

Withyham Parish Council

Response To

The UK Airspace Consultation

May 2017

Introduction

1. About Withyham Parish

- 1.1. Withyham Parish has approximately 3000 residents and falls under the local government of Wealden District Council which, in turn, comes under East Sussex County Council. The Parish is divided into 3 electoral wards: Groombridge (New), St John's and Withyham/Blackham. The latter is the largest area, though the least populated; the key densities of population being Groombridge and St John's.
- 1.2. All of our Parish is in an AONB and within the Ashdown Forest embargo area for new building developments.
- 1.3. In close proximity to the Parish are the towns of Crowborough (East Sussex) and Tunbridge Wells (Kent), these are key destinations for residents in terms of shopping, social activities, work and access to commuter services to London. Lying between our villages is mainly agricultural land and a few roads connecting them.

2. Noise Corridors - Suggested Flight Paths

- 2.1. In addition to our responses below, we would like to bring to your attention the possible addition of further flight path(s) based on existing *Noise Corridors*, these are existing areas of noise pollution. These Noise Corridors could be used as extra flight paths and thus reduce the impact of the current concentration above our Parish and East Sussex in general. We believe this type of thinking could provide a much wider set of flight paths, which would be further facilitated when stacking is moved offshore.
- 2.2. **M20 Example.** It is reasonable to describe the M20 and the adjacent railway lines that run in parallel down to the channel tunnel as a noise corridor. Noise Corridors could be used as additional flight paths either for all aircraft traffic, a percentage of everyday traffic, or, as a respite route for air traffic coming into London Gatwick (LGW).
As we understand from the LGW arrivals review (*Gatwick Arrivals Review Recommendation Progress Report: January 2016 – January 2017*), in particular

IMM-20 (see 2.3 below), there is a suggestion that moving the stacks Timba and Willow offshore could be considered. We are proposing that the stacks, if moved offshore, should be repositioned in a more northerly direction so that the M20 could more easily be brought into use without aircraft flying wholly over East Sussex. The aircraft could come directly into one of the stacks from the northerly and easterly flight paths, and then directed down the M20. This would have a dramatic effect on reducing the number of aircraft arrivals over East Sussex and West Kent giving relief to large communities in both.

We believe the M20 must have some land use policy as per IMM-03 in the arrivals review suggests and that this is another logical step forward.

2.3. We refer you to the Additional Information paragraph on page 39 of the *Gatwick Arrivals Review Recommendation IMM-20 Progress Report: January 2016 – January 2017*:

“Relocating the holding stacks used for Gatwick in particular is expected to require the redesign of routes for aircraft using Gatwick, Heathrow and Southampton Airports, as well as changes to restricted airspace east of the Isle of Wight reserved for military live firing exercises. While this is an aspirational objective of Gatwick, these changes are subject to airspace change consultation, and are outside the remit of GAL to determine. Such changes are therefore not expected to occur before 2022 at the earliest.”

2.4. Which raises the following questions:

- Is it feasible to bring all aircraft along a noise corridor?
- How many people would be affected by who were not affected before?
- What reduction in communities affected by noise would there be?
- Are Land Use policies already in place along this noise corridor into Europe?
- Could the M20 or other motorways provide extra flight paths?
- Could the M20 or other motorways provide one of two routes onto the ILS?

2.5. We believe with current technology extra Noise Corridor aligned flight paths are feasible.

Question 1: Changes to Airspace

3. Please provide your views on:

a. The proposed call-in function for the Secretary of State in tier 1 airspace changes and the process which is proposed, including the criteria for the call-in and the details provided in the draft guidance.

b. The proposal that tier 2 airspace changes [that is permanent changes to vectoring] should be subject to a suitable change process overseen by the CAA, including the draft guidance and any evidence on costs and benefits.

3.1. We agree that the Secretary of State (SoS) should have a call-in power, as with important planning applications.

- 3.2. The proposed criteria are, however, too restrictive. It is suggested that a flight path change could only be decided by the SoS if: *“It could lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr11 as well as having an identified adverse impact on health and quality of life.”* The three major changes in flight paths at Gatwick in the past four years have been the ADNID trial, the concentration of approach routes to the east of the airport, and the concentration of departure routes. All of these changes have created massive protests with many thousands of complainants, articles in the national press and involvement of local Members of Parliament. Yet none of these new routes would fall within the proposed criteria.
- 3.3. Basing the criteria on the 54 leq contour would be unsatisfactory because this metric does not take ambient noise levels into account. And it fails to take account of the increased level of annoyance caused when a new flight path is over areas which have not been previously overflown, or where alterations are made to height and glide path of existing approaches. Moreover, it would be near impossible to identify a specific impact on health linked to a specific route.
- 3.4. Tier 1 Changes – defined as “changes to the permanent structure of UK airspace” – which were not called in, and all Tier 2 changes, would be decided by the CAA. The CAA is described as independent but unfortunately that is not how it is perceived by the public. Despite efforts to give it an environmental role, it is still perceived by many of those aggrieved by new flight paths as mainly concerned to seek the advancement of airlines and airports. That remains so despite the appointment of a chairwoman and a number of Board members from outside the aviation industry. Giving it power to take decisions on all new flight paths not called-in would mean it being perceived as dictatorial. Local MPs would become impotent.
- 3.5. It is therefore unfortunate that ICCAN has not been given the power to take final decisions on new flight paths, and unfortunate that it is to be made, in effect a subsidiary of the CAA.
- 3.6. Decisions on how flight paths effect the amenity and health of residents. Aircraft noise also has a significant effect on property values. *It is difficult to think of any other public body which is given such power without any recourse for residents.*

c. The proposal that tier 3 airspace changes should be subject to a suitable policy on transparency, engagement and consideration of mitigations as set out by the Civil Aviation Authority.

- 3.7. These are changes to operations – for example significant shifts in the distribution of flights on particular routes – over which there is at present no control. We agree with the recommendation in the consultation but with the

addition that there should be a trigger point at which review by ICCAN is required. The trigger might be a doubling of traffic within two years on a particular route, or a rise to more than a given percentage of the movements at the relevant airport. To give an example, at Gatwick there is a departure route called WIZAD. At present it is unused except in emergencies. If a decision were to be taken to use it regularly it would have an adverse effect on the town of Horsham. If in any year its use increased, to say, more 5% of the total number of departures, it should be subject to review.

d. The airspace change compensation proposals.

- 3.8. We support the proposed compensation for noise insulation for properties affected by aircraft noise. We suggest this includes the installation of air conditioning so that residents can sleep with their windows closed. We also suggest that this is not limited to a particular noise contour but to any resident affected by aircraft noise. If property valuation compensation was paid to owners of properties under new flight paths as proposed by some groups then there is less likelihood of a fair and equitable distribution of flight paths to the detriment of those of us who live under existing flight paths. Accepting compensation does not mean we support additional noise intrusion.

Question 2: Assessing Noise in Airspace Decisions

4. Please provide your views on:

a. The proposal for assessing the impacts of noise, including on health and quality of life. Please provide any comments on the proposed metrics and process, including details provided in the draft guidance.

- 4.1. Many of our members would dearly love to see a return to the random distribution of flight paths as pertained before the introduction of satellite navigation, but we recognise that satellite navigation is here to stay. *Multiple PBN routes should ideally be used to create dispersal as stated towards the top of this document under the **Noise Corridor** heading.*

b. Metrics

- 4.2. It is good that the 57 Leq measure of noise is to be replaced by a variety of other metrics. It was widely believed by environmental groups that 57 Leq led the Government to underestimate the number of people affected by aircraft noise. That is confirmed by the new survey, SoNA, which found that over the past thirty years sensitivity to aircraft noise has increased, with the same percentage of people being highly annoyed at 54 Leq as at 57 Leq thirty years ago.

4.3. But the 54 leq contour still only measures the area within which a majority of the community (as measured at Heathrow) are seriously annoyed by aircraft noise. We therefore welcome the additional measure of 51 Leq as the 'Lowest Observed Adverse Effect Level' for daytime noise; and 45 Leq for the night.

4.4. Nevertheless, as the consultation paper says, many people find the concept of average noise difficult to understand. We therefore welcome the decision to introduce additional contours based on the number of aircraft: N65 in daytime and N60 at night. But we are concerned that these contours will still not adequately show the extent of the disturbance caused by aircraft noise.

4.5. The main problem with all these new metrics is that none of them take ambient noise into account.

(See *Ambient Noise* at <http://www.gacc.org.uk/research-studies.php>).

They fail to take into account the fact that the same level of aircraft noise causes far greater disturbance and annoyance in a quiet rural area than above a busy city centre. As the Rural White Paper 2000 said: *There will always be sources of noise in the countryside, and many of these - such as noise from harvesting and livestock - are themselves representative of activities which have long been central to the rural way of life. But protecting the countryside from further intrusion of noise is not a luxury. It is about preserving and promoting a feature that is genuinely valued by residents and visitors alike.*

4.6. Withyham Parish lies within an Area of Outstanding Natural Beauty where peace and quiet are even more highly valued and the intrusion of aircraft noise even more resented. Furthermore, the Wealden District Council Local Plan suggests that pollution on the Ashdown Forest is five times higher than predicted, which can be a consequence of increased traffic travelling to the airport.

4.7. The fact that a high proportion of the public interviewed for the SoNA survey lived near *Heathrow* means that the survey result may underestimate the impact at *Gatwick*. We understand that the reason the SoNA survey did not include ambient noise was the difficulty of obtaining appropriate figures for the levels of ambient noise at the locations where the interviews took place. That does not appear an insuperable problem, and we hope that further work can be done on this issue.

4.8. We note that a further analysis of the SoNA survey relating to night time disturbance is to be published soon.

c. The proposal to require options analysis in airspace change processes, as appropriate, including details provided in the draft guidance.

4.9. We are in favour of a more formal options analysis to aid decision making on new flight paths, or on dispersal versus respite or versus concentration. Indeed

not to provide such an analysis might well open any decision to judicial review. But there are two dangers.

- 4.10. The first is that the publication of rejected options may cause a certain amount of blight. A house purchaser choosing between two otherwise desirable properties would tend to avoid the one that had a potential flight path overhead – even if that option had been rejected. The second, and more important, is that the choice of options would tend to set community against community. Any consultation on options should make it clear that it is not a public opinion poll based on the number of votes.

Question 3 Independent Commission on Civil Aviation Noise

5. Please provide your views on:

- a. *The Independent Commission on Civil Aviation Noise's (ICCAN's) proposed functions.*
- b. *The analysis and options for the structure and governance of ICCAN given in Chapter 6, and the lead option that the Government has set out to ensure ICCAN's credibility.*

5.1. ICCAN would have no power to reduce noise. We therefore can summon up little enthusiasm for it.

5.2. It is also disappointing that it is not proposed that ICCAN should act as an Ombudsman. Many people who have complained about aircraft noise have found unsatisfactory the system whereby their complaints are dealt with by the airport, and then issues are passed between the Department, CAA, NATs and the offending airline. A single point for complaints, an aircraft noise ombudsman with power to order improvement or compensation, would have been welcome.

5.3. It is proposed that ICCAN should:

- **Advise on changes in air space.** If its advice was not accepted, ICCAN would soon become distrusted.
- **Promulgate best practice.** This role could equally well be fulfilled by the CAA. Providing information to the public on noise would be of no value. It is a mistaken belief in the aviation industry that if only the public understood noise and how it is measured they would be content. People who hear noise understand it perfectly well, and know that they don't like it.
- **Commission Research.** This would be welcome if given a sufficient budget: merely taking over part of the CAA budget would be of little benefit.
- **Undertake Monitoring and Quality Assurance.** In order to increase trust by local communities. This would only work if ICCAN could demonstrate its

independence by taking action to negate plans put forward by airports; but this is what it would have no power to do.

Question 4: Ongoing Noise Management

6. Please provide your views on:

- a. The proposal that the competent authority to assure application of the balanced approach should be as set out in Chapter 7 on Ongoing Noise Management and further information at Annex F.**
- b. The proposal that responsibility for noise controls (other than noise-related operating restrictions) at the designated airports should be as set out in Chapter 7 on Ongoing Noise Management.**

6.1. The suggestion that controls on noise might be imposed by local councils as planning conditions might work at Stansted which has a major planning application coming up. But it may not be applicable at Heathrow where the forthcoming application for a third runway will be the subject of a Development Control Order.

6.2. Even if there were a major planning application we are not optimistic that the proposed system would work: the last big planning application at Gatwick was in 2009 for a large extension to the North Terminal. GACC urged that “conditions should be imposed to ensure no increase in noise, no increase in pollution, a higher proportion of use of public transport ...” Crawley Borough Council declined to impose any such conditions. Indeed there are legal restrictions on the use of planning conditions: paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are: ... relevant to the development to be permitted ...”

6.3. If controls on noise and night flights were to be passed to local councils (not in relation to planning permissions) we would request that they should be implemented jointly by all the District/Borough councils around the airport. Crawley is the planning authority for Gatwick but the other five councils which abut the airport suffer most of the noise.

6.4. We would strongly oppose a policy of transferring some noise controls to the airports, including control over the NPRs and night flights. We believe that it would be wrong in principle to put such controls into the hands of a commercial business. Our experience over many years has shown that Gatwick will always put profit first. As has been said, it is unwise to put the fox in charge of the hen-house.

6.5. The consultation paper also hints that the Gatwick Noise Management Board (NMB) might be involved in setting controls on noise, e.g. noise limits or night flight quotas. So far that body has only dealt with arrivals and it has yet to be

seen how effective it is in forcing the airport to take action which could be against its commercial interest. The requirement for a 75% majority means that it would be unlikely to take any action which was opposed by the airport and the airlines. If the NMB were to take on wider legal responsibilities, it would need a revised constitution to ensure that it represented all communities around the airport.

c. The proposal that designated airports should publish details of aircraft tracks and performance. Please include any comments on the kind of information to be published and any evidence on the costs or benefits.

6.6. We are content with the Caspar system in operation at Gatwick. The procedure for submitting complaints through the Caspar system is, however, unnecessarily complex and appears designed to discourage complaints.

6.7. We strongly oppose the suggestion that airports should be given ‘ownership’ of NPRs. These limits on flight paths have been in existence for fifty years. People have bought their houses and based their lives on the fact that the NPRs are fixed. Moving them would create great injustice and should not be put into the power of a commercial business.

d. Whether industry is sufficiently incentivised to adopt current best practice in noise management, taking into account Chapter 7 on Ongoing Noise Management, and the role of the Independent Commission on Civil Aviation Noise in driving up standards in noise management across the aviation sector.

6.8. No. We see no effective incentive to reduce noise. ICCAN will be well-meaning but without power. Over the past forty years we have found that the Department for Transport takes seriously its responsibility to protect the public. At times we may have criticised it for being too close to the aviation industry. But Ministers are democratically responsible. We consider it would be a retrograde step for the Department hand over responsibility to commercial airports – which have a legal responsibility to maximise profits.

Question 5: Guidance

7. Please provide any comments on the draft Air Navigation Guidance: guidance on airspace & noise management and environmental objectives published alongside this consultation.

7.1. The Objectives should include the improvement of the environment and the reduction of noise.

7.2. All our comments on the main consultation should be taken as applying also to the Guidance.

7.3. **Air and Noise Pollution.** We not believe this consultation is fit for purpose unless it commits to fully researching the effects of noise and air pollution alongside any changes considered.