

30 October 2020

Shelly Turner
Acting Chief Executive and Director
Civil Aviation Authority of New Zealand
PO Box 3555
Wellington 6140

Sean Rogers
Manager Aeronautical Services
Civil Aviation Authority of New Zealand
PO Box 3555
Wellington 6140

Dear Shelly and Sean

Continuing Concerns and Complaints Regarding Aircraft exceeding 250 knots below 10 000 feet

I refer to our previous correspondence on the issue of aircraft flying over the Auckland urban area under a height of 10 000 feet at a speed greater than 250 knots. This correspondence has been considered by the Auckland Noise Community Consultative Group (ANCCG) of which I am a member, and the general consensus of the members of that group is that to date a satisfactory response has not yet been received from the CAA to the concerns that I raised on behalf of the community representatives on the ANCCG.

The community representatives of the ANCCG respectfully request a further considered response to the issues raised, together with the data the CAA indicated it was seeking from Airways on flights exceeding 250 knots below 10 000 feet over Auckland, and copies of the letters or communications the CAA indicated it would have with Airways and airlines regarding the importance of taking into account noise abatement when planning flight paths and the importance of following noise abatement procedures.

The original action sought from the CAA is still being respectfully requested by the community representatives of the ANCCG, namely that it instruct Airways that aircraft should not, as a matter of course, be granted an exemption from the AIP provision requiring aircraft to maintain a speed of 250 knots or less below an altitude of 10,000 feet, and that Airways should instead, only grant an exemption from this AIP provision where there are good grounds to allow the aircraft to continue at a greater speed (such as sequencing or safety).

Communication to date

To summarise our correspondence to date:

- A letter dated 15 June 2020 from myself and Graeme Easte as community representatives on the Auckland Noise Community Consultative Group established under the Auckland Unitary Plan raising concern that aircraft are being routinely (or habitually) permitted by Airways to fly at a speed greater than 250 knots below an altitude of 10 000 feet over greater Auckland, which needlessly increases noise levels and disturbance for Aucklanders when those aircraft then necessarily have to apply speed brakes (which research has shown produce the greatest and most annoying noise). An example was provided of a flight from Perth over Auckland at 5700 feet altitude flying at 334 knots. We noted in that letter that

'to date, Airways has been unwilling to impose the speed restriction ... thus necessitating our approach to you to explore a method of enforcing the restriction'. That letter was considered in draft and endorsed by the ANCCG at its meeting on 8 June 2020.

- An email from the Acting Chief Executive and Director of the CAA, Shelly Turner, replying to me on 13 July 2020, advising that:
 - CAA rules for noise abatement procedures are found in CAR Part 93, Special Aerodrome Traffic Rules and Noise Abatement Procedures, and these do not contain speed restrictions – rather they focus on aircraft power setting and departure and arrival flight paths;
 - While the CAA General Operating and Flight Rules contain a speed limit of 250 knots for aircraft flying below 10 000 feet, this only applies to Visual Flight Rule (VFR) flights in Class C airspace (which the Auckland Control Zone is) and does not apply to instrument flight rule (VFR) flights. Most flights arriving into Auckland are IFR operations and hence are not subject to the 250 knot limitation.
 - She would nonetheless have CAA staff advise Airways and airlines of the need to operate in a considerate manner taking into account the concerns raised and that they fully apply the noise abatement procedures in CAR Part 93.

- An email in response from me the same day (13 July) to Shelly Turner drawing her attention to NZAIP Auckland Arrivals 31.3-4 providing that:

Unless otherwise approved by ATC, arriving aircraft:

 - **Must not exceed 250 kt IAS below 10,000 ft within 30 NM of Auckland International Airport** and comply with speed requirements promulgated on STAR charts; and
 - Must fly an instrument approach at the promulgated speeds, and additionally an air traffic management requirement to fly MNM 150 kt IAS to 5 NM on final approach. If unable to comply advise ATC with preferred speed.

- An email from Sean Rogers, Manager Aeronautical Services, dated 29 July, responding to my 13 July email, making the following key points:
 - IFR aircraft within Class C airspace are entitled to be above 250Kts below 10,000 feet under CAR 91.237.
 - The AIP provides guidance to existing rules but does not supersede Civil Aviation Rules – ie CAR 91.237.
 - The AIP by inference accepts that speeds above 250Kts IAS can be acceptable, which would have been included as a useful safety tool and in this context, the CAA would be reluctant to impose blanket enforcement of speed limitations outside of the flexibility currently afforded.
 - He had reached out to Airways for data on the frequency at which aircraft are above 250 Kts below 10,000 ft and within 30NM of Auckland, which he would be happy to share with me when it arrives.
 - He would reach out to both Airways and Airlines to remind them of the importance of Noise Abatement considerations when conducting flight management into Auckland.

- A reply from me dated 9 August reiterating that the no flights below 250kt below 10,000 is a rule not guidance, and it is a rule in place worldwide. While ATC retains discretion to request what speed is appropriate, speed waiver should be the exception, not the rule. An aircraft flying at 320 kts is considerably noisier than the same aircraft at 220 kts.

No reply has been received to date from the CAA to my 9 August email.

Action requested from CAA

As mentioned earlier, all of the above correspondence was considered by the ANCCG at its September meeting, and the decision there was taken to await a further response from the CAA to my 9 August email, and if this was not received for me to write again to the CAA.

The ANCCG community representatives all considered that the responses received to date fell below the expectation committee members had of the calibre of response or action that would be undertaken CAA when responding to a legitimate noise concern by a community noise committee established under local planning provisions to monitor and raise any concerns over aircraft noise on behalf of the community.

Moreover, no data has been provided to me as indicated in Sean Roger's email of 13 July on the frequency at which aircraft are above 250 Kts below 10,000 ft and within 30NM of Auckland.

I have also not been provided with (and am not aware of) what action CAA staff took in response to Shelly Turner indicating on 13 July that she would have CAA staff advise Airways and airlines of the need to operate in a considerate manner taking into account the concerns raised and that they fully apply the noise abatement procedures in CAR Part 93.

I have also not been provided with (and am not aware of) what communication was undertaken by Sean Rogers post his email of 29 July in which he undertook to reach out to both Airways and Airlines to remind them of the importance of Noise Abatement considerations when conducting flight management into Auckland.

The ANCCG's concern relates to the number of aircraft permitted to breach (or granted an exemption by Airways from) the AIP rule that requires aircraft to maintain a speed of 250 knots or less below an altitude of 10,000 feet, both in departure and arrival, unless authorised by ATC. Faster aircraft will normally be noisier than aircraft flying at a lower speed. Moreover, an aircraft exceeding 250 knots below 10 000 feet will at some point almost inevitably have to apply speed brakes – which will further exacerbate the noise impact on residents in the vicinity of the aircraft's flight path.

The additional noise is particularly noticeable at night time. I attach examples of five flights for which noise complaints have been received from the community during the last two months which were all flying at a speed of between 280 to 310 knots at an altitude of between 6000 and 8000 feet between 0245 and 0320 in the morning. The issue of fast aircraft flying below 10 000 feet over the

urban area of Auckland is of a very real concern to the members of the ANCCG – particularly during night time hours. It is difficult to see what valid reason there would be for permitting these aircraft to exceed the AIP speed restriction (particularly given the low volume of international flights at present).

The community representatives of the ANCCG request again that the CAA instruct Airways that aircraft should not, as a matter of course, be granted an exemption from the AIP provision requiring aircraft to maintain a speed of 250 knots or less below an altitude of 10,000 feet, and that Airways should instead, only grant an exemption from this AIP provision where there are good grounds to allow the aircraft to continue at a greater speed (such as sequencing or safety). It is the generalised pattern of automatic waivers that in the view of the ANCCG community representatives is unacceptable. It needlessly increases noise levels and disturbance for Aucklanders, as evidenced by the above noise complaints.

On behalf of the community representatives on the ANCCG I also request copies of:

- The data Sean Roger indicated he had requested from Airways on the frequency at which aircraft are above 250 Kts below 10,000 feet and within 30NM of Auckland.
- Any communications (verbal, email or written) taken by CAA staff as a result of Shelly Turner indicating on 13 July that she would have CAA staff advise Airways and airlines of the need to operate in a considerate manner taking into account the concerns raised and that they fully apply the noise abatement procedures in CAR Part 93.
- Any communications (verbal, email or written) undertaken by (or at the behest of) Sean Rogers reaching out to both Airways and Airlines to remind them of the importance of Noise Abatement considerations when conducting flight management into Auckland.

Yours sincerely

Mark Easson
ANCCG Community Representative and retired
Air NZ captain

EXAMPLES OF NOISE COMPLAINTS REGARDING FLIGHTS EXCEEDING 250 KNOTS BELOW 10 000 FEET

Date / Time	Call Sign	A/C Type	Altitude	Speed (appx)	
28 Aug 20 / 03:06	QFA7523	B763	7000 - 8000 fts	310 kts	
28 Aug 20 / 03:21	AWK2	B734	7000 – 8000 ft	310 kts	
15 Sep 20 / 03:04	AWK2	B734	7000 – 8000 ft	290 – 300 kts	

<p>30 Sep 20 / 03:05</p>	<p>SIA729 8</p>	<p>B744</p>	<p>7000 – 8000 ft</p>	<p>290 – 310 kts</p>	
<p>7 Oct Sep 20 / 02:45</p>	<p>SIA72</p>	<p>B774</p>	<p>6000 - 7000 ft</p>	<p>280 kts</p>	

On Wed, 4 Nov 2020 at 15:08, Sean Rogers wrote:

Good Afternoon Mark,

I would like to take this opportunity to respond to continue/update the conversation on Auckland Airport Speed Restrictions and respond to your letter to Shelley and myself dated 30 October 2020.

Firstly, in drafting our earlier responses to your initial engagement with us, I reached out verbally to Airways raising awareness of issues relating to the application of speed restriction in the approach to Auckland Airport. As a result of that conversation with Airways - Policy and Standards, whom we have regular technical engagement, Airways agreed to provide us with the relevant aircraft height, speed and position data to enable a more meaningful analysis of the extent to which aircraft are provided with relief from the AIP guidance. The intent being to continue this conversation, at such time as analysis of that data has been completed, to enable a more informed discussion on this issue. Suffice to say the conversation began with a friendly reminder of the importance of adherence to noise abatement guidance.

Unfortunately, Airways have yet to provide us with the requested information. Providing ANCCG with an update of that would have been useful for you and I do apologise for not informing you of that delay.

Ultimately, should the analysis of this aircraft data indicate a systemic under application of the AIP noise abatement guidance for Auckland Airport we will pursue a more formal interaction with Airways (and Airlines), beyond the verbal interactions thus far.

As a result of your letter, I have reached out to Airways to remind them of the outstanding data and will continue to do so moving forward.

Separately I have also raised this issue verbally with Air New Zealand, and they are more than happy to continue a discussion on this matter.

Once we have established the extent of speed variances we can determine the most appropriate course of action. However, to manage expectations, a sufficiently low incidence of speed above 250Kts may be indicative of a system that is providing for the safe and efficient flow of aircraft into Auckland Airport. Obviously there are many variables to this issue including an element of subjectivity which would be difficult for the CAA to directly influence, particularly if there are safety implications. What I am more than happy to do is facilitate a discussion based on the conclusions we might make from Airways data.

Moving forward I will update you once I have received the requested data. If I have not received anything within the next few weeks I will update you on the 30 November 2020.

Feel free to give me a call you have any further questions.

Regards,

Sean Rogers

Manager Aeronautical Services

From: Mark Easson

Sent: Wednesday, 11 November 2020 2:14 pm

To: Sean Rogers

Cc: Kristina Cooper; Kevin Kevany; ANCCG Chair

Subject: Re: Auckland Airport Noise and Speed Restriction Request

Hi Sean thanks for your reply sent last week. I await responses from Airways but I am fairly sure there are many flights receiving waivers of the 250kt rule! It would be good to get some kind of restriction on the speeds at night over the City at least.

Regards

MARK