

EAST HERTS COUNCIL

NON-KEY DECISION – 17/04

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC DEVELOPMENT

UK AIRSPACE POLICY: A FRAMEWORK FOR BALANCED DECISIONS ON THE DESIGN AND USE OF AIRSPACE CONSULTATION, DEPARTMENT FOR TRANSPORT, FEBRUARY 2017

WARD(S) AFFECTED: All

**Purpose/Summary of Report**

- The purpose of this report is to agree the Council's response to the Department for Transport's 'UK Airspace Policy: A Framework for Balanced Decisions on the Design and Use of Airspace' consultation document, February 2017.

**RECOMMENDATION FOR DECISION: that the Department for Transport be informed that East Herts Council:**

<b>(A)</b>	<b>Submits the comments included at Essential Reference Paper 'C' to this report as its response to 'UK Airspace Policy: A Framework for Balanced Decisions on the Design and Use of Airspace' consultation document, February 2017.</b>
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1.0 Background

- 1.1 The Department for Transport (DfT) is currently seeking views on an update to UK airspace policy, which it considers is necessary in order to meet the needs of passengers, communities, the aviation sector and the wider economy.
- 1.2 The consultation documents, including the full 92 page report, are available to view via the link at the Background Papers section of this report, while a summary document 'UK airspace policy consultation: Executive Summary' is included at **Essential Reference Paper 'B'**.

1.3 The consultation closes on 25<sup>th</sup> May 2017.

## 2.0 Report

2.1 The purpose of the current consultation is to seek views on an update to UK airspace policy. Views are sought on a range of proposals, including:

- Establishing an Independent Commission on Civil Aviation Noise (ICCAN) to make sure noise impacts are properly and transparently considered;
- Providing industry with ways to assess noise impacts and choose between route options to help them manage change more effectively;
- Bringing compensation policy for airspace changes in line with policy on changes to aviation infrastructure; and
- Offering greater flexibility to three of London's major airports (which would include Stansted), so that they can adapt their noise management to the needs of their local communities, as other airports across the UK already can.

2.2 The proposals in the document set out the intended overarching framework for governing airspace decisions. It is important to note that the role of the DfT will not be to determine individual airspace arrangements, but to identify a process for decisions to be made in the correct manner. This is intended to ensure balance and transparency in the process and also consistency in how impacts are managed.

2.3 As background to the consultation, the term 'airspace' is taken to mean the volume of space above ground level and extends as far as aircraft can fly. Whereas the UK's roads are used by pedestrians, cyclists, cars and other motorised vehicles, the skies are occupied with aircraft of many kinds, both military and civilian. As with roads, airspace has to be managed so that those using it can do so safely and efficiently. To achieve this management, rules are imposed on who can use airspace and how.

2.4 In the UK, airspace is either considered to be "controlled" or "uncontrolled". In controlled airspace, there is a system of structured routes and aircraft are managed by air traffic control services (ATCs). ATCs oversee the airspace and monitor the separation of aircraft in order to keep them safe as they head towards their destinations. Most commercial aircraft operate in

controlled airspace.

- 2.5 By contrast, a large volume of airspace in the UK is uncontrolled, where the pilot of the aircraft does not receive a service from the ground but has to “see and avoid” other aircraft and also navigate independently. Most light aircraft and some military and commercial aircraft operate in that airspace. In East Herts, most of the airspace covering the district is “controlled” due to the close proximity of Stansted and Luton airports and to other established flight paths, largely relating to Heathrow.
- 2.6 All arrangements for UK airspace follow internationally agreed safety and operational practices and requirements.
- 2.7 Within controlled airspace, commercial aircraft fly within permanent structures, or airspace routes, as set out in the UK’s Aeronautical Information Publication (AIP). These structures include departure and arrival routes.
- 2.8 The current Government, in line with its other general planning principles, supports sustainable aviation; meaning that the benefits of a thriving aviation sector should be balanced with impacts on local communities and the environment. A key part of this approach towards sustainable aviation is airspace modernisation.
- 2.9 In this regard, it should be noted that procedures and infrastructure around the management of airspace have remained largely unchanged for over 40 years. This prevents the utilisation of the full potential of modern satellite navigation technology which is fitted to modern aircraft. It is therefore now considered appropriate for airspace modernisation to occur in order to reflect the fact that the environment within which it operates has changed greatly since the present arrangements were established. Modernisation is seen as particularly important in respect of bringing benefits such as: increased capacity; reduced delays; reduced aviation emissions and fuel savings; reduced noise from aircraft overflying communities; and, enhancements to aviation safety.
- 2.10 In respect of territorial extent, the proposals would be applicable to the whole of the UK, although those relating to how noise is managed at individual airports would be for devolved administrations to formulate policy, where appropriate. The proposed new Independent Commission on Civil Aviation Noise (ICCAN) would be a nationwide body responsible for creating, compiling and disseminating best practice to the aviation industry.

2.11 The benefits of establishing ICCAN would be to ensure transparency, trust and local engagement in airspace decisions and noise management. Its proposed functions would be to:

- Advise on the best noise management techniques;
- Advise on accessibility of noise information to facilitate community engagement on airspace proposals;
- Influence through best practice guidance; and
- Review recent research and commission further research.

2.12 DfT's currently favoured, though not fully determined, option is that ICCAN would be an independent body sitting within the Civil Aviation Authority (CAA), that it should be publicly funded, and that its position should be reviewed after five years.

2.13 At this stage, it is not proposed that ICCAN would have a direct enforcement function in respect of individual breaches of noise controls. This is primarily because its remit would be limited to noise and understanding the reasons for individual breaches would require a wider investigation function, potentially encompassing air navigation and safety matters.

2.14 Concerning changes to airspace, three tiers of change are proposed, each with their own proportionate processes and including appropriate scrutiny and transparency measures. These include:

Tier 1: Changes to the permanent structure of UK airspace – these changes are already covered by the CAA's formal airspace change process, which is currently undergoing significant improvement. The process would be further strengthened by the proposals in this consultation, such as the introduction of ICCAN, and guidance on how to assess significant noise impacts.

Tier 2: Planned and permanent changes to ATC's day-to-day operational procedures (e.g. vectoring practices) – these procedural changes can have a very similar effect to changes to the permanent airspace structure because they may result in planned and permanent redistributions of aircraft traffic (PPR). The objective is for there to be a suitable and proportionate change process in place for these changes and detailed proposals on these kinds of changes are set out within the document.

Tier 3: Changes to operations – for example significant shifts in the distribution of flights on particular routes. These may not be planned decisions to change the use of airspace, but shifts over time and in response to changes in demand. However, recognising both the need for the public to be informed and the need to avoid excessive bureaucracy, the DfT would expect airport and air navigation service providers to engage and act transparently with regard to these kinds of change.

2.15 The document also includes proposals in respect of compensation payable to affected parties resultant from airspace change, including four proposed amendments to current policy:

- i. Remove word ‘development’ in terms of financial assistance to bring in line with compensation for new infrastructure;
- ii. Amend wording so assistance to insulation 63dB LAeq + regardless of the level of change;
- iii. Add wording to encourage consideration of compensation for significantly increased overflight; and
- iv. Requirement of full insulation paid by the airport for homes 69dB LAeq + contour.

2.16 In terms of making airspace change decisions transparent, it is proposed the following measures be included in the agreed process:

- Options analysis;
- Local engagement/consideration of route options;
- Transparency over balancing of different factors, including environmental;

and in assessing noise:

- Threshold for impacts to be considered;
- New methodology - impacts on health and quality of life; and
- Use of other metrics for frequency.

2.17 In respect of ongoing Noise Management, the DfT considers that, where possible, this is usually best managed at a local level with the Government’s involvement being focussed only on strategic decisions (i.e. Nationally Significant Infrastructure Projects (NSIPs)). The current proposals are that:

- Decisions on operating restrictions should be made through the planning process where possible;

- The competent authority for ensuring these follow the Balanced Approach will be the planning decision-maker or CAA outside of planning; and
- The designated airports (which would include Stansted as well as Heathrow and Gatwick) should be given more power to respond to noise problems facing their communities:
  - Proposals for noise controls (other than operating restrictions) currently set by the Government, such as departure noise limits, continuous descent approaches and noise-preferential routes, be transferred to the airports. This would be consistent with other airports and would see Government's involvement focussed on strategic decision making. Local decisions could be informed by ICCAN best practice in future.
  - In providing greater transparency to communities about where and how often aircraft are actually flying, and to make it easier to see changes over time, designated airports should publish data on their departure routes and track keeping performance. All major UK airports should be encouraged to publish similar data in the interests of transparency where practicable. The exact information published should be determined by the airports, in consultation with local communities.

2.18 In terms of responding to the consultation, a series of questions have been posed throughout the consultation document. These largely demand responding to specific, often technical, issues and are not phrased around wider-ranging points of interest or concern in relation to the document's content.

2.19 In consideration of the Council's response to the consultation document, it should be borne in mind that, generally, it is not so much a case of there being an issue with the principles of the current proposals, but rather that there is a lack of clarity in what policies and procedures would be in place to both ensure their effectiveness and to protect local communities going forward.

2.20 Therefore, in order to best express the views of the authority, it is proposed that, instead of responding to the set questions, a stand-alone document be submitted as the East Herts Council response to the consultation. This is included at: **Essential Reference**

## Paper 'C'.

2.21 For information, three other companion documents (which do not form part of the consultation response) have also been published alongside the update to UK airspace policy, including:

- Draft Air Navigation Guidance;
- Rationale for Airspace Modernisation; and
- Survey of Noise Attitudes.

These documents are available to view at:

<https://www.gov.uk/government/consultations/reforming-policy-on-the-design-and-use-of-uk-airspace>.

2.22 The consultation on the UK airspace policy document closes on 25<sup>th</sup> May 2017. At the launch of the consultation, the DfT anticipated that it would be intending to announce a Government response to it in the Autumn.

## 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

## Background Papers

- UK Airspace Policy: A framework for balanced decisions on the design and use of airspace, February 2017:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/588186/uk-airspace-policy-a-framework-for-balanced-decisions-on-the-design-and-use-of-airspace-web-version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588186/uk-airspace-policy-a-framework-for-balanced-decisions-on-the-design-and-use-of-airspace-web-version.pdf)

Contact Member: Councillor Gary Jones – Executive Member for Economic Development  
[gary.jones@eastherts.gov.uk](mailto:gary.jones@eastherts.gov.uk)

Contact Officer: Kevin Steptoe – Head of Planning and Building Control  
Contact Tel No: 01992 531407  
[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)

Report Author: Kay Mead – Principal Planning Policy Officer  
[kay.mead@eastherts.gov.uk](mailto:kay.mead@eastherts.gov.uk)