

scratching the sky



One of the pleasures of the COVID-19 lockdown, on the margins of Milton Keynes at least (I have not been able to sample anywhere else for about eight weeks), has been the blessing of quiet thanks to the absence of road traffic. The wonder of birdsong is enhanced by the emptiness of the space into which it floats.

Another surprising pleasure has been the unmarked skies. Air traffic centred on Luton and Stansted frequently leaves its vapour trails, with some high-altitude planes heading west presumably to the USA and the Caribbean. The white slashes across the blue skies linger, widening and eventually dispersing, depending on high-altitude wind and atmospheric conditions. But during lockdown the sky is rarely marked, and at night it is only the train of Elon Musk's satellites (bouncing what to whom, and why?) that show the hand of man.

This will change when things are back to 'normal'. Not only will the white strips of high-level air traffic scratch the sky again, but we are now to be gifted

freedom for skywriting and skytyping. The well known defenders of our environment, the Department for Transport (DfT), have taken advantage of their own constituency of vested interests quietly to consult about relaxing controls. They should not have been allowed to consult on this subject without Ministry of Housing, Communities and Local Government involvement. This is an issue of visual and environmental impact which the DfT are not competent to handle alone.

I first spotted the news – too late – in a recent copy of the *i*, which is my lockdown paper of choice. I now freely acknowledge that Damien Gale in *The Guardian* was on to it earlier: on 17 March 2020 he wrote about the 'modest proposal snaking its way through the UK government's legislative agenda... to revive the art of skywriting – in which planes pen messages in the air with smoke. While not an unusual sight elsewhere in the world,' he continues, 'skywriting and skytyping – where planes [fly] abreast and puff smoke at intervals to form letters like a dot-matrix printer – have been banned in the UK for six decades.'¹ Mr Gale was alerting us to the fact that the DfT consultation with its mates would be ending on 29 March 2020.

Looking back at the DfT's closed consultation, *Skytyping and Skywriting: Consultation on*



The DfT is gifting us the freedom to skywrite and skytype

Legalisation,² is quite a shock to those of us in the (mostly) sensitive world of planning. It is astonishingly shallow. The purpose is to seek views 'on legalising skytyping and skywriting as additional forms of aerial advertising activities in the UK'.³

We learn this has been banned since 1960 'when the provision was introduced due to safety concerns, which have now internationally been shown as not valid, as well as a pre-emptive response to visual disruptions and the potential spread of political propaganda'. The last bit seems a bit squiffy. Something like 'Brezhnev says seize the means of production', for example, would have been a waste of smoke poops, considering Clem Attlee's brilliant 1945 government had already done quite a lot of that to popular acclaim. Only 'the display of any mark or inscription on a banner towed behind any aeroplane' has been allowed all these years.⁴ For completeness (we planners love this stuff), it has also been permitted to make 'use of an airship bearing an illuminated sign'.

We learn that the government 'first consulted on the principle of this change in the green paper *Aviation 2050*, and this *targeted* consultation' – spot the weasel word (emphasis added) – 'invites further views from the public on the changes proposed'.⁵ Specifically, the DfT wondered if the Civil Aviation (Aerial Advertising) Regulations 1995 should be amended to allow the advertising activities of skytyping and skywriting to be lawfully conducted. Skytyping, says the DfT:

'delivers a line of text in the sky visible from the ground that, due to practical considerations, is limited to about 35 characters. The letters are made from puffs of smoke emitted at co-ordinated intervals by a group of aeroplanes flying in a line abreast formation in a manner similar to a dot matrix printer... [normally] conducted at a height of between 7,000 ft and 10,500 ft... Each pulse of smoke is approximately 60 metres long. The length of line of text or message decreases with a reduction in altitude. The finished text usually dissipates after around two to four minutes.'

Skywriting is done:

'by a single aeroplane flying to create curves and lines which have the appearance of letters or symbols from the ground. [This is] usually conducted at a height of between 7,000 ft and 14,000 ft by a solo aircraft which emits smoke to create symbols or letters of a mile in length and height. The text is usually limited to eight letters and lasts two to four minutes, depending on weather conditions.'

The DfT's reasons for legalising this activity include the following:

- The 'everyone else does it' argument that it is 'practised in many countries. The US market is the most developed, but operations also take place in Australia, France, Spain, the Middle East, South Africa, China and Japan.'
- The government can make money from it: 'Based on the impact analysis conducted for the purpose of this consultation, the monetary benefits of skytyping alone are estimated to be around £4 million across a five-year period. Additional taxable revenue could also be generated down the supply chain or through skywriting activities.' £800,000 a year, even if you could believe the number? How much care home PPE would that cover?
- It would 'generate additional opportunities for trained pilots but could also generate a need for additional training requirements thus benefiting flying schools and enhancing pilots' skills and knowledge'.⁶

And, in case it worries you, 'offensive or otherwise illegal content could be subject to general criminal law. Depending on the nature of the display, complaints could also be addressed to the Local Trading Standards departments or Advertising Standards Agency.'

Turning to the actual extent of the assessment of the 'visual disruption' that the DfT offers:

*'There is the possibility of a nuisance factor claim from spectators/third parties on the ground objecting to having skytyping or skywriting carried out in the airspace above them. However, given the aeroplanes would be operating at an altitude of at least 7,000ft they would be hard to see and are unlikely, therefore, to be considered a nuisance. The only possible intrusion would be the message itself, which would not last for more than three to four minutes given appropriate weather conditions. Therefore, we deem the impact to be negligible.'*⁷

The reader is asked: 'Question 5: Do you have any comments on the way that we have assessed the visual intrusion impact of these proposals?' These were the results, as set out in Table 6 of the DfT's consultation *Outcome and Summary of Responses* document, issued on 17 April:⁸

- **Agree with the department's assessment: 6**
- **Agree but stated some reservations or issues: 8**
- **Neither agree nor disagree: 5**
- **Disagree with the department's assessment: 39**
- **Total number of responses: 58**

The DfT say that 'This question received the second highest number of responses', and that: *'Thirty-nine of the 58 responses (mostly from private individuals and others) disagreed with the department's assessment of visual intrusion and argued that skytyping and skywriting would spoil views of nature. Some respondents commented that the messages produced would be similar to 'graffiti in the sky' and that the aerial activities would 'diminish from views, tranquillity and recreational enjoyment.'*

'A number of responses (12 private individuals and one other) suggested that alternative and more suitable advertising mechanisms were available. It was also noted that [these activities] would negatively impact health and the messages produced could be dangerous and distracting to motorists.'

The sneer in the presentation of this pathetically small response is palpable. Further:

'Of those that agreed with the department's assessment of the visual intrusion impact [which means six respondents] they stated [the activities] would be 'inspiring', 'welcome at events' and 'fun'. They also noted that the aerial activities would be suitable for "sports matches and public holidays.'

'This isn't a trivial matter, but a cultural litmus test. Our sky is not a Great White (or Blue) Board to be sold as if it was an advertising hoarding'

The DfT's conclusion is to repeat the proposal it had consulted upon, and to state that they will now proceed to amend the Regulations, and that 'secondary legislation will be introduced to give effect to these changes at the earliest opportunity'.

This silliness has to be stopped by the Johnson government. The DfT ought to have better things to do, and are demonstrably no guardians of visual amenity. This isn't a trivial matter, but a cultural litmus test. Our sky is not a Great White (or Blue) Board to be sold as if it was an advertising hoarding, to be scratched and pooped across for some tacky commercial, mawkish or authoritarian purpose ('Don't forget to vote', 'Take a break', and 'The UK is leaving the EU', say the government's motorway traffic signs). Leave our sky free of this excrescence. We aren't like everywhere else, and we don't want to be – that's why we have had a planning system

since 1947. We have advertisement control (on the ground) for good reason.

It may be a false memory of mine, or it may even be apocryphal, but I think there is a highway in the USA which has advertising billboards mile after mile. Then one is missing, with just a small sign that can only be seen if you stop and look. It says: 'This view is brought to you by Coca-Cola'. That is not our path. Leave our sky alone! Support the (quiet) airship industry!

● **David Lock CBE** is a TCPA Vice-President and Strategic Planning Advisor at David Lock Associates. The views expressed are personal

Notes

- 1 D Gale: 'Skywriting and skytyping could return to UK skies'. *The Guardian*, 17 Mar. 2020. www.theguardian.com/world/2020/mar/17/skywriting-and-skytyping-could-return-to-uk-skies
- 2 *Skytyping and Skywriting: Consultation on Legalisation*. Department for Transport, Mar. 2020. www.gov.uk/government/consultations/skytyping-and-skywriting-legalisation/skytyping-and-skywriting-consultation-on-legalisation
- 3 Under Section 82 of the Civil Aviation Act 1982. www.legislation.gov.uk/ukpga/1982/16/contents
- 4 The Civil Aviation (Aerial Advertising) Regulations 1995. Statutory Instrument 1995 No. 2943. www.legislation.gov.uk/uksi/1995/2943/made
- 5 The steps towards a coherent aviation strategy seem to be never-ending. There was the *Aviation 2050 – The Future of UK Aviation* consultation of December 2018, but after that the subject splinters (tackling skywriting while mankind faces an existential global virus crisis illustrates the point) and appears not likely to be brought together soon. Probably the tangle was the third runway at Heathrow 'yes/no' hiatus, but now we are told the whole flying industry is near collapse and we need tourists back. The journey towards a strategy is set out at www.gov.uk/government/collections/aviation-strategy
- 6 The Transport Secretary of State Grant Shapps is a keen flyer, and in October 2019 told the Civil Aviation Authority to do more to support the hobby and private aviation generally – see www.thetimes.co.uk/article/anger-as-grant-shapps-flies-the-flag-for-hobbyist-pilots-btk3f582v
- 7 An illustration in the Appendix to the DfT's consultation shows 'CLEAR TODAY' pooped across perfect blue sky above Toronto's amazing CN Tower, the work of the Yakovlevs – a six-aircraft display team from Somerset, who are proud that 'in 2012 the team broke China Central Television (CCTV) viewing figures, attracting more than 380 million spectators over a five-day period when they were displaying at Faku on the North Korean border for the first ever AOPA China Airday'. Further information is available at www.yakovlevs.com/yakovlevs/
- 8 *Skytyping and Skywriting Legalisation: Outcome and Summary of Responses*. Department for Transport, Apr. 2020. www.gov.uk/government/consultations/skytyping-and-skywriting-legalisation/outcome/skytyping-and-skywriting-legalisation-outcome-and-summary-of-responses