

UK AVIATION UPDATE

What this paper is about

To provide, for the information of Conference, a round-up of current UK activity in the field of aviation *not* covered by reports which appear elsewhere on the Agenda for this meeting including:

- Airport Regulation Bill – paras 1-5
- CAA Restructuring – para 6
- South East Airports Taskforce - 7-10
- Airport Security –paras 11-24
- Tourism Strategy – paras 25-26
- National Policy Statement for Airports– paras 27-29
- Infrastructure Planning Commission – paras 30-34
- Planning Applications – Notification and Consultation – paras 35-39
- Review of Public Safety Zones – paras 40-43
- Wind farms – Effect on Radar – paras 44-47
- Future Airspace Strategy” – paras 48-51
- BAA Market Investigation – paras 52-58
- Airport Charges for Passengers – paras 59-63
- Sustainable Aviation – paras 64-66
- Snow and Bad Weather – paras 67-73

Points for Discussion

The paper is largely for information but there are one or two points which delegates may like to discuss.

Points for Possible Action

The meeting will wish to decide whether to submit any representations in respect of some of the various points listed above for discussion by the meeting.

Note: *Most of the regulations, directives, consultation papers and reports referred to in this report can be readily accessed from the Liaison Group’s website at <http://www.ukaccs.info/>. The Secretariat is happy to provide electronic or hard copies of any of these documents if required. The site is regularly updated and is a ready source of current information on UK initiatives in aviation.*

Airport Regulation Bill

1. In the Queens Speech¹ the Government announced its intention to bring forward reform to the economic regulation of airports to benefit passengers and to drive investment in airport facilities.
2. In a written statement on 21 July 2010 - see Annex A - the Secretary of State for Transport provided Parliament with further detail on the direction of the proposed Bill.
3. In a written statement on 3 March 2011 the Government confirmed² it would introduce legislation to implement these reforms early in the next Parliamentary session. This would replace the existing statutory framework for regulation at designated airports with a more flexible licence based system. The CAA would be given "the powers it needs to become a more responsive regulator, for example to deal with events such as the severe weather this winter. The reforms will also strip out unnecessary regulation and support passenger-focussed investment in existing airport infrastructure." The statement also confirmed that the Government was "keen to ensure that there is a smooth transition to the new regime and we will work with the CAA and industry to achieve this. In particular, the Government will not be making changes to the basis on which the current price caps at Heathrow, Gatwick and Stansted are set."
4. The reforms follow an independent review of airport economic regulation and subsequent consultation carried out by the last Government - for more information see the UKACCS website³
5. It is understood that the new Bill will be published first in draft form to allow consultation before the Bill is formally introduced. It is planned also to issue draft licences so that stakeholders and the public can more fully understand the Government's intentions.

CAA Restructuring

6. On 1 March 2011 the CAA announced changes to its structure which it says will help it "to put consumers at the centre of all its regulatory activities". And in a further announcement on 9 March 2011 the CAA said there would be changes to the system of representation for air travellers in order to "give the consumer a stronger voice in the regulatory structure and improve the passenger experience". This included the abolition of the *Air Transport Users' Council* (AUC). There is a paper about these changes elsewhere on the Agenda and Mrs Jackie Knight of the CAA will attend the meeting to explain the changes and to participate in discussions about the new approach.

South East Airports Taskforce

7. In July 2010 the Secretary of State for Transport established a *South East Airports Taskforce*, chaired by the Minister for Aviation, Rt. Hon. Theresa Villiers, to look at ways to improve existing airport infrastructure and conditions for all users of Heathrow, Gatwick and Stansted airports in the short term. The terms of reference for the Taskforce say it will:
 - Review and understand the existing runway, terminal and other capacity constraints at Heathrow, Gatwick and Stansted, taking account of demand for air travel and the Government's commitment to a low-carbon and eco-friendly economy;
 - Identify and investigate options for making best use of this capacity, including scope for improving airport efficiency, reducing delays, greater reliability and enhancing the passenger experience to, from and within the airport, whilst having regard to the local environmental implications of any measures;
 - Investigate how best to capture and respond to passenger concerns at an airport level;
 - Input into separate work already in hand to look at security and border controls;

¹ <http://www.number10.gov.uk/queens-speech/2010/05/queens-speech-airport-economic-regulation-bill-50633>

² <http://www.dft.gov.uk/press/speechesstatements/statements/hammond20110303>

³ <http://www.ukaccs.info/issues.htm#Review>

- Develop a programme of action, whether by Government or the parties, by July 2011, including early action and measures for the longer term

The specific areas being considered are:

- Security
 - Border Control
 - Scheduling/slots/resilience
 - Efficient use of runways
 - Airspace
 - Surface access
8. The minutes of the Taskforce are published on the DfT's website⁴. Of particular interest to member committees is the consideration being given to the transfer of Civil Parking Enforcement (CPE). A joint DfT/AOA paper on the management of airport forecourts and roads presented to the Taskforce considered various options and concluded that the best approach would be to consider developing a bespoke CPE scheme for airports where any surplus revenue would go to the Treasury to avoid presentational issues around airport operators profiting from the number of tickets they issued. Whilst some industry members would have preferred that revenues be retained to support investment, they understood the Minister's concern and nevertheless saw considerable benefit in improving airport operators' ability to manage their forecourts even if surplus revenue was surrendered. The Minister has requested DfT officials to proceed towards the development of a bespoke CPE scheme for airports.
 9. Also of interest is the work being undertaken with UK Borders Agency (UKBA) to improve the passenger experience at immigration. The Taskforce has set up a sub-group with UKBA representatives from each airport to consider possible initiatives. Gatwick Airport Limited presented a paper on a partnership working initiative that has been agreed at Gatwick with UKBA on how they planned to work together to achieve operational efficiency and improve the experience for passengers at border control. It is understood that the paper was well received by the Taskforce and the DfT as it demonstrated a proactive approach on constructively improving the immigration service. It is possible that the initiative will be rolled out to other UK airports.
 10. The Minister has also asked the Taskforce members how they might contribute to the DfT and CAA's work on the role of Airport Consultative Committees and Passenger Sub-Committees, in particular the development of revised guidelines by summer 2011. The Minister is due to report on the conclusions and recommendations of the Taskforce in July 2011.

Airport Security

11. At the Annual Meeting at London City Airport last year members considered a very full paper on the various issues connected with Aviation Security⁵. Here is an update on some of the matters covered in that paper:

(a) New Regulatory Framework

12. In a speech⁶ to the Airport Operators Association on 25 October the Secretary of State confirmed that security is and would remain a continuing challenge to the industry and the delivery of effective aviation security "must be at the heart of the aviation policy debate". He went on to say that having listened to the industry's concerns he intended "to develop a new regulatory system - one where the Government concentrates on setting the security outcomes which need to be achieved thus freeing-up operators to devise the security processes needed to deliver them in line with EU requirements". Further announcements, he said, would follow. Meanwhile he confirmed that the Government's plans to extend the "user pays" principle will shift costs and responsibility

⁴ <http://www.dft.gov.uk/pgr/aviation/southeastairportstaskforce/>

⁵ <http://www.ukaccs.info/10almfiles/10security.pdf>

⁶ <http://www.dft.gov.uk/press/speechesstatements/speeches/hammond20101025>

for certain activities - sometimes to the independent regulator; sometimes to the industry itself.

13. Meanwhile the Chairman of British Airways, Sir Martin Broughton, has been among those criticising the present security regime. In a speech to the *Chartered Institute of Logistics and Transport* in April 2011 Sir Martin Broughton, launched a scathing attack on the current "one-size fits all" system of security checks at airports which, according to him treats a Yemeni student in the same way as an airline pilot. He is arguing for a more "risk-based" approach which would make more use of passenger profiling. As reported last year, this would see certain travellers designated for more rigorous security checks before a flight. People behaving suspiciously or with an unusual travel pattern could be selected but racial or religious factors may also form part of the criteria and it is said that this might give rise to resentment. The idea is, therefore, controversial.
14. Later, speaking at the *Airport Operators' Association* annual conference in October 2010, Sir Martin commented that America does not do internally a lot of the things they demand that we do. "We shouldn't stand for that" he said.

(b) Policing and Crime Act 2009

15. Those parts of this Act dealing with Airport Security came into force in January 2010. There is a very useful guide to the new Airport Security Framework on the DfT's website⁷. Members will see that the new arrangements provide for the setting up of a *Security Executive Group* (SEG) made up of representatives of the various agencies at the airport with an interest in airport security, for the drawing up of an *Airport Security Plan* (ASP) by the SEG and, where the ASP identifies a policing requirement, for the drawing up of a *Police Services Agreement* (PSA) setting out the level of policing required and how much the airport operator will pay for policing services. Over the past year all airports, not just those previously designated for the purpose, will have been working their way through these various steps. The various agreements are subject to regular review.

(b) Lifting the Ban on Liquids

16. Last year we reported that the EU had set a timetable for the lifting of the current restrictions on the carriage of liquids in cabin baggage by April 2013 by which time new screening equipment for liquids must be in use at all airports across Europe.
17. According to the EC timetable on 29 April 2011 passengers on long-haul flights from outside the European Union would have been allowed to carry duty-free liquids on to connecting flights at EU airports. At the very last moment the European Commission backed down leaving the status quo. At least 10 of the 27 EU member states, including the UK, France and the Netherlands, told Brussels that they would maintain restrictions on liquids, aerosols and gels, regardless.
18. "My main objective is to make life easier for air travellers," said Vice President Kallas. "However, it is clear that a situation at European airports which leads to confusion for air passengers as to whether they can travel or not with 'duty-free liquids', in particular for connecting flights to the United States, should be avoided. Therefore, the restrictions on carrying 'duty-free' liquids purchased outside the EU through European airports should remain in place until passengers can travel with certainty."
19. Meanwhile a survey by TripAdvisor⁸ of 4,659 British passengers in April 2011 shows that more than a quarter (27%) of British travellers have been affected by confusing airport liquid rules for carry-on baggage in the last 12 months alone. Every tenth person (12%) passing through airport security has had a liquid item confiscated in the last year, while 8% have had their bags searched and 7% have had to re-pack liquid items at security. This adds up to 27% of people experiencing delays or frustration over confusing liquid regulations. A TripAdvisor spokesperson said "There is clearly widespread confusion over what liquids can be carried onboard, and this may have been exacerbated by the Government's recent u-turn on easing the airport rules. Although

⁷ <http://www.dft.gov.uk/pgr/security/aviation/guide/pdf/guide.pdf>

⁸ <http://www.tripadvisor.co.uk/>

rules vary by airport and destination, the general rule of thumb is to take as few liquids as possible, pack them in a clear plastic bag and make sure you have no liquids over 100ml."

(c) Body Scanners

20. Many US airports and some UK airports now have full body scanners to help combat the threat of terror attacks. Some of the scanners use X-ray beams, similar to those used in hospitals, and there have been concerns about their safety. But according to a BBC report at the beginning of April 2011 scientists in California calculate the scanners contribute under 1% of radiation people are exposed to during a flight. Even the most frequent flyers who clock up 60 hours a week in the air will face only a minute increase in cancer risk and the threat to children is also very low.
21. Manchester Airport, which has full body scanners at all three of its terminals, believes the findings should help reassure its passengers. The Airport says that acceptability levels among its passengers are extremely high. Since February 2010 when the scans became compulsory the Airport has had only nine refusals. And only one of those was health-related.

(d) E Borders

22. In paragraph 49 of last year's paper⁹ we wondered how the new Government would react to the new E-Borders project set in train by the last Government. The answer seems to be that the e-Borders programme remains a priority and the Government is committed to "enhancing e-Borders capabilities in a timely and cost-effective way". Members will be interested to see the *Second Special Report of Session 2010–11*¹⁰ of the Commons Home Affairs Committee published in September 2010 which sets out the Government's response to an earlier report of the Committee published on 27 April 2010.
23. In an April 2011 press release¹¹ Immigration Minister Damian Green said, "Checking people coming to the UK is vital in helping secure the border by targeting known criminals, terror suspects and illegal migrants while gathering evidence against smugglers and people traffickers. Traveller information has enabled the e-Borders to help keep our country safe with more than 8,400 criminals, including rapists and murderers, intercepted since it was established". It is planned that the scheme will be fully introduced by 2014.

(e) National Identity Cards

24. As expected the new Government has abolished the new arrangements for identity cards introduced by the last Government.

Tourism Strategy

25. On 4 March 2011 the Department for Culture, Media and Sport (DCMS) published the Government's new *Tourism Policy*. Members can see a copy of the Strategy¹² on the UKACCS website. Key elements in the policy paper include plans to increase visitor numbers by:
 - Consulting on whether to lengthen the tourism season by moving the first Bank Holiday in May to create either a new St George's Day holiday in England (St David's Day in Wales), or a Trafalgar Day bank holiday in the autumn half term;
 - Helping to improve staff skills in the sector through extra apprenticeships and courses;
 - Making tourist visas simpler, faster and more convenient to get;

⁹ <http://www.ukaccs.info/10almfiles/10security.pdf>

¹⁰ <http://www.statewatch.org/news/2010/sep/uk-hasc-asylum-e-borders-gov-response.pdf>

¹¹ <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/april/08-e-borders-captures-criminals>

¹² <http://www.ukaccs.info/dcmstourismpolicy0311.pdf>

- Repairing market failure by modifying the existing, long-established Tourist Boards to become smaller, highly focused, industry-led partnerships between tourism firms and government;
- Broadening our tourism offer by creating alternative destinations which match London, the UK's biggest and most successful single tourism destination to capture the spare tourism capacity and potential of other parts of Britain as well.

The strategy also commits to:

- Helping the industry prepare for changes in technology, so tourism information can be provided through i-phone and android apps, making every destination far easier and more accessible for visitors to navigate.
- Creating an industry task force, led by senior industry figures, to cut red tape. They will be asked to identify sector specific rules, regulations, inspections and forms which are holding the industry back so we can cut, modify or abolish as many of them as possible.

26. Pages 41-44 of the Strategy deal with Improving the Transport Infrastructure. These pages are reproduced at Annex B to this paper. On airports the policy says :

- there is extensive investment already taking place in many of our entry ports. For example Heathrow has completed Terminal 5 and expects to renew all the other 4 terminals in the next 4 years in a programme worth £1bn per year. Gatwick is investing £1bn over the next five years and there are plans to improve ports infrastructure across the country. The policy says that if they are done properly, these changes should "modernise and update Britain's main ports of entry to create a well-designed and high-quality first and last impression of the UK for every visitor passing through."
- that the time taken to get through our entry ports is generally good, but in some of our busiest airports such as Heathrow or Gatwick it can take too long. Some of this is simply a function of their size and complexity, compared to many smaller, quicker regional airports, but not all. While welcoming the progress made so far, the Government "calls on airlines and airport operators to work together to reduce further the need for long check-in times so that passengers can get through our airports as fast as possible".
- that in most of our entry ports the queue for passport control is generally short, but performance in our largest airports can slip during peak times, particularly for non-EU travellers. Clearly, we need to improve conditions for legitimate travellers whilst maintaining the security of our border. The Government will aim to reduce queuing times for as many inbound travellers as possible by introducing more e-Passport gates, which offer British and EEA passengers with chipped biometric passports a secure, self-service alternative to the conventional manual control at the border. Two additional sites (Gatwick South and Heathrow T3) will be added by April 2011 subject to the airport refurbishment plan at each of the terminals. Fifty-five more are already in use at 13 terminals around the country. The Government says it also expects further technical improvements which will allow them to broaden the number of travellers who are eligible to use ePassport, and to deploy them more effectively too.
- Given the new Government's commitment to transparency, and for putting citizens in the driving seat, they plan to discuss with airlines, airport operators, passenger groups and regulators how to collect and publish data on port transit times, to inform consumers about the likely waiting times and potential delays at their airports from now on. *The South East Airports Taskforce* is currently exploring this suggestion as part of its work on performance indicators. They will publish their findings and recommendations in July 2011, at which time the Government will consider whether there is scope for the wider application of any proposals.

National Policy Statement for Airports

27. As previously reported the Planning Act 2008 Act makes provision for the previous Government to produce National Policy Statements (NPS) which will provide a comprehensive view of the case for national infrastructure development within a wide policy framework, covering economic, environmental and social issues.
28. The previous Government stated its intention to produce a National Policy Statement for airports. This would be based on the Air Transport White Paper (ATWP) and would be subject to an appraisal of sustainability, consultation and Parliamentary scrutiny. It would also be location-specific so that the airports NPS would cover not only national need but also set out the places the previous Government thought suitable for nationally significant development. It was intended to publish the consultation draft NPS for aviation in 2011 along with the second progress report on the implementation of the Air Transport White Paper.
29. In section 4 on page 11 of *The Coalition: our programme for government*: the new Government said it would “publish and present to Parliament a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities.” For some time there was uncertainty as to what this might mean for the National Policy Statement for Airports. However, in December 2010 the Government published a *Work Plan for Major Infrastructure Planning Reform*¹³. This noted that in the *Localism Bill* there was provision for National Policy statements and that these should be approved by Parliament. However in relation to Airports the *Work Plan* says that the "Government has made clear its position on additional runways at London's three major airports and its priority is to create a sustainable framework for UK aviation, rather than to produce a national policy statement. The Department for Transport will develop a new policy framework for UK aviation which supports economic growth and addresses aviation's environmental impacts. The Department for Transport will issue a scoping document in March 2011 with a view to publishing a draft policy framework for formal consultation in March 2012".. This backs up the speech to the *Airport Operators Association* on 25 October 2010 by Philip Hammond, Secretary of State for Transport,. In that speech he spoke about the need for a new policy noting that in the New Year DfT would issue a scoping document setting out the questions the Government is seeking to answer as it develops this policy. The Government issued its scoping paper on 30 March 2011 and is considered elsewhere on the Agenda .

Infrastructure Planning Commission (IPC)

30. As reported last year the IPC is another feature of the Planning Act 2008. It is an independent body which decides planning applications for nationally significant infrastructure projects, i.e. large projects that support the economy and vital public services, including railways, large wind farms, power stations, reservoirs, harbours, airports and sewage treatment works, also weighing the national benefit of proposals against the local impact. In the case of existing airports this means developments which have the effect of increasing the number of passengers by at least 10 million per year or increasing by at least 10,000 per year the number of air transport movements of cargo aircraft.
31. The Commission opened for business in an advice role on 1 October 2009. On 1 February 2010 the Department for Communities and Local Government (DCLG) issued guidance on how applications for development consent for nationally significant infrastructure projects were to be examined by the IPC. This guidance was to be read alongside the *Planning Act 2008*, the *Infrastructure Planning (Examination Procedure) Rules 2010 (SI 2010/103)*¹⁴ and the *Infrastructure Planning (Interested Parties)*

¹³ <http://www.ukaccs.info/dclgmajinfworkplan1210.pdf>

¹⁴ http://www.opsi.gov.uk/si/si2010/uksi_20100103_en_1

*Regulations 2010 (SI 2010/102)*¹⁵. On 1 March 2010 the IPC started to receive applications.

32. In *The Coalition: our programme for government* (page 11) the new Government said it would "abolish the unelected Infrastructure Planning Commission and replace it with an efficient and democratically accountable system that provides a fast-track process for major infrastructure projects". In December 2010 the Government published the *Localism Bill* which will abolish the IPC and includes provision to transfer its functions to the Secretary of State. These functions (other than decision-making, which remains with the Secretary of State) will be delegated as planned to the *Major Infrastructure Planning Unit* (MIPU) - see also the *Work Plan for Major Infrastructure Planning Reform*¹⁶ issued by the DCLG in December 2010.
33. There is further detail in a press release¹⁷ issued by the DCLG in March 2011 which describes the arrangements for the transition to the new system for major infrastructure planning decisions. The press release says the new arrangements will ensure it is 'business as usual' during the transition to MIPU (which will sit within the Planning Inspectorate) and "will mean developers can rest assured the transfer will not delay applications". It goes on to say that:
 - Sir Michael Pitt, currently Chair of the IPC will become Chief Executive of the Planning Inspectorate.
 - The current team of commissioners examining applications at the IPC will be retained to ensure a high quality professional system continues with no unnecessary delays in the examination of applications. This work will move to MIPU once the Localism Bill receives Royal Assent probably in April 2012.
 - Sir Michael will divide his time equally between both organisations and will become the full time Chief Executive of the Planning Inspectorate following closure of the IPC, on a fixed term basis through to April 2014.
34. At the last Annual Meeting at London City Airport on 2/3 June 2010 John Adshead (Chairman at London City) was asked to write to the present Government on behalf of UKACCS resubmitting the paper on public inquiries which he drew up some years ago. A copy of his letter, including the paper on public inquiries, is attached at Annex C along with a copy of the reply received from the Parliamentary Under Secretary of State, Bob Neill.

Planning Applications – Notification and Consultation

35. At last year's Annual Meeting at London City the Liaison Group looked again at the scope for inconsistency in informing/consulting local residents about planning applications which have an impact on the area of more than one local authority.
36. The issue had arisen from a planning application submitted by London City Airport to increase the permitted number of flights. London City Airport lies within the southern part of the Borough of Newham. It had become clear that the same steps had not been taken to inform residents living outside the boundaries of Newham in Tower Hamlets and Greenwich where the impact of the application would be similar and who might wish to make representations.
37. Following the 2008 meeting a letter had been sent to *Department for Communities and Local Government (DCLG)*. At the Belfast City meeting in 2009 members felt the response received from DCLG was inadequate and agreed that a joint approach should be made to the *Local Government Association* and the *Association of London Government (London Councils)* with a view to a clearer and more positive outcome. The UKACCs Secretariat thus wrote to both these bodies and copies were sent to all members on 4 June 2009.

¹⁵ http://www.opsi.gov.uk/si/si2010/uksi_20100102_en_1

¹⁶ <http://www.ukaccs.info/dclgmajinfworkplan1210.pdf>

¹⁷ <http://www.communities.gov.uk/news/planningandbuilding/1861993>

38. The reply from *London Councils*¹⁸ said that local authorities in London had already recognised the need for greater consistency regarding notification, consultation and publicity in relation to planning applications which are close to the boundary of neighbouring planning authorities. In order to address this, the *Implementation Plans Committee* of the *Association of London Borough Planning Officers* (ALBPO) had produced a consultation protocol to guide the process of identifying properties to notify when an application is close to a local planning authority's boundary. A copy of this protocol is to be found at Annex A to the UK Round-up paper considered by members last year at London City¹⁹.
39. In relation to the rather less forthcoming reply from the *Local Government Association*²⁰ the Secretariat has sent a follow-up letter asking if a protocol on the lines adopted by the London Borough Planning Officers could be introduced on a countrywide basis. A reply was received in July 2010 which said that it is for each Local Planning Authority (LPA) to determine what and how consultations need be carried out, subject to statutory minimum requirements. " It is not the LGA's role to decide whether member councils should sign up to a protocol such as the one that has been agreed by Greater London planning authorities; this is a matter for individual councils. Having said that I will forward the protocol to the *Planning Advisory Service* (PAS) who identify and disseminate good practise and guidance on all things planning related."

Review of Public Safety Zones (PSZs)

40. Members will recall that on 8 March 2010 the previous Government announced that following an internal review within the Department for Transport (DfT), it had been decided that the administration of PSZ policy should henceforth be carried out by the CAA.²¹ The CAA has, therefore, taken over responsibility for the implementation of new PSZs and the review and update of existing PSZs. DfT would retain overall policy responsibility for PSZs.
41. Accordingly the DfT updated Circular 1/2002 to take account of the shift of day-to-day administrative responsibilities for implementing Public Safety Zone (PSZ) policy from the DfT to the CAA (Circular 01/2010)²². The PSZ policy itself and the guidance to local planning authorities contained in the Annex to the Circular remain the same. The PSZ review will now be taken forward by the CAA.
42. Since the transfer of responsibility the CAA have reviewed the following PSZs:
- Newcastle Airport
 - Bristol Airport
 - Bournemouth Airport
 - London City Airport
 - Plymouth Airport (PSZ contours unchanged)
- Reviews are in progress for the following airports:
- Humberside
 - London Gatwick
- And the CAA are currently working on putting PSZs in place for Blackpool Airport
43. At the time of writing the CAA were expecting the DfT to advise them shortly which 7 airports PSZs they would like the CAA to review during 2011/12.

Wind Farms - Effect on Radar

44. At the Annual meeting last year members were reminded of CAP 764 *CAA Policy and Guidelines on Wind Turbines*²³ which some time earlier been revised so as to:
- reflect the previous Government's policy on renewable energy

¹⁸ <http://www.ukaccs.info/algltr.pdf>

¹⁹ <http://www.ukaccs.info/10almfiles/10ukroundup.pdf>

²⁰ <http://www.ukaccs.info/lgaltr.pdf>

²¹ [Click here to see the announcement](#)

²² <http://www.dft.gov.uk/pgr/aviation/safety/circular012010/pdf/circular>

²³ <http://www.caa.co.uk/docs/33/Cap764.pdf>

- include all aspects of aviation which might be affected by wind turbines.
- explain how interested parties should interact with each other
- spell out a simplified method for determining if a wind turbine is in line of sight of an aeronautical radar station.
- provide guidance on the wind turbine development planning process which encourages a pre-planning application process involving engagement and consultation with aviation stakeholders.

Members were reminded that this publication had been revised in May 2010 to update references to the Air Navigation Order which has been completely re-numbered and to incorporate editorial corrections. Details had been sent to all members on 10 May 2010.

45. Members noted, however, that the updated Guidance did not address the issue of who should bear the cost of undertaking a radar impact assessment. It was noted also there was some very useful reference material on the website of the former *Department for Business, Enterprise and Regulatory Reform (BERR)* and in particular the page on *Offshore Wind: Aeronautical and Military Impacts*²⁴.
46. There is nothing more to report except that in December the CAA announced that it would no longer process pre-planning enquiries for wind turbine developments. Improved awareness of aviation related issues amongst wind farm developers meant that the CAA's involvement in this voluntary and informal process was no longer required. Moreover, a number of specialist aviation consultants were now available to offer expert advice to interested parties. The CAA had published further information and guidance on its website²⁵ dealing with all the key issues and procedures developers and the aviation industry need to be aware of.
47. Meanwhile according to a news report on 1st May 2011 Liverpool John Lennon Airport has objected to the planning application for a 250ft tall turbine on land just north of the IKEA super store, in Warrington. The Airport says the height and location of the turbine could create a blind spot on its radar.

Future Airspace Strategy (FAS)

48. Members will recall that at the end of October 2009 the Civil Aviation Authority published *Airspace for Tomorrow*, which set out in broad terms, how they intended to develop the UK's future airspace arrangements in cooperation with the Department for Transport, the Ministry of Defence, NATS and other aviation stakeholders. The Report, which can be seen on the CAA's website²⁶, aims to give all those with an interest in the way in which airspace is used, including members of the general public, a summary of:
 - How UK airspace is used and controlled today.
 - The key factors that the CAA thinks will cause our airspace arrangements to evolve.
 - The CAA's vision for the future airspace arrangements in 2030 — some of the concepts that will be considered to achieve the vision and the associated benefits.
 - The purpose and direction for the *Future Airspace Strategy (FAS)* that is being developed.
49. The CAA's covering letter to stakeholders notes that the development of the FAS - a complex process – would take place over the next two to three years. In fact the draft FAS²⁷ was published for consultation in October 2010 and there was a Stakeholders Presentation at the Royal Aeronautical Society on 1 November 2010. The slides used in this presentation, which was attended by UKACCS representative, have been posted to the UKACCS website²⁸. Some Consultative Committees received presentations of their own. For example, the Consultative Committee at London City Airport received a

²⁴ This page has been archived – [click here](#)

²⁵ <http://www.caa.co.uk/default.aspx?catid=1959>

²⁶ <http://www.caa.co.uk/docs/7/Airspace%20for%20Tomorrow.pdf>

²⁷ <http://www.ukaccs.info/caafas1010.pdf>

²⁸ <http://www.ukaccs.info/caafaspresent1110.pdf>

presentation from Phil Roberts, the Assistant Director of Airspace Policy at the CAA, and Alex Bristol, the Strategy and Investment Director at NATS. Copies of their presentations can be seen on the committee's website²⁹

50. As expected the proposed FAS will be a strategic framework which pulls together a complex and diverse set of policy and regulatory issues which will enable judgements to be made which are properly underpinned by cohesive and cogent policy formulation. This will in turn enable air navigation service providers (such as NATS) to create an airspace structure which is fit for the future, effective, efficient and ensures that the UK meets any international obligations which are placed upon it. It will not be a detailed implementation plan, although such plans will be driven by the outcome of the FAS work.
51. The aim of the FAS will be to provide a policy structure to enable a modernised air traffic management system which provides safe, efficient airspace, which has the capacity to meet reasonable demand, balances the needs of all users and mitigates the impact of aviation on the environment.

BAA Market Investigation

52. At the last annual meeting we reported that the Competition Commission (CC) had on 19 March 2009 published its final report in relation to Office for Fair Trading suspicions that:

“a feature or a combination of features of the market or markets in which airport services are supplied by BAA prevents, restricts or distorts competition in connection with the supply of airport services in the United Kingdom”.
53. The report recommended that BAA should sell Gatwick, Stansted and either Edinburgh or Glasgow within two years. They were to be sold in sequence, beginning with Gatwick, then Stansted, followed by either Edinburgh or Glasgow. The papers relevant to the case can be seen on the CC's website³⁰
54. The CC also required BAA at Aberdeen to improve consultation with airlines as well as to publish certain financial and other information. In addition, the CC recommended to the airports' regulator, the Civil Aviation Authority (CAA), that it should take certain specified action at Heathrow, the UK's only hub airport, where BAA would continue to have substantial market power even after the sale of Gatwick and Stansted. Further, the CC made recommendations to the previous Government on aspects of its airports' policy as well as the review of the airports regulatory regime reported elsewhere on the agenda for this meeting.
55. The BAA had already decided to sell Gatwick and in October 2009 it agreed terms for the sale of the airport, the UK's second busiest, to *Global Infrastructure Partners (GIP)* for £1.51bn. The sale was completed early in December 2009. GIP – set up by Credit Suisse and America's General Electric but operated independently – is also the principal owner of London City Airport.
56. Meanwhile BAA felt it had been treated unfairly because one of the CC airports' inquiry panel had "a powerful connection" with the Manchester Airport Group, which had been interested in buying Gatwick. The BAA appealed to the *Competition Appeal Tribunal*³¹ who in December 2009 concluded "with the greatest reluctance" that the BAA's claim of "apparent bias" was justified. The tribunal president Mr Justice Barling said it was the unanimous decision of the panel that BAA should not be forced to sell more airports.
57. But the CC decided to appeal and the whole question has been argued in the Court of Appeal (which overturned the Tribunal's judgement) and in the Supreme Court which on 18 February 2011 refused BAA permission to appeal against the CC's decisions, including the requirement that BAA should sell Stansted and either Edinburgh or Glasgow airports, Gatwick having already been sold.

²⁹ <http://www.lcacc.org/committee/presentations.htm#110111>

³⁰ <http://www.competition-commission.org.uk/inquiries/ref2007/airports/>

³¹ http://www.catribunal.org.uk/files/1110_BAA_Judgment_21.12.09.pdf

58. Meanwhile the CC had been considering whether there had been any change in circumstances following the completion of the BAA investigation in March 2009 which might cause them to reconsider implementing the original decision. The results of this were made known on 30 March 2011 when the CC announced it had provisionally concluded that the sale of the airports is fully justified and that "passengers and airlines would still benefit from greater competition with the airports under separate ownership, despite the current Government's decision to rule out new runways at any of the London airports". The CC has also concluded that there is no reason to change the original timescale with the Stansted sale followed by sale of one of the Scottish airports. The CC said it would now invite responses before publishing its final verdict in May/June. The CC's press release³² and a summary³³ of its findings have been posted to the UKACCS website.

Airport Charges for Passengers

59. At the Annual meeting at Belfast in 2009 it was agreed that members committees would be kept informed of the emerging trend of charging for certain airport services and facilities.
60. *Airport Parking and Hotels* (which specialises in providing independent information for travellers)³⁴ have published a table showing for each of UK's 20 largest airports the drop-off fees outside the terminal, charges for baggage trolleys, costs for security bags and fast track security. There is a copy of the Table at Annex D .
61. Some airports such as London Luton are now charging drivers £1 for a 10 minute slot to drop passengers in front of the terminal. This is said to be aimed at reducing terminal congestion and deterring the practice known as "kiss and fly" which some people think is "environmentally unfriendly". Other airports such as Birmingham Airport and Newcastle are also charging a £1 drop-off charge but for 15 minutes. Some airports are also charging to use baggage trolleys with London Luton, Birmingham and Bristol airports all charging a non-refundable £1.
62. According to an April 2011 report in *News @UK Airports*, Manchester Airport has announced that drivers picking up and dropping off family and friends - the so called 'kiss and fly' drivers - will be fined if they do not do so in the designated areas. The drop-off zones will remain free, but police will now issue on the spot fines to motorists who use restricted areas. And in another news report on 2 May 2011 Belfast International Airport is charging smokers £1 to smoke a cigarette in a designated area. According to the report the airport was "responding to customer demand" and the fee was to cover the cost of building the smoking area.
63. Perhaps the easiest charge to avoid is for the clear plastic bags needed to take liquids through security, with six airports charging £1 for up to four bags. Fast Track Systems have also been introduced at airports such as Bristol, Liverpool and Luton from £3 per person which it is said can be helpful if passengers are in a rush.

Sustainable Aviation

64. Sustainable Aviation (SA) was launched in 2005. It brings together the main players from UK airlines, airports, manufacturers and air navigation service providers and aims for a long term strategy which sets out the collective approach of UK aviation to tackling the challenge of ensuring a sustainable future for the aviation industry. They have produced three Progress Reports to date - the latest was published in March 2011. They will, they say, "continue to deliver on the goals and commitments identified in the strategy, monitoring and tracking the practical cooperative work being undertaken by signatories to Sustainable Aviation as well as promoting our efforts both within the UK and internationally".

³² <http://www.ukaccs.info/ccpressrelease300311.pdf>

³³ <http://www.ukaccs.info/ccreportssummary300311.pdf>

³⁴ <http://www.aph.com/>

65. The 2011 Progress Report³⁵ sets out SA's achievements over the past two years including:
- new thinking on how to manage aircraft waste and airport emission levels
 - active support for development of sustainable alternative fuels and sponsored in-service trials
 - proving work on the fuel and CO2 benefits of optimised air traffic management (ATM) procedures and airport operations
 - a realistic assessment of some difficult issues where an improvement in one area can create a setback in another.
66. The Report also outlines the new work programme already under way in SA. "Our work programme over the next two years" says the Report will "be crucial in further proving the credibility of our central proposition that aviation can grow sustainably. We will be seeking to expand our existing evidence base to contribute maximum value to the political debate. Specifically, in addition to our ongoing environmental work, we will be undertaking a work package exploring the social and economic contribution that aviation makes to the UK's island economy."

Snow and Bad Weather

67. Members will be only too aware, from the items circulated by the UKACCS daily news service that the bad weather last winter gave rise to considerable disruption to the operation of the UK's airports. The CAA gave written evidence about this to the Transport Committee of the House of Commons. Their evidence is reproduced at Annex E.
68. In giving evidence to the same Committee the Secretary of State for Transport, Philip Hammond said that in his view Heathrow Airport had failed to manage the severe disruption of 18 to 21 December effectively and that there were lessons to be learned from the experience. It was essential, he said, that there should be an ability to impose restricted timetables at a disrupted airport, particularly at Heathrow because of its lack of spare capacity, and to enforce them "to avoid the unacceptable spectacle of thousands of passengers turning up for flights that were not going to happen and then being held in substandard conditions in terminals."
69. Meanwhile BAA commissioned Professor David Begg to conduct an Enquiry into Winter Resilience at Heathrow. A copy of his report can be seen on the BAA's website³⁶. In response to the report the BAA on 24 March 2011 it was developing a £50 million Heathrow resilience investment plan, which it will recommend to airlines and the Civil Aviation Authority in April. The proposed improvements will include:
- Revised airport snow plans, including new equipment, increased staff resources and training
 - Crisis management processes
 - Systems for command and control and communication between the airport community (including airlines) and passengers
 - Passenger care and support, in addition to that provided by airlines under EU legislation.
70. The Government's South East Airports Taskforce also considered the London airports winter resilience plans. At the meeting of the Taskforce on 17 January 2011, the Minister felt that there was more that industry and Government could do together to ensure disruption to passengers was minimised during severe weather and noted that airport and airline resilience in such circumstances fitted well with the Taskforce's remit. The Minister invited Heathrow and Gatwick airports to explain how they had dealt with the impact of the severe winter weather on their operations. The Minister asked whether the proposed licensed based approach to economic regulation could be used to

³⁵ <http://www.sustainableaviation.co.uk/wp-content/uploads/sa-progress-report-2011.pdf>

³⁶ http://www.baa.com/assets/Internet/BAA%20Airports/Downloads/Static%20files/BeggReport220311_BAA.pdf

strengthen resilience at regulated airports. However, industry representatives felt that the loss of revenue alone provided a considerable financial incentive for operators to keep airports open. The imposition of minimum service levels were viewed as useful, but the use of financial sanctions would simply be passed on to airlines through higher charges. The Minister also suggested there might be scope for aviation to learn from the rail industry's use of emergency timetables. The Taskforce pointed out however that the situation in South East England needed to be seen in context. There had been multiple airport closures across the UK and Northern Europe, with very few airports remaining open and poor flight conditions prevailing. This meant that flight schedules would have been disrupted even if the South East airports had not been so badly affected.

71. In response to the disruption the Government signalled that they were considering imposing fines on the three regulated airports - Heathrow, Stansted and Gatwick - if they were found to have performed badly or were poorly prepared. Then in April 2011 there were reports in the press that the Government was considering new enforcement powers which would allow the Civil Aviation Authority (CAA) to order major airports to clear snow from runways and stands. Failure to comply with the CAA's instructions might trigger financial penalties. The reports said the changes would be included in the Economic Regulation Bill to be introduced in the next Parliamentary session - see paragraphs 1-5 above.
72. And in another press report in April 2011 the BAA was said to be considering using geothermal energy to "de-ice" the ground under aircraft during the winter at Heathrow and so as to avoid a repeat of the long delays during last December's snow. When asked about the report a BAA spokeswoman said the proposal was being considered but it "was in very early stages of planning".
73. Asked about the long term weather trend the Government's Chief Scientific Adviser, Professor Sir John Beddington said that while climate change is likely to mean that in the longer term the trend is for milder winters, it certainly does not mean the country can rule out fluctuations, perhaps greater fluctuations, around that long-term trend, leading to some individual winters seeing conditions similar to those experienced in the last couple of years.

Stuart Innes
May 2011

Economic Regulation of Airports

Written Statement by the Rt Hon Philip Hammond MP on 21 July 2010

The Secretary of State for Transport (Mr Philip Hammond): In the Queen's Speech the Government announced its intention to reform the framework for the economic regulation of airports. Today I am announcing the direction of our proposals.

The Government has previously announced that it does not support the construction of a third runway at Heathrow airport nor additional runways at either Stansted or Gatwick airports. Instead, it is the Government's intention to make these airports better and not bigger, delivering better outcomes for passengers without additional runways.

To deliver operational improvements at these airports I have recently announced the creation of the South East Airports Taskforce and that group has already begun its work.

I plan to introduce a new set of duties for the Civil Aviation Authority's (CAA) economic regulation of airports which will put the interests of passengers unambiguously at the heart of the regime. Under these proposals the CAA's primary duty will be to promote the interests of existing and future passengers.

Where regulation is necessary it must be proportionate. Airports vary in size and market power and therefore should not be subject to identical regulation. To allow economic regulation to be used in a targeted way I plan to introduce a new licensing regime to be applied only to airports with substantial market power and where such regulation adds real value. We presently expect this regime will apply initially to Heathrow, Gatwick and Stansted airports.

Airports subject to economic regulation by the CAA need to operate efficiently and effectively and I am clear that significant investment will be required if passengers' expectations are to be met. The proposals I am outlining today are to reform the framework for airport economic regulation to drive passenger-focussed investment in better facilities such as baggage handling equipment or terminal improvements. These proposals will allow economic regulation to be used in a more targeted way to deliver passengers' priorities and will remove unnecessary bureaucracy and political involvement from the regulatory process.

In order to ensure the financial resilience of UK airports, I will also introduce a supplementary financing duty and minimum credit worthiness requirements as well as ring fencing conditions where there is a net benefit in introducing such measures, and require the preparation of plans for continuity of service should an airport operator get into financial difficulties.

All too often, regulation can crowd out commercial incentives to make improvements, so I intend to provide the CAA with the option, where appropriate, to respond to anti-competitive behaviour using competition law powers rather than by applying its regulatory tools. I propose to bring airport economic regulation into line with other regulated sectors of the economy by granting the CAA concurrent powers with the Office of Fair Trading. This will enable the CAA to investigate and remedy anti-competitive behaviour in the provision of airport services at airports, and where appropriate to make referrals to the Competition Commission for investigation. Supporting competition in this way may, in time, allow the regulator to gradually loosen its regulatory grip.

Effective enforcement is critical to the efficiency of any regulatory system. To bring airport economic regulation into line with other regulated sectors of the economy I plan to introduce civil sanctions, including financial penalties, for the CAA to enforce licence conditions, creating a more efficient and responsive enforcement regime.

An efficient and credible appeals mechanism is necessary to ensure a regulator is accountable. Under the current regime, persons with sufficient interest may apply for judicial

review of the CAA's decisions. The industry is unanimous in its view that judicial review alone is an unsuitable process for providing accountability. The option to apply for judicial review must remain, but I propose to introduce a system for merit-based appeals, to a body with relevant expertise, against certain decisions taken by the regulator. This new system will apply to appeals against decisions on which airports should be regulated and to appeals arising out of contested licence modifications, including new price controls.

After careful consideration, I have decided not to give a new remit to Passenger Focus to represent air passengers as had previously been proposed. Whilst it is important to have strong passenger representation, this is not the time to be make additional structural changes which would add to the regulatory burden on industry. I will therefore be exploring options for strengthening existing passenger representation arrangements.

I am also publishing today analysis of responses to further consultations on certain detailed provisions relating to financial resilience of operators and to concurrency powers. Copies have been placed in the library of the House.

Annex B

Extract from UK Tourism Strategy

7. A Better Way To Travel: Improving Our Transport Infrastructure

In international comparisons of our transport infrastructure, Britain performs relatively well. We rank 11th in the world overall, in the top twenty for ground transport and tourism infrastructure, and in the top ten for air transport infrastructure and ICI infrastructure. This helps our outbound travel industry by making the outbound and return legs of our holidays more convenient, and means that inbound foreign visitors rate our airports, roads and rail reasonably generously too. Nonetheless these rankings are lower than our overall position of 6th, meaning they're dragging down our overall performance.

There is extensive investment already taking place in many of our entry ports. For example Heathrow has completed Terminal 5 and expects to renew all the other 4 terminals in the next 4 years in a programme worth f 1bn per year. Gatwick is investing f 1bn over the next five years and there are plans to improve ports infrastructure across the country. Done properly, these changes should modernise and update Britain's main ports of entry to create a well-designed and high-quality first and last impression of the UK for every visitor passing through. Nonetheless, there are several areas where our infrastructure is causing concern:

7.1 Entry Visas

Visitors from countries which require entry visas can sometimes find the application process difficult and expensive, particularly in comparison with visas for the Schengen countries. Their visas are easier to obtain – although they will introduce proper biometric applications in 2011 so much of this difference will disappear – and, although they cost roughly the same, entitle travellers to visit 25 countries while a UK visa only covers one. ***Given the state of the country's finances it will be extremely difficult to cut UK visa costs to become significantly cheaper than Schengen - the current fee is significantly below the processing cost of a visitor visa already –so we must add value by making the process quicker, simpler and more convenient instead.***

Of course, any changes must not compromise national security by diluting the checks which our visa system needs to perform. But nonetheless the process can become more customer-focused and convenient at the same time. As an example of the kinds of problem we're currently creating for potential visitors, in some larger developing countries, visitors have to travel considerable distances to reach a visa centre. The round trip might clock up more miles than they will travel when they're in Britain itself and inevitably adds significantly to the cost of their visit. Equally, application forms aren't always available in local languages (although guidance notes usually are), aren't always available online and could possibly be designed more simply too. ***We will improve visa availability without compromising national security by:***

- **Delivering online application facilities as fast as possible.** Currently around 35% of applications are made online, and we aim to reach more than 90% by the end of 2012.
- **Looking at a shorter, simpler application form for lower risk applicants.**
- **Making guidance available in local languages wherever possible, and in the future to examine the case to do the same for application forms.**
- **Share visa centres with trusted allies, to increase their numbers so they're closer together, making them easier and less expensive to reach.**

7.2 Port Transit Times

The time taken to get through our entry ports is generally good, but in some of our busiest airports such as Heathrow or Gatwick it can take too long. Some of this is simply a function of their size and complexity, compared to many smaller, quicker regional airports, but not all.

7.2.1 Minimum Check-In Times

For long haul outbound flights, the need for a 2 hour check-in adds dramatically to the wait, even though the check-in process is very similar to short-haul flights with a 40 minute or 1 hour check-in. There may be a legitimate need for extra loading time for larger long-haul jets such as the Boeing 747 or Airbus A380, but not that much and lots of airlines and airports are recognising this by offering much shorter minimum timings, particularly for online checkin. We also know that check-in times are sometimes not always dependent on the airline, but the time needed to complete the various airport processes e.g. security checks. **While welcoming the progress made so far, we call on airlines and airport operators to work together to reduce further the need for long check-in times so that passengers can get through our airports as fast as possible.**

7.2.2 Inbound Passport Control

In most of our entry ports the queue for passport control is generally short, but performance in our largest airports can slip during peak times, particularly for non-EU travellers. Clearly, we need to improve conditions for legitimate travellers whilst maintaining the security of our border. **We will aim to reduce queuing times for as many inbound travellers as possible by introducing more e-Passport gates, which offer British and EEA passengers with chipped biometric passports a secure, self-service alternative to the conventional manual control at the border. Two additional sites (Gatwick South and Heathrow T3) will be added by April 2011** subject to the airport refurbishment plan at each of the terminals. 55 more are already in use at 13 terminals around the country. We also expect further technical improvements which will allow us to broaden the number of travellers who are eligible to use ePassport, and to deploy them more effectively too.

In future we want to combine leading technology and new airport arrangements to clear passengers in advance, to speed them through passport controls once they land. So we will introduce automated gates with a new smart zone concept – for these pre cleared passengers – over the next 12 -18 months. We are also working towards a trusted traveller scheme with the US.

7.2.3 Transparency

Given the new Government's commitment to transparency, and for putting citizens in the driving seat, we should discuss with airlines, airport operators, passenger groups and regulators how to collect and publish data on port transit times, to inform consumers about the likely waiting times and potential delays at their airports from now on.

The South East Airports Taskforce is currently exploring this suggestion as part of its work on performance indicators. They will publish their findings and recommendations in July 2011, at which time the Government will consider whether there is scope for the wider application of any proposals.

For passport controls, performance is already monitored against national targets and UKBA works closely with port operators to keep these to a minimum. **From April 2011 UKBA will be publishing details of its performance against national targets.**

7.3 Prioritising Improvements & Repairs To Road & Rail Networks

Because Britain is a densely populated country, our road and rail infrastructure is relatively crowded and more prone to traffic jams or delays compared with many other countries, though commitments from the Department of Transport to improve road flows and relieve traffic congestion will hopefully improve the situation. In general the interests of visitors and local residents are identical here: visitors need the same road and rail services to be working smoothly at the same times as everyone else, so in most cases our existing processes to plan and prioritise improvements to our road and rail networks should work equally well for the visitor economy too.

Rail repairs though, which are governed by a strict cost-benefit analysis, are normally undertaken when the rail network is at its quietest and this can often mean that they take place in the holidays when commuting and business traffic is at its lowest. The effect on tourists can be compounded by the fact that they are less likely to know about the disruptive engineering work and, being unfamiliar with the journey are more likely to need reassurance and assistance in undertaking their revised journey.

We need to do more to understand the impact that this has on tourism, both in terms of the economic effect on the UK's tourism industry and also on the measures that could be implemented to mitigate the impact that the disruption causes. ***So the Government, with tourism organisations, will work with the rail industry and Passenger Focus to update the available evidence relating to tourist use of the rail network through the National Passenger Survey as well as other available surveys and reports.*** This evidence can then be used to:

- Renew the value attributed to tourist journeys, enabling the most cost-effective decisions to be made
- Identify areas and situations where more effective communication could better warn tourists of upcoming disruptions reducing the impact of disruption
- Identify potential new commercial opportunities for tourist focussed train tickets
- Further raise awareness of the issue with rail companies, Network Rail and the Office of Rail Regulation to allow them to take it into account in their work

It will also be imperative that local Destination Management Organisations work with local rail companies to form a partnership that can be mutually beneficial.

At a Governmental level, DCMS will ensure that tourism interests are properly represented in transport infrastructure investment, prioritisation decisions (such as the high speed rail programme, Cross rail, Thameslink) and reviews by the Office of the Rail Regulator.

7.4 Air Passenger Duty

The costs to the aviation industry have risen in recent years due to increases in oil prices and Air Passenger Duty. Clearly, the tourism industry will need to adapt to deal with these economic and regulatory pressures. The issue of changes to the aviation tax system has been raised by a number of tourism stakeholders in recent months.

The Chancellor stated at the Budget in June 2010 that the Government would explore changes to the aviation tax system and that major changes would be subject to consultation.

A Shorter Planning Procedure for Airport Development at the Public Inquiry Stage

(a) Letter from John Adshead to the Rt Hon Eric Pickles

4th August 2010

The Rt Hon Eric Pickles MP
Secretary of State
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

Dear Mr Pickles

First of all may (introduce myself. I am the Chairman of the London City Airport Consultative Committee, a member of the Liaison Group of the United Kingdom's Airports' Consultative Committees (UKACCs) and the Chairman of the latter's Working Group.

UKACCs meets once a year at one of the airports represented on the Liaison Group. This year UKACCs met at London City Airport and I had the honour of chairing the meeting. You can see full details of our work on the UKACCs website at www.ukaccs.info.

At the meeting it was noted that the *Infrastructure Planning Commission* is to be abolished in favour of a *Major Infrastructure Planning Unit* which will sit alongside the Planning Inspectorate and that Ministers will take decisions on applications within the same statutory fast-track timeframe as the IPC regime. UKACCs had no views on the abolition of the IPC as such but all member committees were keen that in working through the detail of the changes the Government should consider carefully how best in future to organise public inquiries into major planning applications. In particular UKACCs was concerned that such applications might continue to be subject to the appalling, time-wasting and extremely expensive adversarial type of public inquiry which has been the norm hitherto. I was asked to write to you about this.

I personally served in the Planning Inspectorate for many years, holding a number of major public inquiries; but more importantly was the Assistant Chief and then Deputy Chief responsible for overseeing a considerable number of major infrastructure inquiries. These were mainly inquiries concerned with stretches of motorway but also included major airport inquiries notable amongst which were the Heathrow Filth Terminal and Stansted Inquiries.

All these inquiries were conducted in the time-honoured adversarial way and cost an enormous amount of money and delayed any possible development in a quite unacceptable manner.

This matter was highlighted by Sir John Egan, then the Chief Executive of BAA plc, in a speech at the UKACCs Annual Meeting at Stansted Airport in 1991. Sir John's comments were discussed in some detail and in view of my experience with major infrastructure inquiries I was asked if I would write a paper on the advantages of changing the format from the existing unsatisfactory adversarial system to the kind of inquisitorial system used in examinations—in-public.

The paper I wrote was approved by UKACCs and was forwarded to the Government of the day. It fell on deaf ears and later in conversation with the Minister I was told the Civil Service had not wanted to change things and were very good at burying ideas which did not suit them!

I trust that things are now very different and that common sense and pragmatism are the order of the day.

I enclose a copy of my paper written in 1991 which you may find of interest. I appreciate that the detailed proposals in the second part of the paper are now somewhat out-dated

but the main point of the paper is as relevant today as it was in 1991— and that is that the adversarial inquiry system is not the way to proceed if this country is to keep its head above water in this modern world.

UKACCs therefore urges the Government to ensure that in developing the new policy and guidance for determining major infrastructure planning applications we do not revert to the discredited adversarial public inquiry system.

I look forward to hearing from you.

Yours sincerely

John D Adshead,
Chairman

Liaison Group of UK Airports Consultative Committees 2010

c.c. Rt Hon David Cameron MP, Prime Minister
Rt Hon Philip Hammond MP, Secretary of State for Transport
Rt Hon Theresa Villiers MP, Minister of State for Aviation and Rail

A Shorter Planning Procedure for Airport Development at the Public Inquiry Stage

During my working life in the Planning Inspectorate I personally held a number of major inquiries and for the last 10 years was very closely involved in the day-to-day running and conduct of the majority of such inquiries. I also took part in a number of meetings and conferences the object of which was to explore ways and means of speeding up the planning process where major public inquiries were involved. Some progress was made but unhappily nothing like enough to overcome the problem of delay inherent in the present system.

Sir John Egan, the then Chief Executive of BAA plc, in his speech to the Airport Consultative Committee Chairmen on 27th June 1991, highlighted his concern in so far as this problem affects airport development, and it is this aspect of the problem that I wish to address in this brief paper.

If this country is to retain its pre-eminent position as the hub of world air transportation, which) am sure everyone recognises is one of the essentials for the economic well-being and growth of the country, the planning process must be radically altered so that necessary airport development can proceed without the kind of delays to which it is at present subjected and which work so greatly to the advantage of our competitors.

Having been involved with so many public inquiries myself, I seriously question what purpose the adversarial system with its expensive and time-consuming court-like examination and cross-examination by professional advocates representing frequently conflicting interests actually serves, and what it really achieves.

I appreciate that those most affected by potentially environmentally damaging airport development must have the right to make their views known to the Secretary of State — but this can be achieved quite simply without the time-consuming efforts of the professional advocates and others on the opposing benches questioning and trying to negate much of what is said.

Ideally, I suppose, proposals for major airport developments ought to go through Parliament in the form of bills as have many infrastructure proposals in the past; and it should be possible to collect the views of those affected by such proposals either in writing or at non-adversarial hearings. I have no doubt, however, that such a solution would be politically unacceptable given that public inquiries have now become so much a part of the democratic process in this country.

Consequently, I believe that what is required is something between the two; and I am sure that the proper way forward would be to have major airport proposals looked into at non-adversarial public hearings somewhat on the lines of an examination-in-public.

The case for the development would be made in writing and this would be scrutinised in detail by the Inspector and the other members of his panel and then any questions they might have about the proposals or about the validity of the need for them would be put to the proposers by the Inspector at the examination-in-public. Similarly, the written cases for all other parties would be scrutinised by the Inspector and his panel and then questioned in public by the Inspector as necessary.

The advantage of this inquisitorial system is that it would enable the Inspector to concentrate on the main points at issue, and to probe them himself until he was satisfied that he had all the information he needed, without time-consuming cross-examination which so often causes pointless digressions and frequently amounts to little more than point-scoring over the opposition.

The present form of examination-in-public includes the discussion with invited participants of certain selected issues and this aspect of this examination-in-public could, if considered appropriate, form an integral part of the kind of examination-in-public I have in mind, but the main emphasis would be on the inquisitorial nature of the proceedings. Such a system would also protect members of the public from what they perceive as unpleasant, inhibiting and often needlessly aggressive cross-examination by professional advocates.

I realise that many will say that the only way to test evidence is to subject it to cross-examination in public; but I would counter this argument by pointing out that much of what is said at public inquiries is not evidence as such but perception and opinion presented in the form of submissions - and in my experience it is rare for strongly held views to change under cross-examination directed to this end; and under an inquisitorial system the Inspector and his panel are in a position to, and could and should, do any testing of evidence that is necessary.

At the end of his examination the Inspector would be in a position to write a relatively brief report to the Secretary of State which sets out the main points of the proposal together with his assessment and appraisal of each of the main points at issue followed by his conclusions and recommendations.

I appreciate that reports of this kind are now written by Inspectors after major inquiries whenever it is appropriate to do so, but the process of going through the evidence garnered at public inquiries at which there has been lengthy examination and cross-examination can be just as time-consuming as such an inquiry itself — and, in my view, a great deal of the time now wasted by examination and cross-examination and the extra post-inquiry work it causes could be dramatically curtailed by a change from an adversarial to an inquisitorial or examining process.

To conclude: I firmly believe that if this country is to keep its pre-eminent position at the hub of the world's air transportation system, all future proposals on major airport developments must be considered in a much quicker and more effective manner on the lines I have suggested.

John Adshead

MBE, MA (Cantab), MA (Urban & Regional Planning), FRICS, FRGS

(b) Reply from Bon Neill, MP Parliamentary Under Secretary of State

Dear Mr Adshead

MAJOR INFRASTRUCTURE PLANNING

Thank you for your letter of 4 August to the Rt. Hon Eric Pickles MP. Your letter has been passed to me as this matter falls within my Ministerial responsibilities.

I can reassure you that our changes to the planning process for handling major. Infrastructure applications are focused on restoring democratic accountability to decision making; in doing so we are retaining the faster streamlined process for considering applications and we intend that the statutory time-table for decision-taking will be no longer than the current regime. We will be publishing a detailed implementation plan for our reforms later in the year.

Your specific concern, and I see you can draw on extensive experience of them from your Planning inspectorate days, is that of delays to development caused by elongated and expensive public inquiries. The 2008 Planning Act specifically took account of this and the process will continue to be enhanced by our reforms. We do not want to see a return to the adversarial type of public Inquiries you refer to and very much support the Inquisitorial approach.

We are pressing ahead with National Policy Statements which will set out the need for particular types of major infrastructure, seeking their ratification through Parliament to ensure they have the strongest possible democratic legitimacy. These statements will be subject to public consultation prior to ratification and any representations about the national energy/transport needs set down within them will be aired and considered then and not at individual public Inquiries.

In terms of specific project proposals, interested parties can make representations both pre and post application following consultation by the promoter. The infrastructure Planning Commission under current arrangements, and the Major Infrastructure Planning Unit in the future, will consider evidence using an Inquisitorial approach, holding open floor hearings if necessary.

This will ensure that those affected by proposals have every opportunity to air their views and that those views will be taken into account when recommendations and decisions are made.

Yours sincerely

Bob Neill

Annex D Airport Charges for Passenger Services

Airport	Charge to drop off passengers at terminal	Priority Lane/Fast Track System	Charge for baggage trolleys	Charge for plastic bags
Aberdeen Airport	Free in the dedicated drop-off area in the terminal forecourt. £1.00 for 15 minutes in the short stay car park.	Not available	Free of charge	Free of charge
Birmingham Airport	£1.00 for 15 minutes outside the terminal in the Drop and Go car park. £2.00 for 30 minutes in the Drop and Go car park.	Not available	£1.00	£1.00 for three bags
Bristol Airport	Free for 10 minutes in the Drop Off/Pick Up car park.	Dedicated priority security channel available at the airport for £5.00	£1.00	£1.00 for four bags

	£2.50 for 10 - 30 minutes in the Drop Off/Pick Up car park.			
Cardiff Airport	Free for 20 minutes in the short stay car park.	Not available	Free of charge	Free at the information desk
	£2.00 for 20 – 40 minutes in the short stay car park.			
Doncaster Airport	Free for 15 minutes in the short stay car park.	Not available	£1.00 refunded when the trolley is returned	50p for two bags
	£2.00 for 15 - 30 minutes in the short stay car park.			
Durham Tees Valley	Free for 15 minutes in the short stay car park.	Not available	£1.00 refunded when the trolley is returned	50p for two bags
	£1.00 for 15 - 20 minutes in the short stay car park.			
East Midlands Airport	Free for 10 minutes in the short stay car park.	Not available	Free of charge	50p for two bags
	£1.80 for 10 – 30 minutes in the short stay car park.			
Edinburgh Airport	Free in the Set Down Zone.	Not available	Free of charge	Free of charge
	If picking up passengers must go to short stay park. £1.50 for 15 minutes.			
Exeter Airport	Does not allow drop-off or pick-up in front of the terminal. Free for 15 minutes in the short stay car park.	Not available	Free of charge	£1.00 for four bags

70p for 15 - 30 minutes in the short stay car park.

Gatwick Airport	Free for 10 minutes in designated areas on terminal forecourt but there is a no waiting policy. Pick-up from short stay car park. £1.00 for 15 minutes.	Not available	£1.00 refunded when the trolley is returned	Free of charge
Glasgow Airport	Free drop-off and pick-up zone opposite main terminal on ground floor of Short Stay Car Park 2. Free to stay for up to 10 minutes. £5.00 for 10 - 15 minutes in the drop-off area.	Not available	Free of charge	Free of charge
Heathrow Airport	Free for 10 minutes in designated areas on terminal forecourt but there is a no waiting policy. £2.40 for up to 30 minutes in short stay car park.	Not available	Free of charge	Free of charge
Leeds Bradford Airport	Drop off area 150 yards from terminal. Free for 5 minutes for rapid drop off in the Drop Off and Pick Up zone. £2.50 up to 20 minutes in the Drop Off and Pick Up zone.	£3 (takes passengers to a dedicated scanner for their use only)	£1.00	50p for two bags

Liverpool Airport	<p>Free for 10 minutes in the Drop Off Only car park.</p> <p>£2.00 for each additional 10 minutes thereafter in the Drop Off Only car park.</p>	<p>£3 Fast Lane Ticket (takes passengers to a dedicated scanner for their use only). Free Fast Lane ticket available when purchased with parking in the Long Stay and Premium Car Park.</p>	<p>£1.00 refunded when the trolley is returned</p>	<p>50p for two bags</p>
Luton Airport	<p>£1.00 for 10 minutes in the Drop Off Zone.</p> <p>£5.00 for 10 – 15 minutes in the Drop Off Zone. £25.00 for longer than 15 minutes.</p>	<p>£3 (allows passengers to jump to the front of the security queue)</p>	<p>£1.00</p>	<p>£1.00 for four bags</p>
Manchester Airport	<p>Free of charge. There is a no waiting policy for all areas around the terminal.</p> <p>£2.00 for up to 30 minutes in the short stay car park.</p>	<p>Fast lane system available for business class passengers only.</p>	<p>£1.00 refunded when the trolley is returned</p>	<p>£1.00 for two bags – trial in Terminal 1 until the end of May.</p>
Newcastle Airport	<p>Free for 5 minutes in the short stay car park.</p> <p>£1.00 for 5 – 20 minutes in the 'pick-up and drop-off' car park.</p>	<p>Not available</p>	<p>Free of charge</p>	<p>Free of charge</p>
Prestwick Airport	<p>Free for 5 minutes in the short stay car park. Only emergency vehicles permitted to park in front of the terminal.</p> <p>£1.00 for 5 – 15 minutes in short stay car park.</p>	<p>Not available</p>	<p>Free of charge</p>	<p>£1.00 for four bags</p>

Southampton Airport	Free for 10 minutes to be dropped off in designated areas on terminal forecourt but there is a no waiting policy. £2.20 for 10 – 30 minutes in the short stay car park.	Not available	Free of charge	Free of charge
Stansted Airport	Free Set Down of passengers in designated areas on terminal forecourt but there is a no waiting policy. £2.00 for 15 minutes in the pick-up zone in the short stay car park. £2.50 for 0 – 30 minutes in the short stay car park.	Not available	£1.00 refunded when the trolley is returned	Free of charge

Annex E

Bad Weather - Winter 2010/11

Written Evidence of the CAA to the Commons Select Committee for transport

1. Context

1.1. December 2010 was the coldest month in the UK since records began according to the Met Office¹ with heavy snowfall during late November and December causing significant disruption to air transport. At Heathrow, this disruption was felt particularly heavily between 18 and 22 December, when heavy snow caused extensive disruption for several days, with significant disruption also occurring at a number of other UK airports. (Annex A contains a breakdown of major UK airports' annual passenger numbers and snow-related closure time).

1.2. The Civil Aviation Authority (CAA) is the UK's independent specialist aviation regulator. It regulates air safety; enforces legislation designed to protect passengers; economically regulates Heathrow, Gatwick and Stansted airports; and sets airspace design.

1.3. In the submission below, the CAA comments on the passenger experience during the disruption, the limited ability of the current system of economic regulation to prevent unnecessary airport closures along with what might be done to improve it, and the regulation of aerodrome safety during and after snowfall. During disruption to aviation caused by severe weather, the CAA's primary focus is on public safety – at no time during any of the disruption in November and December were the CAA concerned that safety was being compromised.

1.4. A number of separate but linked workstreams have recently begun to consider how the aviation sector responded to the December disruption. At the systemic level there is work from the Government's South East Airports Task Force (SEAT), where a CAA-led sub-group

examining how to improve delay and resilience performance is considering a number of issues relating to extreme winter weather, including how best to manage capacity reduction in such conditions and then ensure an efficient and timely return to full service. Furthermore, at the level of individual airports there is for instance David Begg's Heathrow Winter Resilience Inquiry, on which the CAA is sitting as an independent observer.

1.5. The CAA is also undertaking its own work to consider the passenger experience during the disruption, examining what worked well for passengers as well as what failed to meet their needs. The aim is to feed this intelligence into the work outlined above, and preparation for the forthcoming price control process at Heathrow and Gatwick. More information about this workstream is detailed below.

1.6. Although the CAA's work is at a very early stage, information requested from airports and airlines immediately following the disruption has revealed several issues that will be closely considered as part of our work:

- Airlines' performance in meeting their passenger rights obligations was highly variable, with some evidence that carriers with a strong local presence performed better.
- Preliminary evidence suggests that, in some instances, a lack of effective communication between airports and airlines and other airport stakeholders exacerbated the passenger impacts of the disruption.
- Road and (especially) rail disruption compounded problems at airports - even when airports reopened there were problems with staff and passengers getting to the airport.
- At Heathrow, there was an initial over-optimistic view taken about when flights would resume, which unduly raised expectations.

2. *Passenger experience during disruption*

2.1. The CAA has a range of responsibilities that work towards improving choice and value for aviation consumers. An important part of this role is to protect consumers when things go wrong with their journey, both in terms of ensuring that passengers' rights are respected, and that all service providers at airports work effectively together to minimise the extent of any disruption and mitigate the inconvenience caused to passengers.

2.2. Against this background, the CAA identified a need to investigate passengers' experiences at the UK's airports, with a view to understanding whether there are lessons that can be learned to improve future performance and to inform the CAA's enforcement of Denied Boarding Regulations (see Section 3 below). This work will bring together evidence from airports, airlines and, importantly passengers. The CAA is gathering information from the travelling public about their experiences through an online survey.

2.3. The survey aims to help the CAA better understand passengers' views of how airports, airlines and other companies operating at UK airports, met, or failed to meet, their expectations. For instance, the CAA is interested in finding out how well passengers were kept informed about the disruption and whether people were told about their rights to assistance by airlines.

2.4. The CAA is keen to hear from as many people who experienced disruption as possible to try and build the best possible picture of what worked well and what did not, so it can work with industry to improve the situation in case of future disruptions. The survey work will be followed by a series of focus groups and / or seminars in March, followed by the publication of a report on our findings around Easter.

2.5. Consumers' responses from the survey will feed into further work with Government, airlines and airports after Easter, as well as informing the development of the CAA's regulation and enforcement priorities.

3. *Passenger rights*

3.1. When disruption occurs airlines are required under the terms of EC Regulation 261/2004² to provide passengers with assistance if they are denied boarding (essentially if flights are overbooked), if their flights are cancelled at short notice, or if they experience a long delay. This includes refreshments and, if appropriate, accommodation in proportion to the length of delay, together with access to communication and, if necessary rerouting. Passengers who make their own arrangements in such circumstances, perhaps because an airline is not in a position to do so, are entitled to reimbursement of reasonable expenses from the airline concerned. Package holidaymakers have similar rights to assistance under the Package Travel Directive³.

3.2. In addition, passengers may also be entitled to financial compensation if they are denied boarding, if their flight is cancelled without sufficient pre-notice, or they are subject to a long delay, unless the carrier concerned can demonstrate that the cause of such cancellation or delay was due to "extraordinary circumstances that it could not have avoided even if all reasonable measures had been taken"⁴. Although there is no exact definition of "extraordinary circumstances", the Regulation cites adverse weather, security risks, flight safety shortcomings, strikes and air traffic control as examples.

3.3. In the UK, the enforcement of the Regulation is undertaken by the CAA under the terms of an agreement between the CAA, the Department for Transport (DfT), and the Air Transport Users Council (AUC). Under the agreement, the AUC's role is to manage individual complaints and seek to secure a satisfactory resolution in cases where the Regulation is not being applied, and the CAA's role is to investigate and consider enforcement action where it determines that there is, or may be, collective detriment to consumers.

3.4. Failure to comply with the requirements of the Regulation is a criminal offence that, upon conviction, is subject to a maximum fine of £5,000 per offence. However, such criminal sanctions are by nature a blunt instrument, which require a high evidence threshold. The CAA also has access to powers under Part 8 of the Enterprise Act 2002 allowing it to seek formal undertakings or an Enforcement Order from the Court to mandate changes in behaviour. In addition, the CAA's role as the licensing authority for UK airlines offers informal routes to address identified deficiencies in policy and practice. The nature of the UK compliance structure allows passengers to pursue a claim directly through the small claims track of the County Court should they wish to do so.

3.5. In parallel with its work with the AUC, the CAA undertakes its own active monitoring of the experience of air passengers through reviews of the media, consumer websites, complaints and ad hoc airport inspections. During the period of disruption the CAA monitored what assistance major airlines provided to passengers and undertook two inspections at Heathrow.

3.6. Some airlines clearly made significant efforts to look after their passengers in difficult circumstances. For example, with hotel rooms in short supply, a number of airlines hired conference rooms for use as dormitories. In contrast, some airlines apparently failed to meet their obligations to passengers, either inadequately explaining their rights to them or not providing sufficient assistance. Where deficiencies were identified, the CAA took compliance action, but the scale of the disruption meant that it was extremely difficult to obtain timely information to allow such intervention to comprehensively address all of the issues affecting passengers.

3.7. The situation was further complicated by the uncertainty about when airports would reopen and by the constraints on the ability of airlines to provide rerouting, particularly on routes not regularly served, for the volume of passengers whose flights were disrupted. The time of year meant that passengers were more determined to travel than at other times, and even when airlines did their utmost to meet their obligations, the level of disruption inevitably caused frustration.

3.8. The CAA will work closely with the AUC to analyse complaints received following the disruption, in order to identify areas which may require compliance action.

4. Current regulatory powers and future improvements

4.1. The CAA is responsible for the detailed economic regulation of airports 'designated' by the Secretary of State. Heathrow, Gatwick and Stansted are the only UK airports that are currently designated, and together handle more than half of UK passengers. The CAA's role in economic regulation is very narrowly defined, does not include the flexible set of tools provided to other economic regulators, and limits the CAA's ability to intervene during the five-year price control periods. This can prevent the CAA from acting in a timely manner, or as circumstances evolve, and restricts the ways that the CAA can intervene to address poor performance at these three airports.

4.2. The CAA can (and does) provide incentives to invest in facilities and equipment – including that which contributes to resilience – and to encourage the airport to raise standards. However, this form of (incentive-based) regulation is most suitable for influencing outcomes in normal operational circumstances.

4.3. In the Queen's speech the Government proposed legislation to update the statutory framework surrounding the CAA's work to regulate the UK's major airports. The government's proposed reforms would provide the CAA with more flexible tools to regulate airports, which would strengthen the CAA's ability to protect passengers and improve aviation resilience. In particular, the Government has proposed introducing economic licences, which would allow more proactive regulation, not just monitoring a five-yearly settlement.

4.4. The Government has also proposed giving the CAA powers to impose a much more robust set of obligations on the airport operator, backed with a credible enforcement regime. Whilst licence conditions can be no guarantee of resilience, they do provide a mechanism for the regulator to set clear expectations of the licence holder, incentivise delivery of these and offer a locus for intervention if there is systemic failure to deliver. For instance:

- Passenger experience: There could be a requirement to have in place a resilience plan approved by the regulator, ensuring that licensed airports take due account of the wider impacts of adverse weather events (e.g. impacts on wider transport networks that might keep staff away from work, or prevent customers arriving or leaving).
- Integration: The licence could require the airport to develop much clearer governance arrangements, specifying the rights and obligations of airports, airlines, groundhandlers and other stakeholders and provide a clear basis for co-ordinated action.
- Information: Lack of information to passengers caught up in operational problems is a particular concern because it creates anxiety and anger, perhaps even more than the underlying disruption. Licence conditions on airport operators provide a direct means for the regulator to ensure that any best practice is rolled out across the airport.

5. Aerodrome Operations

5.1. At all times aviation safety is of paramount importance. During the period of heavy snow, the CAA remained in close contact with the aerodromes involved. At no time during the period was the CAA concerned that safety was being compromised, and there is no intention that additional future regulations will impact on the CAA and industry's safety priority.

5.2. The CAA issues requirements and guidance to airport and aircraft operators regarding the safety of aircraft operations during winter conditions. Following disruption during winter 2009/10, the CAA convened a number of cross-industry 'Winter Wash Up' meetings to assist the industry and the CAA in learning what worked and what did not, and to share best practice. These meetings were well attended from all areas of industry and identified that there are often differing expectations of service levels from different stakeholders: for example airports, airlines, ground handlers, Air Traffic Control, pilots, and passengers. Best practice methods of sharing and promulgating information to stakeholders were also discussed.

5.3. From a safety regulation perspective, the overriding message was that irregular reporting of the actual runway condition by aerodromes and ATC was the most pressing issue to be resolved.

5.4. As a result, the CAA formed the Winter Information Group (WIG) in summer of 2010, consisting of a smaller number of representatives from industry (Prestwick, Edinburgh, Birmingham & Stansted Airports, British Airways, easyJet, Thomas Cook & NATS). Based on sound science and work that has been ongoing for a number of years at the International Civil Aviation Organisation (ICAO) and the European Aviation Safety Agency (EASA), the WIG drafted guidance to aerodrome operators⁵, aircraft operators⁶ and air traffic controllers⁷ on information to be passed to pilots regarding runway conditions. During November and December's disruption, the WIG's work assisted in ensuring that accurate and relevant information was available to flight crews.

5.5. Tactical decisions concerning continuing aerodrome operations during adverse weather, including closure for snow clearing and re-opening criteria, must be left for aerodrome operations duty staff at the time. UK aerodromes have for many years operated a 'back to blacktop' policy (i.e. clear snow from the movement areas such as runways and taxiways), which is a goal supported by the CAA. However, although this is the usual policy, there may be circumstances where it is possible to keep the runway open with some contamination. In such circumstances the need for accurate measurement and promulgation of information is emphasised.

5.6. Some airlines and other stakeholders question why some countries allow operations on snow contaminated runways whilst others, such as the UK, do not. The main issue is whilst friction can be measured with a degree of accuracy on compacted snow and ice, and thus aircraft braking action predicted, this is not the case on wet snow and slush – the precipitation typically experienced in most of the UK. Temperatures must be well below freezing for considerable periods in order to give an estimated braking action of Medium to Good on compacted snow and ice.

5.7. The CAA has been working in conjunction with ICAO, FAA, EASA, aircraft manufacturers, airlines, aerodromes, friction experts and other manufactures for a number of years to resolve braking action and information promulgation issues. A trial is being conducted this winter at six UK aerodromes evaluating a method of estimating braking action using actual runway conditions. The trial is based on an FAA trial conducted in 2010 and 2011. Results from the UK trial should be available in July.

6. The Quarmby Review

6.1. Following the disruption caused to the transport system by harsh weather during winter 2009/10, the then Government commissioned a review of the situation by David Quarmby in March 2010. In October last year, Quarmby's final report on the Resilience of England's Transport System in winter was published. The Report contained one recommendation to the CAA, that:

- Recommendation 22: That the Civil Aviation Authority considers how it might develop its currently published performance data to improve the presentation, commentary and interpretation of airline performance information, to inform passengers and the market and encourage improvements across the industry.

6.2. Since the report was published, the CAA has made statistical information on the CAA website easier to locate and has also published a simple guide for consumers explaining how they can obtain punctuality information on their flights. The CAA is already undertaking market research to identify which information passengers find valuable, including aspects of service quality. Additionally, the SEAT subgroup on resilience will make recommendations on the topics of Punctuality, Delay and Resilience which will inform any further improvements to the presentation of punctuality data. However, without the ability to require information from airlines and airports, the amount of comparative data the CAA is able to publish is limited.

This type of Information Power is proposed as part of the Government's reforms to the CAA's regulatory framework. In anticipation of this, a project is underway to refresh the CAA website and market research is being carried out to scope what information is of most use to consumers.

February 2011