

CAP 1037 Better Information about UK aviation

Consultation response from CPRE Protect Kent



August 2013

Key Points

1 Requirements of the Civil Aviation Act 2012

We do not consider that the CAA's proposals meet the requirements of the Civil Aviation Act because the consultation document does not show why aspects listed in the Act have not been included in the Proposals.

Although the Act gives some discretion as to the detail of the information to be provided, the debates in Parliament clearly showed that it intended that all the aspects listed in the Act should be covered. The Act does allow the CAA to consider how much information on a particular aspect, and which publication mode is 'appropriate', but we consider that the Act requires the CAA to evaluate all the aspects in the Act and to ensure that such information is provided.

So we expect the revised proposals to include all aspects.

2 The Cost and Benefits of providing Information

The proposals appear to only consider the costs and benefits to the industry and its 'users', and thus the CAA proposes to do very little.

Only Section 83 of the Act refers to 'users', so for environmental information, covered by Section 84, the assessment of costs and benefits must be for the UK as a whole. The costs of providing such information will be minimal because much of it is already available within the industry. In comparison to the environmental damage caused by aviation, there can be no justification for not publishing that information.

Publication is also justified as part of the economic regulation role of the CAA – good information is essential to efficient business operations, so the industry needs this information as much as the public.

We hope the CAA will bear in mind the quote from David Nicholson, NHS Chief Executive, who said: “the quality of cardiac surgery has improved by a third, and I credit this entirely to the publication of data. It galvanised the professionals, because none of them want to be at the bottom. And that is really positive.” (www.guardian.co.uk/society/2013/jul/19/nhs-chief-david-nicholson-never-ashamed?INTCMP=SRCH).

3 Tranquillity, Quality of Life and Public Health

As the CAA is aware, we have long been concerned about the loss of Tranquillity and the damage that such loss brings to the public's quality of life and health.

Although noise is only one aspect of tranquillity, it is a key aspect that is measurable and controllable. Hence it is very important that the public and industry is made aware of the damage noise does.

We do not consider that noise can be 'balanced' against other environmental aspects because they are not comparable, and there is no agreed exchange rate between noise and climate change emissions, for



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example.

It took decades for other public health issues such as asbestos and smoking to be fully acknowledged and changes implemented even though clear evidence was available of the damage to health.

There is now a wealth of evidence showing the physiological and psychological effects of noise and of the benefits of tranquil natural areas, so more rapid action is now needed, and so the CAA needs to ensure that full information is provided as soon as possible to as wide an audience as possible, as required by Section 84 of the Act.

Note: Numbers in brackets refer to paragraph number in consultation document
References to 'the Act' refer to the Civil Aviation Act 2012 (as shown on:
www.legislation.gov.uk/ukpga/2012/19/part/2/crossheading/provision-of-information-about-aviation/enacted)

Introduction

We note that there do not appear to be any questions on noise, nor on whether there are other parameters that require CAA to implement information provision.

So we give below our comments on aspects not covered by your questions which should also be considered for amending your policy and information aspects, and then we provide answers to your specific questions.

We do hope that the absence of questions on the topics covered here does not mean that you are adamant about not making any changes, and would appreciate receiving any reasoning you may have for the absence for such questions.

There is a need for information showing performance relative to UK requirements, such as the Climate Change Act, Disability Discrimination Act, etc., and EU requirements such as European Noise Directive, which requires quiet areas to be maintained and other areas to become quieter.

Our comments are made with the knowledge that the 'CAA and the Environment' document shows that the CAA already has commitments (and therefore the funding) to carry out work on Noise modelling (NM1 to 7, page 13), raising awareness with all stakeholders on environmental matters (SP2, SS2 page 12), and also to carry out work on emissions (SS1, page 12) together with the work required to implement the Act (SS6, page 12). Hence the CAA is already set up to do all the work required by the Act and therefore the CAA costs should not cause any problems with implementing the full requirements of the Act as described in our comments here.

In the Executive Summary 4, Ch 2 – the objective of improving choice may conflict with need to increase load factors, so this needs to be reflected in the wording of 2.6 (see below), to ensure maximum environmental benefits.

Issues which receive inadequate or no consideration in CAP 1037, but should be included as required by the Act

Passengers with reduced mobility (PRMs): it is not just PRMs who have problems with inadequate facilities. There is a great need to consider PRCs, that is Passengers with Reduced Communications, because deaf, blind and learning impaired people also have requirements which are often poorly served. We are astonished that there is no mention of the UK Disability Discrimination Act which places requirements on service providers to enable people with disabilities to use services.

The Noise section, Appendix F, omits tranquillity, which should be added as it comes under both Section 84, Subsection (1), (b) and Subsection (8), (b). The ERCD report 1207, 'Tranquillity, An overview' by K. Jones, June 2012, covers this issue, and CPRE Tranquillity guidance explains how this information could be used.

We are very surprised that CAP 1037 also omits issues despite being mentioned as 'considered important' (4.8):

Air quality and fuel dumping is noted in 5.1.9 of the MVA study (Attachment 4, Open Data on Air Travel, MVA Consultants, April 2013) as 'being important'. We are very surprised at this omission because the CAA Insight Note: 'Aviation Policy for the Environment', (pages 39, 40) specifically notes the impact of aviation NOx emissions, together with the map of London showing the very high (over the legal limit) concentrations at Heathrow. As the UK is currently at risk of large fines for non-compliance with air quality legislation, this should be a prime area for clear information and action, as the status quo is killing people.

Airport surface access was also noted by several NGOs as being important, and was raised at the stakeholders meeting, especially as impacts can be significant, including for global warming, air quality and noise and it affects a wide area.

CAP 1037 should also include (as they are listed in S 84 of the Act):

Safety - risk of accidents is noted in 5.1.9 of MVA study as 'being important', and this needs to include dropping bits such as engine covers and frozen waste, as there have been so many incidents of this type. Vortices – damage to roof tiles is noted in 5.1.9 of MVA study as 'being important', and there is considerable literature on this problem showing its significance.

We would also expect the other items listed in S 84 of the Act to be included. For example, water use alone causes huge problems in the south east – Heathrow uses as much water as a city such as Canterbury, and that does not include the consequential effects such as water use at airport employees' homes.

Responses to Questions

Context

Q.1 Do you agree with the CAA's assessment of the importance of information in promoting a well-functioning aviation market? and,

Q.2 Do you agree with the findings of the evidence base that the CAA has provided in support of its view that consumers would benefit from the provision of more information about air transport services and facilities (including that from other regulators and government agencies, summarised in Appendix G)? and,

Q.3 Do you agree with the findings of the evidence base that the CAA has provided in support of its view that the general public would benefit from the provision of more information about the environmental impact of aviation (including that from other regulators and government agencies, summarised in Appendix G)?

We answer Q1 to 3, together.

In general, Yes.

We would quote David Nicholson, NHS Chief Executive, who has recently said: “the quality of cardiac surgery has improved by a third, and I credit this entirely to the publication of data. It galvanised the professionals, because none of them want to be at the bottom. And that is really positive.”
www.guardian.co.uk/society/2013/jul/19/nhs-chief-david-nicholson-never-ashamed?INTCMP=SRCH).

So publishing information on performance is essential to improving that performance.

However the Act states that only information on air transport services (S. 83) must be 'to assist *users*...'. For S.84 there is no reference as to any particular audience, it just says, in Subsection (1), provide information relating to:

'(a) the environmental effects of civil aviation in the United Kingdom,
(b) how human health and safety is, or may be, affected by such effects, and
(c) measures taken, or proposed to be taken, with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.'

So this means providing information on everything included in this Subsection (1), and there is no requirement to assess *who* would benefit, as opposed to there being a benefit. Although the general public may be the ultimate beneficiaries of provision of this information, many may not appreciate how this information has benefitted them.

For example, CPRE campaigning on Tranquillity, covered in Subsections 1 & 8 (b), has increased CAA's (& others) awareness and altered their reactions to flight path changes, which is probably invisible to 'the general public'. Information is also important to many people such as those who work in or intend to work in the industry, those studying both aviation and subjects related to it, journalists, politicians and of course NGOs. So it is very important that the CAA fully appreciates this difference between the two Sections (83 & 84) of the Act, and ensures that it includes all the requirements of S.84 in its information policy.

In Subsection (8) it goes on to cover the effects the Government consider important, which include:
'(a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,
(b) visual or other disturbance to the public,
(c) effects from works carried out at civil airports or associated facilities or in the construction of such airports or facilities, and
(d) effects from services provided at civil airports or associated facilities.'

So all these need protocols within the policy.

However we do agree with 3.31 & 3.32:

'3.31 In order for it to be useful, information needs to be understandable. The BRE/NCC report emphasises that making information available is not enough; regulators must also consider how to communicate with consumers and how to help them make informed choices and have an impact on behavioural outcomes.(Better Regulation Executive & National Consumer Council, 2007(b)).

3.32 The BRE/NCC also recognise that effective design and presentation of information may not necessarily be a core competency for regulators. As such, regulatory approaches that provide opportunities for businesses and third parties, such as brokers or price comparison services, to deliver desired policy outcomes by finding innovative ways to communicate information to consumers may be necessary.'

So we strongly support the comment that 'the information provided is not easily comparable' (3.66, 3.67)) and it must be a prime requirement for the CAA to ensure that information is standardised so that it is comparable. Similarly the publication of policies by airlines or airports is useless without information as to their relevance and how well they are being implemented.

We agree that it is difficult for third parties (such as CPRE) to hold the industry to account (3.69) without standardised information, but this also applies to industry – how can BA, for example, see if they are doing better than Virgin? Without clear information there is reduced incentive for participants to improve, and to show that they are actually improving.

We also join the stakeholder support for standardisation (4.5).

We support the widest possible dissemination of information (4.6), because it is not just passengers who 'would be better off knowing things that the airlines (and indeed other players in the industry) do not want to tell them' (4.8).

While there may be little benefit in requiring data that is only marginally different from that already available (4.10), it is also essential that such existing data is easily accessible and intelligible to those who might use it, so the latter criteria needs to be considered as well.

As an example, it is hard for even fairly regular users to find things on the CAA website. This Consultation was only found by putting CAP 1037 into the search box, in other words pre-knowledge was required to find it!

Regular monitoring and auditing is essential (4.11) otherwise there can be no confidence in the data.

Objectives

Q.3 Do you agree with the CAA's approach to using its information powers in line with its Strategic Objectives, and with its suggested information objectives set out in paragraph 2.4?

NB: this is the second Q.3 ! Numbering here kept the same to avoid confusion.

No.

CAA's objectives include better environmental performance and being a better regulator (2.2 & 2.4).

However the environmental performance objective refers to 'more efficient use of airspace', which appears to prioritise airspace – which is not the most effective way to reduce impacts (reducing flight numbers is top of the list for that). It goes on: 'and make an efficient contribution to reducing the aviation industry's environmental impacts' which restricts action to those which are 'efficient' which is not defined. Many of its contributions would help reduce impacts which would benefit those outside the industry, but the Objective's wording implies that the contribution must be efficient for the CAA, or at least the aviation industry (who fund CAA), and so the CAA may restrict activity to those aspects which have a benefit to itself or the industry.

Similarly the fourth Objective 'to ensure that the CAA is an **efficient and effective organisation** which meets Better Regulation principles and gives value for money.' implies that it will not carry out work which is not value for money, even though many of the benefits of reducing environmental impacts, such as tranquillity, cannot be monetised. 'Value for money' may also be taken to mean for the industry itself, rather than the UK as a whole, which is not the same thing. So the test must be for the UK, not just the industry.

Hence the Information powers of the Act should not rest on the CAA's Objectives, as defined at present.

With regard to the information objectives in paragraph 2.4, we consider the wording of the Act, as given below, are sufficiently succinct and clear to be understood by any reasonable reader, and together with revised wording of 2.4 provide a more accurate representation of the Act's intentions and how it expects the CAA to implement those intentions.

Our proposed revised wording is as follows:

Information Objectives

2.4 The objectives of the Civil Aviation Act 2012 provisions, and of the CAA's proposed approach to making information available, are:

'Section 83 Information for benefit of users of air transport services, Subsection (1)

To publish, or arrange for the publication of, such information and advice as it considers appropriate for the purpose of assisting users of air transport services to compare—

- (a) air transport services provided to or from a civil airport;
- (b) services and facilities provided at a civil airport in the United Kingdom;
- (c) services and facilities provided elsewhere in the United Kingdom and used, or likely to be used, in connection with the use of air transport services provided to or from a civil airport.'

'Section 84 Environmental information, Subsections (1 and 8)



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To publish, or arrange for the publication of, such information and advice as it considers appropriate relating to—

- (a) the environmental effects of civil aviation in the United Kingdom,
- (b) how human health and safety is, or may be, affected by such effects, and
- (c) measures taken, or proposed to be taken, with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.

The environmental effects of civil aviation include—

- (a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,
- (b) visual or other disturbance to the public,
- (c) effects from works carried out at civil airports or associated facilities or in the construction of such airports or facilities, and
- (d) effects from services provided at civil airports or associated facilities.'

New paragraph, using amended wording of 2.4:

'2.5 The objectives of the CAA's proposed approach to making the above type of information available, are:

- to facilitate more informed choices by consumers in the air travel market and better decision-making for their own circumstances by providing further comparative information beyond the basic flight price alone;
- to put more, and more accessible and comprehensible, information in the public domain about the effects of aviation on the environment; and
- indirectly (through informing people and the industry) and directly (through guidance and advice) to improve performance in services and reduce adverse environmental effects.'

If air transport was the least polluting mode of transport then it could be acceptable to refer to 'enhancing environmental performance' (2.6). In the real world, air transport is the most polluting mode so the description in 2.6 should be re-phrased as: 'reducing environmental impacts'.

The industry's environmental performance is so abysmal that it needs to be emphasised that real reductions in total impacts are needed rather than reduction in impacts per passenger-km, which hides the overall increase in impacts due to the increases in numbers of passengers or increases in weight or volume of freight.

The new paragraph 2.6 should state that:

'The priorities are to help consumers to achieve best value.'

It is unacceptable to promote choice per se, because having more flights available would tend to reduce aircraft load factors, which goes against the environmental imperatives, and simply enabling consumers achieve best value provides them with choice, as the 'best value' will cover options from different airports with different surface access costs, for example.

For environmental issues, it should state:

'The priorities are to reduce the environmental impacts of air transport.'

Paragraphs 2.7 and 2.8, also need amending with an extra phrase to cover the environmental

information aspects because merely considering consumers (to whom only S.83 applies) excludes those for whom S.84 is intended – which is anyone or any body that might be interested in this information.

Proposed new phrase:

'The CAA now extends this objective to provide both the public and industry with more and better quality information, in order to reduce the environmental impacts of aviation'.

Information channels and approach

Q.4 Do you think the CAA has adequately reflected the potential channels available to it to make information available in paragraph A27? Are you aware of any other routes we should explore?

Yes, A27 seems to reflect the three channels available, assuming that EU websites, for example, would come under the 'Third party' heading.

Q.5 Do you agree with the CAA's proposal to tailor information provision on the basis of the topic and audience, rather than attempting to deliver all information in same way?

No.

Any member of the public may examine any of the information provided and so needs easily understandable information.

However anyone with some detailed knowledge, whether inside or outside the industry, needs the data behind the easily accessible information.

So ALL information should be available as the basic data, and in an easily understandable form which also provides links to the basic data for those who want it.

There is however merit for some issues to provide star ratings, such as Which? uses, especially for those aspects where information may be less familiar to the general public.

Benefits and adverse effects

Q.6 Do you agree with the CAA's high level considerations of the benefits and adverse effects of making information available in future, as set out in Section Two of the Statement of Policy?

We agree with consideration of benefits, especially with paragraph A47, that information should be placed in the public domain unless there are clearly significant adverse effects.

We would add that most of the information is, or will be, needed for the efficient operation of the companies in the sector, so there should be few instances of paragraph A50 applying, especially as providing more information will enable companies to become more efficient, thus negating any potential adverse effects.

It is however, important that the 'clearly significant' adverse effects are assessed on a UK basis, not simply for the industry or the CAA.

The CAA appears to consider the adverse effects mainly on the question of costs to the industry or itself, but as noted above, the information is needed for efficient operation, and hence the increased range of information that we and others propose should be included even if it increases the industry's or the CAA's costs.

This is especially the case for environmental impacts, because the damage from not reducing the impacts is very large – global warming is an obvious issue, particularly with air transport being the most damaging transport mode, but other aspects are very serious too such as the quality of life and public health impacts as noted above, so any improvement would provide significant benefits.

Statement of Policy review

Q.7 Do you think the CAA's proposal to review its Statement of Policy and impacts of the information made available after three years is appropriate, as set out in Section Two of the Statement of Policy?

Yes.

Appendices B, C, D, E and F - general questions

Q.8 In relation to Appendices B, C, D, E and F:

Q.9 Do you feel that the CAA has correctly identified the potential harm caused by a lack of information?

No comment generally, but see specific comments below on Appendices D & E, and those provided to Question 22 on Appendix E .

Appendix D Information on the price of optional services

It appears to omit the costs of making the booking – it may not always be clear that different booking options have different costs just for making that booking.

Appendix F Noise

We strongly disagree with paragraph F7. It is essential to develop noise-related information whether it is for consumers or anyone else. It would be useful for consumers because it may influence their choice – aircraft which produce less noise may well be less noisy for passengers too!

The requirement to produce noise-related information is part of Section 84 of the Act – it does not require a consumer benefit (see comments above). Consumers are also resident somewhere so will be keen for less noise to be produced. The public health and quality of life benefits of less noise are well known to the CAA.

Providing information on noise is also a requirement of the European Noise Directive (END, 2002/49/EC), which aims to 'define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to the exposure to environmental noise.' This is to be achieved by 'informing and consulting the public about noise exposure, its effects, and the measures considered to address noise, in line with the principles of the Aarhus Convention'. As the Act requires CAA to provide information on noise, that information also needs to comply with the END.

With regard to your 'Preferred approach (paragraph F20) we welcome the intention to implement all three options, but consider it essential that they are done simultaneously, not sequentially, especially as the work on the three options is inter-related.

Simultaneous implementation reflects the urgency needed because of the current abysmal noise situation.

As part of this work the ANASE study should be updated to cover those points where the CAA felt the peer review had showed shortcomings in the original report, so that the full benefit of the ANASE work can further improve this information provision activity.

Q.10 Do you agree that information in the proposed area would be useful to either consumers or the general public, or any other parties?

Yes, of course, to everyone, not least to the industry!

Q.11 Do you have any specific insights regarding either potential benefits or adverse effects (including financial costs) in relation to the proposed area that you feel the CAA should be aware of?

Appendix E: Paragraph E4 refers only to 'consumers of air travel' but the general public are concerned about global warming, and thus those that are over-flown are likely to be more concerned and would oppose expansion proposals if they do not have clear information on this issue. Likewise industry players need good comparative information to see where they are relative to competitors, so absence of quality comparative data would also hinder improvements.

Q.12 How do you think the CAA should measure the impact of the information it makes available about the proposed area in order to determine whether the intervention has been successful?

It is clearly important to audit use of the information and the effects caused by its provision, although the effects may be relatively difficult to discern and separate from changes arising for other reasons. However five yearly surveys could provide useful information and would also help raise the profile of the information being provided.

Appendix B - specific questions on flight reliability

Q.13 What format (e.g. single star rating, separate star ratings, raw data etc.) should be used to provide information about flight reliability to consumers?

Q.14 At what level should flight reliability performance be provided in order that it is useful to consumers (e.g. at airline level, at airport level by UK airport served, by route etc.)?

Q.15 Where in the booking 'flow' should information about flight reliability be presented and how prominent should it be?

Q.16 If a flight reliability metric combining a number of elements (e.g. on-time performance, long delays, flight cancellations, mishandled baggage etc.) was developed, how should these be weighted? Or should each element be treated with equal importance?

Q.17 How should a 'long' delay be defined? Should the existing thresholds used by the CAA for delays longer than 15 minutes (30 minutes, 1 hour, 3 hours and 6 hours) be used, or is there an alternative approach?

Q.18 Should cancelled flights be treated differently depending on the amount of notice provided to the passenger?

Q.19 In developing a reliability metric for mishandled baggage, what factors or considerations should the CAA take into account? For example, which 'types' of mishandled baggage (e.g. delayed, lost, damaged) should be included?

Q.20 Do you think that the scope of the CAA's punctuality and delay reporting should be extended to cover all airports handling over 1% of total passengers per year?

Q.21 Do you agree that 12 month rolling average ('moving monthly average') performance figures should be used as the basis for any flight reliability metric developed by the CAA? Or do you consider that there are superior alternatives? How frequently do you think the figures should be updated?

We have no remit for this area, but would merely suggest that Reliability could be defined with a 0% to 100% score.

0% would mean cancellation, or a delay equal to twice the expected time from airport entrance to airport exit, and 100% would mean no delay.

This metric would thus incorporate both the flight time and airport transit times.

Appendix E - specific questions on carbon emissions

Q.22 Do you agree that Option 3 is the most appropriate way to aid the standardisation of CO₂ information for air travellers? Please provide your reasoning.

No.

We agree that Option 3 is better than option 1 and Option 2, and is very low cost. However Option 4 would be much better, and provide greater benefits. As Carbon emissions are a major world issue, any extra cost would be far outweighed by the benefits of reduced emissions.

Paragraphs E10 (and E11 for a slightly less good model) indicate that the models already exist.

As the data is already held by the industry and most of the data and methodology exists, the cost would be minimal.

Hence the major benefit from CAA involvement would be in collating the data in a standardised way which would provide fair comparisons. Thus it would allow everyone to see relative performance, and thus provide a real drive to those who can actually reduce emissions to do more about it, so would have a far greater effect than for Option 3.

We consider that that this is far more important than merely looking at offsets.

We are very concerned that only CO₂ emissions are proposed for action. Although CO₂ is a proxy for total global warming emissions, it is possible that modifications to reduce CO₂ emissions might increase other emissions, so the work should go on to add the other emissions.

We are pleased that paragraph E9 gives the various parameters to be included, and includes the non-CO₂ impacts, so we see no reason why these should not be included in the Option 4 modelling.

It is vitally important that the consumers and the public are made very aware that the global warming impact is at least double that of the CO₂ emissions, so even if the other emissions are not initially calculated, the model should show total estimated global warming effect as twice that of CO₂. We would support using the 1.9 multiplier as that has credibility, having been used and accepted by the Department for Transport, until new data is confirmed.

For the public, the information should also be compared with the emissions from using alternative modes such as rail and ferry, to give a full comparison. DfT/DEFRA/DECC have relative figures.

We think Atmosfair (first bullet, paragraph E13) shows the direction in which to go, as it is seems more reflective of the true impacts than the other calculators that we have seen.

With regard to the third bullet, paragraph E13, about per passenger and per seat data, calculations must be based on per actual passenger basis not per seat available, because this is the only true way to show actual emissions for the particular journey. This would also show up the appalling emissions (per passenger) of business jets, and might persuade the more responsible users of such aircraft to change to airline flights. The objective of the exercise is to reduce emissions, and if airlines see their emissions as being noticeably higher than competitors they will take action to improve, such as by increasing load factors. If there is a choice of two flights to a given destination then this information is relevant to consumers as they may well choose the one with a better flight efficiency, as that should also reduce costs as well.

We also disagree with the fourth bullet about 'marginal rates of emissions per passenger'. If airlines find that their flights are not filling up then they will stop operating those flights, and therefore the model must use the same figure for all passengers. This may underplay the differences between different class seats in an individual plane, but that will be partially taken care of by the extra weight (& hence larger emissions) of the plane caused by the higher class seating.

We agree with the final bullet point about people not understanding a 'standalone carbon figure', and this reflects the need noted above for comparative emission figures for alternative modes when providing the air travel data.