

Transport Select Committee - Use of Airspace - Summary of the Issues

(1) There is a lack of democratic accountability for airspace change decisions

- Airspace changes can and do adversely affect the quality of life of thousands of UK citizens. Decisions of this magnitude should be subject to close parliamentary scrutiny and the accountability for the impact of such changes belongs at a high level in government.
- Responsibility for Airspace change decisions should rest with the Secretary of State for Transport. (rather than with an unelected CAA official (The Director of Airspace Policy))
- 2M believes that the Transport Act 2000 which grants the decision making power to the DAP without recourse to parliament, except in highly controversial cases (not defined) is badly drafted and should be amended to ensure that the Secretary of State for Transport makes the final decision.
- The Select Committee noted this anomaly on a previous occasion in 2006.

(2) There is a lack of effective appeal process before an independent tribunal in relation to airspace changes

- Aggrieved parties to an airspace change can only challenge the decision by way of Judicial Review. JR only provides a theoretical (and very expensive) remedy. Few applicants succeed in JR where the courts are asked to adjudicate on merits issues or matters of scientific debate between experts. The Select Committee has noted this anomaly on a previous occasion in 2006.

(3) The Airspace Change Consultation Process is still unsatisfactory (based upon the Terminal Control North (TCN) experience in 2007 - still (on going) because:

- It was too complicated for the lay person to understand. It was also too complex for many local authority officers to understand
- NATS refusal to attend local public meetings to explain the proposal was unhelpful
- The consultation did not comply with the CAA's guidelines. (CAP725) For example no alternatives were given. e.g. the possibilities of "stacking " aircraft beyond the UK coast rather than over land.
- CAA guidance (CAP725) itself is out of date it still uses 1980s research in its guidance on noise.

(4) No apparent vision for future UK airspace needs.

- The Government's Air Transport White Paper will encourage the piece meal expansion of a number of airports in the UK - without it seems any overall appreciation of the need for extra airspace capacity. This seems fundamental. The airspace demands and solutions should be set out as part of the planning consideration for all the SE Airports