

REPORT-BACK TO MENSTON PARISH COUNCIL AND COMMUNITY ASSOC'N

AIRSPACE CHANGE (UPDATE)

Further developments as at 19 June 2019

Headlines:

1. **The Civil Aviation Authority (CAA) has rejected LBA's Airspace Change Proposal (ACP)**, primarily on the grounds that the consultation process was inadequate and did not comply with the statutory requirements.
2. LBA must now either re-formulate and re-submit its ACP, together with options, or abandon its endeavour to create more airspace for its operations.
3. The airport's expansion plans to 2030 depend upon the creation of that additional airspace, without which it cannot achieve its ambition to offer flights to an additional 3 million passengers per annum.
4. Any new ACP must be consulted upon fully and properly before re-submission and will be considered by the CAA under new, and more stringent, regulations introduced with effect from 1 January 2018 (known as CAP 1616).
5. The CEO of LBA, Davie Laws, appointed in May 2017, has retired (early, at only 61), reportedly to take on an advisory role for the airport's Australian owners, AMP Capital. A new CEO was appointed in May 2019.

The CAA has published its conclusions after consideration of LBA's Proposal on their website, at www.caa.co.uk/cap1805. The related Consultation Assessment has also been published, and is highlighted on the same page: click on [Consultation Assessment](#).

The key element in this documentation is the CAA's regulatory decision, and this makes clear that **"As a result of the inadequacies of the consultation element of this ACP and noting the anticipated impacts on the material factors we are bound to take into account, the CAA must exercise its duty in accordance with s.70 of the Transport Act 2000. The CAA has decided not to approve this ACP."**

Representations from Menston and Burley in Wharfedale were among a total of 445 responses to the ACP. Of that 445, 13 consultees (2.9%) supported the Proposal, 21 (4.7%) provided a neutral response or did not offer comment, 41 consultees (9.2%) asked questions but did not subsequently respond, and 370 consultees (83.1%) stated their objections. Many of those objections were from the general aviation community (ie. light aircraft operators and flying clubs).

Menston and Burley had complained that the consultation process had been rushed and the information supplied was too technical for non-aviation people to understand, also that meetings had been conducted on a Q&A basis rather than as a presentation, such that there was no dialogue or public debate. Menston was initially offered 2 meetings but only one was made available, at High Royds Social Club and this was not properly advertised, so very few people attended. The second meeting, supposedly to be held in the village and as a public presentation, never took place. In fact, LBA's management team offered only 48 hours for receipt of comment after the first meeting (Wednesday 27 September 2017) and then closed the Consultation Process early.

The reason became obvious: existing regulations (called CAP 725) were to expire in December 2017, and the new more demanding regulations (CAP 1616) would become effective on 1 January 2018. The CAA saw through this and commented: **"In a specific case, the sponsor conducted a Q&A meeting with a local Parish Council having refused requests for a public meeting. The response window for stakeholders was effectively**

limited to 48 hours to accord with the intention of concluding the consultation.” This was one of the points I had complained about, and the CAA took the view that it was substantiated.

The CAA’s Consultation Assessment also refers to “a large amount of .. interaction between the airport and the two communities directly affected by departures from Runway 32.” and notes that “Much of the acrimony ... regards the distribution of aircraft within the agreed s106 Noise Preferential Route.”

The CAA criticises LBA for not considering or advancing options for the new flight path(s): “Whilst the sponsor discussed various initial options such as ‘Do Nothing’ etc., the consultation focused on a single proposal that, in hindsight, the sponsor did not wish to change as evidenced by its reticence to fully consider other options. ... The sponsor was also resistant to guidance when it came to extending consultation or for providing additional avenues for engagement. This led to the CAA’s view that the sponsor was just ‘ticking boxes’.” For those and other reasons including compliance with Government Consultation principles, the CAA ruled that the consultation had not been compliant with the established codes of practice.

LBA was also criticised for not presenting the ACP in manner that was informative to stakeholders who were not part of the aviation community, in terms of the aviation charts (instead of flight paths drawn over an Ordnance Survey map, for example). The CAA says: “A number of diagrams in the consultation material are unintelligible unless the reader has specific airspace/environmental knowledge.”

At the Airport Consultative Committee meeting on Wed 19 June 2019, the Operations Director of LBA expressed disappointment at the outcome, but would not commit to a timescale for revision of the ACP and the initiation of a new consultation procedure. He did express concern that any undue delay might prejudice the airport’s drive to expand its services and passenger throughput. It must, therefore, rank as a high priority for LBA to address the production of a new ACP which will meet the CAA’s standards.

Unfortunately, we can derive no satisfaction from the CAA’s ruling, as it means the current unsatisfactory situation (of flights not adhering to the centre-line of the NPR) will continue until and unless LBA prepares a new ACP, submits it for consultation (of a meaningful nature this time!), and receives approval. We have, however, been promised that the views of Menston and Burley residents and their representative bodies will be properly considered in the early stages and there will be continuous interaction and discussion throughout the preparation of a new ACP. A comprehensive programme of public meetings, with intelligible information, has also been promised.

Alan Elsegood, Menston’s Rep. on the Airport Consultative Committee

MEETING WITH JIM WYLIE (HoATS @ LBA), 27/06/2019

I visited the airport and met with Jim Wylie, Head of Air Traffic Services, on Thursday 27 June 2019, in appreciation of the situation that the CAA has rejected LBA's Airspace Change Proposal (ACP), and to ascertain how LBA now proposes to proceed.

It was agreed that the CAA had rejected the ACP predominantly for procedural reasons (lack of proper consultation, ambiguities and unintelligible information in the Proposal, unless one was familiar with aeronautical jargon) and not for substantive reasons. There was specific reference to LBA having prematurely concluded the Consultation process, denying Menston the second meeting which had been promised, for the simple expedient of getting the Consultation Process finalised before 31 December 2017, as new stricter regulations were to come into force on 1 January 2018.

LBA's management team were disappointed, not only because the original process had been extremely time-consuming and expensive, but because they believe the CAA has applied reasoning contained in the new regulations (CAP 1616) despite stating that it had dealt with all matters under the earlier regulations (CAP 725). The ongoing dispute about this will not affect Menston directly, and is largely procedural, but LBA is keen to prevail upon the CAA to allow them to re-use some elements of the ACP process (such as the studies of optional routes) instead of having to do the work again. If that is permitted, the timescale for presentation of a new ACP under CAP 1616 would be far shorter than if it has to be commenced afresh from basic concepts. All the matters under dispute happened before Jim Wylie took over as HoATS.

JW confirmed that although there were several elements contained within the ACP, there is only one departure route ex. Runway 32 which will secure the flight path which both Menston and Burley want, and which confirms the original NPR over the fields between the two villages. Other departures (from Runway 14) can have some alternative routes, but only the establishment of a Standard Instrumentation Departure (SID), which is programmed into aircraft onboard navigation systems would ensure that all regulated aircraft fly precisely to that departure path.

As LBA has been 'kicked out of the queue' and the CAA is under-resourced with a big backlog of ACP issues, there is concern that having to start afresh under the new regs will result in LBA not getting back into the queue for some 2 years. Meanwhile, there is no satisfaction to be gained, either by LBA or by Menston and Burley. The current unsatisfactory state of affairs, with aircraft not always remaining within the swathe (the corridor of flight-path tolerance) and thereby giving rise to complaints about noise and air pollution, will remain unless LBA can be persuaded to bring forward some ideas for better adherence to the designated track which don't require CAA sanction.

JW stated his willingness to remain in regular dialogue with reps of Menston & Burley and to collaborate where possible. He is still not working exclusively at LBA, which is frustrating for all parties. Meanwhile, LBA has a new CEO, Hywel Rees (ex. Melbourne (Australia) also Luton and Heathrow) who appears more constructive and conciliatory than the previous CEO, Davie Laws, who has taken up a consultancy/advisory role for the owners of LBA.

Alan Elsegood, ACC Rep. for Menston.