

SASIG response to Annex A: Aviation 2050: the future of UK aviation

(submitted: 11th April 2019)

1. Introduction

The aviation strategy sets out the government's vision for aviation to 2050 and includes proposals to:

- develop a partnership for sustainable growth which meets rising passenger demand, balanced with action to reduce environmental and community impacts
- enhance the passenger experience
- build on the UK's success to establish new connections across the world and create greater choice for consumers

This consultation has been extended, and now closes on 20th June 2019. This is with the exception of the questions posed in 'Annex A: Legislation to enforce the development of airspace change proposals', which closed for responses on 11th April 2019. Below is the SASIG submitted response.

89. Should government legislate for powers to direct individual ACPs identified as necessary in a masterplan to be taken forward?

The question as summarised here is ambiguous because it is not specific about the reference to a masterplan. If this is a reference to the South of England airspace masterplan the Government has asked NERL to prepare then **yes, we support this proposal**; but it could equally apply to 'other' as yet unspecified airspace masterplans for other parts of the UK, or even to airport masterplans.

Our support is conditional solely to airspace masterplans, and the reasons for it are:

1. Airports may be reluctant to bring forward ACPs that they consider are not in their economic interests.
2. Some smaller airports may not have the resources to take an ACP, as all the evidence suggests it is a significant process both in term of time and cost. In these cases, then we support the SoS being able to appoint a third party to do the work objectively, transparently and thoroughly in their behalf.
3. ACPs that are co-dependent need to come forward in a timely manner so that consultation on these can be carried out in a coordinated and not a piecemeal way. The CAA's Airspace Modernisation Strategy identifies as many as 16 different sponsors in the south of England that could be putting forward co-dependent ACPs.

It is worth flagging here an issue the consultation simply ignores, namely the resource implications for third parties with relevant statutory responsibilities, such

as local authorities acting on behalf of communities within their boundaries that are impacted. The scale of what is likely to be required under the AMS process, even in just the initial South of England phase (let alone the rest of the UK), could potentially affect a significant number of SASIGs members and have substantive impacts on those Local Authorities resources. There is no evidence that the Government has recognised this let alone been willing to make provisions for it in future local authority spending allocations; the plans to legislate to 'enforce' the ACP process makes such provision even more important, and SASIG would like to engage with Government about how this resource is to be redressed – the additional burden assessment to accompany the legislation must endeavour to quantify and set out proposals to mitigate this issue.

4. The CAA's Airspace Modernisation Strategy sets a timescale of 2024 to implement the Future Airspace Strategy in the south of England. The progress summary in the document makes it clear that all stages of the process (terminal airspace redesign, new procedures and new tools for controllers) all need attention if this timescale is to be met. Delay in submitting ACPs does not therefore appear to be an option.

However, this alternative mechanism, also raises a broader issue, which is why this approach could not also be used to allow third parties such as local authorities to bring forward alternative ACPs, using the resources Government is clearly willing to bare. This possibility should therefore also be included in the legislation. It might also for example also allow an airport and the relevant local authority to jointly promote an ACP where this was considered the best way of securing wider support.

Our strongly held view is that it is essential, therefore, that the views of local and regional stakeholders are engaged in producing such a roadmap(s). Annex A seems to envisage circumstances that only aviation stakeholders can sponsor the airspace changes the roadmap identifies would be involved. This is unacceptable. LPA's must be involved from the outset in all such deployment plan production.

90. What are your views on the above two proposals?

The first option to direct airports and ANSPs to bring forward proposals seems straightforward, where they have the resources to be able to respond.

The second option to direct handover to NERL or a third party to take forward the proposal on the airport/ANSPs behalf seems pragmatic in relation to smaller airports either on cost, expertise or appropriate resource (e.g. management/SATCO time) – making the criteria/circumstances clear for this option to be used should form part of the legislation and hence the Government's commitment?

91. Do you agree that option a) should be the lead option?

- Yes
- x No –
- Don't know

Comments:

No – Because both will be needed, and the optimum way forward will depend on the circumstances and the needs of the wider ASM programme.

92. What are your views on the scope for the use of the powers?

SASIG agrees with the scope set out in Annex A, but with the caveat that additional proposals set out in italics in previous answers (above) also be accommodated in the legislation.

SASIG particularly notes that two of the policy considerations set out in the annex are noise reduction and improvements to air quality. It is presumed that it is the Government's intention that direction powers could be used in relation to these two policy considerations where no growth is being proposed. The alternative is to allow specified third parties such as local authorities, the MoD or other statutory agencies like Devolved Administrations, National Parks etc to promote ACPs that will address environmental issues, rather than solely additional capacity.

93. What are your views on the use of the triggers for using the legislative powers?

SASIG supports the proposed triggers, which correlate with the comments it has made in answering Q89 above. The annex does set out a support and engagement strategy that would be put into place before use of the powers is considered, and it is understood that the powers would be a last resort. This is sensible.

94. What are your views on the proposed sanctions and penalties regime?

The sanctions and penalties should not apply to smaller airport ACPs – the process should instead be Government stepping in to ask NERL or a third party to take the ACP process forward in consultation with the airport concerned. To determine where this might apply and the criteria to be used discussion is needed with organisations like RABA and SASIG to determine where the cut off for such exemptions should be. Our initial view is airports with 3mppa or less that do not want to take forward the process themselves.

Where an airport or other ACP promoter is clearly resourced to undertake the work then issuing of a contravention notice would only be a prior warning of the possibility of further action. In order to be effective, the notice would clearly need to set out what needs to be done and by when in order to avoid sanction. The proposed financial penalty (or threat thereof) for non-compliance should be effective.

95. The government proposes that the airport/ANSP would be able to appeal in relation to the following matters: the validity or terms of an enforcement order the imposition of a financial penalty the timing of the payment of a penalty the amount of the penalty What are your views on the grounds for appeals?

The grounds of appeal set out in the annex would seem to be reasonable and in accordance with natural justice.

96. What are your views on the best approach to funding an airspace change where a small airport may need financial support to do so?

See comments above. The Government must take the lead here or resource a third party to make the application on its behalf. If it is willing so to do, then it should also be willing to resource proposals from specified types of third parties.