



BRIEFING PAPER

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Aviation: FAQs for 2020

By Louise Butcher

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Summary

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about aviation issues. There is no intended link between articles other than that the topics are often the subject of requests by Members, usually on behalf of their constituents.

It covers the following issues:

- Who is responsible for **aviation policy** and its implementation;
- The potential impact of **Brexit**;
- **Passenger rights** and how to get compensation when you are delayed or your flight is cancelled;
- The rights of **passengers with a disability** or reduced mobility;
- Protections when an **airline goes into administration**;
- Air **accident** investigations;
- Dealing with **noise** and **nuisance** and what to do about changes to **flight paths**;
- **Heathrow** expansion; and
- **Drones**.

Further details on these issues and more can be found in a suite of Commons Library briefing papers, [available on our website](#).

1. Introduction

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about aviation-related issues. There is no intended link between articles other than that the topics are often asked by constituents of Members.

Please note that nothing in this paper should be considered as constituting legal advice. It is not intended to address the specific circumstances of any particular individual. A suitably qualified professional should be consulted if specific advice or information is required.

Transport policy largely emanates from the [Department for Transport \(DfT\)](#) and its agencies, non-departmental public bodies and other offshoots. Some aspects of policy come under the overall control of other departments – e.g. decarbonisation and climate change. Much of the overarching framework for aviation law is set at the international level – by the [International Civil Aviation Organization \(ICAO\)](#) and in Europe by the [European Aviation Safety Agency \(EASA\)](#).

In **Parliament** transport policy is largely scrutinised by the [Transport Select Committee](#), though those policies covered by other departments may well attract attention from other committees. For example, in the 2017 Parliament [air quality](#) was an issue of concern for the Environment Food and Rural Affairs, Environmental Audit Committee, Health, and Transport Committees. Separately, the [Public Accounts Committee](#) looks at issues across Government departments, largely based on reports by the National Audit Office (NAO).

The [House of Lords](#) has its own committees that consider transport issues and there are [All Party Parliamentary Groups \(APPGs\)](#), which are informal cross-party groups that have no official status within Parliament. They are run by and for Parliamentarians from both Houses and often involve individuals and organisations from outside Parliament in their administration and activities (e.g. APPGs on [Heathrow expansion](#) and [Air Passenger Duty reform](#)).

[Transport Statistics Great Britain \(TSGB\)](#) is the DfT's main statistical compendium analysing trends in British transport. The authorities in Wales, Scotland and Northern Ireland publish their own data. Aviation statistics are produced primarily by the [Civil Aviation Authority \(CAA\)](#).

A range of international transport statistics are available online, the primary providers being the OECD, the World Bank and the World Health Organisation.

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[briefing papers on aviation](#) are available on our website.

2. Who is responsible for aviation-related policy?

Much of the overarching framework for aviation law is set at the international level – by the [International Civil Aviation Organization \(ICAO\)](#) and in Europe by the [European Aviation Safety Agency \(EASA\)](#). These laws – on for example aircraft and air crew licensing, passenger rights, airspace management and slot allocation – are then implemented domestically by national governments.

Domestically, policy about air travel and airports is largely reserved to the UK Government, but **some aspects are devolved to Scotland, Wales and Northern Ireland**, particularly as regards to noise pollution and control. So, for example, the UK Government sets the overall strategy for airspace use and management, and how airports are regulated, but the Scottish Government could impose noise restrictions on airport operations in Scotland. The Scottish and Welsh Governments also own an airport each (Glasgow Prestwick and Cardiff respectively). [Air Passenger Duty \(APD\)](#) – a tax on flying – is devolved in Scotland and partially devolved in Northern Ireland.

The [Civil Aviation Authority \(CAA\)](#) is the UK's aviation regulator. It is responsible for safety, consumer protection, the ATOL holiday financial protection scheme and the economic regulation of some airports and certain aspects of air traffic control.

3. What impact will Brexit have on aviation?

On 23 June 2016 the United Kingdom voted to leave the European Union. The then Prime Minister, Theresa May, triggered Article 50 of the Treaty on European Union on 29 March 2017 to begin the process of exit. [Exit Day](#) is legislated for 31 January 2020, after which [the implementation/transition period](#) will commence. This will end, by default, on 31 December 2020.

The EU's competences in transport are set out in the EU Treaties, which provide the basis for any actions the EU institutions take. The EU has a Common Transport Policy (CTP) contained in Title VI of the [Treaty on the Functioning of the European Union \(TFEU\)](#) (Articles 90 to 100).

The impact of Brexit on the aviation industry and air travel could potentially be significant. Matters to do with passenger rights and compensation are dealt with in the relevant sections below. At a high level, there are three main policy issues to be aware of, set out below.

In 2018 the Government began to publish its 'no deal' preparation notices. The relevant information relating to the aviation sector is available on the [CAA website](#).

- **Access to the [European Common Aviation Area \(ECAA\)](#)**

The [advent of cheap short haul flights across Europe](#) in the early 1990s revolutionised the way people travel and the airline industry. It owes a large part of its success to the liberalisation of air transport across the EU and the single aviation market, or ECAA. This created a number of 'freedoms' for EU-registered airlines that have allowed them to have a base in one Member State and operate on a 'cabotage' basis within other Member States. For example, easyJet, registered in the UK, can fly without restriction from the UK to other Member States, wholly between other markets (e.g. France-Germany) and wholly within countries (e.g. domestic Italy).

[Airlines want](#) the UK Government to negotiate continuing access to this liberalised regime. The most obvious way of doing this would be by remaining a member of the ECAA, post-Brexit, [other options](#) include an 'open skies' deal or single or multiple bilateral agreements. Membership of the ECAA effectively requires acceptance of EU aviation law across all areas, so where the UK might want to move away from current EU rules with which it is not entirely satisfied, compromise would be required.

The UK Government and the EU [have agreed](#) to ensure passenger and cargo air connectivity through a Comprehensive Air Transport Agreement (CATA), covering market access and investment, aviation safety and security, air traffic management, and 'open and fair competition'.

- **Safety and the [European Aviation Safety Agency \(EASA\)](#)**

EASA develops common safety and environmental rules at the European level. It monitors the implementation of standards through inspections in the Member States and provides the necessary technical expertise, training

There is a significant amount of transport law and regulation in the UK that applies as a direct result of our membership of the EU. The **key** legislation is set out in: HMG, [Key EU transport legislation](#), 14 May 2013

More information about these issues can be found in the Commons Library briefing paper on [Brexit and Transport](#).

and research. The UK's involvement with EASA and the standards and safety regulation it is responsible for is a key issue which will need to be resolved in any Brexit negotiations. [Former Prime Minister, Theresa May, explicitly stated](#) that her Government wanted to negotiate some sort of ongoing membership of EASA after Brexit.

The UK Government and the EU [have agreed](#) to “make further arrangements to enable cooperation with a view to high standards of aviation safety and security, including through close cooperation” between EASA and the CAA.

- **Air service agreements with third countries**

The UK has long had bilateral agreements with many of its important markets, such as the US, which were superseded by EU-third party agreements. As a result of EU membership, UK airlines benefit from [42 Air Services Agreements](#) entered into by the EU with countries inside and outside the EU including the US and China. Once it has left the EU, the UK would need to have negotiated new agreements with those countries or to have negotiated with the EU and those countries to continue as a party to the agreements as a non-Member State.

Given its importance to the UK, the Government was swift to focus on a replacement for the [EU-US Aviation Agreement](#), commonly called ‘Open Skies’. [When Open Skies was agreed](#) back in 2007 the UK market was one of the key attractions for the US – at the time the UK accounted for a 40% share of the EU-US market. The UK and the US [reached an agreement](#) in November 2018, though full details have yet to be published.

4. How can you complain about a flight or treatment at an airport?

Details of [how to make a complaint](#) about a flight or an experience at an airport are given on the Civil Aviation Agency (CAA) website. In the first instance you must complain to the relevant airline or airport. The CAA recommends providing as much detail as possible: if anything should go wrong with a claim, it is useful to have a record of any communications.

The EU Alternative Dispute Resolution (ADR) Directive ([Directive 2013/11/EU](#)) requires schemes to be available to help settle any dispute that cannot be resolved through a business's own complaint handling procedure. Two UK-based ADRs are currently available; you must use the one that the company you have a dispute with is a member:

- [Aviation ADR \(Consumer Dispute Resolution Limited\)](#) – members include Air Canada, Air France, easyJet, Emirates, Flybe, KLM, Norwegian, [Ryanair](#), TUI, Virgin Atlantic and Wizz; and
- [Centre for Effective Dispute Resolution \(CEDR\)](#) – members include British Airways and Heathrow, Gatwick, Stansted, Manchester and Bristol airports.

Three other ADRs, based abroad, provide services for a number of airlines based outside the UK, they are the [Latvian Consumer Rights Protection Centre \(CRPC\)](#), the [Czech Trade Inspection Authority \(CTIA\)](#), and [söp](#).

ADR decisions are binding on airlines and airports if the appellant (the customer) agrees to the determination.

ADRs can charge a maximum fee of £25 to complainants. This must be refunded if the ADR finds in their favour.

The [CAA continues to handle disputes](#) with those **airlines and airports that are not members of ADRs**.

Complaints about a tour operator or travel agent should be taken up with a trade association such as the [Association of British Travel Agents \(ABTA\)](#) or the [Association of Independent Tour Operators \(AITO\)](#). These associations have codes of conduct for their members. ABTA and AITO also offer arbitration procedures through which customers can pursue complaints. The tour operator's brochure or travel agent's invoice should indicate if they are members of an association.

5. What are the rights of passengers with disabilities when travelling by air?

At the moment, the rights of passengers with disabilities or reduced mobility (PRMs) are provided through EU law – [Regulation 1107/2006/EC](#), particularly Articles 3, 4 and 10 and Annex II. Domestically, the *Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014* ([SI 2014/2833](#)) give the CAA full legal authority to ensure airlines or airports comply with the 2006 Regulation.

Full details of PRM rights to travel are set out on the [Equality and Human Rights Commission's website](#), updated in February 2019.

The 2006 Regulation provides that an air carrier or its agent or a tour operator shall not refuse, on the grounds of disability or of reduced mobility, to accept a reservation for a flight departing from or arriving at an EU airport, or to embark a passenger with a disability or a PRM at such an airport, provided that the person concerned has a valid ticket and reservation [Article 3]. Notwithstanding the above, a reservation can be refused on two grounds:

- in order to meet applicable safety requirements; or
- if the size of the aircraft or its doors makes the embarkation or carriage of that disabled person or person with reduced mobility physically impossible.

The process for determining who or what might constitute a 'safety concern' is a matter for individual airlines, but they would have to be able to justify these conditions were they to be taken to court on the grounds of discrimination in the provision of goods and services.

Article 4 provides that in the event of refusal to accept a reservation on the grounds referred to above, the air carrier etc. must "make reasonable efforts to propose an acceptable alternative" to the person in question. Anyone denied boarding on the grounds of his or her disability or reduced mobility and any person accompanying this person (as defined in Article 2) must be offered the right to reimbursement or rerouting.

Article 10 and Annex II state that an air carrier must provide the following assistance *without additional charge* to someone with a disability or a PRM departing from, arriving at or transiting through an EU airport:

- Carriage of recognised **assistance dogs** in the cabin, subject to national regulations;
- In addition to **medical equipment**, transport of up to two pieces of mobility equipment per disabled person or person with reduced mobility, including electric wheelchairs (subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods);

- Communication of essential **information** concerning a flight in accessible formats;
- The making of all reasonable efforts to arrange **seating** to meet the needs of individuals with a disability or reduced mobility on request and subject to safety requirements and availability;
- Assistance in moving to **toilet facilities** if required; and
- Where a passenger is assisted by an **accompanying person**, the air carrier will make all reasonable efforts to give that person a seat next to the passenger they are accompanying.

The UK Government's July 2018 [Inclusive Transport Strategy](#) set out plans to review the CAA's powers to enforce the relevant law and to evaluate levels of passenger assistance and to strengthen both if need be. There are likely to be further proposals in the Government's [Aviation Strategy](#), which has yet to be published in its final form. In July 2019 [the CAA reported](#) that for the first time no UK airport had been reported as providing a 'poor' level of accessibility for passengers with disabilities – every airport was ranked 'good' or better.

In terms of what might happen after the UK leaves the EU, the current arrangements set out above are transposed into UK law under the [European Union \(Withdrawal\) Act 2018](#) (EUW Act). How far any subsequent change is possible may depend on what sort of agreement the UK reaches with the EU. The UK Government has [agreed](#) with the EU that any future Comprehensive Air Transport Agreement (CATA) would include "relevant consumer protection requirements".

6. How can you get compensation for a delayed or cancelled flight?

At the moment, UK passenger rights to compensation are provided through EU law – [Regulation 261/2004/EC](#).

Full details of the current passenger rights to compensation are available on the [CAA website](#) and in their [Know Your Rights leaflet](#), updated in September 2019.

Briefly, the law sets out what airlines must provide their passengers if a flight is delayed or cancelled. This applies even if the information is not contained in the airline's terms and conditions. It only applies in the following circumstances:

- If the flight is **departing** from a designated country (regardless of which airline operates it); or
- If the flight is **arriving** in a designated country, but departing from elsewhere, *only* if the airline is based in one of these countries.

A list of designated countries is available on the [CAA website](#); essentially it is all EU countries, Iceland, Norway and Switzerland.

An airline is not obliged to pay compensation if it can prove that a delay or cancellation was caused by '**extraordinary circumstances**'. This is defined in paras 14 and 15 of the preamble to the 2004 Regulation. What constitutes 'extraordinary circumstances' has been subject to legal challenge.

It is also worth noting that anyone who pays for an airline ticket using a credit card can contact the credit card provider to see if there is any additional compensation available under [section 75](#) of the *Consumer Credit Act 1974*.

In terms of what might happen after the UK leaves the EU, the current arrangements set out above are transposed into UK law under the [European Union \(Withdrawal\) Act 2018](#) (EUW Act). How far any subsequent change is possible may depend on what sort of agreement the UK reaches with the EU – for example, the EU-Switzerland Air Transport Agreement requires Switzerland to apply the 2004 Regulation.

In April 2018 the UK Government [committed to maintaining the current standards](#) after exit and has [agreed](#) with the EU that any future Comprehensive Air Transport Agreement (CATA) would include "relevant consumer protection requirements".

7. How are air passengers protected if an airline goes into administration?

At present, passenger protection against financial loss in the event of the insolvency of an airline may be provided by one or more of the following:

- the **Air Travel Organiser's Licence (ATOL)** scheme – broadly speaking, UK firms selling air packages, flight plus trips and some flight only bookings must hold an ATOL and if the firm fails, the [CAA](#) draws on the Air Travel Trust (funded by payments from purchasers of ATOL-protected bookings) to cover repatriation and refunds. Whilst it has been effective in mitigating financial losses to most passengers incurred as a result of the insolvency of small airlines (e.g. FlyBMI and Wow Air), the collapse of Monarch and Thomas Cook have demonstrated the scheme's limitations and the challenges of repatriating stranded passengers when large airlines fail.;
- a **travel insurance** policy (potentially packaged with other financial products), of which around 50% provide cover for an airline failure;
- a claim against **credit card** issuers who are jointly and severally liable for a breach of contract under the [Consumer Credit Act 1974](#); and
- reversal of a transaction by a **debit card** issuer where services have not been provided.

The outcomes differ with the various protections. For example, ATOL protection results in repatriation organised by the CAA or a refund for cancelled bookings. Protection under the 1974 Act covers claims above £100 for both losses from the original flight and consequential loss. By contrast, the debit card protection covers loss from the original flight but not consequential loss.

The crucial point to note is that the existing protections are incomplete. Only around 80% of UK-originating passengers have some form of protection from financial loss due to the failure of an airline.

Reform is coming in this area. In May 2019 the Department for Transport published the final report of the independent [Airline Insolvency Review](#), chaired by Peter Bucks.

The then Secretary of State, Chris Grayling, commissioned the Review following the [collapse of Monarch Airlines](#) in October 2017, when 85,000 passengers were repatriated by the Civil Aviation Authority (CAA) at a cost to the taxpayer. More recently, in September 2019, winding-up orders were made by the court against the [Thomas Cook Group companies](#). Following authorisation by the Government, the CAA orchestrated the [repatriation](#) of approximately 150,000 passengers.

The Review considered both refund and repatriation protection in the event of an airline's failure. Its key recommendations were for a new flight protection scheme at a rough cost of 50 pence per passenger; reform of the airline insolvency regime so an airline's own aircraft can be used to repatriate its passengers should it fail; improved powers for the CAA and

Full details of current arrangements and planned reforms are provided in the Commons Library briefing paper [Airline Insolvency Review CBP 8722](#), published January 2020.

measure to increase take up of safeguards that protect the future bookings of customers, when airlines collapse.

The Government has yet to publish a formal response. However, the [December 2019 Queens Speech](#) announced legislation to protect passengers in the event of an airline going bust by reforming the airline insolvency process. This would include:

- The introduction of a special administration regime for airlines to support the needs of passengers post-insolvency and to keep aircraft fleet flying long enough for passengers to be repatriated;
- Enhancing the CAA's regulatory powers to improve their oversight of airlines in distress and mitigate the impacts of a future airline failure;
- Reforms to airline insolvency, to strike a better balance between strong consumer protection and the interests of taxpayers;
- Extending the CAA's remit to apply to the repatriation of both ATOL and non-ATOL protected passengers. (Currently they do not have to repatriate non-ATOL passengers); and
- Establishing and enhancing a repatriation 'toolkit' of mechanisms for companies and passengers, including making it easier for the CAA to grant a Temporary Airline Operating Licence so that an airline can continue repatriating passengers following insolvency.

8. Who investigates when there is an air accident?

The UK [Air Accidents Investigation Branch \(AAIB\)](#) is the relevant investigating authority for any incidents that occur in or over the UK or occurring elsewhere to aircraft registered in the UK. Incidents that occur to non-UK registered aircraft over non-UK airspace are investigated by the relevant national authorities.

The AAIB was set up in 1987, but this function has existed in one form or another since the 1920s. The fundamental principles governing the investigation of civil aviation accidents and incidents are set out in international law (specifically, [Annex 13 of the Chicago Convention 1944](#) and EU [Regulation 996/2010/EU](#)) and implemented in the UK by section 75 of the [Civil Aviation Act 1982](#), as amended, and regulations made under it.

AAIB is an independent branch within the Department for Transport (DfT). The AAIB's head, the Chief Inspector of Air Accidents, reports directly to the Secretary of State on accident investigation. [AAIB's role](#) is to determine the circumstances and causes of an accident and to make safety recommendations, if necessary, with a view to the preservation of life and the avoidance of accidents in the future. It is not to apportion blame or liability. The AAIB is not a regulatory authority and cannot therefore enforce its recommendations.

A full explanation of [AAIB's investigative process](#) is given on its website, updated in June 2018.

9. Who can help if someone is affected by noise or nuisance from aircraft?

Affected individuals often want action taken against noisy and/or low flying aircraft, including helicopters.

In some cases, if it is possible to work out where the nuisance is coming from, you can make representations to the relevant airport, aerodrome, airfield, or heliport that is being used by the aircraft. They have powers to deal with noise and to change departure schedules. It is important to note that any actions they might take are a matter for them.

Issues relating to noise from **commercial aircraft** should be directed to the relevant airport (e.g. nuisance caused by living under a flightpath for an airport such as Edinburgh, Heathrow or Gatwick). These are often complex, systemic issues and are not usually reflective of a law being broken.

If one has reason to believe that an aircraft or helicopter may be in breach of the [Rules of the Air](#), breaking the law or posing a safety risk, one can raise this with the CAA as the relevant enforcement authority. The [CAA can investigate](#):

- **Low flying:** In general, unless they are landing or taking off, an aircraft should be 1,000 ft over a built-up area or otherwise 500 ft from people, buildings etc.
- **Unsafe flying:** You need to provide evidence of the incident, and to enable CAA to track the aircraft concerned you would ideally have its registration. For UK aircraft this is normally G- followed by four letters and is on the side and wing of the aircraft. Examples include unapproved and dangerous low aerobatics or a helicopter landing in a place that puts people or property in danger.
- **Other examples:** Aircraft flying without the correct approvals; companies or individuals charging for flights without the correct certificates; pilots flying without the correct licences and engineers undertaking unapproved work.

If you think you have witnessed a breach of aviation law, the CAA advises reporting the incident using its [online tool](#).

There are three issues the CAA does not deal with. These are:

- **Drones:** If you think a drone is being flown dangerously you should contact the local police on 101.
- **Low flying military aircraft:** For complaints about low flying military aircraft contact SWK-lowflying@mod.gov.uk or call 01780 417 558
- **Criminal activities and security risks:** If you think an aircraft is being used for criminal purposes or is a security risk you should contact Crime Stoppers on 0800 555 111 or call the local police on 101 and quote Project Pegasus.

10. How can I get involved with a local airport's plans to change its flightpaths?

Airspace is a complex thing to understand, the easiest way to think of it is as a motorway network in the sky. Airspace is the volume of space above ground level and extends as far as aircraft can fly. UK airspace contains a network of corridors, or airways. Airspace, like any other piece of infrastructure, needs to be managed and improved. Changes are made via an 'airspace change' process.

Airspace change – whether temporary or permanent – can have unwelcome impacts for local communities. Over recent years there have been concerns that airports have not adequately consulted those who have been affected before implementing change and that the change process itself has not been properly explained.

Anybody can initiate, and thus, sponsor, an airspace change. Sponsors are largely aerodrome/airport operators, the Air Navigation Service Provider (ANSP) (or a combination of the two); or the regulator (the CAA).

A new airspace change process took effect in January 2018. It is explained in detail in the CAA's CAP 1616 document [Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements](#).

There are seven stages to the change process, as set out in CAP 1616. In terms of consultation, this should form a part of stages 1 and 2 (Design and Develop and Assess). Stage 3 (Consult) is the key stage or 'gateway' for consultation. This consists of four separate steps (preparation, approval, consultation, collate and review responses). The CAA must accept each consultation strategy for the proposal to move forwards.

Finally, at stage 5 (Decide) there is a public evidence session for Level 1 airspace changes (i.e. a change that will alter traffic patterns below 7,000 feet and for which sponsors must demonstrate a clear consideration of noise impacts).

Individual sponsors should provide clear information to those affected or anyone who thinks they may be affected, to give their views at all appropriate stages. **A list of applications being processed through the CAP 1616 process is given on the [CAA website](#).** You can use this to search by airport and then sign up for all updates for individual change proposals.

General background on airspace, including the ongoing modernisation programme, is provided in [Commons Library briefing paper CBP 7889](#), updated January 2018 and on the [Gov.uk website](#).

The CAA's consultation principles are set out in [Table C1](#) of CAP 1616 and encompass audience, approach, materials and length.

11. Will Heathrow's third runway be built?

This is currently unclear, in part due to the [Court of Appeal decision](#) on 27 February. There were multiple grounds of appeal that the court considered and found in favour on [one particular count](#):

This relates to the legislative provisions concerning the Government's policy and commitments on climate change, in particular the provision in section 5(8) of the Planning Act, which requires that the reasons for the policy set out in the ANPS [Airports National Policy Statement – see below] “must ... include an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change”. We have concluded, in particular, that the designation of the ANPS was unlawful by reason of a failure to take into account the Government's commitment to the provisions of the Paris Agreement on climate change, concluded in December 2015 and ratified by the United Kingdom in November 2016 (paragraphs 222 to 238 and 242 to 261).

In light of this, the court concluded that the Airports National Policy Statement (see below) was not produced as the law requires, and as Parliament expressly provided. It further stated that the [Paris Agreement](#), non-CO₂ emissions and emissions post 2050 ought to have been taken into account by the Secretary of State in the preparation of the NPS and an explanation given as to how it was taken into account, but it was not (paragraph 283).

The [Secretary of State responded](#) to the judgement by indicating that the Government would not appeal the decision. However, [Heathrow said](#) that it would appeal the decision to the Supreme Court and was ‘confident’ of success. It also indicated it was ready to “work with the Government to fix the issue that the court has raised”.

On 2 March the Aviation Minister, Kelly Tolhurst, [called the decision](#) “a complex and important judgment that the Government need time to consider carefully” and would make no further comment due to Heathrow's decision to appeal.

Pending the outcome of that appeal, Heathrow is planning to build the new runway and intends to submit a planning application (called a [Development Consent Order or DCO](#)) to the Planning Inspectorate. This was expected to be in [late 2020](#), but given the time required to appeal to the Supreme Court this may be delayed. On an end of 2020 timetable, we might expect a decision on whether planning permission has been granted by spring 2022. If plans were to proceed on this timetable a new runway could be open by 2028/29.

The final decision on any DCO application would be taken by a Minister in the Department for Transport. [Grant Shapps told](#) the Transport Select Committee in October 2019: “Ultimately, I will not be the decision Minister on [a Heathrow third runway]. It is neither me nor the aviation Minister. We have a third Minister in the Department to make the actual decision so that they can steer clear of meeting all the relevant parties” [Q31].

A decision on whether to grant that permission would have included reference to the June 2018 [Airports National Policy Statement](#). Given the Court of Appeal decision (see above) that the NPS does not have any legal effect, it is unclear whether the Planning Inspectorate would take a decision on any DCO against the policy statement that preceded the NPS – the [2013 Aviation Policy Framework](#).

Alternately, the Government could amend the NPS to take account of the Court of Appeal's judgement and ask Parliament to designate an amended NPS. The process for amending an NPS is set out in section 6 of the *Planning Act 2008*. More information can be found in the Commons Library briefing paper *Planning for Nationally Significant Infrastructure Projects*, [CBP 6881](#), July 2017.

It is possible that Heathrow's appeal to the Supreme Court will be successful which would likely have the legal effect of reinstating the NPS as currently designated.

Background information about the original designation of the NPS and the debate around Heathrow's third runway can be found in the relevant [Commons Library briefing paper](#), updated in June 2018.

12. What is the Government doing to regulate drones?

The Civil Aviation Authority (CAA) introduced [new drone registration and training requirements](#) from 30 November 2019.

- Anyone responsible for a drone or unmanned aircraft (including model aircraft) weighing between 250g and 20kg needs to register as an operator. The cost for this is £9 renewable annually.
- Anyone flying a drone or unmanned aircraft (including model aircraft) weighing between 250g and 20kg must take and pass an online education package. This is free and renewable every three years.

Members of ARPAS-UK, the British Model Flying Association (BMFA), the Scottish Aeromodellers' Association (SAA), the Large Model Association (LMA) and FPV UK do not need to register as an operator with the CAA system if they are a current member of these associations. With permission, the associations will collect the registration fee from members directly and supply their data to the CAA. This will take place initially by 31 January 2020.

Similarly, remote pilots flying in accordance with a permission, exemption or operational authorisation (e.g. such as the permission related to commercial operations as required in the *Air Navigation Order 2016*, [Article 94\(5\)](#)) that has been issued to a named operator by the CAA are exempt from having to undertake the online education training and test.

The Government set out its reasons for the new requirements in [July 2017](#). These were largely around maintaining the UK's aviation safety record and addressing security and privacy concerns.

For over a year now the Government has also been [seeking an appropriate legislative opportunity](#) to beef up the powers of the police to deal with 'rogue' drone operators. An [Air Traffic Management and Unmanned Aircraft Bill](#) was presented following the October 2019 Queens' Speech, which has just been [reintroduced to Parliament](#) for the 2019-20 session following the General Election.

If you think a drone is being flown dangerously you should contact the local police on 101.

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