



Department
for Transport

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

January 2014

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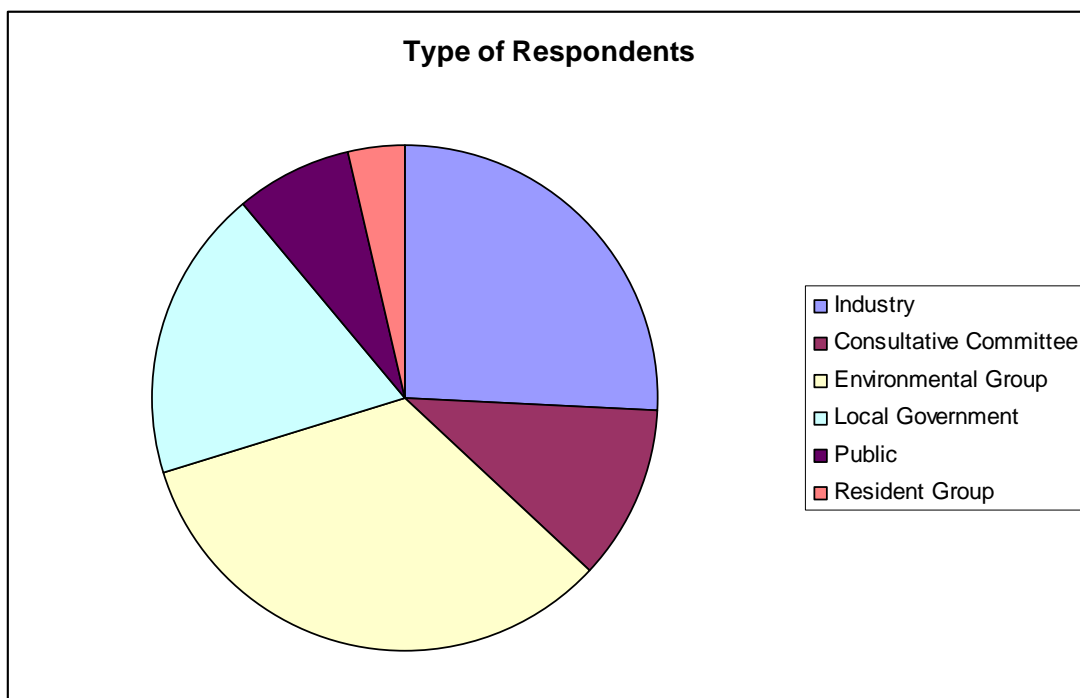
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1. Overview

- 1.1 This document summarises the responses to the questions posed in the “Consultation on Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions” and provides the Government’s response.
- 1.2 The Department published the consultation online at www.gov.uk/government/consultations on 25 June 2013. Interested parties were able to respond through a dedicated email address as well as by post. Prior to the consultation period, two events were held with stakeholders to brief them on the Department’s rationale behind the proposed new Guidance and to answer any questions which they might have.
- 1.3 The consultation closed on 17 September 2013. Responses were logged and read by the relevant policy team within the Department. In total we received 27 responses from a variety of industry, environmental and community organisations and local government bodies, as well from two members of the public.



- 1.4 Most respondents felt it was timely to refresh the Guidance to the Civil Aviation Authority (CAA), and welcomed the opportunity to comment. While there were of course differences of view on some of the detail (especially regarding Noise Preferential Routes (NPRs) and altitude-based priorities), the majority of respondents felt that the proposed new Guidance introduces much needed clarity to the airspace change process, especially in the context of the CAA's Future Airspace Strategy.

- 1.5** We are grateful to all respondents for taking the time to respond to the consultation. The Department does not routinely publish individual responses, although we do encourage individual organisations, in the interest of transparency, to release their responses where possible.
- 1.6** The final Guidance is published as a separate document at www.gov.uk/government/publications.

2. Responses to Consultation Questions

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

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

- 2.1** Most respondents welcomed the idea of altitude-based priorities and felt they provided clarity, although not everyone agreed with the specific details of what was being proposed.
- 2.2** There was general consensus among industry respondents that the 4,000ft above mean-sea level is a reasonable altitude below which can be considered “in the immediate vicinity” of the airport.
- 2.3** Among other respondents (local authorities, community groups and environmental groups) the majority preferred that noise is prioritised below 7,000ft, with emissions being prioritised over 7,000ft. A significant theme in many of the responses from these groups concerned the use of Above Mean Sea Level (amsl) as a measure of altitude. It was felt that having an altitude above ground level would be more appropriate, especially when considering flights over Areas of Outstanding Natural Beauty (AONB) and National Parks. Others felt that the need to take account of local circumstances should be highlighted.
- 2.4** A few respondents (from both industry and others) asked for some more detailed guidance on how to weight different factors, and that the process which the CAA uses should be open and transparent. In addition, some respondents felt there should be less ambiguity around certain terms such as “significant detrimental impact”, “expert judgement” and “immediate vicinity of airport”. There were also some suggestions that other factors should be taken into account such as background noise, cumulative effects and legacy arrangements.

Government Response

- 2.5** While the Government acknowledges that aircraft noise can be an issue when aircraft are flying up to 7,000ft (amsl), we consider that allowing

flexibility between 4,000ft and 7,000ft will enable local circumstances to be taken into account on a case by case basis.

- 2.6** As there is a possibility for confusion from the use of more than one altitude datum, we have decided to stick with the use of amsl as the sole altitude baseline. However, we expect that the CAA will ensure that local circumstances, especially the height above sea level of the countryside involved in the airspace change, will be taken into account when it considers airspace change proposals.
- 2.7** The Government continues to believe that the principle of altitude-based priorities will provide sufficient clarity, and we have chosen to include the relevant text in the final version of the Guidance largely unchanged.

Q3. Do paragraphs 5.1 to 5.9 represent a reasonable understanding of the current and future use of Noise Preferential Routes (NPRs)?

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

- 2.8** There was general agreement from respondents that paragraphs 5.1 to 5.9 represented a reasonable understanding of the current use of NPRs, although there were some suggested changes to various parts of the proposed text.
- 2.9** Many of the respondents (both industry and others) said they would have preferred some more clarity on the design criteria for NPRs, such as what should be their width, length and altitude. In addition, some suggested that the use of NPRs should be consistent across all airports, whilst one industry respondent suggested that, as technology improves, NPRs should be continually reviewed to ensure the benefits from improved technology can be utilised.
- 2.10** There was some concern from environmental groups about the impacts that higher levels of aircraft concentration within NPR swathes were having on the population below. Some also expressed concern about the altitude above which aircraft can be vectored off NPRs, especially at non-designated airports.
- 2.11** Respondents also considered that factors to be taken into account when dealing with airspace change proposals involving NPRs included: taking account of background noise; looking at changes to current and future population densities; avoiding NPRs over AONB, National Parks and other noise sensitive areas; and the need to take into account the higher speed of modern aircraft.

Government Response

- 2.12** The Government understands the views expressed by respondents regarding their desire for the design criteria of NPRs to be articulated in the Guidance. However, there is a risk that whatever design criteria we establish now would be soon be overtaken by events or might not fit specific local circumstances.
- 2.13** We do recognise there is a need to do some further work on the design criteria for NPRs, and so it is our intention that this task will be considered as soon as possible by the Department's Aircraft Noise Management Advisory Committee (ANMAC), an industry working group that advises the Department on technical and policy aspects of aircraft noise mitigation and track keeping policies at Heathrow, Gatwick and Stansted. The Department will also expect that the CAA will encourage non-designated airports to look at the way their NPRs are designed and used once ANMAC has concluded its work on NPRs.
- 2.14** The issue of higher levels of aircraft concentration within NPR swathes due to improved navigational performance is one that the Department is aware of. We are encouraging airports to work with their local communities to look at options such as respite in order to reduce the burden of noise on communities below NPRs. Moreover, paragraph 4.1 (f) of the Guidance states that all changes below 7,000ft (amsl) should take into account local circumstances in the development of airspace structures. This includes airspace changes that involve NPRs.

Q5. Is the process for approving Standard Instrument Departures (SIDs) using Performance-Based Navigation (PBN) at designated airports appropriate and proportionate?

- 2.15** Most respondents felt that, in general, the process as laid out in the Guidance is appropriate and proportionate. Industry respondents on the whole welcomed the clarity it provided, particularly with regard to the distinction between replication and redesign of SIDs.
- 2.16** Some industry respondents wanted to see a statement confirming that the successful replication of conventional SIDs for PBN does not mean the NPR needs to be shifted to ensure the SID and NPR centreline are coincident. They considered that requiring the NPR to be realigned following SID replication might increase the cost and risk of implementing the airspace change. The CAA's August 2013 Policy Statement on PBN SID replications was referred to in support of this view, in so much as it says "The design of an RNAV or RNP procedure that follows the path over the ground of the nominal track of the existing conventional procedure as closely as possible" rather than the nominal centreline of the associated NPR or the current traffic concentration. At least one respondent asked for a specific statement saying that the approval from the Secretary of State (SoS) is not required for any change where a new PBN NPR swathe sits wholly within the conventional NPR swathe.

- 2.17** A few non-industry respondents felt that the process for approving SIDs using PBN at designated airports should be extended to non-designated airports, or at least to those airports with traffic over a certain threshold (such as 50,000 air transport movements a year).

Government Response

- 2.18** NPRs continue to play an important role in giving effect to the Government's policy on concentrating departing aircraft along the fewest number of departure routes as well as providing important clarity to those living in the vicinity of airports on the likelihood of disturbance from aircraft noise. As such, while we recognise that for established NPRs the centreline may no longer reflect the published SID route for various reasons, the Government believes that where it is practicable, the NPR centreline and the published SID's nominal track should be the same. This includes taking the opportunity when redesigning or replicating SIDs for PBN to ensure the NPR centreline adequately reflects the SID which is being amended.
- 2.19** As the Department only sets noise regulations at Heathrow, Gatwick and Stansted, and currently has no plans to designate any other airport for noise purposes, the process will not be extended to non-designated airports. However, the Department expects, as laid down in the Guidance, that non-designated airports will follow an open and robust process when carrying out changes to airspace, including those that involve NPRs.

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

- 2.20** Most respondents felt that the process is reasonable, although some industry respondents preferred some more flexibility in the need to revise NPRs following changes to their associated SIDs (as set out in the responses to question 5 of the consultation document). By contrast, most environmental respondents were satisfied with the process as envisaged in the draft Guidance, but some felt that it would be useful to have more information on what "significant detrimental effect" means. Finally, there was a concern regarding the timescales involved in gaining approval from the SoS.

Government Response

- 2.21** The Government has taken another look at the process for changing NPRs at the designated airports and has modified it slightly to reflect that the NPRs should be moved if practicable to do so following both the replication and redesign of conventional SIDs by new PBN-based SIDs.

In addition, the CAA can decide on airspace changes for redesigned SIDs at the designated airports when these do not have a net significant detrimental impact on the environment.

- 2.22** The draft Guidance did, in fact, state that a response to the CAA will be given by the SoS within 28 working days. Due to feedback from the consultation, we have now added a commitment to ensure that any changes to NPRs at designated airports will be promulgated in the Aeronautical Information Publication in a timescale to be agreed with the CAA.
- 2.23** With regard to further clarity on “significant detrimental impact”, the Department considers that the CAA is best placed to determine “significant detrimental impact” on a case by case basis.

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?

- 2.24** Most of the industry respondents were not in favour of the SoS continuing to have a role in the approval process for the NPRs at the designated airports and would like to see this power delegated to the CAA. One of the reasons given for this view was the suggestion that the present arrangements have created a double standard which may have enabled some local communities to exercise more influence in the airspace change process than others. It was suggested that if the CAA had ownership over the management of all NPRs it would enable a common set of standards to be developed and implemented.
- 2.25** Most of the other respondents agreed with the process as set out in the draft Guidance, including the continuation of the SoS approval role in NPRs.

Government Response

- 2.26** The role of the SoS is currently defined by legislation. While the CAA will provide recommendations on NPRs at the designated airports and proposed airspace changes which may have a significant detrimental impact on the environment, the Department considers that the SoS’ current role is proportionate given his responsibilities under Section 78 of the Civil Aviation Act 1982. We have therefore made no alterations to the role of the SoS.

Q8. Should consideration of respite be encouraged more?

- 2.27** Most respondents agreed that respite is a concept that should be explored further, in consultation with local communities, as long as it

does not conflict with the Government's policy to reduce the overall number of people affected by noise.

- 2.28** The minority of respondents who didn't consider that respite should be encouraged more felt the key objective should be to reduce the noise impact overall by limiting flight numbers and banning night flights. There was also some concern that in providing respite, additional people would be unfairly impacted by aircraft noise.

Government Response

- 2.29** The Guidance continues to reflect the Government's view that it is important to consider exploring options for respite. In response to concerns about additional people being affected, we have reiterated that the introduction of respite should be consistent with the Government's overall policy objective to limit the number of people affected by aircraft noise.

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

- 2.30** Most respondents agreed that the Guidance reflected a pragmatic way forward, although there were some suggestions for additional factors to be taken into account, such as the height of the surrounding countryside, background noise, and tranquillity.

Government Response

- 2.31** The Government welcomes the view that its proposals reflect a pragmatic way in how to deal with flights over AONB and National Parks. With regard to the other points made, paragraph 3.2 of the Guidance says that the CAA should take account of individual circumstances such as the location of the airport, the height above sea level of the surrounding countryside, the numbers of people likely to be affected by noise, and the size and operating characteristics of the aircraft involved. This also applies to airspace changes involving National Parks and AONB. So we consider that the additional factors mentioned as being needed to be taken into account have already been addressed adequately in the Guidance.

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

2.32 Respondents were broadly happy with the consultation process as set out in Chapter 9 of the Guidance. Some respondents made suggestions of additional organisations that should be part of the consultation process, such as the relevant statutory environmental bodies. It was also felt that town and parish councils should be proactively consulted where relevant rather than only being consulted if they have made their interest known (this comment was made in response to footnote 27 of the draft Guidance specifying what bodies are considered local authorities for the purposes of consultation).

Government Response

2.33 We note that paragraph 9.2 (d) of the Guidance says that other organisations and individuals who may represent the interests of people living in the immediate vicinity of the aerodrome or directly under flight paths (up to 7,000 ft), including town and parish councils, should be consulted. To ensure that national or local environmental bodies, which are considered to have a specific interest in the impacts of a proposed airspace change are appropriately consulted, we have now added a specific reference to this effect in paragraph 9.2 (e) of the Guidance.

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?

2.34 There was general agreement from those that responded to this question that the overall balance of the Guidance is appropriate. This question also allowed respondents to suggest any issues they felt had not been adequately address in the draft Guidance and consultation.

2.35 One issue raised by several respondents was their desire for defined weightings for environmental factors to be made explicit within this Guidance to ensure clarity and transparency for both airspace change sponsors as well as local communities.

2.36 One respondent was disappointed that the draft Guidance does not introduce any new advice regarding helicopter noise. It felt that the Guidance should make specific recommendations to the CAA to carry out research on how helicopter noise might be better managed and what role it may be able to play using its air traffic management duties. It was also felt that the Guidance should include more explanation of the

implications of “the unique noise characteristics of helicopters”. This was seen as especially important given the withdrawal of PPG 24.

- 2.37** The same respondent pointed out that the Guidance did not make reference to the Climate Change Act 2008 which requires emissions from international aviation and shipping to be taken to account in the setting of carbon budgets with a view to their formal inclusion in the near future, nor did it refer to the 2012 Government statement to postpone any decision until setting the fifth carbon budget while affirming its commitment to the 2050 target.
- 2.38** Another respondent felt that the Guidance should recognise the impacts that airspace change could have on biodiversity, especially on bird populations, and on nationally and internationally designated conservation sites.

Government Response

- 2.39** With regard to the weighting of environmental factors, the Government considers the CAA is best placed, and has the appropriate expertise, to determine these on a case by case basis, taking local circumstances into consideration. It will therefore be open to the CAA to determine whether it wishes to elaborate further on the likely weighting factors when it updates its own guidance document for airspace change sponsors (CAP 725).
- 2.40** With regard to the concern raised on helicopter noise we have added some wording to paragraph 4.22 of the Guidance that asks the CAA to promote voluntary noise abatement procedures that “minimise noise disturbance” where they are aware that airport/aircraft operators are considering changes to helicopter routings. As this Guidance covers the Airspace Change Process, helicopter operations occurring in uncontrolled airspace fall outside of its scope. However, any proposed changes to helicopter routes that fall within the Airspace Change Process will be covered by this Guidance and their noise impacts taken into account by the CAA.
- 2.41** The Government agrees that the Guidance should include a reference to the Climate Change Act 2008 and that we should also recognise the Government’s commitment to the 2050 emissions target. We have therefore included these references in paragraph 2.1 of the Guidance.
- 2.42** Although we have decided not to include any specific guidance on biodiversity or bird disturbance we have added the Wildlife and Countryside Act 1981 and the Habitats Regulations Act 2010 as pieces of legislation that the CAA should be familiar with, as well as the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000.
- 2.43** While no organisation could give any specific costs or benefits, it was felt that the revised Guidance will make an important contribution in helping to modernise UK airspace and to generate the efficiency savings expected from the Future Airspace Strategy.