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Our Ref: Planning/NATS 2008/TCN Consultation Response Final 180608

18<sup>th</sup> June 2008

Dear Sir/Madam,

### **Proposed Changes to Airspace**

The Chilterns Conservation Board was established by Parliament in 2004 to conserve and enhance the natural beauty of Chilterns Area of Outstanding Natural Beauty (AONB), and to raise understanding and enjoyment of its special qualities.

The Board has given full consideration to this proposal and has consulted widely with local authorities, technical experts, community groups and environmental bodies. We all appreciate the technical complexity of undertaking a review of the use of this airspace. The Board has also found an extraordinary degree of unanimity between so many groups spread right across the Chilterns in their assessment of the likely impacts and consequent objections.

The Board objects strongly to the proposals on several grounds which are given in full in this submission. The Board wrote on 3<sup>rd</sup> June requesting additional information to enable it to prepare a full submission. No reply has been received and this response has, therefore, been prepared without the benefit of information which was considered essential. The Board objects to the likely impacts of the proposals on the Chilterns AONB and is concerned about the inadequacy of the consultation process itself. If a reply from NATS is received shortly the Board will submit a further and possibly revised submission if NATS provides re-assurance that it will be given full weight despite being received after 19<sup>th</sup> June.

The Board has noted that NATS states in Section 1.13 that "The proposed design has been informed by discussions with local authorities, representatives of Areas of Outstanding Natural Beauty.....". It is unfortunate

that NATS tried to give the impression to the public that somehow bodies with responsibility for AONBS had either been involved in preparing the proposals or had endorsed them prior to the public consultation. Virtually all of the Chilterns AONB is affected by NATS' proposals and yet, contrary to the statement in its document, there has been no attempt to contact the Chilterns Conservation Board or seek its views. Indeed, the Board was not even sent a full printed copy of the consultation document and was only sent a DVD which was entirely inadequate for the purpose.

### **Noise and Tranquillity**

1. Much of this submission and that of many other individuals and organisations is based on an assessment of noise pollution and loss of tranquillity. Any assessment of noise will not simply be based on noise levels. It will be based on the level of noise, frequency of the noise event, its duration and timing. Recent research shows that the public is increasingly intolerant of any noise pollution. 'Attitudes to Noise from Aviation Sources in England' (ANASE), Department for Transport, November 2007. The increasing number of night flights and late flights compounds the nuisance caused by noise. An outcome of the liaison between groups resulting from the consultation is the widespread anecdotal evidence that recently flight paths seem to have changed and the number of night flights increased.
2. No information is given on the width of the corridor at ground level affected by the noise of overflying aircraft. This is important information as it would have helped to assess the geographic extent of the noise pollution and the calculations for those over flown.
3. The consultation document maps show heights above sea level but appear not to take into account the height of the Chilterns. Most of the ridge of the escarpment is above 700 feet rising to 900 feet near Wendover. The relative height of aircraft above ground level will be much lower than at present, frequently at less than 3000 feet and the noise nuisance experienced by residents and visitors proportionately increased by between 50 and 100%. This either inaccurate or misleading information has seriously prejudiced the ability of the public to interpret the potential impact of NATS' proposals on them.
4. NATS' assertion that it will not take into account factors related to frequency and timing as they are not the responsibility of NATS is unacceptable. It is obvious that the consequences of NATS' proposal are not confined simply to noise levels. The Conservation Board will be writing directly to the CAA and relevant government departments to ensure that full weight is given to all aspects of the noise pollution which the NATS proposal will cause.
5. NATS has failed to acknowledge fully or respond to the concept of tranquillity although it is referred to directly in guidance produced by DfT for the CAA. The Board understands that NATS attached no weight

to tranquillity because of difficulties of measurement. NATS highlights in its consultation document that it has taken four years to prepare this proposal. It is surprising, therefore, that it has made no attempt to develop a suitable measure of tranquillity in this time. In the absence of its own data the CPRE has produced widely used tranquillity maps which would have assisted the process and helped local people prepare their response. It can be seen from an assessment of these maps that the NATS proposal would involve aircraft flying over the most tranquil parts of the AONB. As it appears that NATS has deliberately targeted quiet, less populated areas it is assumed a measure of tranquillity was not helpful to NATS' proposals.

6. The Board also notes in paragraph 4.10 (page A8) that NATS states "Maintaining tranquillity in the countryside was also identified as a concern. Where possible NATS has sought to accommodate the request to maintain tranquillity of the countryside through the proposals presented in this consultation. However, it was broadly accepted that avoiding both densely populated areas and the surrounding countryside was not possible". The Board would like to know which bodies were invited to make requests to maintain tranquillity as it did not include the Conservation Board. Secondly by whom was it "broadly accepted" that maintaining tranquillity was not possible?
7. Section 12 on page F72 is the only part of the document which purports to give any consideration to the impact on the Chilterns AONB. This section is surprisingly short and fails to state what the impact of its proposals would be on the AONB. In view of specific guidance from the DfT on minimising the impact on AONBs and maintaining tranquillity such a poor assessment suggests that little weight was, in fact, attached to the designation or guidance.
8. NATS will be aware of the DfT Guidance to the Civil Aviation Authority on Environmental Objectives relating to the exercise of its Air Navigation Functions (March 2002) which states that the CAA should "pursue policies that will help to preserve the tranquillity of the countryside where this does not increase significantly the environmental burdens on congested areas." It would seem that by not moving the preferred route over the Chilterns the noise burden over adjacent towns such as Princes Risborough and Wendover would not increase significantly and by so doing the tranquillity of the Chilterns AONB would not be so adversely affected.

### **Population overflown**

9. So little information is given as to how table C2 on page C7 was compiled that it is not possible to analyse or accept NATS' case that fewer people would be overflown. NATS also fails to state whether the degree of noise experienced by those to be overflown is the same as those no longer overflown. The Board believes that those to be newly

overflown in the Chilterns will experience significantly higher levels of noise nuisance because of:

- a. The height of the Chilterns;
  - b. The proposed potential lower flying height, and
  - c. The lower ambient noise levels compared to adjacent towns.
10. The Board does not, therefore, accept that the trade-off between these two groups is comparable. Nor is it possible to accept that the total number overflown at less than 7,000 feet is lower as no supporting information is provided.
  11. Readers might have been surprised to learn that the number of complaints from those currently overflown in Princes Risborough and Wendover, but who would no longer be overflown, resulted in only 6 complaints in 4 years. There appears to be no clamour from those living in these small market towns to have the flights moved over the Chilterns, but no doubt they would appreciate less noise. It also brings into question the NATS' interpretation of avoiding densely populated areas. It is hard to consider the small market towns of Tring, Wendover or Princes Risborough as densely populated areas. If avoiding such small settlements leads to over flying of AONBs then NATS could be accused on never being prepared to avoid an AONB in preference to avoiding a town no matter how small. It is unfortunate that no definition is given of what NATS consider to be a densely populated area.
  12. NATS has failed to show that the towns previously overflown will no longer be affected by noise from aircraft. As aircraft will be flying lower they will still be affected by noise and, given that the escarpment faces north east, the noise will still be clearly audible in towns such as Tring, Wendover and Princes Risborough. The inconsistency in NATS' approach is confusing, insofar as it wishes to avoid over flying these towns but will be routing flights over the much larger settlement of Berkhamsted. The Board has also learned that NATS has deliberately changed flight paths to avoid small villages around Stansted and in the past to avoid Leighton Buzzard.
  13. This is a crucial issue as the number of people overflown appears to be the only environmental factor which NATS has given any weight. The Conservation Board is forced to conclude, in the absence of a single mitigating factor, that the impact of the increased noise pollution on the AONB has been given no weight. Indeed it appears that NATS have targeted the Chilterns because it is less populated.

### **Enjoyment of Peace and Quiet**

14. NATS should also be aware that the Chilterns is one of the most popular areas in Europe for quiet enjoyment of the countryside with 52 million visits per annum. NATS does not appear to acknowledge or give

any weight to the enjoyment of the area by local people or visitors. Fifty percent of visitors are known to actively seek peace and quiet as a reason for their visits. NATS' proposal can only diminish the enjoyment they get from their visit. This too is contrary to government initiatives to encourage exercise and to promote visits to natural spaces as a notable contributor to physical and mental well being.

15. Most of the popular sites are along the ridge of the Chilterns escarpment, many of which are owned by the National Trust (Ashridge, Coombe Hill and Watlington Hill), Forestry Commission (Wendover Woods and Cowleaze Woods) and local authorities (Dunstable Downs, Bacombe Hill and Whiteleaf Hill). The Ridgeway National Trail is affected for virtually its entire length in the Chilterns. Visitors to these sites do not expect to have their visit spoiled by the noise and visual intrusion of low flying aircraft. It is entirely conceivable that some people will be put off visiting these special places and this in turn will affect the tourism industry if the area has a reputation of being spoiled by the noise from low flying aircraft.
16. Many people living in the Chilterns chose the location because of its rural nature and relative peace and quiet. Those choosing to live in towns seek other qualities. The noise from low flying aircraft is not expected in a protected landscape known as a refuge from the noise and bustle of London and surrounding towns.

### **Fuel Efficiency**

17. The NATS document attaches overriding weight to avoiding numbers of people overflowed. It also mentions seeking to achieve environmental benefit by reducing fuel burn, but states in table C1 on page C2 that the impact is at best neutral. The Board understands that the fuel burn of aircraft deliberately kept at such low altitudes for such long distances will be considerably more than if allowed to fly at a higher altitude. This does not appear to have been taken into account.
18. These tables fail to state what the fuel efficiency saving might be over a total flight. Presumably this would be very small.
19. The proposals may or may not lead to less congestion but based on NATS information the total saving per flight is likely to be minimal and no reason to fly over a designated landscape valued for its peace and quiet. Based on the information given the maximum potential saving per flight is less than 45 seconds.

### **Heathrow Flights and the Bovingdon Stack**

20. A major factor influencing the level of aircraft noise in the Chilterns AONB is the interaction between Heathrow and Luton air traffic. A key constraint is the climb profile of Heathrow westerly departures to the north which affects Luton departures to the south west. The Board

understands that the low minimum altitudes for departing Heathrow traffic are determined by the poorest performing aircraft, which are typically large heavy airliners heading across the North Atlantic, many of which are older and are unlikely to remain in service for very long. For the majority of aircraft raising the minimum altitudes, and therefore rates of climb, would bring benefits in terms of decreased noise pollution and would allow Luton departures to also climb more quickly. The poorer performing aircraft should be routed immediately away from the Chilterns AONB.

21. NATS fails to state that despite taking 4 years to develop its proposals that it is only a partial review of the TCN area as it decided against incorporating the Bovingdon stack within its terms of reference. In view of the major impact the stack has on the use of the entire TCN area this is a significant and unfortunate omission. The location of the stack is leading directly to potentially conflicting patterns of use, against good practice guidance, thus keeping the height of Heathrow aircraft at an unacceptably low altitude and further depressing the height of aircraft using Luton and Northolt.
22. Considerable reductions in noise pollution suffered in the Chilterns could be made by instructing aircraft to climb more quickly which could be facilitated by moving the stack, lifting the minimum flight levels and instructing slow climbing aircraft to use other flight paths. It seems extraordinary that so much of NATS proposal is, in fact, predicated on the poor climbing rate of a small number of aircraft leaving Heathrow. It seems but for these aircraft most flights could be at a higher elevation.
23. It is surprising that NATS does not discuss the option of directing all Luton flights to the north of Aylesbury, the same latitude as the airport and in line with the runways. Such routing would:
  1. avoid populated areas
  2. enable aircraft to climb more quickly
  3. avoid popular recreation sites
  4. avoid AONBs

The length of flights may be increased slightly but offset by aircraft reaching higher altitudes more quickly. In the context of the environmental gains this would be a more balanced proposal than that put forward.

### **Safety**

24. The Board accepts that safety is the overriding requirement of managing airspace. NATS does not state how the current position is endangering aircraft or how, and to what extent, it will be safer if their proposals are implemented. NATS assumes we accept their case and the implications for safety and it did not feel it necessary to provide any supporting information.

### **Compliance with other relevant legislation and guidance**

25. The Board considers that the proposals as drafted do not comply with EU Directive 2002/30 and the accompanying UK Regulations (The Aerodromes (Noise Directions)(Rules and Procedures) Regulations 2003). Furthermore, the Board considers that the proposals are contrary to the Environmental Noise Directive (2002/49) and related UK regulations (The Environmental Noise (England) Regulations 2006).
26. The Board considers that NATS has failed in its duty to have regard to the purpose of conserving and enhancing the natural beauty of the Chilterns AONB as required by Section 85 of the Countryside and Rights of Way Act 2000. No doubt NATS will argue that its proposal does not affect natural beauty in the sense that no physical changes result to land use. However, it is clear that the objective of government legislation and policy is to conserve nationally important landscapes, their natural beauty and the enjoyment of those special places. NATS fails entirely to address the issue of how the enjoyment of living in and visiting such countryside is affected by their proposals.
27. NATS' proposals are contrary to the Rural White Paper 2000 and to DEFRA's Rural Strategy 2004, both of which stress the importance of protecting the countryside from the further intrusion of noise and that tranquillity is a valued resource.

### **The consultation process**

28. In preparing this response the Board has liaised extensively with affected local authorities, members of the public, local groups and others. There is widespread concern about the extent and form of the consultation process, which is contrary to well established procedures and has no similarity to that undertaken for a local authority's Local Development Framework for example. The lack of options and limited amounts of information available have led to numerous questions, which remain unanswered, and mean that the Board is put in a position where it will almost certainly have to seek legal advice about the consultation document and process.

In summary the Chilterns Conservation Board objects to the proposals because they will lead to more aircraft flying lower over the Chilterns causing significant noise and visual intrusion for tens of thousands of residents and millions of visitors. The enjoyment of visiting popular countryside sites will be significantly reduced and the quality of life for large numbers of people living in the towns and villages of the Chilterns adversely affected.

The consultation process has been flawed making it difficult to get access to necessary information on which to make a full response. The document is full of unsupported assertions and poorly, even misleadingly, presented information. The Board believes that the proposals fail to give sufficient weight to maintaining the tranquillity of the Chilterns Area of Outstanding Natural Beauty, the DfT guidance on maintaining tranquillity of AONBs, or to relevant EU guidance on noise.

The Board supports measures to reduce adverse environmental impacts such as noise and air pollution, and any proposals to improve safety where there is an accepted problem. However these proposals fail to make the case on either safety of environmental grounds, thus providing no overall benefit. The Board advises NATS to withdraw this single proposal, seek a postponement of the proposed introduction in 2009, and instead to prepare a number of options on which it undertakes a full and accessible consultation process which provides all those affected with sufficient information on which to make a balanced judgement. The Board is willing to work with NATS to achieve a more acceptable series of proposals which avoids the damaging impacts of this proposal.

This proposal represents a missed opportunity to reduce current levels of noise pollution. Any new proposal must give full weight to restoring and enhancing the level of tranquillity which should be enjoyed in an area of outstanding natural beauty.

Yours sincerely,

**Steve Rodrick**  
**Chief Officer**

Copy to: Ruth Kelly MP, Dept. for Transport  
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All MPS covering the Chilterns AONB