

Heathrow Airspace Modernisation; Airspace Change Proposal Further Engagement on Shortlisting of Stage 2 Options

Community response

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NACF 29 May 2024

What has happened since the 20 March NACF meeting?

HR set its original deadline for community engagement on its Stage 2 resubmission proposals for 28 April 2024

HR presented its proposals for Stage 2 over two 1-hour Teams meetings to stakeholders on 16 and 17 April. These meetings allowed very little time for discussion and only 2 weeks for stakeholder engagement response

On 22 April, many CNGs issued a joint letter to HR advising that its proposed resubmission timescales were too short. Concerns surrounding the limited scope and short deadlines were discussed at the 20 March NACF

HR extended the time limit for community responses on the last day of the deadline to 13 May

Without any other notification, the CAA's HR ACP portal simply posted on 1 May a new proposed Stage 2 submission indicative timeline of 7 June and Gateway decision date of 28 June – a minimal deferral of 2 weeks

To announce a deferment of only 2 weeks in this way, before engagement responses could be considered, is believed to be indicative of predetermined approach, and not consistent with genuine engagement or the Gunning Principles

If the proposed dates and scope are confirmed, this is also indicative of a failure of the CAA and HR to give serious consideration to the substantive shortcomings of HR's Stage 2

Airspace Change Proposal Change Sponsor Indicative Timeline Update Request Form

CAP 1616 requires change sponsors to submit a timeline for their airspace change proposal to the CAA so that it can be reviewed and agreed accordingly. In agreeing a timeline, the CAA is making a commitment to deliver the decision timeframes as specified in CAP 1616 for each of the four Gateway sign-offs, and for the decision on the final proposal, subject to the change sponsors meeting their own commitments.

This form should be used by the change sponsor to formally request an update to airspace change proposal timelines that have previously been presented to/and agreed with the CAA.

The change sponsor is required to publish a record of this form, including the latest indicative dates, on the Airspace Change Portal at the following points in the process (major timeline updates can and should be published outside of this as required):

	CURRENT DOCUMENT SUBMISSION DEADLINE	CURRENT GATEWAY DATE	PROPOSED DOCUMENT SUBMISSION DEADLINE	PROPOSED GATEWAY DATE
DEFINE Gateway	24-May-24	14-Jun-24	07-Jun-24	28-Jun-24
DEVELOP & ASSESS Gateway				
CONSULT Gateway				
Formal ACP Submission				
DECIDE Gateway				
Target AIRAC	Until iteration three of the airspace change masterplan, including the updated programme plan has been assessed and accepted by the CAA and Department for Transport as co-sponsors of airspace modernisation, the full indicative timeline for this ACP cannot be confirmed. The Gateways above are subject to change.			

ACP Reference Number (ACP-YYYY-NNN): ACP-2021-056

Change Sponsor Name: Heathrow Airport Ltd

Please briefly explain the need to revise the timelines: Heathrow is extending stakeholder feedback period to meet stakeholder requests for additional time.

For CAA use only:

Revised timelines reviewed / agreed by (position): Account Manager

Date: 01-May-24

The scope of HR's proposed Stage 2 resubmission

The CAA's letter to HR dated 26 January 2024 relating to Stage 2 resubmission was published on the CAA portal on 7 March 2024 (otherwise unannounced), over 4 months from the original Gateway decision

HR interprets this letter to exclude all consideration of HR's previous Stage 2 submission, except relatively minor procedural issues relating to the exclusion of one indicative arrival flightpath and the potential treatment of Richmond Park

As discussed at the 20 March NACF it is considered that the shortcomings in its Stage 2 work go far beyond these two issues

Following the 20 March NACF the CAA finally responded to TAG's September 2023 submission on 2 April 2024, after a period of over 6 months. **We consider a number of points made in this letter are open to challenge, especially (but not limited to) the need for Do Minimum options**

The significance of Stage 2 in the ACP process

Stage 2 approval is a critical milestone in the whole Airspace Modernisation option development and appraisal process. **HR's Stage 2 submission needs to be considered in its entirety** and should not be limited to relatively insignificant aspects

Any agreement to limit the scope for consideration of the resubmission raises major concerns. The Stage 2 Gateway application is a key part of a staged Option Appraisal process which by law has to be subject to the framework created CAP 1616, which contains the requirement **to take account of specific guidance contained within Air Navigation Guidance 2017**

ANG contains a specific requirement that 'options must follow WebTAG which is a series of guides and spreadsheet tools based on up-to-date evidence **following the principles of HM Treasury's Green Book**'. There is then a link in a footnote to the Treasury's Green Book. **These procedures are not optional and must be followed by both the CAA and HR**

Both the CAA and HR are subject to these legal requirements. We consider an agreement to limit consideration, where there are known potentially significant shortcomings, could leave both organisations open to challenge including potential judicial review

Major flaws included within HR's previous Stage 2 submission

- DPs didn't reflect and, in some cases, conflicted with ANG requirements
- Use of non-approved metrics and incomplete environmental noise analysis (applied to rule options in or out)
- Failure to apply key DPs adopted by HR (and approved by the CAA) under Stage 1 in devising the CLOOs, and undertaking the DPE and IOA
- Unjustified dismissal of 'Do Minimum' scenarios in the DPE and IOA

The production and serious consideration of 'Do Minimum' scenarios is a **specified requirement of the Treasury Green Book** (and therefore of CAP 1616) and **implicit within ANG**

Significant changes to the noise environment at low altitude (especially new radical arrival flight paths) will cause serious detriment to overflowed communities and **need to be fully justified against Heathrow's Statement of Need**. No serious attempt to do this has been undertaken in HR's submissions to date

The Treasury Green Book – changes need to be justified against the Statement of Need (Business Case)

Chapter 4: Generating Options and Long-list Appraisal

Figure 8. The Options Framework-Filter summary matrix

Business As Usual (BAU)	Project	Do Minimum	Intermediate Option	Intermediate Option	Do Maximum
1.0 All Cities.	1. Service scope – as outlined in strategic case	1.1 Linking Cities A and B.	1.2. Linking Cities A, B and C.	1.3 Linking Cities A, B, C and D.	1.4 Linking All Cities, A, B, C, D and E.
Carried forward		Carried forward	Preferred Way Forward	Carried forward	Discounted
2.0 Current services: for road maintenance etc.	2. Service Solution – in relation to the preferred scope	2.1 Core: Refurbish existing highways.	2.2 Core & Desirable: Combination of refurbish & new highways.	2.3 Core & Desirable: Completely new highways.	2.4 Core, Desirable and Optional: New highway & facilities.
Carried forward		Carried forward	Preferred Way Forward	Carried forward	Discount
3.0 Current arrangements.	3. Service Delivery – in relation to preferred scope and solution	3.1 Local Contractor.	3.2 National Contractor.	3.3 International Contractor.	
Carried forward		Discount	Carried forward	Preferred Way Forward	
	4. Implementation – in relation to preferred scope, solution and method of service delivery	4.1 Phased over 3 years.	4.2 Phased over 2 years.	4.3 Big bang over 1 year.	
		Carried forward	Preferred Way Forward	Discount	
	5. Funding – in relation to preferred scope, solution, method of service delivery and implementation	5.1. Public funding.	5.2 Mixed public and private funding.	5.3 Private finance – service charge.	5.4 Private finance – toll.
		Discount	Preferred Way Forward	Discount	Discount

What needs to be done to make HR's ACP application compliant with ANG and the Green Book

HR must commit to apply the requirements and priorities of ANG (in lower airspace) at all stages in Option Appraisal in compliance with the Treasury Green Book.

In addition to working up 'Do Minimum' scenarios, this should include the following work streams;

1. Production of a best practice **Risk Analysis** (looking at potential impact and likelihood of occurrence)
2. **Sensitivity analysis** - particularly in relation to concentration and change effects on overflowed populations drawing from US experience and HR's 2014 trials
3. **Consideration of Optimism Bias** in terms of assessing the potential benefits of change (especially learning from the US National Audit Office review of NextGen)

What needs to be done to HR's Stage 2 resubmission

The CAA needs to decide **whether to reject HR's limited resubmission or to require substantial redrafting** of key parts, in particular in relation to the conclusions of IOA, the options that are carried forward and how this leads into the Stage 3 work

Unless the CAA decides to reject the resubmission outright, to allow for reconsideration, redrafting and engagement, the Stage 2 resubmission timeline should be **extended considerably – by a minimum of 3 months** – to allow for proper consideration of matters raised and collaborative engagement with stakeholders regarding the final document

The resubmission must contain a commitment and method statement to work up 'Do Minimum' based scenarios on a bona fide basis. **To build trust there should be external independent scrutiny, overseen by the NACF**

The radical CLOOS originally proposed by HR should be ruled out as clearly, they do not align with key DPs concerned with radical change – for example people newly affected or multiple routes over the same areas

Further work needs to be done in relation to HR's ACP proposals

A health and quality of life impact study **on impact of concentration is essential** – drawing on Andersen's report on HR's 2014 trials and the introduction of PBN elsewhere

The DfT advised the NACF that it has not carried out research on this area. This is of key importance in the case of this application **having regard to HR's unique situation and impact in the middle of extreme high density populated areas**

HR should also commit to undertake a detailed independently led study, similar to that carried out in relation to Gatwick by Manchester University and Andersen in relation to **'Exploring the concept of Fair and Equitable Distribution to Minimise Social Unacceptability of Airspace Design Options'**. This has been published by the CAA – CAP 2971