

Request for further information from the Chilterns Conservation Board to NATS – 3rd June 2008

INTRODUCTION

1. The CCB understands that to be effective for its purpose, a consultation document must include sufficient reasons to allow those consulted to give intelligent consideration and an intelligent response. The Board considers that in relation to the proposals in section F relating to the Chiltern Hills and the Chilterns AONB in particular (which is the Board's area of concern) the consultation report issued by you has failed to achieve this. In particular there are significant omissions from the information given, and that additional information is required before the Board, as one of the key stakeholder consultees, whose area is seriously and materially affected by the proposals, can properly and reasonably respond.
2. The Chilterns Conservation Board (CCB) is charged with conserving and enhancing the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) and is particularly concerned about the tranquillity and enjoyment of the AONB.

CHILTERNES AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

3. The Chilterns Conservation Board, and not the "Cotswold" Conservation Board, incorrectly included as the relevant stakeholder in Appendix A, is the body responsible for the Chilterns Area of Outstanding Natural Beauty which is directly affected by your proposals.
4. Whilst a part of the AONB is currently over flown, the proposals will significantly increase the environmental impact. This will be due to the higher ground level over which aircraft will fly than at present, the lower flight levels, the extent of the noise pollution which will affect parts of the AONB currently relatively unaffected and those already affected will in many instances, be more severely affected.
5. Furthermore, this Area of Outstanding Natural Beauty is particularly popular with visitors seeking peace and quiet because it is within easy reach of, and affords convenient access from, London and other urban areas. The Chilterns receives 52 million visits per annum from people seeking a high quality experience in the countryside. For many millions of those visits low flying and noisy aircraft diminish the quality of that experience. Many of the sites most visited are in the ownership of bodies such as the National Trust, Wildlife Trust and local authorities because of their environmental quality and their accessibility. The NATS proposals will result in lower flying aircraft directly over these sites.

6. Under the existing flight paths, planes currently fly over a corner of this AONB and, whilst these are currently at higher altitudes than proposed, these are to become more frequent and are already causing the CCB serious concern. It is important that the whole of the AONB remains one of comparative peace and quiet, a matter which would be seriously and materially affected by the proposed changes to flight paths and the lowering of the flying heights by over 1000 feet, compared with the present flight lines, which are already comparatively low. NATS should have taken the opportunity to reduce the currently unacceptable and increasing number of over-flying aircraft at relatively low elevations.
7. Furthermore, NATS does not seem to recognise nor explain if or how it has taken into account the higher ground levels under proposed routes - these flying heights above ground are effectively lowered by 200 to 400 feet with obvious consequences resulting in loss of peace and quiet, and tranquillity of the Chilterns AONB.
8. It is also of great concern that aircraft on the proposed routes will be at lower altitudes for considerably longer than on the existing routes, thus using more fuel, which is in direct conflict with the Government requirement to reduce carbon emissions and the impact aviation has on the environment. All this is proposed despite the special interests of National Parks and AONBs having been recognised by the Government, and now addressed by a European Commission Directive, as requiring close consideration and needing to be preserved.

NATS REPORT

9. The NATS Consultation paper raises serious concerns which we are currently unable to address or respond to, because the report lacks or omits essential and important information without which we are unable fully to respond.

There are in particular a number of critical questions:

1. **What factors, in particular environmental factors, did NATS take into account in preparing proposals for this area and making assessments of the existing flight paths?**
2. **Why does that call for change?**
3. **Why, and on what grounds, does such change in NATS view, better meet its technical objectives?**
4. **Why were these not met by the existing routes?**

10. Published guidelines require NATS to give reasons why a change is required and the options which have been considered, including the “do nothing” option. Furthermore, the Directorate of Airspace Policy (DAP) of the CAA is expected to agree changes only where it is clear that an overall environmental benefit will accrue or where airspace management considerations and the overriding need for safety allow for no practical alternative considerations. The only explanation NATS give is an adherence to and, in the Board’s view, a misinterpretation of a Government guideline seeking avoidance of “more densely populated areas” as far as possible.
 11. For example, on this basis NATS has determined that Wendover and Princes Risborough are such areas and have re-routed Easterly Departures from Luton to the South West to avoid them but why in such case does NATS then include Berkhamsted, a more populated area, under the proposed flight path? Is the guideline referred to the only reason for change and, if not, what other factors were taken into account and why?
 12. In any event, this guideline is subject to the proviso that, where it is possible to avoid over-flight of National Parks and AONBs below this (7000ft, let alone 3000/4000 feet) altitude without adding to environmental burdens on more densely populated areas, it clearly makes sense to do so. Furthermore you fail to recognise that the DAP, in considering this matter on behalf of the CAA, is required to pursue policies that will help to preserve the tranquility of the countryside where this does not increase significantly the environmental burdens on congested areas. Clearly if NATS were to retain the no change option then it would not thereby significantly increase that burden.
 13. NATS judgment of Government requirements, which in the report is the only reason given for a change in this case, is open to challenge. It does not appear that NATS balanced this guidance with the desirability of reducing the impact on the environment in AONBs. If such alternatives were considered they are not referred to.
5. **Which environmental criteria were used to assess impacts of the proposals on the Chilterns AONB and which were used to mitigate those proposals?**
 6. **Which specific reasons, including safety, technical and environmental factors, were taken into account in deciding that no change was not an option?**

- 7. In addition, even if the Government guideline to which NATS refers (nos. of people overflown) was the only reason for the proposed change, how does NATS reconcile this with other guidance intended to reduce the impact on the environment and specifically Areas of Outstanding Natural Beauty?**
- 8. Despite the lack of an agreed measurement, evidence in connection with tranquillity plainly exists (CPRE for example), is a key consideration in connection with the conservation and enhancement of the natural beauty of the Chilterns AONB and is actively sought by tens of thousands of residents and millions of visitors to the countryside each year who will now experience a loss of peace and quiet. Why did NATS give no weight to the concept of tranquility and why were no studies commissioned and reported on in order to address the apparent vacuum?**
14. In the case of Easterly Departures from Luton to the South West, having decided to recommend a move from the no change option to a route further south over the Chilterns AONB, NATS proposes a reduction in flying heights over that area by up to 1000 feet. No reasons are given despite the damaging environmental impact.
 - 9. Why do the flying heights need to be lowered and what options were considered to avoid this?**
 - 10. How would the change in flying heights affect the flying heights of light aircraft, particularly bearing in mind the higher land contours of the Chilterns?**
 - 11. How and on what basis do the proposed sustained lower flying heights meet NATS technical objectives, including carbon emissions and safety, compared with the present or other alternatives routes?**
 - 12. Was the relative height of the Chilterns taken into account and, if so, how did it affect the proposals, in view of the aim of achieving an overall environmental benefit?**
 - 13. What mitigating measures did NATS consider to reduce the increase noise level experienced on the higher ground of the Chilterns ?**
 - 14. Why did NATS decide not to propose any measures to mitigate the existing level of noise experienced in the AONB?**

15. The document erroneously states, (also at Section D.11.26,) that ground levels across the whole TCN region vary from 0-500 feet above sea level. This is a serious error in relation to the Chilterns AONB which rises to over 850 feet above sea level.
 15. **Given that NATS is expected to consider more than one option and give reasons for their rejection, why has this not been done?**
 16. **What options were considered which would have resulted in reduced environmental impacts on the Chilterns AONB, and if they were considered why were they rejected?**
 17. **As in the recent case of the Western Airspace extension for Luton Arrivals, were changes in the controlled airspace considered in order to provide a better overall environmental outcome?**
16. NATS will be aware of the detailed consideration of Dedham Vale AONB in section E, which acknowledges the special position of that AONB and the extent of efforts to address the problems of over flying that area, at heights substantially higher than those proposed for the Chilterns AONB.
17. Despite this NATS has ignored the serious implications for the Chilterns AONB and dismissed all of these with 5 short paragraphs in Section F. Whilst the Dedham situation may be different, given the result of the earlier court case, in responding NATS should acknowledge the special position of any AONB in the TCN area. Given that these are nationally protected landscapes and the only areas requiring specific guidelines, it follows that they must require even more detailed consideration for heights below 7000 feet, particularly in view of the other unambiguous guidelines and statutory provisions protecting the National Parks, the AONB's and the countryside.
 18. **Why did NATS decided not to introduce any mitigating measures to reduce the impact of the proposal knowing that the Chilterns Hills is designated as an Area of Outstanding Natural Beauty.**
18. Airspace up to 6000 feet is highly congested and will increasingly become so, and is causing major problems in trying to accommodate different flight paths, including those from Heathrow and Northolt which cross each other. NATS was aware that a major issue affecting use of airspace over the Chilterns was the proximity of the Bovingdon Stack. NATS was also

aware that the changes to the stack, including its location, would provide major opportunities to reduce the damaging environmental impacts experienced by hundreds of thousands of local residents in and around the Chilterns. Arguably its omission means this is not a “fundamental review” as NATS claims.

19. The Bovingdon Stack is the main inhibiting factor in keeping all flights to 6000 feet and below. This is particularly important as NATS are also required to design procedures to enable aircraft to climb quickly and not be inhibited from climbing by conflicts with other traffic, including holding positions, taking into account the overriding need for safety. This omission is all the more glaring because as part of the proposals NATS has spent considerable time redesigning and relocating the Luton and Stansted stacks because of congestion in that area.

19. As NATS states, this is a fundamental review of airspace in this area. Why was the Bovingdon Stack, not included in the review?

20. For most people it is the assessment of how the proposals will increase the noise they experience that matters. Explanation of noise measurements is not easy and can be difficult for most to comprehend fully. It is surprising, therefore, that the explanation of decibels is buried in an appendix. It is doubtful that most readers will realise that decibels are based on a logarithmic scale. Thus apparently small increases of say 4 or 5 points may not be understood to mean a 40-50% increase. NATS also fails to give any information to readers of how long the noise event happens. In many instances it can last for a minute or more. NATS does not seem to give any weight to instances when two or more aircraft can be audible - a frequent occurrence at present.
21. Although NATS states it is not responsible for frequency of flights, it is self evident that most respondents will assess noise based on noise levels, duration of the noise, timing, number of noise sources and frequency. NATS only paints a partial picture which does not assist those affected to assess fully the direct and indirect consequences of what NATS proposes.

20. Why did NATS not give more information on noise to assist readers assess the impact of NATS proposals.

22. NATS claims that one reason for moving flight paths is to avoid over-flying local towns. It does not state whether this has resulted from significant complaints. The Board's research suggests such complaints from towns such as Princes Risborough and Wendover are at a very low level. Even with the moved flight paths any claim they are no long over-flown is arguable.

21. **If this is such a significant factor why did NATS not publish supporting data showing current level of complaints?**
 22. **How far away does a plane have to be so as not to be deemed to be overflying?**
 23. **What relative weight was given to the noise experienced by those over flown?**
23. Those to be newly over flown will suffer greater noise levels than those supposedly relieved.
24. NATS and airport operators are subject to Section 85 of the Countryside and Rights of Way Act 2000:
- ‘85. - (1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’
24. **The NATS proposals do not give any weight to conserving and enhancing natural beauty of the AONB, nor its enjoyment. It fails to state in its document that its proposals will damage the environmental quality of the Chilterns AONB. Why is no such statement provided to assist readers?**
25. NATS are expected to provide overall environmental benefits. The document makes references to anticipated savings in fuel and consequently green house gases. Table C1 is misleading. Arguably the increased fuel burn resulting from new departure routes and procedures will outweigh the decrease due to arrivals and holdings. The claim that these overall effects are neutral is challenged. NATS should provide typical examples using quantities of fuel and green house gases emitted to demonstrate the relative impacts. It appears that NATS proposals provide no overall benefit in terms of fuel efficiency or emissions of green house gases.
25. **What are the estimated average tonnes of fuel and quantities of green house gases on which NATS bases its claims in Table C1 (Page C2)?**
 26. **What is the relative additional fuel use due to requiring aircraft to fly lower for longer?**

SUMMARY

On the basis of consultation document the Chilterns Conservation Board does not currently have sufficient information on the impacts of the proposals, the options considered and reasons for the single proposal. The Board requests this additional information in order to understand the reasons and full background for the proposals and why other options were not considered.

The Board is very conscious of the very tight timetable set for responses to the consultation paper which has taken you four years to compile and which Ian Hall, your Director of Operations, describes as “the first fundamental overhaul in several decades for this area of airspace”. Even the extended timetable to 19th June 2008 has given the Board and, indeed, many of the relevant parties, little time to assess fully the proposals in this fundamental review and to respond fairly and properly to your consultation paper. This task has been made more challenging given the limited information provided and what are major omissions from the document. The Board will, therefore, need time to consider your response to the questions and clarifications requested and if necessary to take technical and other professional advice, in order to fully respond to the consultation request. NATS should therefore ensure that the Board receives a reply promptly to enable a timely response to NATS and to CAA, to whom a copy of this response is being sent.

We should add that, following receipt of specialist technical advice as necessary, and dependant on NATS’ replies, further questions and clarifications may follow.

Chilterns Conservation Board

3rd June 2008