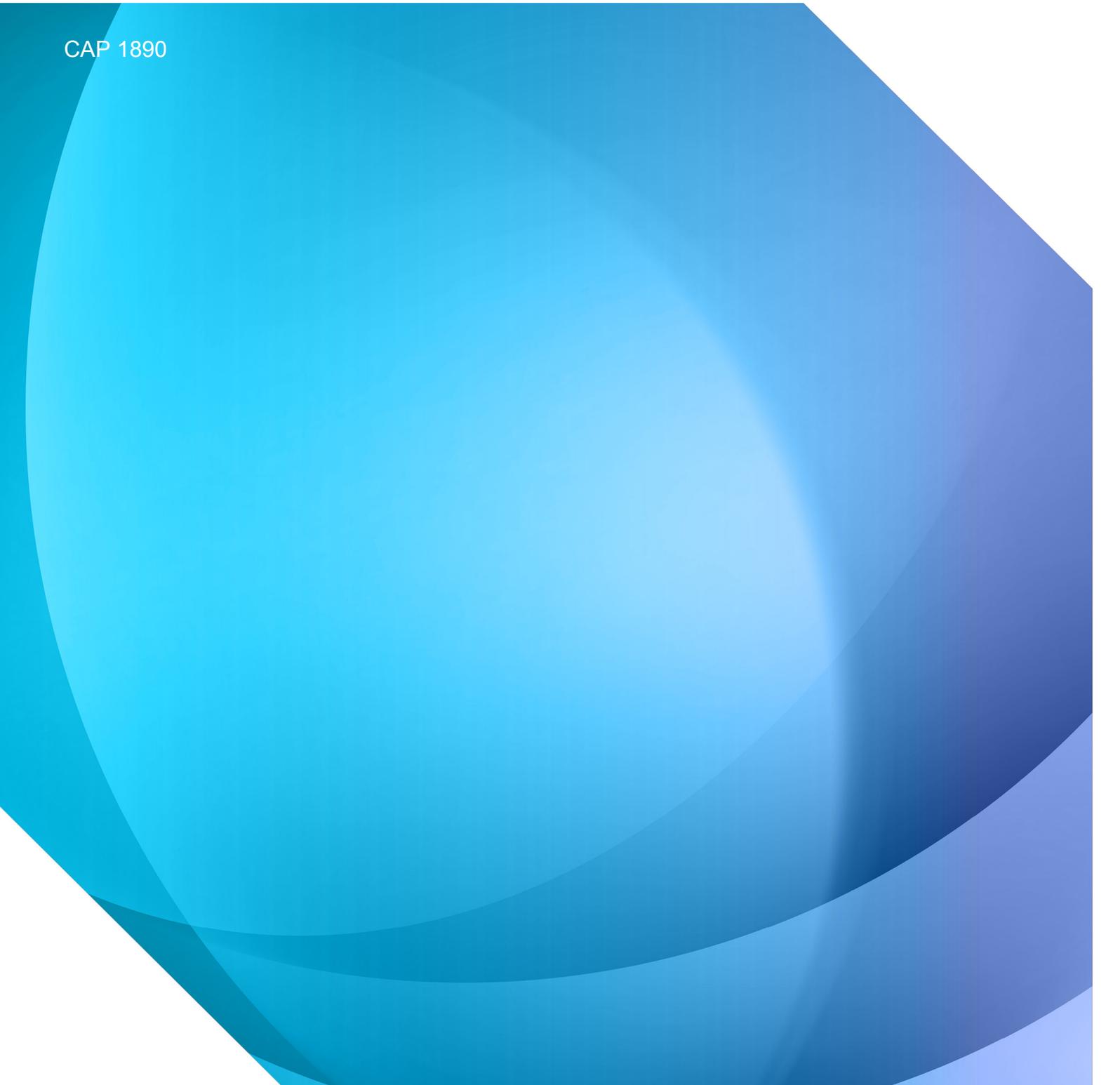


The Civil Aviation Authority's response to Gatwick Airport Limited's Environmental Impact Assessment Scoping Report

CAP 1890

A large, abstract graphic composed of overlapping, semi-transparent blue shapes in various shades, ranging from light cyan to deep navy blue. The shapes are curved and layered, creating a sense of depth and movement. The graphic occupies the lower two-thirds of the page, starting from the left edge and extending towards the right, with some shapes overlapping the white background.

Published by the Civil Aviation Authority, 30 September 2019

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First published 2019
Second edition

The latest version of this document is available in electronic format at: www.caa.co.uk

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The CAA's response to GAL's Environmental Impact Assessment Scoping Report

Introduction

1. The CAA is the UK's specialist aviation regulator. We work so that:
 - the aviation industry meets the highest safety standards. We regulate the safety of airport design against UK, European and international safety criteria.
 - consumers have choice, value for money, are protected and treated fairly when they fly. We regulate (currently through a set of 'commitments' which expire in March 2021) the costs of operating Gatwick airport and certain service quality targets.
 - airspace is well managed. We make decisions on proposals to change airspace design, which we do against the background of Directions¹ and environmental guidance from the Secretary of State.
 - the aviation industry manages security risks effectively.
2. We also provide the government, and third parties on a commercial basis, with environmental advice as requested, including information about the noise effects of aviation operations. In general, it is for government to determine environmental policy and for the CAA, where required, to implement such policy as it relates to our functions.
3. We welcome the opportunity to respond to Gatwick Airport Limited's (GAL) Environmental Impact Assessment (EIA) scoping report in our capacity as a prescribed statutory consultee in the planning process.
4. By way of general introductory comment, in paragraphs 5 to 15 we provide a high-level overview of our regulatory roles and how they relate to the Development Consent Order (DCO) process. In paragraphs 16 to 19 we explain how we approached our consideration of GAL's EIA scoping report. In paragraphs 20 to 37 we provide such comments as we have at this stage on those chapters of GAL's EIA scoping report that relate to the CAA's regulatory roles.
5. For further information about the CAA's responsibilities or on any of our comments in this paper, please contact us at DCO.Coordination@caa.co.uk.

¹ The Civil Aviation Authority (Air Navigation) Directions 2017 (as amended by The Civil Aviation Authority (Air Navigation) (Amendment) Directions 2018)

The DCO and CAA's Regulatory Processes

6. In addition to obtaining a DCO, GAL will also be required to obtain a number of regulatory approvals from the CAA in order for the northern runway to be used as proposed. The CAA's regulatory approval processes will continue throughout the planning and construction phases. The environmental statement that will form part of GAL's DCO application will contain topics which are relevant to the CAA's regulatory processes. The most significant regulatory areas are as follows.

Economic Regulation

7. The CAA is the economic regulator of GAL. In carrying out our economic regulation the CAA's primary duty, as set out in s. 1(1) of the Civil Aviation Act 2012 (the CAA12), is to carry out its functions "in a manner which it considers will further the interests of users of air transport services regarding the range, availability, continuity, cost and quality of airport operation services". The other matters to which we must have regard are set out in s.1(3) of the CAA12, including (in S.1.(3)(d)) that we should have regard to the need to secure that GAL can take reasonable measures to reduce, control or mitigate the adverse environmental effects of the airport and associated facilities.

Safety Regulation

8. The CAA has a number of safety oversight responsibilities in the UK. The CAA oversees the safety of aircraft and air navigation, the control of air traffic, air traffic services personnel, the licensing of aerodromes and air crew.
9. The CAA is the national supervisory authority for the certification of air navigation services (ANS) providers covering the requirements of Regulation (EU) No. 1035/2011. Those requirements include technical and operational competence and capability, specific requirements for the provision of air traffic services, meteorological services, aeronautical information services and communication, navigation or surveillance services.
10. The CAA is also the designated competent authority for the licencing of aerodromes under Regulation (EU) No. 139/2014. The licencing process ensures continuous oversight of safety standards at civil aerodromes. Since this regulation came into force in 2014, Gatwick Airport's aerodrome licence has been converted to an EASA compliant licence.
11. Safety assurance of proposed changes can only be provided if the proposer submits to the approving authority a fully detailed concept of operations for how it intends to achieve an acceptable level of safety.

12. It might not be possible to issue some approvals without trialling the operation first. In such circumstances, permission to operate a trial may sometimes be given so that the operator can demonstrate that the concept works as intended (potentially with further mitigating action required to ensure the concept meets all requirements).

Airspace Change

13. The CAA is responsible for making decisions on proposals to change airspace design. As part of that decision-making role, we take into account a range of factors including safety, efficiency and guidance on environmental objectives from the Secretary of State. The evidence we use to consider those factors, and how it should be prepared, is set out in our regulatory process 'Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements'(CAP1616).
14. As set out in the Government's Airports National Policy Statement (ANPS), we expect any airspace changes associated with the northern runway proposals to follow the CAA's airspace change process as set out in our guidance in CAP1616. Our guidance specifies the evidence we need from the organisation sponsoring an airspace change, including the relevant environmental data and the methodologies for producing it.
15. The CAA also has a decision-making role for changes to air traffic control (ATC) operational procedures (which could have similar noise effects to airspace change proposals). Such planned and permanent redistributions of air traffic (PPRs) essentially concern changes in the way existing airspace is used, rather than changes in the airspace design itself. Only certain PPR proposals (known as 'relevant PPRs'), which are likely to have a potential noise impact on the ground, will need to go through the approval process. The CAA recently consulted² on the decision-making process it will use for PPRs, with the aim of having it in place by 1 November 2019. The CAA's proposal is to use a process similar to that in CAP 1616.

Noise

16. The CAA has three key roles concerning aviation noise:
 - Deciding whether or not the design of airspace can be changed (in accordance with government, law and noise policy);
 - Provide technical advice in relation to noise around the London designated airports and publishing information about noise levels and noise exposure;

² See <https://consultations.caa.co.uk/policy-development/ppr-decision-making-process/>

- Collaborating on and reviewing research into the effects of noise and how they can be reduced and offering advice to Government on these effects.
17. The CAA also has a duty to publish information on adverse environmental effects of aviation.

CAA's response to GAL's EIA Scoping Report

18. To a significant extent, the CAA's regulatory processes will run in parallel with the DCO process, but not conclude until after the DCO application has been submitted. Accordingly, the CAA may be asked by the Planning Inspectorate ("PINS") and the Secretary of State to provide an interim opinion regarding the viability of GAL's scheme.
19. It would therefore be prudent for the EIA scope and methodology to be consistent with the requirements of the CAA's regulatory processes in order to avoid duplication and aid clarity for stakeholders. Where this is not possible, we suggest that GAL explains its choice of methodology with great care and sets out the difference between the methodology used for EIA purposes and that to be used for the purposes of any submissions seeking CAA approval.
20. We have considered GAL's EIA scoping report on that basis, and we are using this response to inform PINS of the information we consider should be provided in GAL's environmental statement. In particular, we have considered GAL's proposed scope and methodology to assess and mitigate the environmental effects of [expansion]. We have only commented on relevant EIA topics.
21. Our response below contains comments on those aspects of GAL's EIA Scoping Report that relate to our regulatory roles.

Economic Regulation

22. Our current approach to the economic regulation of GAL is based on relatively light touch arrangements, with airlines and GAL negotiating a set of contractual 'commitments' that encompass price and quality of service levels. The evidence that we have at present, including the relative level of competitive pressures on Gatwick and the steps it has taken and is taking to expand capacity suggest that this is a reasonable and proportionate approach.
23. The commitments cover, among other things, the maximum level of airport charges that GAL can levy and a system of rebates if GAL misses certain service quality targets. The current commitments expire in March 2021, and GAL and its airline customers are discussing a proposed new set of commitments that are currently anticipated to last until 2024 or 2025. If agreement can be reached we will check whether the deal makes sense for consumers and look to implement it as conditions of GAL's economic licence (issued by us under s.15 of the

CAA12). However, if the airlines and airport cannot reach agreement or we need to take additional steps to protect consumers then we would need to consider making further regulatory interventions.

24. Consistent with our primary duty to protect consumers we consider that GAL should be mindful of, among other things:
- the efficiency of the costs of GAL's environmental mitigations (which we interpret broadly to include that there is a clear statutory driver on GAL to incur the costs, that GAL has identified the most efficient option and that its costs of delivering such options are efficient);
 - levels of service quality and resilience, both during the construction period and when the northern runway is operational. When we reviewed the impact of GAL's commitments framework in 2016 we identified some potential concerns, including relatively poor levels of on-time performance and GAL's possible slowness in expanding airfield capacity in response to stronger than expected traffic growth.
25. In our role as a Statutory Consultee for GAL's DCO we will need to consider issues relating to economic regulation. We would expect GAL to demonstrate an overall business case for its plans showing how its proposals are in the interests of consumers and are affordable for airlines and financeable. In addition, if GAL is able to bring the present round of negotiations with airlines to a successful conclusion, this will support the existing light touch approach to economic regulation at Gatwick Airport.
26. On a more specific issue, the "indicative phasing" in Table 5.3.1 suggests that work on the new pier (Pier 7) won't take place until 2032-34. However, paragraph 7.6.57 suggests that the peak slots on the new runway are likely to have been filled by 2029. GAL should indicate how it intends to accommodate the increased number of air traffic movements (ATMs) before the new pier is available, and whether there will be any consequential effects on any of the topics considered in the EIA.

Safety Regulation

27. Air travel, as with all other forms of transport, presents safety risks to consumers on board aircraft and the public (third parties).

Safety on board the aircraft (in flight or at the aerodrome)

28. The CAA has the following comments on the aspects of the EIA scoping report relating to safety on board aircraft:

Para No.	Comment
General	At some places throughout the scoping report and its appendices the documents

Para No.	Comment
	refer to CAP 168: Licensing of Aerodromes (Civil Aviation Authority, 2019) and Articles 211 and 212 of the Air Navigation order, in relation to aerodrome licensing. Gatwick Airport certification is conducted against the requirements of the EU Basic Regulation and its supporting regulations, notably EU Regulation 139/2014 (the Aerodrome Regulation). EU regulations are issued by the European Aviation Safety Agency (EASA). CAP 168 is no longer applicable and should be referred to only for guidance should there be no material covering a subject in the EASA issued documents.
4.2.6	The use of existing taxiway Juliet has an aircraft wingspan restriction during present northern runway operations.
5.2.6	The reference to "...a separation distance of 210 metres between it and the main runway, the distance required to meet European Aviation Safety Agency standards for closely spaced parallel runways" is not fully correct. This distance refers to parallel non-instrument runways. The distance for parallel instrument runways is 1036m. EASA does not specify a distance where one runway is instrument and one is non-instrument, as is the situation at Gatwick.
5.2.28	Reference is made to the maximum building height of 9m in the proposed re-provided fire training ground. The existing fire training rig (an aircraft mock-up) has a fin height of 20m. It is suggested that reference be made whether the existing training rig would be repositioned or a new one provided.
7.8.7	The para states that "Only smaller 'Code C' aircraft (ie <36 m wingspan (not Boeing 767 and larger)) would use the northern runway". This should refer to B757 aircraft rather than 767.
7.8.47	The start of the take-off roll for the northern runway in the predominately west direction is over 600m further west than the main runway and de-rated take-off thrust would normally be used so the accuracy of the following statement needs to be challenged: "During routine operations, only departures would use the northern runway. The majority of these would be above 1,000 ft before they leave the airfield".
7.14.7	The list of guidance documents could usefully also include the EU Aerodrome Regulation (139/2014).
Appendices: Transport accident (airborne)	The appendix states "A new Runway End Safety Area (RESA) is proposed to be established for the proposed northern runway usage which would reduce the risk to a tolerable level. Any intolerable risk under Department of Transport guidelines would therefore be designed out". The CAA supports the proposal to implement a new RESA and for that RESA to be of the distance recommended in the EU Regulation 139/2014 (the Aerodrome Regulation).

Public Safety

29. Public or third-party risks are often described as individual or societal risk. In the context of the DCO process, the responsibility for judging the tolerability of public safety lies with the relevant decision maker who is able to weigh the benefits of a proposal against the safety risks. This would include PINS and the Secretary of State in considering the DCO application.
30. The CAA has no specific policy or regulatory role regarding the tolerability of third-party safety risks. The CAA can provide support to aid the assessment or decision maker, such as provision of accident statistics or mandatory occurrence reporting data.
31. In Appendix 7.14.1, the entry for Transport Accident (airborne) justifies scoping out this risk because of the existing CAA/EASA safety requirements, the introduction of a RESA, and because “the proposals would not result in a change to airspace”. However, as noted above, the CAA has no regulatory role regarding the tolerability of third-party safety risks, and so some further evidence should be presented to justify scoping out such risks.

Airspace Change

32. GAL asserts at various points in its EIA Scoping Report that its planned alterations to the northern runway will not require it to submit an airspace change proposal (ACP): for example, paragraph 3.2.10, describing the preferred development scenario, states:

“the airport would remain a two terminal operation [...] and would not require changes to flight paths from the current arrangements.”

However, paragraph 7.8.46 states that:

“the Project does not require changes to the existing flight paths to or from the airport, other than the adjusting of the flightpath to and from the northern runway 12 metres further north. A formal ‘airspace change process’ is unlikely to be required to enable the dual runway operation.”

33. We understand from this that, in GAL's view, the proposals would not be a change in airspace design since the conventional SIDs for the standby runway, which are already notified, would continue to be used under GAL's proposed plans.
34. Paragraph 8.7.4 states that:

“Whilst it is considered that an airspace change to enable dual runway operations is unlikely to be required, GAL will submit a Statement of Need within the scope of the CAP1616 process at the appropriate time to the CAA.”

However, it is not clear from the text preceding this paragraph whether the Statement of Need is to be related to FASI- S, or to the application for dual runway operations. This should be clarified by GAL.

35. Based on our current understanding of GAL's proposals (which has been informed by meetings with GAL as well as the EIA Scoping Report), our preliminary view is that GAL are correct to assume that there may M be no need to go through the full airspace change process for reconfiguration of the northern runway. However, we would expect GAL to submit a Statement of Need in that regard, which will trigger the formal process to determine which parts, if any, of the airspace change process in CAP1616 it will need to follow. This Statement of Need is independent of any requirement under FASI-S arrangements.
36. Even if no ACP is required by GAL to implement its proposed dual runway operations, it may qualify as a PPR. GAL should mention this possibility in its scoping document, as if it does qualify, then there will be a process to be followed in which the CAA is a decision-maker. As noted above, the CAA recently consulted on its proposed PPR decision-making process with the intention of having that process in place by 1 November 2019. That process includes a review of environmental impacts similar to that described in CAP 1616. Based on our current understanding of GAL's proposals (which has been informed by meetings with GAL as well as the EIA Scoping Report), our preliminary view is that the proposed dual runway operations are unlikely to fall within the full PPR process.
37. Airports and ANSPs are expected to inform and engage overflown communities about aircraft operational change and change to aircraft movements when such changes could have a noise impact on communities. The Air Navigation Guidance 2017 and direction 15 of the Airspace Directions given to the CAA requires us to produce guidance on transparency and engagement for such operational changes to airspace usage not covered by ACPs or PPRs. This guidance is described in detail from page 97 of CAP 1616. Although the CAA has no decision-making role concerning such changes, we would expect GAL to publish this information where it is relevant to its proposed dual runway operations.
38. Since there is a chance that GAL's proposed dual runway operation will result in an ACP or PPR application, the CAA would recommend that the environmental metrics and analysis used in the EIA to be consistent with that required for ACP and/or PPR submissions. In respect of airspace change, CAP 1616 and CAP 1616a³ provide the relevant methodologies for use in environmental assessments to assist those preparing airspace change proposals. However, it appears to the CAA that those aspects of the EIA which are also part of the ACP

³ CAP 1616a is the CAA publication 'Airspace Design: Environmental requirements technical annex'

process have been defined sufficiently closely that the data and methodologies are consistent, subject to the comments in this response.

Noise

39. The CAA has the following comments on the aspects of the EIA Scoping Report relating to the assessment of noise and emissions:

Para No.	Comment
2.2.9	Consider the following documents: The Climate Change Act 2008 (2050 Target Amendment) Order 2019 HMRC Technical note - Carbon Emissions Tax, 29 March 2019 Net Zero - The UK's contribution to stopping global warming, Committee on Climate Change, May 2019
4.5.4	It would be beneficial to add ATMs and number of passengers should be given on a yearly basis for baseline year and forecast years
6.2.3	Terminology differs from established EIA practice, refers to major and substantial rather than significant. Not clear whether both major adverse and substantial adverse effects are classed as significant, or only the latter?
6.29	Assessment years do not mention or refer to year of maximum effect – only GHG emissions refers to a worst case scenario in para 7.8.29, but this needs also to be considered for noise and local air quality emissions – the year of maximum effect may be different for each
7.1.1	Consider the following document The Climate Change Act 2008 (2050 Target Amendment) Order 2019
7.1.2	Consider the following documents HMRC Technical note - Carbon Emissions Tax, 29 March 2019 Net Zero - The UK's contribution to stopping global warming, Committee on Climate Change, May 2019
7.7.29	“The assessment will follow the guidance of the airport air quality manual (International Civil Aviation Authority, 2011)”. Replace ‘Authority’ with ‘Organisation’.
7.8.2	Consider the following documents Department for Transport, Aviation Policy Framework, March 2013 (DfT, 2013) Consultation response on UK airspace policy: a framework for balanced decisions on the design and use of airspace, 2017
7.8.2	What time period is this data for? If it is to be assessed for day, evening and night, data should be provided for the three time periods, not 24h
7.8.3	Consider the following documents Air Navigation Guidance 2017 (ANG), DfT, October 2017 ICAO Annex 16 noise certification standards

Para No.	Comment
	ECAC.CEAC Document 29 4th Edition, 2016: Report on Standard Method of Computing. Noise Contours around Civil Airports.
7.8.7	'...using the same flight paths'. Since most southern runway SIDs are RNAV, but the northern runway SIDs are conventional, the dispersion of aircraft around the SID may be different for the two runways. See also comment on para 7.8.36
7.8.29	Mentions worst case year of maximum effect, but then defines assessment years as 2026, 2029 and 2038. Year of maximum effect must also be identified and assessed
7.8.31	Consider including noise contour areas, population counts and Noise Quota Counts in the assessment reports
7.8.36	Since GAL explicitly state they do not require an airspace change, we do not believe it is correct to state that 'within the turn, the flight paths will not be distinguishable'. The northern runway SIDs are conventional SIDs, whereas the current runway SIDs are RNAV, so there will be differences in flight track dispersion in the turns on both easterly and westerly operation. If GAL is separating this DCO proposal from future FASI(S) airspace changes, then the DCO assessment needs to reflect that the northern runway's conventional SIDs will likely result in flight path differences around the first turn, compared with the existing main runway RNAV SIDs.
7.8.39	What does the second bullet 'Type 2: Comparison against absolute noise level benchmarks' mean? Is this a future do-nothing scenario or something else?
7.8.57	Insufficient evidence presented to justify scoping out use of APUs from ground noise assessment. What are the 'operational reports' that 'demonstrate that it is rare for an aircraft to use the APU whilst on any of the stands as ground power is generally available'?
7.9	Consider covering Adaptation/climate change and GHG emissions separately for clarity
7.9.59	Consider adding the following information in the assessment: GHG emissions from flights leaving UK, Emissions covered by CORSIA, Impact of CORSIA ending in 2035
7.9.60	Mentions that worst GHG emissions year will be identified, but not if it will be assessed and how, if do-nothing scenarios will be included only for 2026 and 2038
7.11	Consider including WebTAG, QALY or another health and wellbeing noise metric in the analysis.