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Aviation Policy Framework
Department for Transport
Great Minster House (1/24)
33 Horseferry Road
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Your ref:

Our ref:

Please ask for Jeremy Pine on 01799 510460
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Dear Secretary of State

CONSULTATION RESPONSE ON THE DRAFT AVIATION POLICY FRAMEWORK, DEPARTMENT FOR TRANSPORT JULY 2012

Thank you for the opportunity to comment on the draft framework. This letter is the Council's response. The response has been ratified by the Cabinet.

PREAMBLE

The first point is that this is really only part of a draft framework. It deals in some detail with a possible short term "make do" approach up to 2020, but it says little on the medium and longer terms. The Government has now announced that an independent Commission on maintaining the UK's international aviation connectivity is to be set up. The Government says that it intends to adopt the framework by March 2013, but the Commission will not publish its final report until the summer of 2015 for action by the next Government if it thinks fit. The Commission's work will inform the Government's National Policy Statement in due course.

To be considered complete, the framework must address the medium and longer terms and cannot duck important (and probably unpopular) decisions about what to do about airport capacity, particularly in the SE. The new Secretary of State has said in his recent Written Statement that the framework will "*set the high level policy parameters within which any new proposals for airport development may be considered*". The DfT published quite detailed aviation forecasts in August 2011 for the period up to 2050. The Government must set out how it intends (or does not intend) to meet the demand set out in those forecasts. It is difficult to see how the framework can be completed until the Commission's work has ended and the outcome is known. The Council is therefore concerned about the relationship between the draft framework and the Commission, and seeks an assurance that this current consultative exercise will not prove abortive once the Commission has reported.

The draft framework requests answers to a number of questions under 4 chapter headings. The Council's response is set out below using the chapter headings and question wording as per the draft framework.

CHAPTER 2: THE BENEFITS OF AVIATION

Do you agree with our analysis of the meaning and value of connectivity, set out in Chapter 2?

The meaning of connectivity (as a combination of destinations served and frequency of flights) is agreed. In relation to value (defined as the relative importance of the destination, cost of accessing them and reliability of the services), this depends on what is meant by "relative importance". Is this an attempt to distinguish between business and leisure flights? The draft framework defines cost as the end-to-end journey time and the price of air travel, but what about the environmental cost?

Do you support the proposal to extend the UK's fifth freedom policy to Gatwick, Stansted and Luton?

In principle the Council supports the extension of fifth freedom rights to Stansted if it means that regional demand for long haul services could be met (e.g. to the USA), avoiding the need to travel to Heathrow. This could also free up some passenger handling capacity at Heathrow. However, the Council's support would not extend to night flights, or to any services that would affect the viability of existing regional services outside the SE. It would also be unsustainable for foreign airlines to call at Stansted for only a handful of passengers, so the regional demand would have to be at a viable level.

Extending fifth freedom rights could be one way of making use of spare slots at Stansted which are not used by low fares airlines because they don't fit their pattern of rotations. Also, long haul services could be provided without the need to establish hub operations.

Are there any other conditions that ought to be applied to any extension of the UK's fifth freedom policy to Gatwick, Stansted and Luton?

Do you agree that the Government should offer bilateral partners unilateral open access to UK airports outside the South East on a case-by-case basis?

No comment on both questions.

Do you have any other comments on the approach and evidence set out in Chapter 2?

The Council welcomes the proposed review of rail access to airports. At Stansted, a review could be carried out by the DfT, Network Rail, the rail franchisee(s), the airport operator and other local stakeholders as part of the work of the Stansted Area Transport Forum. The West Anglia mainline is currently at capacity, and it is very important that any review does not prejudice the needs and aspirations of non-airport rail passengers. The Council is a member of the West Anglia Routes Group, and the main aim of the Group is to secure the future infrastructure (four-tracking) that is now vital to growth in the London Anglia Growth Corridor.

At Stansted there is some concern that the rail timetable hasn't evolved sufficiently to meet the needs of air passengers, especially those who have early departures. There is also concern at the cost of rail travel, although competition with regional coach services is beginning to force prices down. Following the introduction of the December 2011 timetable, there is a vacant train path through the airport tunnel, and the review could look at how this path could best be used.

The Council supports the proposal to welcome applications by devolved and regional bodies to impose public service obligations to protect services between other UK airports and London (by ring-fencing slots), but only where there is no other reasonable alternative, such as rail.

The short term strategy refers to “*making best use of existing capacity to improve performance, resilience and the passenger experience*”. In this context, what is meant by “best use”? It should not mean maximum use because that would impinge on resilience.

The Council welcomes the Government’s intention to ensure that general and business aviation has equitable access to airports. This is important at Stansted and is a good source of highly skilled, local employment. The general and business aviation sector has been relatively buoyant at Stansted during the economic downturn, with a number of new building projects and refurbishments completed.

CHAPTER 3: CLIMATE CHANGE IMPACTS

Do you have any further ideas on how the Government could incentivise the aviation and aerospace sectors to improve the performance of aircraft with the aim of reducing emissions?

The Government is right to emphasise that action at a global level is the best means of securing emissions reduction, with action at the European level second best and perhaps a step towards an international agreement. Accepting that wider agreement might be difficult, the Government should consider whether a percentage of air passenger duty could go towards emissions reduction. Also, changing the duty to apply per plane rather than per passenger could act as an incentive to airlines to fill vacant seats.

Do you have any other comments on the approach and evidence set out in Chapter 3?

There’s really nothing new here. Unless action on a global level is achieved, the effects of EU or UK-only measures will be more limited, but they will still be worth trying. In the absence of what the Government calls “*an ambitious global agreement to tackle aviation emissions*” it is right that the Government continues to support the EU ETS and the Single European Sky (SES) Programme, although improved airspace efficiency through SES could lead to increased airspace capacity, more flights and emissions. Work must continue on the effect of non-CO² emissions.

CHAPTER 4: NOISE AND OTHER ENVIRONMENTAL IMPACTS

Do you agree that the Government should continue to designate the three largest London airports for noise management purposes? If not, please provide reasons.

The designation of Stansted for noise management purposes should continue, but with recognition that what suits Heathrow and Gatwick may not suit Stansted.

Do you agree with the Government’s overall objective on aviation noise?

If the Government is still putting forward the existing high-level policy objective set out in the 2003 Air Transport White Paper (“*to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise*”), yes. Unfortunately, the ATWP then seemed to act against this objective by being used as a blunt instrument for airport expansion. It is presumed that the new framework will not go the same way.

Do you agree that the Government should retain the 57dB LAeq 16h contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance?

No. This is a metric which has little public confidence. At the very least 54dB LAeq should be used instead for measuring day contours, with Lnight contours modelled to a lower level. Lden contours are preferred as they give more weight to evening noise and night noise, but all metrics which average out noise events have drawbacks and sensitivity issues. LAeq contours should continue to be produced for the purposes of making comparisons with previous years.

The Government argues against mapping even lower level contours (below 54dB LAeq) because *“this would increasingly represent a level of noise which is approaching typical background noise levels in an urban environment”*. It needs to be made clear that not all airports exist in urban environments. One size does not fit all. In Annex D of the draft framework, the Government also seems to criticise the Lden metric by saying that it is not sensitive to small changes in night movements. *“For example, if the number of night flights at Heathrow were reduced by half, the reduction in Lden would be very small”*. It would be of little comfort to a resident to learn that they are only going to be awakened 5 times each night instead of 10 – that is still disturbed sleep which Lden is reflecting.

In London Stansted's Noise Strategy and Action Plan 2010-2015, noise mapping data is included for 2006 using a number of different metrics. Using the 60dB noise level (common to all the metrics), it is telling that the number of residents within the relevant Lden contour is 2,100, more than double the number in the equivalent contour using the other metrics.

An option that the Council strongly favours would be the Australian N70 metric, which describes the number of noise events exceeding an outdoor maximum noise level. The advantage of this metric is that it does not average out sound, is closer to what is heard by people under flightpaths and is easier to explain and understand.

Do you think that the Government should map noise exposure around the noise designated airports to a lower level than 57 dBA? If so, which level would be appropriate?

Yes (see above).

Do you agree with the proposed principles to which the Government would have regard when setting a noise envelope at any new national hub airport or any other airport development which is a nationally significant infrastructure projects?

Yes, but challenging noise envelopes should be set that don't just end up legitimising the final development. Whilst noise envelopes can act as an ultimate cap on noise at an airport, they offer no interim relief from increasing noise as airport throughput increases. Indeed, the envelope might never be exceeded or even approached as changes in airframe technology, engine technology and performance render old envelopes essentially meaningless. Interim envelopes are needed linked to stages of airport growth, with sanctions imposed on the airport operator if they are not met.

The Government should also look at having different noise envelopes for aircraft with different QC ratings. This would incentivise airlines flying less noisy aircraft to continue to make improvements rather than sitting within the comfort-zone of a wider envelope.

Ideally, noise envelopes should be drawn further away from airports so that they can be used as a noise management tool in the more tranquil areas of the countryside which are increasingly affected by aircraft noise. It is accepted that this might be difficult because of the cumulative effect from the overflying of aircraft from more than one airport, but it should be possible to do using track data.

Do you agree that noise should be given particular weight when balanced against other environmental factors affecting communities living near airports?

Yes. It was clear to the Council when considering the Stansted Generation 1 and Generation 2 planning applications that noise was the major impact for local communities and for people living in tranquil areas outside the immediate vicinity of the airport. The Council included a commentary on the representations that it received on the Generation 1 application with its response to the aviation scoping document.

What factors should the Government consider when deciding how to balance the benefits of respite with other environmental benefits?

One main issue must be the knock-on effects of the respite measures on others in the community, especially in relation to noise. Whilst Heathrow can practise runway alternation, single runway airports cannot and are limited to measures such as concentration or dispersal within Noise Preferential Routes (NPR) and varying the final approach joining point. The concentration vs dispersal argument is a difficult one to resolve. It is likely that residents within NPRs would favour dispersal (even beyond the NPR swathes), whereas residents outside NPRs would want aircraft to stay within the NPR swathes. People who are thinking about moving to the area seem to want the certainty of a line on a map, i.e. concentration within each NPR on which to make their judgement.

Whatever, the balance needs to be skewed towards noise mitigation close to airports, then towards air quality further out and finally towards climate change at higher altitudes.

Page 10 of the impact assessment that accompanies the draft framework refers to new environmental powers being granted to the CAA in the Civil Aviation Bill, which is currently in the House of Lords. The powers are to publish or arrange for the publication of information and advice relating to:

- 1) the environmental effects of civil aviation in the UK,
- 2) how human health and safety is, or may be, affected by such effects, and
- 3) measures taken, or proposed to be taken, with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the UK.

These additional powers are welcomed, especially as the draft framework does not include a chapter on health.

Do you agree with the Government's proposals in paragraph 4.68 on noise limits, monitoring and penalties?

Yes. A review of departure noise limits is required as the existing ones have remained operative since the 1990s and must now be outdated as technology moves on. The existing limits are unlikely to be very challenging for most modern aircraft.

In what circumstances would it be appropriate for the Government to direct noise designated airports to establish and maintain a penalty scheme?

In what circumstances would it be appropriate for the Government to make an order requiring designated airports to maintain and operate noise monitors and produce noise measurement reports?

Penalty schemes, noise monitors and noise measurement reports should be standard requirements at all designated airports.

How could differential landing fees be better utilised to improve the noise environment around airports, particularly at night?

Landing fees for noisier aircraft should be increased in order to widen the differential with less noisy aircraft. It is of concern that the Government says “*we have only limited evidence on how airports are using landing fees to incentivise the use of the quietest and cleanest aircraft*”. The CAA investigation that the Government is ordering into the use of differential landing fees is therefore welcomed. Those affected by aircraft noise need reassurance that the scale of fees fairly reflects the environmental cost of flights and not the economic preferences of the airport operator.

Do you think airport compensation schemes are reasonable and proportionate?

No, the Council commented on this in its response to the aviation scoping document.

Do you agree with the approach to the management of noise from general aviation and helicopters, in particular to the use of the Section 5 power?

The Section 5 power is a reserve power that the Government has never used, so its effectiveness cannot be judged. Perhaps this is because:

- a) local solutions have always worked (doubtful), or
- b) use of Section 5 has been considered, but was not fit for purpose (because it is quite vague in what it says). Any power which places a duty on a body only to "have regard to the need" to do something is unlikely to produce a dynamic response.

The Council would always support the operators of small aerodromes working together with local stakeholders to try to resolve disturbance issues.

The Government is acknowledging that there is scope for considerable disturbance from helicopter noise. The Council highlighted this in its response to the aviation scoping document, and so did many others especially in London. Whilst helicopters have to meet internationally agreed standards, the problems come from the nature of helicopter noise, the fact that helicopters don't fly very high and their lack of restriction in uncontrolled airspace. It is welcome that the Government is encouraging NATS and the CAA to look at these issues overall, depending of course upon what “look at” actually means.

What other measures might be considered that would improve the management of noise from these sources?

“These sources” presumably means general aviation and helicopters. All airfields should at least be encouraged to look at setting up a consultative facility. A consultative committee worked at Andrewsfield (east of Great Dunmow) where antagonism had built up with the local community, although a subsequent change in the airfield operator did help.

Do you have any further ideas on how the Government could incentivise the aviation and aerospace sector to deliver quieter planes?

No comment.

Do you believe that the regime for the regulation of other local environmental impacts at airports is effective?

There will always be a difference of opinion between airport operators who say they are meeting all the statutory requirements and local communities who will always say that is never enough. Independent verification / audit may have a role to play here.

Much will depend upon the working relationship between the airport operator and local stakeholders. At Stansted, for instance, a number of initiatives have been introduced to reduce the impact of airport car travel on local communities. These include the setting up of a Freephone fly parking hotline where local residents can report instances of on-street airport related parking in residential areas. The data is collated by the airport operator and reported to the Highways Working Group of the Area Transport Forum. If any parking "hotspots" are identified that are felt to be to the disbenefit of local residents, there is money available from the airport operator to help the local highways authority draw up and implement no waiting restrictions. Also, every car park transaction within the airport operator's on-airport passenger car parks incurs a levy of about 31p which goes towards improvements to public transport and cycling and walking initiatives at the airport. About £600 - £800k is raised annually, in addition to other money made available via the unilateral undertaking signed by the airport operator in 2008 relating to the granting of planning permission for expansion to 35mppa.

Do you think that noise regulation should be integrated into a broader regulatory framework which tackles the local environmental impacts from airports?

Yes, if it makes the overall impacts and their inter-relationship easier to understand.

CHAPTER 5: WORKING TOGETHER

Do you think Airport Consultative Committees should play a stronger role and if so, how could this be achieved?

The Government is expecting airports to work with local communities through ACCs to understand their information needs and to meet those needs wherever practical. This is a very important role that ACCs are equipped to help with. For instance, the Government rightly acknowledges that knowing that an area lies within a particular noise contour does not help a potential house purchaser understand the typical noise that would be experienced. That is certainly the Council's experience. London Stansted has published some very useful patterns of arrival and departure maps which the public find much easier to understand and interpret than contour maps.

The Council supports the updating of the 2003 guidance for ACCs and the proposal that the ACC chairmanship should be advertised externally and should be for a fixed term. There might also be merit in ACCs having an independent advisor.

Stansted's ACC seems to work well, but there is nothing contentious on the agenda at the moment.

Is there a case for changing the list of airports currently designated to provide consultative facilities?

No comment.

Do you agree that the Civil Aviation Authority should have a role in providing independent oversight of airports' noise management?

Yes, but only if this would result in the greater transparency, trust and local accountability of the noise management process that the Government says it is seeking. This would also be a good way of giving the CAA more of a local remit from which it might also benefit.

Do you agree with the Government's overall objective on working together?

Yes, taking the objective to be encouraging *“the aviation industry and local stakeholders to strengthen and streamline the way in which they work together”*.

Is the high-level guidance provided in Annex E sufficient to allow airports to develop local solutions with local partners?

Yes, but what is really needed is a way for everyone to work together in a manner that genuinely balances the economic interests of the airport operator with the environmental concerns of the local community.

The Government reiterates that master plans do not have statutory status, but does recommend that the plans should address the long term land requirements for future development. This does beg the question as to where master plans are supposed to fit in the scheme of things, especially if the longer term ambitions of the airport operator are at odds with the local development framework / local plan. The Government sees a benefit in master plans identifying additional land and property involved *“to minimise long term uncertainty and non-statutory blight”*. The likelihood (and the experience of this Council) is that publishing details of any additional land-take will do just the opposite, particularly when there is no extant planning permission for the development.

Do you agree that master plans should incorporate airport surface access strategies?

They could, but as a master plan may have a longer timeframe than the ASAS, the ASAS should be in the form of an annex so it can be easily amended and updated. Stansted's ASAS is updated every 2-3 years.

Do you agree that, where appropriate, the periods covered by master plans and noise action plans should be aligned?

Yes. Updating both every five years should be achievable.

Yours sincerely

Councillor Jackie Cheetham
Deputy Leader of the Council