpose of the guidance is to provide the CAA and the aviation community with additional clarity on the Government's environmental objectives relating to air navigation in the UK. However, there will be other legitimate operational objectives, such as the overriding need to maintain an acceptable level of air safety, the desire for sustainable development, or to enhance the overall efficiency of the UK airspace network, which need to be considered alongside these environmental objectives. The Government considers that the CAA is best placed to determine the most appropriate balance between these competing objectives.
- 1.3 In the years since the 2002 guidance was issued, there have been a number of significant developments which have, or will in the near future, affect the way in which decisions are made regarding UK airspace. These include the development of the Future Airspace Strategy (FAS) and with it the introduction of new Performance-Based Navigation (PBN) routes, and the publication of the Aviation Policy Framework in March 2013.
- 1.4 It is therefore appropriate that the Government revisits and refreshes the 2002 Air Navigation Guidance to the CAA to take into account recent policy and technical developments whilst remaining consistent with the overarching legislative framework which has not changed.
- 1.5 This consultation is on the draft revised guidance and it concentrates on those issues which are deemed to be the most significant. It includes a number of questions on which responses would be appreciated, and these answers will assist in finalising the revised guidance which it is hoped to issue to the CAA before the

end of this year. In view of the rather technical nature of the subject matter, the consultation is aimed at the aviation community, local authorities and environmental organisations, but we would also welcome comments from individuals and other types of organisations.

## How to respond

The consultation period began on 25 June 2013 and will run until 17 September 2013. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at:

<https://www.gov.uk/government/publications>

or you can contact Tamara Goodwin if you would like alternative formats (Braille, audio CD, etc).

Please send consultation responses to

Tamara Goodwin  
1/24  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

020 7944 6651

Email address: [Airnavigationguidance@dft.gsi.gov.uk](mailto:Airnavigationguidance@dft.gsi.gov.uk)

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

## Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# The proposals

The proposed update of the 'Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions' contains a number of changes from the 2002 guidance. The proposed changes are intended to provide greater clarity for the CAA and those designing and sponsoring airspace change proposals.

Underpinning this new Guidance are two key objectives. The first is the recognition that the UK needs to improve the efficiency of our UK airspace network and that includes mitigating the environmental impact of aviation. Secondly, is the reaffirmation of the need to consult local communities near airports when airspace changes are being considered in the vicinity of these airports. The Government recognises that it is not an easy task to always balance the interests of local communities and relevant stakeholders with those of the aviation industry, but we are confident that the CAA will continue to play an active role in ensuring that an appropriate balance is maintained in the future.

The key points to note in the draft guidance are:

- The introduction of altitude-based priorities which give clarity on the altitude at which aircraft noise and emissions should be given priority over one another (page 13);
- Clarification of the definition and use of Noise Preferential Routes (pages 19-23);
- Clarification of the role of the Secretary of State for Transport in the airspace change process (pages 24-26 );
- Confirmation of the Government's policy on the concentration of departure routes with the potential for respite through dispersion in certain cases (pages 27-29);
- Reaffirmation of the guidance relating to flights over Areas of Outstanding Natural Beauty (AONB) and National Parks (pages 30-31); and

- Clarification of what the Government considers to be the minimum standards for consultation (pages 32-34).

## Consultation questions

### Altitude-based priorities

The recent publication of the Aviation Policy Framework confirmed that the Government expects that, in the immediate vicinity of airports, the management and mitigation of noise should be given particular weight over other environmental impacts.<sup>1</sup> However, there is also the need to ensure that aircraft operations are efficient and emissions from them are minimised. To give more clarity to industry, we are proposing specific altitudes at which the environmental impact of aircraft emissions should be considered over the impact of aircraft noise.

In the proposed new guidance, 4,000 feet (above mean sea level) has been chosen to equate with “the immediate vicinity” of an airport based on the long standing view that noise from aircraft flying below this level is more likely to affect the key noise metrics used for determining the significant impacts of aircraft noise. It is also the level used at designated airports for when aircraft can be vectored off Noise Preferential Routes (NPRs). We recognise that some people may consider 4,000 feet to be too low while others might consider that it is even too high. However, we considered that a line had to be drawn somewhere and there is much to commend the 4,000 feet level we have chosen.

**Q1. Do you agree that 4,000 feet is a reasonable altitude below which can be considered “in the immediate vicinity” of the airport?**

However, we do recognise that noise from aircraft above 4,000 feet can have an impact on people on the ground. We are therefore proposing

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<sup>1</sup> Aviation Policy Framework, Department for Transport, 2013.

that in the airspace between 4,000 feet and 7,000 feet the CAA should continue to seek to minimise the impact of aircraft noise on densely populated areas while also taking into account the need to minimise emissions. So respondents should be reassured that noise will continue to be a factor in considering airspace change proposals up to the height of 7,000 feet.

Above 7,000 feet, we consider that the most efficient use of airspace that minimises aircraft emissions should be a priority. Again, a height had to be chosen and 7,000 feet is the height that was referenced in the previous guidance below which local impacts (which most commonly relate to noise) and consultation requirements generally came into play. Furthermore, it represents the usual height of the holding stacks at the larger London airports, and it is above the UK's current transitional altitude of 6,000 feet (when departing aircraft need to level off to set their altimeter settings). Additionally, noise impacts from aircraft above 7,000 feet are unlikely to be significant. For these reasons we chose 7,000 feet as the height at which minimising emissions becomes the priority.

We would also expect airspace change sponsors and the CAA to use their expert judgement when applying these altitude-based priorities and to treat them as guidelines. For example, the CAA could decide to take noise into consideration when determining a proposal affecting airspace above 7,000 feet if it felt that the noise impacts from that proposal would be significant.

**Q2. Do you think the altitude-based priorities will provide the necessary clarity for those proposing airspace changes?**

## Noise Preferential Routes (NPRs) (Chapter 5)

Chapter 5 considers the role of NPRs and their current use at airports in the UK as well as guidance on factors that should be taken into account when amending or introducing new NPRs.

Our understanding is that there are three categories of NPR ownership in operation today (paragraph 5.5). These are NPRs at designated airports, NPRs imposed by local authorities as part of local planning agreements and voluntary NPRs.

The Aviation Policy Framework recognises the important role which NPRs play in concentrating departing aircraft along the smallest possible number of departure routes (where the Government believes the balance of social and environmental advantage lies). Paragraph 5.4

reaffirms this and takes the view that NPRs should continue to operate, although recognises that existing NPRs may need to change in light of developments in technology.

**Q3. Do paragraphs 5.1 to 5.9 represent a reasonable understanding of the current and future use of NPRs?**

Paragraphs 5.10 to 5.14 provide guidance on dealing with airspace change proposals involving NPRs. There has not previously been specific guidance on the factors the CAA should take into account when an airspace change proposal involves a change to an existing NPR or the introduction of a new one.

Of particular note is the specific guidance on the introduction of “replicated” Standard Instrument Departures (SIDs) at designated airports<sup>2</sup> (paragraph 5.11), especially with the likelihood of many “conventional” SIDs being amended to make them Performance-Based Navigation (PBN) compliant in the near future. This paragraph describes the conditions under which the CAA can approve the replication of SIDs using PBN at the designated airports. The intention is to make the process clearer for both the CAA and airspace change sponsors as replications are unlikely to have significant environmental impacts that would warrant the involvement of the Secretary of State.

**Q4. Should the CAA consider any other factors when dealing with airspace change proposals involving NPRs (paragraph 5.10)?**

**Q5. Is the process for approving SIDs using PBN at designated airports appropriate and proportionate?**

## Role of the Secretary of State on Proposals to amend UK airspace arrangements (Chapter 6)

Chapter 6 gives guidance on the two specific circumstances when approval for an airspace change must be sought from the Secretary of State.

NPRs at the designated airports (paragraph 6.2) are decided by the Secretary of State and any change to the location of an existing NPR or the introduction of a new NPR will need approval by the Secretary of State. There is not currently any guidance on the process for changing NPRs at designated airports. Paragraph 6.3 sets down the process the

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<sup>2</sup> These airports are at present Heathrow, Gatwick and Stansted.

CAA should follow when airspace change proposals are received which require an NPR to be moved.

We have considered whether it was appropriate to retain the present long-standing arrangement where the location of the NPRs at the designated airports are determined by the Secretary of State. Whilst there was some rationale for de-designating these airports for NPR purposes, it was considered that this may have had some unintended consequences. We have therefore decided to retain the existing role of the Secretary of State, but with some further clarification to the CAA on how this role will be exercised.

**Q6. Is this process for changing NPRs at the designated airports reasonable?**

The Secretary of State also has an approval role in the airspace change process in certain circumstances where there may be a significant effect on the level or distribution of noise and emissions. Paragraphs 6.6 to 6.9 set out the process the CAA should follow when it receives an application for an airspace change that may have a significant detrimental impact on the environment.

**Q7. Should the Secretary of State continue to have an approval role, as envisioned in the guidance, or should the CAA have a greater role?**

## Concentration versus Dispersal (Chapter 7)

Chapter 7 reiterates the Government's position, as also set out in the Aviation Policy Framework, that the balance of social and environmental advantage lies in concentrating aircraft taking off from airports along the fewest possible number of specified routes and that these routes should avoid densely populated areas as far as possible. The guidance does recognise, however, that there may be local circumstances where the advantage lies in dispersing traffic, especially for the purposes of providing noise respite over noise sensitive areas.

**Q8. Should consideration of respite be encouraged more?**

## National Parks and Areas of Outstanding Natural Beauty (AONB) (Chapter 8)

National Parks and AONB are afforded certain protections in legislation to ensure their continued protection in relation to landscape and scenic

beauty. However, legislation does not prohibit flights over these areas as it would often be impractical to do so.

Government policy will continue to focus on minimising the over-flight of more densely populated areas below 7,000 feet, balanced with emissions between 4,000 feet and 7,000 feet. However, the guidance instructs the CAA to consider avoiding over-flight below 7,000 feet over National Parks and AONB where this is practicable. Above 7,000 feet the Government considers that the noise impact of flights above 7,000 feet is unlikely to be significant and therefore no consultation is required.

The guidance also touches on the concept of tranquillity. While there is growing pressure to protect and preserve tranquil areas, tranquillity is a subjective concept that is difficult to provide specific guidance on. Paragraph 8.3 does however ask the CAA to consider tranquillity when making decisions regarding airspace below 7,000 feet.

**Q9. Given the difficulties in balancing the Government's policy on minimising over-flight of populated areas with protecting National Parks and AONB, does the guidance reflect a pragmatic and practical way forward for the CAA?**

## Changes to Airspace Arrangements (Chapter 9)

Chapter 9 sets out the minimum standards of consultation that should be carried out for airspace changes as well as specific guidance on consultations for proposals that have the potential for significant detrimental impacts.

The guidance suggests that consultation with environmental stakeholders would normally only be necessary where the proposed changes concern controlled airspace at or below an altitude of 7,000 feet or could have serious knock-on effects on how traffic uses adjoining uncontrolled airspace at or below the same level.

**Q10. Does the consultation process as outlined in Chapter 9 of the guidance ensure airspace change consultations remain proportionate and appropriate?**

## General Questions on the Guidance

Much of the focus of the guidance is on the potential for airspace changes to impact on the amount of aircraft noise experienced by people on the ground. While we believe minimising aircraft emissions is important, we feel that at the moment this is already happening at higher

altitudes and is a natural outcome of the current focus by airlines to save on fuel costs.

**Q11. Is the balance of the guidance appropriate? Are there any areas of the guidance you think need clarifying?**

**Q12. Can you provide any evidence of the costs or benefits this guidance may have for your organisation?**

## What will happen next?

A summary of responses, including the next steps, will be published within three months of the consultation closing on <https://www.gov.uk/government/publications>. Paper copies will be available on request.

The expectation is that the guidance will be issued to the CAA by the end of 2013 or no later than March 2014.

# Question and answer brief

Below is a list of frequently asked questions about these proposals.

**Q. Why does the Department wish to provide CAA with new guidance?**

A. The existing guidance is 11 years old and we consider that it needs to be updated. The Aviation Policy Framework also stated that the Department would be issuing new guidance by March 2014 and so the consultation is an important step towards securing this objective.

**Q. Does the CAA support the need for new guidance?**

A. The CAA is keen to see the guidance revised and we have been working with it to develop the draft guidance document.

**Q. What is the target audience for the consultation?**

A. The target audience is the aviation community, particularly the CAA, and those organisations, such as air navigation service providers and airports, likely to be making airspace change proposals to the CAA. In addition, local authorities and environmental organisations will have a strong interest and we would also welcome responses from the general public.

**Q. Is the draft completely new text?**

A. No. Some sections of the draft are similar to the existing guidance but we have added some new sections on issues such as Noise Preferential Routes, altitude-based priorities, and the role of the Secretary of State to provide some more clarity for the CAA and airspace change sponsors.

**Q. Is aviation legislation being changed by the guidance?**

A. No. The existing legislative framework continues and it is important to recognise that this is guidance material to the CAA.

**Q. What might be the main impacts from the new guidance?**

A. The guidance provides some additional clarity to the CAA which should make it easier for it to determine airspace change proposals. It should also make it easier, for example, for airspace change sponsors to put forward applications for new Performance-Based Navigation routes at the major airports and see that these are considered on their merits.

**Q. What will happen to Noise Preferential Routes (NPRs) at the designated airports?**

A. The draft guidance sets out a process for dealing with airspace change proposals affecting NPRs at the designated airports. The Secretary of State will still retain an important role, and the guidance stresses the importance of local engagement with those living in the vicinity of the flight paths.

**Q. What about aircraft noise?**

A. The guidance recognises that aircraft noise is a key environmental factor and the overall balance of the draft reflects this. For example, the key altitude-based priority below 4,000 feet is to minimise the effect of aircraft noise.

**Q. What about respite?**

A. The Aviation Policy Framework reaffirmed the Government's view that it is important to consider exploring options for respite wherever feasible. The new guidance therefore encourages airports and airlines to work with the CAA and NATS and their local communities to consider creative solutions to protect and enhance the use of respite as a means of mitigating aircraft noise.

**Q. Will the guidance help to reduce aircraft emissions?**

A. The altitude-based priorities confirm that the need to minimise emissions is the key priority when aircraft fly over 7,000 feet but that in addition the CAA should consider emissions from aircraft when considering proposals affecting flights between 4,000 and 7,000 feet. This provides a framework for the CAA which could be used to help minimise aircraft emissions.

**Q. What about the need to consult on airspace changes?**

A. The guidance reaffirms the importance of engaging with those communities likely to be affected by proposed airspace changes. The guidance provides minimum consultation standards but the CAA can exceed these if it wishes.

**Q. When does the consultation close?**

A. In view of the technical nature of the subject matter, and the upcoming holiday period, we consider it is appropriate for the consultation to run for 12 weeks. The closing date is therefore on 17 September 2013.

**Q. When is the guidance likely to be issued to the CAA?**

A. The intention is to publish the guidance before the end of this year.

**Q. What will the CAA need to do once the guidance is issued?**

A. The CAA will need to revise its Civil Aviation Publication (CAP) Number 725<sup>3</sup> which provides detailed guidance to airspace change sponsors to ensure that it is consistent with the new guidance.

If you still have questions after you have read this section please contact:

Tamara Goodwin  
Aviation Policy Implementation Division  
1/24  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

020 7944 6651

[Airnavigationguidance@dft.gsi.gov.uk](mailto:Airnavigationguidance@dft.gsi.gov.uk)

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<sup>3</sup> <http://www.caa.co.uk/docs/33/CAP725.PDF>

# Annex A: Consultation principles

The consultation is being conducted in line with the Government's key consultation principles and further information on these is available on the gov.uk website at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator  
Department for Transport  
Zone 1/14 Great Minster House  
London SW1P 4DR  
Email [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)