

CAP 3164 Economic Regulation of NERL – response to Consultation

From: HarpendenSky

This response is on behalf of the campaign group www.HarpendenSky.com

[#1] Primary Challenge: The CAA has not mandated that the NERL/NATS Airspace Design Service [ADS] license should be subject to the Freedom of Information Act [FoIA] nor described how public transparency in the work of ADS will be achieved. Concerns about transparency & weakened safeguards were raised by industry stakeholders during earlier consultations & are acknowledged in Chapter 1 of CAP 3164, but they have been deferred to guidance rather than addressed through an enforceable licence condition.

[#2] Rationale: Enforceable ADS license conditions are critical. The shareholders of NATS/NERL are Government, airlines, Heathrow Airport & NATS employees, none of whom represent the public interest or that of related communities & campaign groups. The Government is the majority 49% shareholder & bearing in mind recent behaviour of Dept for Transport in favour of airport expansion then there is no community protection from this source. It is clear that allowing ADS to operate in secret without any public transparency will lead to significant lack of trust in ADS outcomes delivered to CAA & result in major reworks when the public & campaign groups are informed.

In addition, the CAA is covered by FoIA so they have a duty of care to the public & campaign groups to “pass-on” the same regulation insofar as their subcontractor NATS ADS license terms are concerned. ADS will create integrated airspace designs, which generates a risk that significant decisions affecting communities will be taken at an early stage, in secret, without sufficient visibility or explanation. NATS has in the past completely over-ridden community concerns about environmental issues & noise eg FL100 advocated by Luton Airport Flight Operations which was totally disregarded by NATS without any consultation.

[#3] Resolution: The ADS licence must be subject to FoIA & require publication of decision making including alternative airspace options considered, explanation of design trade-offs, clear reasoning as to why particular communities will be affected & the extent to which environmental & noise issues will result. This ADS license mandate will enable communities affected by ADS airtraffic design impacts to engage with decisions that directly affect them, at the opportune time & have confidence that impacts have been fairly considered.

Neil G MacArthur Chairman.