

# Public Document Pack

## NOTICE OF MEETING



# AVIATION FORUM

will meet on

**TUESDAY, 10TH MAY, 2016**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - GUILDHALL,**

TO: MEMBERS OF THE AVIATION FORUM

COUNCILLORS MALCOLM BEER, JOHN BOWDEN (CHAIRMAN), SIMON DUDLEY,  
DAVID HILTON AND JOHN LENTON

SUBSTITUTE MEMBERS

COUNCILLORS JESSE GREY, LYNNE JONES, GEORGE BATHURST, CARWYN COX,  
DR LILLY EVANS AND SIMON WERNER

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>WELCOME</u>	
2.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
3.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
4.	<u>MINUTES</u>  To confirm the minutes of the last meeting.	7 - 12
5.	<u>MATTERS ARISING</u>  To consider any matters arising.	
6.	<u>RBWM RESPONSE TO THE CAA CONSULTATION ON AMENDMENTS TO THE AIRSPACE CHANGE PROPOSALS PROCESS</u>  To consider the manner in which the Borough responds to the 'CAA consultation on amendments to the airspace change proposal process'.  <a href="https://consultations.caa.co.uk/policy-development/proposals-for-revised-airspace-change-process/consult_view">https://consultations.caa.co.uk/policy-development/proposals-for-revised-airspace-change-process/consult_view</a>	13 - 160
7.	<u>PARTNERSHIP BODIES</u>  To receive an update regarding key developments from Strategic Aviation Special Interest Group (SASIG), Heathrow Airport Consultative Committee (HAAC) and Local Authority Aircraft Noise Council (LAANC).	
8.	<u>ANY OTHER BUSINESS</u>  Members to discuss any other business items.	
9.	<u>DATES OF FUTURE MEETINGS</u>  Members to note dates of future meetings: <ul style="list-style-type: none"><li>• Tuesday 6 August 2016</li><li>• Thursday 3 November 2016</li><li>• Monday 27 February 2017</li></ul>	

- Monday 8 May 2017



## MEMBERS' GUIDANCE NOTE

### DECLARING INTERESTS IN MEETINGS

#### **DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

#### **PREJUDICIAL INTERESTS**

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

#### **DECLARING INTERESTS**

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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# Public Document Pack Agenda Item 4

## AVIATION FORUM

TUESDAY, 15 MARCH 2016

PRESENT: Councillors John Bowden (Chairman), Malcolm Beer, Simon Dudley, David Hilton and John Lenton

Also in attendance:

Officers: Shilpa Manek and Chris Nash

## WELCOME

The Chairman welcomed everyone to the meeting and asked everyone to introduce themselves.

The Chairman went through the fire procedures and advised all present that the meeting was being audio recorded.

## APOLOGIES FOR ABSENCE

No apologies for absence were received.

## DECLARATIONS OF INTEREST

No declarations of interested were received.

## MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Forum held on 9 November 2015 be approved.**

## MATTERS ARISING

All Matters Arising would be discussed in the Meeting in other Agenda items.

## FLIGHT PATH ISSUES

Andrew Hall, resident, gave a verbal update concerning the routing flights over the Ascot/Burnham path. Andrew Hall highlighted the following points:

- The noise pollution, there are no flights between 11.30pm and 4.30am and some flights cannot fly over Heathrow for certain routes.
- Helicopters are restricted to 500/1000ft high.
- Silence was not possible as small planes were still allowed to fly.
- There have been two major changes in the last thirty years, there were a lot more planes and there were now helicopters compared to the 1950s.
- Over the decades, the Ascot/Burnham route has become increasingly busy with a high increase in flights, larger fuel tanks, larger populations and a definite decrease in safety.
- The third runway reviews must include the safety issues.

Councillor Hilton asked where the helicopters were heading. Helicopters were flying round the perimeter fence hence having to fly the Ascot/Burnham route. Many helicopters were from the Blackbush and Farnborough areas heading northwards.

Chris Nash informed Members that their concerns were going to be addressed with the CAA in the next couple of months when SASIG meet to consider the issue. Chris Nash was happy to put forward concerns at this meeting. Airport Watch had already wrote to the Prime Minister requesting a consultation. Councillor Beer informed the Members that HAAC had already considered helicopter movements.

Councillor Hilton updated the Members on the ongoing correspondence with NATS concerning the Compton Gate. The points discussed by Councillor Hilton included:

- The verified radar data provided by Heathrow was accurate.
- The final analysis was three weeks ago, an assessment had been written which had not been published yet. It had been agreed with Heathrow. Currently the assessment was being reviewed and amended before publishing.
- No A380's were flown over the 3km gate, more than half flew below 4000ft, outside the noise proliferation. This was checked by the community representatives and all recordings would be published.
- The Community Noise Forum was moving forward in the following ways:
  - Monitoring and verification
  - Operating procedures
  - Light and scheduling operations
  - Research, policy and communication (health and restbite, communications in noise issues)
  - The Compton Route and developing a new route.
- A series of different routes had been proposed and the best route would be reported on once the work was completed. Councillor Hilton had suggested a consultation was the best way forward.

Councillor Beer left the Aviation Forum at 7.45pm.

Chris Nash gave the SASIG update. Points that Chris discussed included:

- Department of Transport (DfT) were currently embarking on a review of airspace and noise policy. It was reviewing the responsibilities of CAA, ATC and the Secretary of State in airspace design and regulation.
- Chris Nash had attended a presentation by Kate Jennings, Head of Airspace Policy at DfT on 4 March where she had set out a number of key aims of the review. The aims were as below:
  - Review NPRs
  - Support the CAA in reviewing CAP725
  - Reviewing need for new statutory guidance – particularly from an environmental perspective
  - Exploring the role of a proposed Independent Aviation Noise Authority
  - Work on how concentrations of aircraft can be addressed (both above and below 4,000ft) and the metrics used to measure.
  - This is to be viewed in conjunction with their noise attitudes study (SONA) which is expected to be published at some point this year.

Chris Nash outlined to the CAA that, in response to the presentation that it was vital for community groups and local authorities to be consulted and that care needed to be taken by the DfT in clarifying 'Airspace Change' and 'Airspace Use' as failure to distinguish these two had led in part of the disruption over communities such as Ascot and surrounding areas.

Chris Nash continued to inform the Forum that further to the information received at SASIG, the borough was contacted by the Aviation Environment Federation (AEF), an environmental lobbying group, to gather our views on the current engagement it was having regarding the DfT's draft noise proposals. The questions currently being asked are as follows:



- The future role of the Secretary of State (SoS) in the airspace change process (including whether or not to retain the requirement, never in fact used, for the CAA to seek the approval of the SofS when there is likely to be a “significant detrimental effect on the environment”
- Proposals for new consultation requirements relating to “Permanent and planned redistribution of air traffic” even if it falls outside the Airspace Change Process as defined by the CAA
- The proposed removal of Noise Preferential Routes at Heathrow, Gatwick and Stansted, with a new duty proposed for the three designated airports to publish details of all the aircraft tracks actually flown on each departure route on at least a quarterly basis.

Chris Nash proposed that if the Forum agreed, a response would be pulled together in consultation with the chairman and Cllr Hilton which would highlight the potential for impact of flight path changes and that the system is not currently working, resulting in a great impact on local residents. A request can then be made to the DfT via the AEF that they engage with neighbouring local authorities directly via full consultation once the feedback sessions were complete.

The Forum agreed with the suggestion made by Chris Nash.

### RBWM/2M SUBMISSION TO GOVERNMENT

A joint letter had been put together with LB of Richmond, Hillingdon and Wandsworth and sent to Government, however no consultation response or further engagement had taken place as a result.

Chris Nash highlighted the following points:

- As members of the forum will be aware, the Government announced at the end of last year that a decision on runway capacity in the South East would be postponed; citing completion of a further package of works to be completed by summer 2016.
- This work is focussing primarily on noise and air quality.
- Through joint working with like-minded 2M Boroughs, in particular Hillingdon, Wandsworth & Richmond, the potential legal processes by which a decision could be made were explored.
- Following discussions with the lead member for environmental services and chairman of this forum a decision was taken in January to enter into a formal agreement with these authorities and to jointly appoint legal representation.
- We have since met jointly with both our solicitor and with an experienced QC to explore the legal mechanisms by which we can fight any decision, if required.
- A joint letter was subsequently sent to the Prime Minister and to the legal department at number 10 outlining the mechanism and intention of the four Borough’s should a decision to expand Heathrow be made. A copy of this letter has been circulated.
- The basis of the legal challenge is that consideration of Heathrow, as a viable option for expansion, is illegal on the grounds of:

- It defies residents legitimate expectation of there not being a future 3<sup>rd</sup> runway. This is due largely to the so-called promises made by the prime minister and previous transport ministers over rejecting a future 3<sup>rd</sup> runway.
- The recommendation is based upon flawed assessment methodology with regards to air & noise particularly
- There has not been adequate or fair consultation for residents
- The letter goes further and challenges the mechanism by which the government appears to be approaching the final 'package of work' – whereby its goals seem to be to convince residents in the robustness of mitigation, rather than looking at the above key legal tests.
- To decide upon a third runway through the mechanism the government is setting out would amount to a substantive change in policy, going against precedents set out in other legal cases.
- In summary & conclusion the letter sets out that the government either set out further detailed consultation, or opens itself up to legal challenge, if required.

### FULL RUNWAY ALTERATION ('CRANFORD APPEAL')

Chris Nash updated the Forum that some correspondence was received on 26 January 2016, confirming the considerations of Secretaries of State for local government, and for transport, regarding the planning inspectorate appeal of proposed enabling work required to implement the Cranford Agreement. In particular it sought views on the wording of a suggested condition regarding noise mitigation.

Other points raised by Chris Nash included:

- The condition sought to group properties in to Type A and Type B – within a 63dB and 69dB contour respectively.
- In our response, further to the one we sent to the inspector in November 2014, we set out a number of key points:
  - The contours would only apply directly to those people immediately surrounding the airport & not to the wider communities surrounding.
  - This is due predominantly to the noise contours put forward being a totally inadequate representation of noise impact in real terms.
  - We also highlighted the appropriateness of the dB levels in principal, due to them falling well short of WHO and NPSE objectives.
  - We proceeded to ask that the Inspector consider imposing a package of noise mitigation measures to all communities affected; ensuring such mitigation is fit for purpose and not simply adhering to the 63dB contour as proposed.
  - The above approach would ensure that communities both in London and the Thames Valley (in both urban and rural settings) are adequately protected against an ongoing unacceptable noise climate, which is likely to be exacerbated for some communities if the above appeal is granted.

### PARTNERSHIP BODIES

#### SASIG

DfT were at the meeting. The policy update included:

- Permutations of the third runway.
- Parliament rising in July.
- First response is due between July and August.

- Levels the same for Gatwick and Heathrow.
- Three month consultation.
- Cost of £10 million.

#### HAAC

- No questions were asked at the meeting.
- Not a consultative committee.
- HAAC newsletter gave details of export and import figures of 50%.
- Cllr Bowden had been given the landing routes of which there were a multiple use of the left and right routes and limited use of the centre route.
- The increased noise levels over Hillingdon and Harmondsworth had not featured in the airport commission.
- Only good news reported by HAAC.

#### LAANC

- Disappointing low attendance continued apparently due to workloads of the Environmental Officers who worked as partners to the Council reps.
- S.Bucks and Elmbridge Councils had joined recently, as had Englefield Green Action Group.
- Surprisingly any Heathrow expansion would be considered as a Planning Application, not as a Parliamentary Hybrid Bill (shades of T5 ?)
- Heathrow had opened bidding process for more localised noise monitors - an opportunity for RBWM.
- The Airports Commission recommendation that an Independent Airport Monitoring Body be established had commenced.
- A high level group which had been set up to consider the problems of new flight path trials had been set up with Stanstead as the main players. LAANC Officers supported in their quest to get LAANC representation.
- LAANC would invite DfT rep to its next Exec Meeting.
- HAL to be asked to explain why the 90 million passengers p.a. in 2016 forecasted at T5 Inquiry is short of that with the current highest to date of 75 million p.p.a with overall average seating take up of circa 73%.
- A Heathrow Noise Monitoring body to be set up at Council level to cover part of the former Noise & Track Keeping Group's remit.
- Heathrow's Noise Action Plan ran out last year. Drafting the targets for the next 5 years had started.
- AND A RECOMMENDATION FOR FUTURE RBWM / LAANC ACTION - challenge the longstanding policy of not setting noise targets (or fines) for landing aircraft. Historic contention has been that so doing could jeopardise safety, but huge increase in southern runway landing post Cranford will highlight this matter.

#### DATES OF FUTURE MEETINGS

The dates of future meetings were noted by Members.

The Chairman suggested that it would be wise to inform our residents of any news using 'Around the Borough' newspaper.

The meeting, which began at 7.00 pm, finished at 8.45 pm

CHAIRMAN.....

DATE.....

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## Stage 1

**Question 1: Will the new process gateways improve the airspace change process?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

**Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

**Question 5: Overall, will Stage 1 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 1:

## Stage 2

**Question 6: Will introducing the options appraisal we propose improve the airspace change process?**

Yes  No  Don't know

If so, should this initially be a 'full' or 'indicative' options appraisal? Please give your reasons and any other views on options appraisal:

**Question 7: Overall, will Stage 2 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 2:

**Stage 3**

**Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?**

Yes  No  Don't know

If so, should a facilitator be a mandatory requirement for certain types of airspace change? Please give your reasons and any other views (including benefits and dis-benefits) on facilitators. CAP 1389 Summary of this consultation March 2016 (Page 6):

**Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 11: Should consultation responses be made solely through the online portal?**

Yes  No  Don't know

Please give reasons for your answer:



**Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 13: Overall, will Stage 3 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 3:

#### **Stage 4**

**Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?**

Yes  No  Don't know

Please give reasons for your answer. CAP 1389 Summary of this consultation March 2016 (Page 7):

**Question 16: Overall, will Stage 4 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 4:

## **Stage 5**

**Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 19: Overall, will Stage 5 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 5:

## **Stage 6**

**Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

## **Stage 7**

**Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?**

**Question 22: Overall, will Stage 7 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 7:



**Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

Yes  No  Don't know

Please give reasons for your answer. CAP 1389 Summary of this consultation March 2016 (Page 8):

**Question 24: Should the CAA set up an Oversight Committee?**

Yes  No  Don't know

Please give reasons for your answer, including what benefits or drawbacks it would deliver compared with the proposed process:

**Question 25: Are there any other areas where the CAA should provide guidance?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?**

**Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?**

**Question 30: Do you have a preference for either of the options for recovering the CAA's airspace change costs that are set out in Chapter 7?**

Please give your reasons and any other views on how the CAA recovers its airspace change costs:

**Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons. CAP 1389 Summary of this consultation March 2016 (Page 9):**

**Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?**

Yes  No  Don't know

Please provide any further comments or evidence that would inform our proposed transition arrangements:

**Question 33: Are our timescales for introducing the new process reasonable?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 34: Do you agree with the concept of an online portal?**

Yes  No  Don't know

Please give reasons for your answer.



**Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?**

**Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?**

**Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?**

Yes  No  Don't know

Please give reasons for your answer:

**Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?**

Yes  No  Don't know

Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible. CAP 1389 Summary of this consultation March 2016 (Page 10):

**Question 40: We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process:**

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# Consultation on proposals for a revised airspace change process

CAP 1389

**Published by the Civil Aviation Authority, March 2016**

Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
West Sussex  
RH6 0YR

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## Summary of this consultation

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The purpose of this consultation is for the CAA to learn your views on some changes we are considering making to our airspace change decision-making process. Our objective is to optimise our process to ensure that all stakeholders are adequately consulted as part of a transparent, proportionate process. The process should be impartial and evidence-based, and should take proper account of the needs and interests of all affected stakeholders.

This document sets out why we believe a review is necessary, and the main findings of Helios, the consultants who carried out an independent review of the process on our behalf. We explain the main principles behind our proposed changes, and, in Chapter 4, details of the specific changes we are considering to each stage of the process. We discuss the impacts we anticipate our proposed changes will have, and invite you to share evidence so we can define these further. In Chapter 6 we also set out the statutory duties the Government has set the CAA, and how we use these in making decisions about airspace. However, this consultation is not about government policy, which is not a matter for the CAA. Neither is it about specific airspace changes that have already happened, or are currently moving through the stages of the existing process.

This consultation will close on 15 June 2016. We are asking all consultees to respond through a dedicated online platform, at [Citizen Space](#), which is designed specifically to be user-friendly for people wanting to respond to complex national and local consultations. It will also enable us to analyse your responses effectively, and improve how we communicate our decisions based on the responses we receive.

More detail about the objectives and scope of this consultation is set out in the introduction, along with further detail about how to respond to it. The introduction also includes contact details for people who have questions about this consultation or would like to request that the CAA attend a meeting about this consultation.

There are 40 consultation questions, which are listed below for ease of reference. They also appear throughout the document, in the context of information that will help you respond to them.



**Question 1: Will the new process gateways improve the airspace change process?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

**Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

**Question 5: Overall, will Stage 1 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 1.

**Question 6: Will introducing the options appraisal we propose improve the airspace change process?**

Yes  No  Don't know

If so, should this initially be a 'full' or 'indicative' options appraisal? Please give your reasons and any other views on options appraisal.

**Question 7: Overall, will Stage 2 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 2.

**Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?**

Yes  No  Don't know

If so, should a facilitator be a mandatory requirement for certain types of airspace change? Please give your reasons and any other views (including benefits and disbenefits) on facilitators.

**Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

Yes  No  Don't know

Please give reasons for your answer.

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Please give your reasons and any other views on Stage 4.

**Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?**

Yes  No  Don't know

Please give reasons for your answer.

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Yes  No  Don't know

Please give reasons for your answer.

**Question 19: Overall, will Stage 5 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 5.

**Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

**Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?**

**Question 22: Overall, will Stage 7 improve the airspace change process?**

Yes  No  Don't know

Please give your reasons and any other views on Stage 7.

**Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 24: Should the CAA set up an Oversight Committee?**

Yes  No  Don't know

Please give reasons for your answer, including what benefits or drawbacks it would deliver compared with the proposed process.

**Question 25: Are there any other areas where the CAA should provide guidance?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?**

**Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?**

**Question 30: Do you have a preference for either of the options for recovering the CAA's airspace change costs that are set out in Chapter 7?**

Please give your reasons and any other views on how the CAA recovers its airspace change costs.

**Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.**

**Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?**

Yes  No  Don't know

Please provide any further comments or evidence that would inform our proposed transition arrangements.

**Question 33: Are our timescales for introducing the new process reasonable?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 34: Do you agree with the concept of an online portal?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?**

**Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?**

**Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?**

Yes  No  Don't know

Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible.

**Question 40: We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.**

# Glossary

Although we have avoided the use of abbreviations where possible in this document, in the interests of completeness we have included below some common abbreviations – as well as other terms – that relate to airspace change.

Abbreviation or term	Description
Airport Consultative Committee	An advisory body set up by an airport which provides a forum for representatives of airport users, local authorities and other relevant bodies to discuss matters concerning the development or operation of the airport that may affect users and people living and working locally. See section 35 of the Civil Aviation Act 1982 (as amended by the Airports Act 1986).
Airspace change process	The staged process an airspace change sponsor follows to submit an airspace change to the CAA for a decision. The process includes actions associated with implementation and post-implementation review, beyond the CAA decision.
Airspace change proposal	A request (usually from an airport or air traffic control provider) for a permanent change to the UK airspace structure.
AIP	UK Aeronautical Information Publication – long-term information essential to air navigation, including the detailed structure of UK airspace, which forms part of the UK Integrated Aeronautical Information Package. Sometimes informally known as the Air Pilot. <a href="http://www.ais.org.uk">www.ais.org.uk</a>
AIRAC	Aeronautical Information Regulation and Control – for operationally significant changes, the AIRAC cycle is used where revisions are produced every 56 days (double AIRAC cycle) or every 28 days (single AIRAC cycle). These changes are received well in advance so that users of the aeronautical data can update their flight management systems that are used to guide aircraft along their flightplans.
Air Navigation Directions	The Civil Aviation Authority (Air Navigation) Directions 2001 (incorporating variation Direction 2004). These Directions set out the CAA's air navigation duties and were jointly issued by the Secretary of State for Transport and the Secretary of State for Defence.
Air Navigation Guidance	Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions, January 2014, DfT. Government guidance which the CAA is required to take account of when considering airspace change proposals. <a href="https://www.gov.uk/government/publications/air-navigation-guidance">https://www.gov.uk/government/publications/air-navigation-guidance</a>
Airway	A corridor of controlled airspace of defined width with a defined lower base, extending to Flight Level 245 (a nominal altitude of 24,500 feet) unless otherwise denoted.

Abbreviation or term	Description
ANSP	Air navigation service provider – an organisation which operates the technical system, infrastructure, procedures and rules of an air navigation service system, which may include air traffic control. (In this document, for ease of comprehension we generally use the term air traffic control provider.)
Area of Outstanding Natural Beauty	An area of countryside which has been designated for conservation because of its significant landscape value, recognising its national importance.
ATC	Air traffic control.
ATM	Air traffic management – the combined processes of air traffic control, air traffic flow management, and aeronautical information services. ATM can also mean air transport movement.
ATS	Air traffic service – a broad term encompassing air traffic control and other air traffic advisory, information and alerting services.
ATZ	Aerodrome traffic zone – normally, circular zones around an aerodrome where pilots and ATS providers must follow specific requirements.
CAP 724 CAP 725 CAP 1356	CAP 724 <i>Airspace Charter</i> . <a href="http://www.caa.co.uk/cap724">www.caa.co.uk/cap724</a> CAP 725 <i>CAA Guidance on the Application of the Airspace Change Process</i> . <a href="http://www.caa.co.uk/cap725">www.caa.co.uk/cap725</a> CAP 1356 <i>Helios report: Independent review of the Civil Aviation Authority's Airspace Change Process</i> . <a href="http://www.caa.co.uk/cap1356">www.caa.co.uk/cap1356</a>
Classes of airspace	Airspace is broken down into different classes, defined by ICAO. In the UK, Classes A, C, D and E are controlled airspace and Class G is uncontrolled airspace (Classes B and F are currently unused in the UK).
Controlled airspace	Airspace in which air traffic control needs to have positive control over aircraft flying in that airspace to maintain safe separation between them.
CO <sub>2</sub>	Carbon dioxide.
DCT	Direct – in relation to flight plan clearances and type of approach.
DEFRA	Department for the Environment, Food and Rural Affairs.
DfT	Department for Transport.
EASA	European Aviation Safety Agency – the European Union authority for aviation safety.
En-route phase	That part of the flight from the end of the take-off and initial climb phase to the commencement of the approach and landing phase.
ERCD	Environmental Research and Consultancy Department (of the CAA, part of the CAA's Policy Programmes Team).
FAS	Future Airspace Strategy – a collaborative initiative between a range of stakeholders for modernising the UK's airspace (which sets the direction, but does not include details or recommendations about specific structures or flightpaths). <a href="http://www.caa.co.uk/fas">www.caa.co.uk/fas</a> .



Abbreviation or term	Description
FASIIG	Future Airspace Strategy Industry Implementation Group – representing largely commercial aviation industry interests in FAS.
FASVIG	Future Airspace Strategy Visual Flight Rules Implementation Group – representing VFR community interests (including General Aviation) in FAS.
GDP	Gross Domestic Product.
General Aviation	Essentially all civil flying other than commercial airline operations, which therefore encompasses a wide range of aviation activity from powered parachutes, gliding and ballooning to corporate business jets, and includes all sport and recreational flying.
Helios	A management and technology consultancy focusing on air traffic management, airports and space.
IANA	Independent Aviation Noise Authority – a proposed body recommended by the Airports Commission. <a href="http://www.gov.uk/government/organisations/airports-commission">www.gov.uk/government/organisations/airports-commission</a>
ICAO	International Civil Aviation Organization – the agency of the United Nations responsible for international standards for civil aviation.
IFR, VFR, SVFR	Flight Rules – aircraft can operate under Visual Flight Rules or Instrument Flight Rules. There is also an intermediate form, Special Visual Flight Rules.
Judicial review	A type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. A judicial review is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. The court will not substitute what it thinks is the ‘correct’ decision.
LAMP	London Airspace Management Programme, one part of FAS.
Leq, Lmax	Equivalent continuous sound level, maximum sound level. <a href="http://www.caa.co.uk/Environment/Environmental-information/Information-by-environmental-impact/Noise/">www.caa.co.uk/Environment/Environmental-information/Information-by-environmental-impact/Noise/</a>
MoD	Ministry of Defence.
NATMAC	National Air Traffic Management Advisory Committee – an advisory body chaired by the CAA with representation across the UK aviation community, consulted for advice and views on airspace management and strategy matters.
NATS, NERL, NSL	NATS (formerly National Air Traffic Services) is the biggest air navigation service provider in the UK. It is the parent company of NERL (NATS En Route plc) and NSL (NATS Services Limited). <a href="http://www.nats.co.uk">www.nats.co.uk</a>
Non-governmental organisation	An organisation that is neither a part of a government nor a conventional for-profit business.
NOx	Term used to describe nitric oxide (NO), nitrogen dioxide (NO <sub>2</sub> ) and other oxides of nitrogen.

Abbreviation or term	Description
NPR	Noise Preferential Route – aircraft departing from certain airports follow set departure routes agreed by Government or Local Authority, with the aim of minimising noise impacts on the ground; the NPR followed usually depends on the destination of the flight.
Oversight Committee	An independent committee proposed by Helios to advise the CAA on airspace change proposals.
PBN	Performance-based navigation – the broad range of technologies that reflect the replacement of a navigation system based on ground-based navigation aids with one that relies more on the performance and capabilities of equipment on board the aircraft, including satellite-based navigation aids and area navigation procedures capability.
PIR	Post-implementation review (of a CAA airspace change decision).
Public Evidence Session	Based on a Helios recommendation, this proposal would give stakeholders other than the sponsor the opportunity to provide the CAA with views on an airspace change proposal directly.
RMZ, TMZ	Radio mandatory zone, transponder mandatory zone – defined airspace in which the carriage and operation of radio or transponder equipment is mandatory unless previously agreed.
RNAV, RNP	Area navigation, required navigation performance – types of performance-based navigation.
RP2 / RP3	Reference Period – the fixed periods around which the CAA's economic regulation of NERL is based. RP2 runs from 2015 to 2019 and RP3 runs from 2020 to 2025.
SARG	Safety and Airspace Regulation Group of the CAA.
SEL	Sound exposure level, a metric for the duration and intensity of noise generated by a single aircraft at the measurement point.
SES	Single European Sky, European legislation that supports a programme of modernisation and harmonisation of airspace structures and air traffic control methods for a more systemised and efficient European air traffic management system.
SESAR	The Single European Sky Air Traffic Management Research (SESAR) project, which concerns the roll-out new technology across the European Union.
SID	Standard Instrument Departure – published flight procedures followed by aircraft on an Instrument Flight Rules flightplan immediately after take-off. More specifically, a SID is a designated IFR departure route linking the aerodrome or a specified runway of the aerodrome with a specified significant point, normally on a designated ATS route, at which the en-route phase of a flight commences.
Sponsor	An organisation that proposes, or sponsors, an airspace change in accordance with the CAA's airspace change process.

Abbreviation or term	Description
STAR	Standard Arrival Route – published flight procedures followed by aircraft on an Instrument Flight Rules <u>flightplan</u> just before reaching a destination airport. More specifically, a STAR is a designated IFR arrival route linking a significant point, normally on an ATS route, with a point from which a published Instrument Approach Procedure can be commenced.
TMA	Terminal Manoeuvring Area – a designated area of controlled airspace surrounding a major airport where there is a high volume of traffic.
Uncontrolled airspace	Airspace in which aircraft are able to fly freely through the airspace without being constrained by instructions in routeing or by air traffic control, unless they require a service.
Upper airspace	Controlled airspace above Flight Level 245 (a nominal altitude of 24,500 feet).
VFR	See IFR.

## Chapter 1

# Introduction

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## The CAA's airspace role

- 1.1 The CAA, as the independent specialist aviation regulator, has responsibility for regulating the airspace over the UK. This includes the new and established air traffic routes and areas which commercial aircraft use to fly into and out of airports, and the airspace used by military flights and General Aviation (i.e. private or recreational<sup>1</sup>) flyers. We explain more about airspace structures in Chapter 2. Changes to these routes, areas or some other aspect of the UK airspace structure should be proposed by an organisation, usually an airport or a provider of air traffic control services<sup>2</sup>, by following the CAA's **airspace change process**.

## Purpose of this consultation

- 1.2 This document sets out the ways we are considering changing the airspace change process, and our reasons why, and seeks your views.
- 1.3 The airspace change process is used to ensure that changes proposed to airspace comply with relevant law and:
- are safe
  - secure the most efficient use of the airspace, while being technically feasible
  - satisfy the requirements of airspace users
  - take account of the interests of anyone affected
  - take account of any government guidance to the CAA on environmental objectives.
- 1.4 We also have statutory obligations regarding the military, national security and international matters, and to exercise our air navigation functions so as to impose a minimum of restrictions on providers of air traffic services. This is set out in section 70 of the [Transport Act 2000](#) (which we reproduce in Chapter 6).

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<sup>1</sup> The definition of General Aviation varies, but is essentially all civil flying other than commercial airline operations. It therefore encompasses a wide range of aviation activity from powered parachutes, gliding and ballooning to corporate business jets, including all sport and recreational flying.

<sup>2</sup> Although for ease of comprehension we refer to air traffic control provider in this document, by extension this could also be any provider of air navigation services.

- 1.5 Often there are differing requirements and conflicting interests between different groups of stakeholders. When this is the case, section 70 requires us to apply its provisions in the manner we think reasonable, while having regard to them as a whole. This often means balancing the needs of those affected by an airspace change proposal, whether they are other airspace users such as private pilots, service providers like airports, or local communities. In the interests of transparency, this consultation also seeks views on how we currently apply these provisions, since we have not previously set this out.

## Your views are invited

- 1.6 **We are asking for your views on our proposals to revise the airspace change process.** We explain why we consider the process needs revising, and the characteristics of the revised process we are currently considering implementing, and we highlight the proposed changes in the form of key principles and actions. Only after we have received views will we be in a position to decide which changes to take forward and incorporate into a republished version of [CAP 725](#), *CAA Guidance on the Application of the Airspace Change Process*. However, simultaneously with this consultation, we are republishing CAP 725 simply to update references and terminology. We are calling this update the ‘administrative update of CAP 725’.
- 1.7 Your comments will help us to design a fair, transparent and engaging process for handling airspace change proposals, striking the right balance between the interests of passengers and the aviation industry (including private flyers), and people affected by aircraft noise and emissions that impact on air quality (and, more widely, climate change). Your views on these proposals are therefore important to us. We hope that you can find the time to tell us what you think.
- 1.8 This consultation is not a referendum: we will need to take account of all views and balance different and often competing interests. This means that we will not automatically implement every idea or solution that gets the highest proportion of support, particularly if that support comes from only one of the many stakeholder groups we need to take into account.

## Structure of this consultation document

- 1.9 This consultation document is divided into nine chapters and four appendices:
- Chapter 1: Introduction
  - Chapter 2: The current airspace change process
  - Chapter 3: Reasons for changing the current process, including the main findings of the independent review by Helios
  - Chapter 4: How the CAA is considering revising the airspace change process

- Chapter 5: Scaling the airspace change process
- Chapter 6: CAA duties when carrying out our airspace functions under section 70 of the Transport Act 2000
- Chapter 7: CAA cost recovery for administering the airspace change process
- Chapter 8: Transition to a new airspace change process
- Chapter 9: Next steps
- Appendices setting out more detail on:
  - the appraisal of different options for airspace change proposals
  - our proposed online airspace change portal
  - the factors we consider, in relation to relevant law
  - the impact of the process proposed in this consultation.

## How to respond to this consultation

- 1.10 We have sought to make this consultation as accessible as possible by presenting the key points on a dedicated consultation website, Citizen Space. The longer document you are reading is for stakeholders wanting more detail. The questions in each case are the same.
- 1.11 Please note that the consultation will close on 15 June 2016 and we cannot commit to taking into account comments received after this date. Please let us have your comments by answering the questions at this link: [consultations.caa.co.uk](http://consultations.caa.co.uk) . The questions include some multiple choice answers and the opportunity to submit your comments by completing text boxes. We understand that some stakeholders may prefer not to be constrained by the questions alone and will want to send a self-contained response. While we will accept these submissions, we will not be able to analyse them in the same way that we analyse the online responses. Our preference is therefore that you complete the online consultation.
- 1.12 We will assume that all responses can be published on our website. When you complete the online consultation there will be an option for you to hide your personal details or refuse publication. In the interests of transparency, we hope people will not refuse publication. If you do send us a separate submission and it includes any material that you do not want us to publish, please also send us a redacted version that we can publish. You should be aware that information sent to and therefore held by the CAA is subject to legislation that may require us to disclose it, even if you have asked us not to (such as the Freedom of Information Act and Environmental Information Regulations). Therefore, if you do decide to send information to the CAA but ask that this be withheld from publication via

redacted material, please explain why, as this will help us to consider our obligations to disclose or withhold this information should the need arise.

- 1.13 If you would like to discuss anything about how to respond to the consultation, please email [airspace.policy@caa.co.uk](mailto:airspace.policy@caa.co.uk) or telephone Barbara Perata-Smith on 0207 453 6266.

## What is in scope of this consultation (what we are consulting on)

- 1.14 This consultation document is about the CAA's airspace change process and revising the current guidance set out in two CAA publications, [CAP 724](#), *Airspace Charter* and [CAP 725](#), *CAA Guidance on the Application of the Airspace Change Process*. It is also about the way in which we carry out our airspace change function and give effect to our statutory duties when doing so. We are consulting on the material changes we are considering making to the process and the underlying concepts and the improvements they are intended to deliver. We set this out in some depth in Chapter 4. We do not intend to publish a replacement for CAP 725 (other than the administrative update), or indeed for CAP 724, until we have considered the outcome of this consultation.
- 1.15 Once we have considered responses to this consultation, and taken into account the Government's views and any changes in its policy on airspace and noise issues<sup>3</sup>, we will set out in a 'comments response document' the changes which we have decided to incorporate in the airspace change process. (We do not envisage being able to respond separately to each individual submission.) We will then incorporate these changes into a replacement for CAP 725 and, if necessary, CAP 724. We expect to consult on the redrafted versions in early 2017, to ensure that the guidance is as robust as possible. We would not of course be seeking a second round of comments on the underlying principles (which are the subject of this consultation).
- 1.16 We will also need to ensure that any changes we make are compliant with any emerging European legislation.<sup>4</sup>

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<sup>3</sup> We know that the Department for Transport is reviewing its policy in the area of airspace, including the Directions it may give to the CAA in this regard. Should proposals be put forward by the Government, it is our intention to devise an airspace change process which can flexibly accommodate changes to policy and Directions.

<sup>4</sup> The way that EU member states carry out airspace change (i.e. the airspace change process) will be subject to new European legislation being drafted by an expert group through European Aviation Safety Agency (EASA) rulemaking task RMT.0445 *Technical requirements and operation procedures for airspace design (ASD), including procedure design*. We believe the proposed process outlined in this consultation document is aligned with the draft plans that EASA is currently reviewing. EASA will consult on its plans later in 2016. Depending on the final text of the EASA rule, we may have to review and adjust any new airspace change process to ensure that it remains aligned.



## What is out of scope of this consultation (what we are not consulting on)

- 1.17 There are a number of aspects of airspace change that are not within the scope of this consultation. Consequently, the CAA will not consider or act upon any responses that focus on these areas, which are detailed below.

### Matters of government policy

- 1.18 This consultation document is not about matters which are outside of the CAA's airspace change process. This includes government policy, which the CAA's process must implement, and which we will discuss with the Government but which ultimately the CAA has no control over. The consultation also assumes that the respective CAA and Secretary of State functions in respect of airspace remain unchanged. If any aspects of these were to change there may be an impact on the CAA's process, which we would have to take into account and address at that time.
- 1.19 Below is a list of some of the policy areas where there could be a knock-on impact on the CAA process:
- Changes to the statutory guidance which the Secretary of State gives the CAA on how it should take environmental impacts into account (see Chapter 2). This includes, by way of example: the policy objective to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise; whether flight paths are concentrated along a narrow path or deliberately dispersed; how and whether aircraft tracks are alternated to provide periodic respite from noise; and whether tranquil areas are avoided.
  - Matters of national defence and security
  - Matters relating to the implementation of European law which is binding on the UK
  - Whether changes to flight paths where the 'notified' airspace structure is unchanged are subject to an approval process
  - The 'noise preferential routes' set by the Secretary of State at Heathrow, Gatwick and Stansted airports for aircraft departures
  - Whether the Government decides to implement recommendations by the Airports Commission to create an 'Independent Aviation Noise Authority', a new noise engagement forum, or a compensation scheme
  - The standard metrics for quantifying the amount and level of noise.
- 1.20 The Government may review and update its policies and any of the documents noted above. For example, it may choose to consider the Airports Commission's recommendation to create an Independent Aviation Noise Authority. The CAA's



airspace change process will need to be flexible to respond to policy changes as and when they happen. We believe this is a matter for the CAA and Government to discuss and agree, and we will not re-consult on our process unless policy changes are of such a substantial nature that we consider we have to, or the Government explicitly requests us to do so.

### **Changes to flight paths which result from decisions made by air traffic control providers and outside the CAA's control**

- 1.21 Some changes to flight paths can be made by the air traffic control provider on a long-term tactical basis by altering its procedures without the CAA needing to be notified. This is essentially where operational and safety requirements necessitate an airspace structure where there is flexibility as to the exact flight paths followed. Within such areas, for the purposes of safety and service delivery, air traffic controllers may issue directional instructions to aircraft which are either not aligned with a published flight path or where no such published flight path exists. Guidelines on noise such as following Noise Preferential Routes and descending from optimum heights to minimise noise disruption are still adhered to. It has been argued that where such tactical changes to flight paths lead to a planned permanent redistribution of noise, they ought to be subject to a similar process. This would require a change in government policy which, if undertaken, may result in a change to the Directions from the Secretary of State to the CAA. This is not covered in this consultation. If the Directions to the CAA were changed, we would review our process and consult on any changes to it if necessary.

### **CAP 725**

- 1.22 As explained above, we will only redraft CAP 725 once we have heard your views, and therefore we are not consulting on a replacement document at this stage. We expect to seek stakeholders' views on the redrafted version in early 2017.
- 1.23 Airspace changes that have recently been approved, or are currently going through the airspace change process, are also out of scope. This consultation concerns the process and how it may change in the future, not the specific details of current or developing proposals which adhere to the current process.

### **CAA stakeholder engagement concerning this consultation**

- 1.24 We are willing to meet with any stakeholder organisations to discuss our proposals, subject to the necessary staff being available. Because of limited resources, where possible we will seek to incorporate this as part of existing meetings. For further information please email [airspace.policy@caa.co.uk](mailto:airspace.policy@caa.co.uk) or telephone Barbara Perata-Smith on 0207 453 6266.

## Chapter 2

# The current airspace change process

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## Introduction

- 2.1 This part of the document explains the current airspace change process in the context of Government policy on airspace and aviation noise. It sets out the reasons why we felt the process would benefit from a review. It then goes on to summarise the main findings of Helios, the consultants who carried out an independent review of the process on our behalf, and their recommendations for improving the process.

## What are airspace and the airspace change process?

- 2.2 In its simplest terms, airspace is the portion of the atmosphere controlled by a State above its territory and areas over the sea within which a State is contracted by the International Civil Aviation Organization (ICAO) to provide air traffic services. It is an invisible national asset. For air traffic control purposes, airspace can be divided into two main categories, controlled and uncontrolled. Controlled airspace is where air traffic control needs to have positive control over aircraft flying in that airspace to maintain safe separation between them. Uncontrolled airspace is airspace where aircraft are able to fly freely through the airspace without being constrained by instructions in routeing or by air traffic control, unless they request a service.
- 2.3 Controlled airspace contains a network of corridors, or airways. They link the busy areas of airspace above major airports. At a lower level, control zones are established around each airport. These portions are therefore nearer the ground and closer to population centres. Because controlled airspace carries with it requirements that affect the aircraft and pilots that fly in it, an airspace change can impact the users of airspace in different ways. The CAA has a policy of keeping the volume of controlled airspace to the minimum necessary to meet the needs of UK airspace users and to comply with its international obligations.
- 2.4 The CAA is responsible for approving the overall layout of the published airspace structure and any proposed changes to it.<sup>5</sup> We do so in the context of legal requirements which include safety, the environment and the needs of the consumers of aviation services. For example, changes might be needed to enable UK airspace to accommodate more flights, to incorporate new

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<sup>5</sup> The airspace structure must be distinguished from the processes and procedures devised by air traffic control providers that provide air traffic control within the broad parameters set out by the airspace structure approved by the CAA.

technology, to allow aircraft to fly more direct routes or to keep them away from particular areas. As explained in the introduction, when we are asked to consider a change to the structure of UK airspace we will consider whether there is any reason why the change ought not to be made. Before agreeing to approve any change we then have to consider safety, environmental impacts (including aircraft noise and emissions) and operational factors.

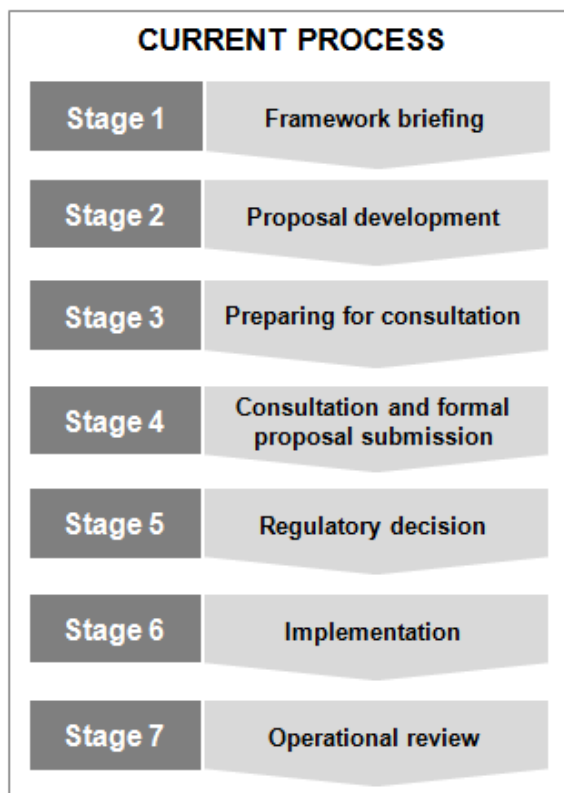
- 2.5 We therefore require the proposer or ‘sponsor’ of any permanent change to the published airspace structure to follow our **airspace change process**. The sponsor is usually an airport or an air traffic control provider; however, a proposal can be put forward by any interested party, such as the Ministry of Defence or General Aviation stakeholders. This process is set out in two CAA publications, [CAP 724](#), *the Airspace Charter* and [CAP 725](#), *CAA Guidance on the Application of the Airspace Change Process*. The process requires the sponsor to go through a series of stages before formally submitting a change proposal to us for consideration and a regulatory decision.

## Legal framework

- 2.6 Directions issued by the Secretary of State to the CAA give us a number of airspace-related functions including: the duty to develop policy and strategy on the use and classification of airspace; to publish the UK airspace structure; and therefore to approve changes to it. Under section 70 of the Transport Act 2000, we have a duty to take a number of material factors into account when carrying out our airspace functions (in the scope of this consultation, the most notable of which is whether to agree to an airspace change), including taking account of specific guidance on environmental objectives (last updated in January 2014). This is discussed further in Chapter 6. The CAA’s airspace change process is our published policy setting out how we give effect to our role to approve changes to airspace, and to the law and policy which govern our role.

## The current airspace change process

- 2.7 This document does not attempt to go into detail on the current airspace change process or the underlying legislation and government guidance. This is already fully detailed in CAP 725. However, a brief explanation of the different stages in the process and the number of proposals we receive will provide useful background for the discussion in Chapter 3 of the changes on which we are consulting.

**Figure 2.1: Overview of the airspace change process as published in CAP 725**

- 2.8 These stages begin with outline conversations between the sponsor and the CAA around design options and who should be consulted. The sponsor then consults with interested parties, including, where appropriate, local communities. In the light of responses the sponsor may modify the proposals before making a formal submission of the proposal to the CAA for a decision. Assuming that the proposal is approved, the CAA carries out a review of the change after it has been implemented, typically after one year of operation.
- 2.9 The number and scale of airspace change proposals which the CAA receives each year varies considerably. Some approaches by sponsors do not go beyond initial outline conversations and never progress to a proposal. Some proposals can last several years between the first conversation and the final decision. At the time of writing there are 59 airspace change proposals that are currently active. Of that number, 30 have yet to reach the regulatory decision stage (and are therefore between Stages 1 and 5). A decision has been made on the other 29, which are awaiting either implementation or completion of the associated post-implementation review. It is anticipated that the number of airspace change proposals will increase as a result of changes to European law; a desire by the International Civil Aviation Organization (ICAO) to move to performance-based navigation; and the goals and objectives of the UK's Future Airspace Strategy. The global standard for navigation performance has now shifted from ground-based navigation aids, such as those we have had in the UK for the last 40

years, to navigation performance based on satellite systems and improved aircraft equipment.

- 2.10 Airspace change proposals vary greatly in terms of size, scale of impact and complexity. On the whole, the two main interested parties for changes at higher altitudes are the air traffic control provider for upper airspace (NATS), and the Ministry of Defence. For those changes at lower altitudes there is more likelihood of conflict in balancing the requirements of a wider range of parties who are likely to be affected. Commercial air transport largely operates inside controlled airspace, while recreational flyers (generally using airspace below 6,000 feet and outside controlled airspace) and the military mainly use uncontrolled airspace, or segregated training or danger areas. The creation of controlled airspace may impinge on the availability of airspace for other users, and an appropriate balance is needed to satisfy both the safety needs and economic requirements of the various types of, often conflicting, operational requirements.
- 2.11 The current process was designed to enable us to carry out our functions and duties to the best of our ability, while at the same time placing proportionate and appropriate requirements and expectations on the sponsors proposing changes and their relevant stakeholders and consultees. In the next chapter we discuss why we decided to review whether the current airspace change process was adequately meeting that objective, and why we are firmly convinced that some changes to the process are needed in order to do so.

## Chapter 3

# Reasons for changing the current process

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## Introduction

3.1 The CAA is proposing changes to the current airspace change process because:

- The airspace structure is a key part of the UK's national infrastructure but is in need of modernisation. If modernisation is held up, there will be significant impacts not just on air passengers and shippers but also the wider economy. The CAA believes that modernisation of airspace can offer a range of benefits, and in some cases modernisation is required by international obligation. However, it is for the aviation industry to develop specific proposals for change. The CAA needs a rigorous process for ensuring that we can make robust and lawful decisions about those proposals. We will not make a change simply because it enables modernisation; we will only do so once we have also given consideration to the range of factors and stakeholders we have a duty to consider. Airspace modernisation requires the CAA to consider airspace change proposals on a scale unprecedented in recent years. These proposals may change flight paths<sup>6</sup> and therefore noise impacts, and may also impact airspace users and service providers.
- Those affected should have the ability and opportunity to respond to consultation before a change is made. The CAA's decisions on airspace change must balance and take proper account of the needs and interests of all affected stakeholders.
- Airspace is a finite resource and there are competing demands for it from airspace users with differing needs (commercial air transport, General Aviation, military, unmanned aircraft and so on). Again, these must be balanced against each other.
- Communities close to airports increasingly demonstrate their interest in the management of aviation noise and the impact it has on those communities. Some recent airspace change proposals have highlighted a lack of trust between some local communities, the aviation industry and the CAA as regulator. This can sometimes create an impasse on airspace changes – changes which, in totality, might achieve an improved outcome in respect of all the factors we have to consider (although, as a consequence, an individual stakeholder may be in a worse position than if no change were made).

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<sup>6</sup> When we use the term flight paths we are referring to the tracks of aircraft, not necessarily to any approved routes or procedures.

- It is therefore essential that the CAA's airspace change process meets modern standards for regulatory decision-making, and above all else is seen as fair, transparent, consistent and proportionate.
- We need to 'future-proof' the process in the light of changing international requirements that are binding on the UK as a European Union Member State.
- The independent Helios report reviewing the current process found that it could be improved and recommended a number of changes, on which, with some modifications, the CAA has decided to consult.

## Modernising the airspace structure

- 3.2 Despite much greater air traffic volumes, the UK's airspace infrastructure has not been fundamentally modernised for 40 years. The introduction of new technologies on aircraft (for example satellite navigation) enables them to fly more accurate and direct routes, and helps to free up areas of congested airspace, which supports a different approach to airspace design. Consequently, the new technologies can only be deployed by bringing the airspace system up to date.
- 3.3 At the global level, the International Civil Aviation Organization (ICAO) has determined through its Global Air Navigation Plan that future navigation performance standards will be based upon performance-based navigation (PBN). At the European level, the [Single European Sky](#) legislation supports a programme of modernisation and harmonisation of airspace structures and air traffic control methods to provide a more systemised and efficient European air traffic management system. The UK and Ireland have jointly developed a strategic framework known as the Future Airspace Strategy to help address the changes required by the legislation.
- 3.4 The UK and Irish aviation industry, in response to the Future Airspace Strategy framework, have developed a plan to modernise airspace by 2030. This collaborative approach includes airlines, airports, air traffic control providers and the military, with regulators involved in an observer capacity. The Future Airspace Strategy framework aligns with the Single European Sky Air Traffic Management Research (SESAR) project and will roll-out new technology across the European Union under a series of European Commission implementing rules which are binding on the UK; some of these will require airspace change. If the UK does not comply with these rules it could be subject to infraction proceedings by the European Commission.
- 3.5 The Future Airspace Strategy does not itself define the structure of UK airspace; it is a strategy for modernisation and efficiency. A more efficient route structure reduces emissions and gives aircraft the potential to climb faster, thus also reducing the area in which people are expected to be significantly affected by



noise.<sup>7</sup> When airspace is restructured as a result of modernisation, it is still essential for the change to go through the airspace change process in order to give the proposals the necessary scrutiny and to involve all those affected. The feedback we have received is that this process itself needs to be modernised in line with best practice regulation. But views differ on how best to do this.

3.6 For example, as we describe in Chapter 4, Helios has recommended that a series of gateways be inserted into the process to give greater certainty that the sponsor is following the process correctly. We have already had diametrically opposed feedback on this idea from two airspace-related groups, one representing commercial activity (which supports) and one representing General Aviation (which disagrees, although some General Aviation groups have also expressed dissatisfaction with the current process). Similarly, our recent consultation on a new CAA Strategic Plan has shown a strong community reaction to the CAA's strategy on environmental issues, telling us that they feel we are not doing enough. These views must be considered and balanced with the CAA's requirement to remain independent and our ability to consider a proposal in entirety and arrive at a just decision without in any way being predisposed to an outcome.

3.7 A General Aviation perspective:

*"We are very concerned that the structure proposed by Helios is large, prescriptive and complex which is likely to lead to much increased costs and resource demands for all parties involved. We much prefer a compact and simple process and we support the principle of minimum change."*

(From a letter about Helios's independent review, sent to the CAA on 27 January 2016 from John Brady, Joint Chairman of Future Airspace Strategy Visual Flight Rules Implementation Group (FASVIG), which represents General Aviation community interests in the Future Airspace Strategy.)

3.8 An aviation industry perspective:

*"FASVIG accepts that there may be additional requirements for transparency, consultation, analysis and documentation which may mean more process but it is important that this is kept proportionate to the scale of the airspace change. [...] The FASVIG members request that the CAA fully take the above concerns into account when planning the consultation as it cannot be allowed to result in a riskier and more cumbersome process."*

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<sup>7</sup> The definition of the area in which people are expected to be significantly affected by noise can be found in the Government's Aviation Policy Framework 2013. [www.gov.uk/government/publications/aviation-policy-framework](http://www.gov.uk/government/publications/aviation-policy-framework)

(From a letter about Helios's independent review, sent to the CAA on 14 January 2016 from Andrew Shand and Paul Tate, Co-Chairs of Future Airspace Strategy Industry Implementation Group (FASIIG), which represents largely commercial aviation industry interests in the Future Airspace Strategy.)

3.9 A public perspective:

*“Your vision is biased towards what the aviation industry wants, and what people who fly want. [...] In the past few years, the impacts of aircraft noise, for thousands of people, have become much worse. [...] The CAA still appears to be a very inwardly focused organisation, that finds anything that would limit the aviation industry to be outside its grasp. The CAA needs to actually understand the problems of people who do not appreciate loud aircraft noise.”*

(From a response to the CAA's consultation on its 2016–2021 Strategic Plan, received on 2 January 2016 from a member of the public.)

3.10 What we consider indisputable is that there are clear benefits from modernising airspace – fewer delays, improved resilience to disruption, better passenger experience, lower costs, reduced carbon emissions through less fuel burn, changes to noise profiles that can benefit communities, and enhanced safety.

3.11 There may also be broader economic benefits to the UK with growth in GDP, employment and international trade all highly dependent on an efficient air transport route network. Indeed, aviation affects almost all of us in some way. This includes business flyers and families flying abroad on their annual holiday, and many thousands of companies and employees whose livelihoods depend on the provision of aviation services. For those who rarely or never step onto an aeroplane, the link is less tangible but can be just as real. From supplies of non-seasonal fresh food to tourism and high-value supplies for manufacturing, aviation is a key part of the way that we live, delivering benefits for the whole of the UK.

3.12 Aviation can also have negative effects. For example, satellite-based navigation of aircraft<sup>8</sup> is more accurate, and thus results in increasing the concentration of flights along a particular flight path. While this is more efficient, it concentrates noise over a smaller area, which can be beneficial if this concentration is away from population centres, or problematic if not. Many people feel strongly affected by aviation noise or other environmental impacts of aviation and therefore want a say in changes to the design of airspace that may affect them.

3.13 Modernisation means airspace changes. Some changes will be substantial and affect a lot of stakeholders.

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<sup>8</sup> Referred to in other CAA documents variously as performance-based navigation (PBN) or RNAV, as applicable.

## Objectives

- 3.14 Our objective is to optimise our airspace change process to ensure that all stakeholders are adequately consulted as part of a transparent, proportionate process. The revised process should be impartial and evidence-based, and should take proper account of the needs and interests of all affected stakeholders. These stakeholders, in no particular order, include:
- the users of air transport services, i.e. passengers and shippers;
  - those on the ground affected by aviation noise or other environmental impacts;
  - the users of airspace, including commercial operators, General Aviation and the military;
  - other service providers such as air traffic control and airports;
  - others with a legitimate interest, such as environmental bodies and councils.
- 3.15 In doing so we must consider what those needs are today and what they might be in the future. While not everyone will agree with every potential decision on how we develop the infrastructure of our airspace, the methods used to reach those decisions need to be well understood and accepted. One of our aims is to restore confidence in the process where it is currently lacking.
- 3.16 It is important to recognise the difference between this process and the law and government policy concerning airspace (and in particular that concerning environmental impacts). The CAA's airspace change process must operate within the Government's policy framework. The CAA works closely with the Government to ensure clarity around our respective policy and decision roles in airspace change. However, the CAA cannot review government policy, nor can it make an airspace change decision that does not give effect to that policy.
- 3.17 It is also very important that in improving and optimising the airspace change process the CAA does not raise expectations that the new process will give everybody everything that they want. The airspace change process is not designed to be a referendum on views, but it is designed to reach an outcome fairly having regard for the views of all the various stakeholder groups and having considered those views in accordance with section 70 of the Transport Act 2000. To achieve this compromise outcome, there will have to be trade-offs where there are conflicting requirements, which could mean winners and losers. Every airspace change proposal is different and is considered on a case-by-case basis, but often these trade-offs are a matter for the over-arching government policy.

## Challenges in implementing change

- 3.18      Airspace is a finite resource and there are competing demands for it from airspace users with differing needs (commercial air transport, General Aviation, military, unmanned aircraft etc). Demand for access to airspace is increasing and changing in its nature. As the volume of commercial traffic recovers from the recession, it will require increasing amounts of controlled airspace, exacerbating this situation. From the sponsor's perspective, airspace modernisation is a complex programme which brings its own technical challenges and risks associated with a high-cost programme with long payback periods.
- 3.19      Competition between airports is growing. For example, Heathrow, Gatwick and Stansted are now separate businesses rather than being operated as an airport system under a common owner. Intense airline competition will continue to put pressure on airports to deliver efficient arrival and departure flows by seeking appropriate airspace design, but flows that are best for one airport may have an impact on other airports. The CAA needs to be confident when considering the most efficient use of airspace (considered from a system-wide perspective) in the face of competing interests of individual airports and air traffic control providers. The CAA needs to make the trade-offs explicit where they exist and in accordance with necessary government policy guidance. Any lack of clarity around the CAA's policy in this regard could deter sponsors from proposing changes that would improve the overall system.
- 3.20      Some airspace changes, such as those at high level or over remote areas, may be supported by all stakeholders directly affected by them. However, airspace redesign, even subtle changes, can result in aircraft flying new paths that may affect how people on the ground are impacted by aircraft noise, emissions, air quality or even in some cases visual intrusion. In such cases, the proposer of the airspace change is required under our current process to consult affected stakeholders, including local communities where appropriate (where the change would alter traffic patterns below 7,000 feet), and is accountable for deciding whether to modify its proposals or not in the light of responses. This requirement would be retained and strengthened in the revised airspace change process.
- 3.21      Some previous attempts to restructure London's airspace have stalled, largely in the face of opposition stimulated by the anticipated environmental impacts of change, and the scale and complexity of community consultation. Communities close to airports are increasingly demonstrating their interest in the management of aviation noise and the impact it has on them. They want more clarity from the industry about the changes it wants to make and the impact the changes will have. Social media and other opportunities afforded by technology mean that people are more able to engage directly, and they have a legitimate desire for changes to the CAA's process to ensure that their views are seen and taken into account.

- 3.22 Some recent airspace change proposals have highlighted a lack of trust between some local communities, the aviation industry and the CAA as regulator. This can create major differences of views between the different stakeholders on airspace changes – changes which, in totality, might achieve an improved outcome in respect of all the factors we have to consider (although, as a consequence of the change, an individual stakeholder may be in a worse position than if no change were made). Local community concerns include the fairness and transparency of current arrangements for reporting aircraft noise, and for the recording and handling of complaints from members of the public. The issue affects all airports, but changes at Gatwick<sup>9</sup> have proved particularly controversial, with new, active local campaign groups being established. These campaigns have contributed to decisions by Government, the airport or NATS to put a temporary hold on advancing some of the changes.
- 3.23 Some proposals to modernise airspace around Heathrow and Gatwick at altitudes higher than those typically thought to cause significant community concern have been vigorously opposed by some local community groups resistant to changes that they consider could impact their living environments. Nonetheless, aircraft will still make noise; there are often no opportunities to create routes where nobody will hear them, and often the provision of respite from noise means redistributing noise over new people.
- 3.24 While airports have improved the way they engage with local communities, there is still room for improvement and for better information. It can be difficult for residents to understand what is being trialled or proposed, and to distinguish between what is already permitted and what is new. It is important that communities are given information that they feel they can understand and trust. It is also important that processes and the mechanisms for challenge are proportionate, as there is a significant risk of deterring airspace change sponsors from proposing much-needed modernisation. Frustration is directed at the company proposing the change, while the strategic national importance of the upgrades and long-term plan tends to go unrecognised. It is also necessary to balance appropriately the commercial benefit of one group of stakeholders to the perceived disadvantage of another.
- 3.25 Aircraft taking off from some airports are required to follow specific flight paths unless directed otherwise by air traffic control. The implementation of a new route structure will require many of the established Standard Instrument Departures (SIDs) and any associated 'Noise Preferential Routes'<sup>10</sup> to be realigned. As noted earlier, introducing satellite navigation will potentially allow

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<sup>9</sup> Also changes the air traffic control provider at Heathrow made in its own procedures (which did not constitute an airspace change).

<sup>10</sup> Noise Preferential Routes are not decided by the CAA, but are the remit of the Secretary of State.

aircraft to fly a given track more accurately. Thus more precision means noise can be made more predictable, but it will tend to concentrate noise. Satellite navigation could also, in some locations, enable airport operators to create opportunities to offer noise respite for residents living under flight paths by varying them in a predictable pattern. Government policy suggests it is better to concentrate noise to minimise the number of people significantly affected, but also allows for local decisions to provide respite.

- 3.26 In addition to local residents, other stakeholder groups also need clear information and opportunities to have their say. In particular, General Aviation stakeholders (which includes recreational flyers) need to understand how changes could affect the airspace they can use, and how they can use it. Other national or local bodies may also be interested and, if so, will want timely opportunities to share their views. This will require a consistent process.
- 3.27 In considering these points, the CAA must take the views and requirements of all stakeholder groups into account, whether commercial aviation, recreational flyers or the military. While assessing any perceived negative impact of airspace change, there must also be balanced consideration for any positive benefits to other communities and parties, for example through operator cost savings, reduced emissions, or the ability for aircraft to be configured with a lower noise impact. It is therefore essential that we ensure that there is a transparent, consistent, impartial, engaging and evidence-based process that meets modern standards for regulatory decision-making. Not everyone will agree with every decision, but the aim is for our decisions (and the reasons why we took them) to be seen as reasonable and to be understood.

### **The Helios review of the airspace change process**

- 3.28 In 2015, the CAA commissioned management and technology consultants Helios to undertake an independent study of our existing airspace change process. As part of this work, we asked Helios to consult with a range of stakeholders that either use the process or are affected by the decisions resulting from it, and then provide recommendations on how the process could be improved. As part of its review, Helios tested various hypotheses in stakeholder workshops and through an online stakeholder survey. Helios consulted and spoke to representatives of airspace change sponsors, airspace users (including private flyers), and communities. We published Helios's report on our website<sup>11</sup> on 8 December 2015.
- 3.29 Helios found that while there was good work by the CAA on how it dealt with airspace change proposals, the current process is under strain and could be

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<sup>11</sup> As CAP 1356 *Helios report: Independent review of the Civil Aviation Authority's Airspace Change Process* [www.caa.co.uk/cap1356](http://www.caa.co.uk/cap1356).

improved. Its single most important observation was that there was a lack of transparency in the process, particularly regarding the CAA's activities. This lack of transparency created suspicion among some stakeholders who are not confident that their interests are represented well, and inadequately reflected work that the CAA already undertakes. With the change sponsor running the consultation and handling responses Helios suggested that there was a potential conflict of interest. Helios felt that the CAA needed to be more engaged with stakeholders and communities.

- 3.30 Helios observed that sponsors faced greater risk and cost where the more complex airspace change proposals took years to reach the decision stage, while those being consulted about the change faced greater uncertainty. Additional guidance was needed to make the process clearer and more consistent. Helios also commented on a lack of information on the Government's strategic priorities for airspace policy, and on factors relevant to flight paths and noise which fall outside the airspace change process but which affected stakeholders (particularly communities) saw as part and parcel of the same problem. Helios's comments that airspace needs to be a part of critical national infrastructure underline the requirement for government guidance to the CAA in how to apply the specified principles. Helios also noted that unlike other planning processes, there was no appeal mechanism other than judicial review.
- 3.31 Helios went on to make a number of recommendations to address these observations. Helios proposed a revised airspace change process based on the current process but with greater transparency and more stages, with approval at certain key points and the CAA being more hands-on than at present, particularly for the consultation phase. Helios recommended that an independent airspace change Oversight Committee be involved for the most significant changes, and that an appeal mechanism be introduced. Helios also proposed that an online portal be established holding all relevant information on airspace change proposals and collecting consultation responses. Helios recommended that the CAA seek greater clarity and guidance from the Government on policy and strategic priorities associated with airspace change.
- 3.32 The CAA's preliminary view is that most of Helios's recommendations appear to address the issues identified with the current process. Our proposals for a revised process on which we are consulting are therefore largely based on what is recommended by the Helios report, with some important modifications which are explained in Chapter 4.



## Chapter 4

# How the CAA is considering revising the airspace change process

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## Introduction

4.1 This is the most important chapter of this consultation document as it explains in detail what the CAA is considering. We go through the steps of the process in turn setting out who would be responsible for what, and what guidance and information they have. A lot of the material here is drawn from the report which Helios produced following its independent review of the airspace change process. This report is on our [website](#) and was described in Chapter 3.

## A new airspace change process

4.2 As explained in Chapter 3, the CAA recognised that the current airspace change process needed review. We appointed independent consultants Helios to look at the strengths and weaknesses of the process and recommend how it might be improved.

4.3 The CAA's preliminary view is that most of Helios's recommendations appear to address the issues with the current process raised by stakeholders either directly with the CAA or through Helios's review. In particular the changes would help to increase the transparency that is said to be lacking in the current process. However, we expect that CAA staffing will have to increase and as a consequence, funding for any changes we make to the process will need to be determined (see Chapter 7 and Appendix D).

4.4 The proposals for a revised process on which we are consulting are set out in this chapter. We have found it necessary to make some modifications to the changes which Helios recommended. Where we have done so, we explain what the modification is and why we have made it.

4.5 We are persuaded that the effectiveness of the process could be improved by the additional stages of scrutiny and validation. This includes new incremental sign-offs by the CAA at particular 'gateways' in the process, new evidence to be developed by the sponsor for the CAA to use in reaching its decision, and a new online airspace change portal. This should help address the concerns some community and other stakeholders have expressed about the CAA process and transparency in particular. It should allow communities to see that their voice has a more formal place in the process, and it should help to rebuild trust of communities in sponsors and the CAA. It will allow sponsors to see more clearly what is expected from them. It will provide reassurance at each gateway that the

process is on track and being followed appropriately, without predetermining the CAA's later decision on the airspace change proposal. It will also make the CAA more clearly accountable for overseeing the process.

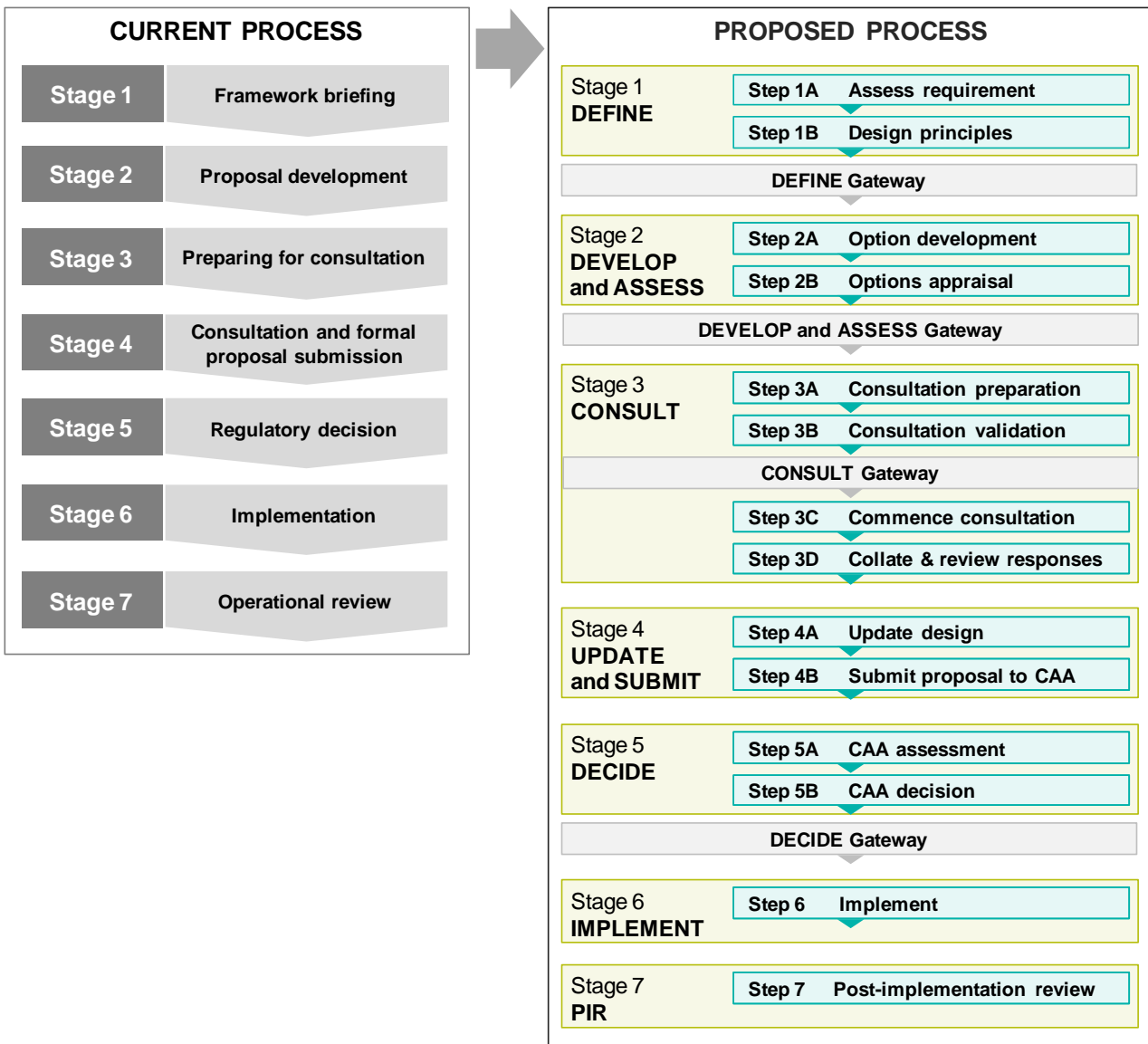
- 4.6 Of course, no change comes without some risks or challenges. The main one is that sponsors, particularly those with fewer resources such as smaller airports, will find an expanded process too costly and onerous and will be discouraged from proposing airspace changes. This is a key challenge for the CAA: how to make an expanded process workable and proportionate.
- 4.7 Our proposed solution is that any revised process must be flexible enough to be scalable to accommodate different types of airspace change proposal. By building this in to the new process in a more formal way than before we can ensure that we target the extra rigour on those airspace changes that really demand it, and avoid putting all changes through an unnecessary and disproportionate process.
- 4.8 In order for the CAA to get this right, it is very important that sponsors and other stakeholders quantify for us what impacts our proposals will have, so we can take these into account. We are hoping that sponsors will recognise that while an expanded process may lengthen timescales and increase the resources required, it will, if designed properly, also reduce the risk of decisions being challenged because the process leading up to the decision has not properly demonstrated that it has taken account of the needs of those affected by the change. Such challenges could lead to the proposal being delayed or even withdrawn, as has happened in the recent past.
- 4.9 These two points, scaling of the process and properly assessing the impacts in designing the process, are therefore of considerable importance to the success of this review. We have also taken the opportunity to include in this consultation an explanation of how we balance the factors we have a duty to consider under section 70 of the Transport Act in practice, and in particular how we interpret the term "most efficient use of airspace", which is not defined in the statute. We have therefore dedicated the next two chapters of this document to our proposals for how the airspace change process could be scaled, depending on the characteristics and significance of the change (Chapter 5), and how we apply section 70 (Chapter 6). A more detailed assessment of the likely impacts of the CAA's proposals is set out in Appendix D.
- 4.10 The rest of this chapter is dedicated to the key concepts that we are considering in a revised airspace change process. As set out above, we are not rewriting our CAP 724 or CAP 725 guidance at this stage, and therefore we are not setting out all the detail of the process; we are consulting on the principles on which our proposed changes are based.

## Summary of key changes proposed

- 4.11 A step-by-step description of the changes we propose is given below, but it is worthwhile first highlighting some general principles that we are considering introducing, compared with the current process:
- We will strive to be as transparent as possible throughout the process, and to hold others to account to be transparent. Our starting position will be to publish all material we receive in relation to a proposal. While we will respect commercial confidentiality where disclosure could jeopardise a change being progressed, we will not see this as a reason to withhold large amounts of information.
  - We propose producing significant additional guidance material about relevant policy and process that we will follow or expect others to follow.
  - We propose introducing four new 'gateways' into the process. At these four key points in the process, we would sign off documentation provided by the sponsor of an airspace change. This would not predetermine our final decision on the change being proposed, but would give more certainty to those interested in the proposal that the CAA has agreed to the steps taken along the way.
  - We propose developing an online airspace change portal to support the revised process, to provide a single access point for anyone to view, comment on and access documents for every airspace change proposal. Sponsors themselves would add documentation to the portal and be responsible for managing their own consultation exercises, but the CAA would monitor material on the site closely. The CAA is currently investigating whether off-the-shelf solutions already exist or whether we would need to build a bespoke portal from scratch. More information about the proposed portal is in Appendix B.
  - We propose increasing the number of specific tasks the sponsor must carry out to engage those affected by the change, including local communities. We propose having additional oversight of these activities, and increasing the capacity and capability within the CAA to do so effectively.
  - We propose requiring the sponsor to develop a formal options appraisal for each proposal. This would show how it has assessed the impacts of different designs in developing their option(s) so as to achieve the best outcome for a given change, bearing in mind the needs of different parties and the CAA's statutory obligations to take these into account.

- We propose introducing clearly defined types of airspace change, which we define as 'Levels'. We would adjust the requirements of the process and scrutiny according to the scale of the impacts the change might have, to make the new process proportionate. We propose that the Level will be clearly defined and publicly known from as early a stage as possible.
- For changes that would have a greater impact (i.e. 'Level 1' changes as defined later in this document) we propose to convene a Public Evidence Session after the proposal has been submitted, to give stakeholders an opportunity to share their views with us directly.
- Overall, we will be more visibly 'hands-on' during the airspace change process and we will dedicate more resources to managing it.
- The resultant process and guidance will comply with any legislative requirements.
- The CAA will consider changes to the way we recover our airspace change costs through our charging scheme. This will be of particular interest to the industry bodies that will ultimately have to fund these increasing costs and pass them on to the consumer. We discuss funding options in Chapter 7.

**Figure 4.1: Stages of the proposed airspace change process compared with the current process**



**Transparency**

- 4.12 Helios’s single most important observation was that there was a lack of transparency in the airspace change process, particularly regarding the CAA’s activities. This lack of transparency created suspicion among some stakeholders who are not confident that their interests are represented well, and inadequately reflected work that the CAA already undertakes. For example, Helios found that some stakeholders were not aware of the CAA’s environmental, consultation and operational assessments of airspace change proposals, since only relatively recently has the CAA begun publishing them routinely.
- 4.13 An established part of the process is the challenge the CAA provides to sponsors’ proposals, but most of this has not been public, sometimes giving a misleading impression. Helios found that the justification for airspace changes

was not always clear in the eyes of communities and General Aviation groups. Some stakeholders reportedly felt that the need to improve safety was used as a pretext for increasing capacity.<sup>12</sup>

- 4.14 Helios concluded that a lack of transparency around the identified need for an airspace change undermined trust in the work and communications of the change sponsor.

### **Stakeholder engagement**

- 4.15 We propose that engaging stakeholders in airspace changes will not begin and end with the formal consultation process (Stage 3). A 'stakeholder' is anyone affected by the potential change, including airlines, military, recreational flyers and local communities; there is a need to balance the interests of all stakeholders. Our aim is that sponsors tailor their approach to community and wider stakeholder engagement based on the scale and potential impact of the change envisioned, and the nature of existing relationships. Engagement should be based on a genuine attempt to construct a two-way conversation between sponsor and stakeholder from the beginning of the process, if not before, that feeds in to each individual step and continues beyond consultation to maintain high levels of interaction. This will enable an iterative design approach that affords affected stakeholders, including communities and General Aviation groups, multiple opportunities to influence a sponsor's thinking at key points in the process and see how their feedback is assessed and acted upon. This will be especially relevant during the 'design', 'development', 'consult' and 'update' steps, where stakeholder input is vital to ensuring an effective and transparent process. This increased transparency and dialogue between parties will help improve understanding of the issues on all sides and ultimately improve decision-making.
- 4.16 This engagement approach will be most effective if stakeholders already have a reasonable understanding of how the airport, its airline customers and related airspace operate in practice. While direct stakeholder engagement is likely to be greatest during the stages of a formal airspace change, ongoing engagement and information can help stakeholders understand the context for proposed changes and provide constructive feedback and comments. Some operational practices require clear, unambiguous explanation, and in some cases simplification, so that all parties understand better exactly what is being proposed and why compared with the pre-existing arrangements. Stakeholders must also be given adequate time to absorb such information.

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<sup>12</sup> Although in certain circumstances, capacity alone may be a perfectly justifiable reason for airspace change.

- 4.17 How airports and the wider industry choose to approach regular or day-to-day engagement, information and education is for sponsors to decide. The CAA will require the development of an appropriate, targeted strategy to facilitate airspace change engagement and we will issue guidelines building on what already appears in CAP 725. We appreciate the complexities associated with engaging with all affected stakeholders, including the number of people and audiences involved, overcoming past 'history', conflicting airspace priorities, and the technical nature of some proposals.<sup>13</sup> We note that different audiences have different requirements – for example, specialists requiring detailed data and residents needing plain-language explanation on topics that are likely to be deeply technical by their very nature. We also consider that there is an obligation on those being consulted to engage properly in the process and not to use it for a general protest about aviation or broader issues on Government policy.
- 4.18 In practice, it may be that during some or all stages of the process there could be a role for a neutral third party to act as a facilitator to moderate between the sponsor and their stakeholders. We raise this below where we set out our proposals for a revised approach to consultation. The CAA is aware of international examples of such a third party and the benefits it can deliver, so is seeking your views on whether or not the appointment of an independent facilitator would be helpful or indeed should be mandatory for the more significant airspace change proposals (see Question 8).

### **Process gateways**

- 4.19 One concern of change sponsors is how long some airspace changes take to progress, and the lack of certainty along the way. Helios observed that in some cases this is caused by problems occurring during the process. They saw this as a considerable and growing burden on sponsors. For example, disagreements about the consultation material could require the sponsor to make multiple revisions. Some change proposals become highly controversial, tending to increase the complexity of the stakeholder engagement. (Indeed, Helios observed that some airspace changes have turned into long-running disputes between an airport and stakeholders.) The overall timescales are lengthened as a result, increasing the risk and cost of airspace changes for sponsors, and creating a lack of certainty for all parties. Currently the CAA intervenes only where it has received a complaint or spots an obvious inadequacy in the consultation material that, if not amended, would lead it to conclude the consultation would not be adequate to enable the CAA to make a decision on the airspace change proposal. As such, a sponsor could conceivably embark upon extensive and costly activities as part of their proposal, with no assurance at any

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<sup>13</sup> See for example the CAA's report on oversight of the Heathrow 'operational freedoms' trial which ran 2011–2013 [www.caa.co.uk/cap1117](http://www.caa.co.uk/cap1117). This was not an airspace change but provides insight into the challenges of effective engagement.



time that they will be deemed appropriate by the CAA until the decision-making part of the process.

- 4.20 We are proposing accepting Helios's recommendation that the CAA validate and approve relevant documents at four gateways during the process before the sponsor can progress to the next stage (see Figure 4.1 above).<sup>14</sup> However, it is important that we are clear on one point: such validation and approval would not predetermine the CAA's final decision. This would of course require us to set out clearly what each stage requires in the relevant guidance and we should be clear that it will be for the CAA to decide whether the gateway criteria have been achieved or not.
- 4.21 The benefit of this approach is that it would provide assurance to all parties of the CAA's satisfaction at key stages during the course of the process that relevant requirements and guidance were being adhered to, and thus reduce some of the current uncertainty. It should save everyone time and resource, as there should be reduced need to repeat work, particularly around getting the consultation documents right.
- 4.22 The four gateways and related documents are:
- Define: (a) a short document setting out why the airspace change is an appropriate response to a specified problem or opportunity, and (b) design principles that describe the trade-offs that sponsors will have to develop with stakeholders and take into account in the design.
  - Develop and assess: a comprehensive appraisal of each viable design option (Helios referred to this as an impact assessment<sup>15</sup>).
  - Consultation: a fair, open and transparent consultation plan and supporting documentation.
  - Decision: a document setting out how the CAA has come to a decision on the airspace change proposal.
- 4.23 All the documentation would be available on the airspace change online portal. More information (and related questions) about the proposed portal is in Appendix B.

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<sup>14</sup> Where the CAA is not satisfied that the requirements have been met sufficiently, it is likely that the sponsor would need to revisit those Stages but not return to Stage 1, assuming no fundamental change in what was proposed.

<sup>15</sup> We have not used the term 'impact assessment' as this implies a full monetisation of the different factors.

**Question 1: Will the new process gateways improve the airspace change process?**

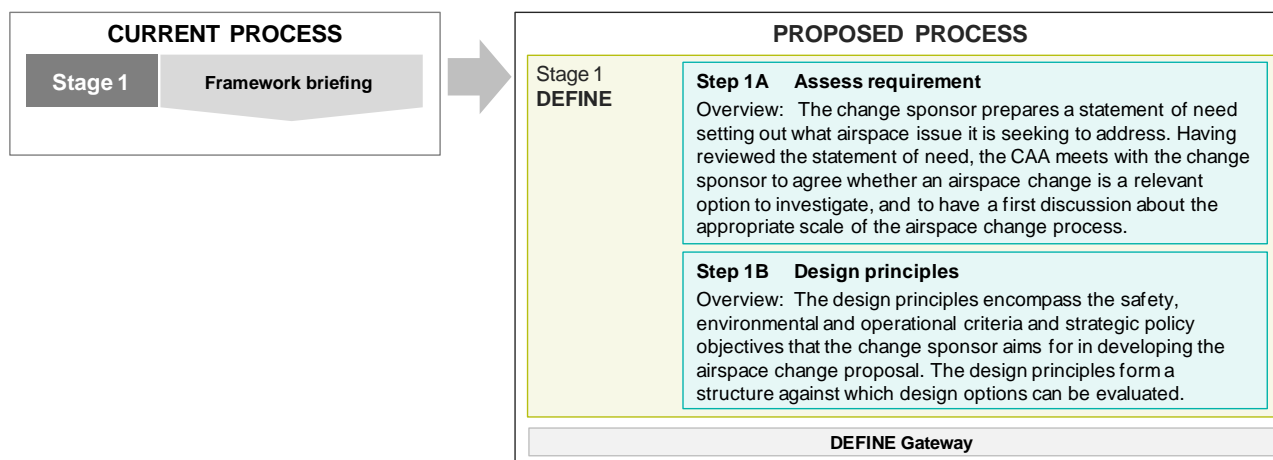
Yes     No     Don't know

**Please give reasons for your answer.**

## **Stages of the airspace change process**

- 4.24    Below we set out each stage of our proposed new process, explaining anything that would be a change from the current process, where we have followed Helios's recommendations and where we are proposing something different (and why). Where a stage has more than one part, we have termed these Step 1A, 1B and so on.

## STAGE 1: DEFINE



- 4.25 We propose to replace the current Framework Briefing stage with a Define stage. This is divided into Step 1A (assess requirement) and Step 1B (design principles).
- 4.26 Helios identified two issues to address in this first formal stage of the process. The first was a lack of transparency of the original identified need as to why an airspace change is being considered. The second was sponsors not clearly identifying or expressing explicitly what issue they are seeking to address or benefit they wish to achieve.

### Step 1A Assess requirement

- 4.27 This first stage would require the change sponsor to prepare a statement of need setting out what airspace issue it is seeking to address. Having reviewed this, the CAA meets with the change sponsor. This has always been a fundamental first step in the airspace change process. Each airspace change proposal is different, and the meeting allows the change sponsor to discuss with the CAA the issues giving rise to the change, how the proposed change will address those issues, and how the sponsor intends to proceed.
- 4.28 As now, the CAA can provide advice and guidance on what the airspace change process will require, as well as explaining the wider implications of the proposed change. In particular the meeting might cover the steps the sponsor may need to take to ensure that the change both meets its own needs while ensuring a proportionate impact on others affected. A draft proposal is not required at this stage.
- 4.29 We propose that the outcome should be agreement on whether an airspace change is a relevant option to investigate, as well as a first indication of the appropriate Level, subject to how the proposal develops at Stage 2. The

statement of need and its acceptance or rejection would be published on the online portal, as would the meeting minutes.

- 4.30 The CAA would produce detailed guidance on this initial assessment process, including the initial meeting. The guidance would contain examples of when an airspace change may be an appropriate response to address particular issues or opportunities.

**Outputs from Step 1A:**

- **Statement of need**
- **Assessment meeting minutes**

**Step 1B Design principles**

- 4.31 The second step of Stage 1 is for the sponsor to identify and communicate the design principles to be applied to the airspace change design.
- 4.32 The design principles encompass the safety, environmental and operational criteria and the strategic policy objectives that the change sponsor seeks to achieve in developing the airspace change proposal. They take account of Government policy documents (such as the Air Navigation Directions and environmental guidance) and any local criteria such as section 106 planning agreements or other planning conditions, and Noise Preferential Routes or other noise abatement procedures imposed on the airport by the Secretary of State. The design principles form a structure against which airspace change design options can be evaluated.
- 4.33 In its report, Helios noted that the airspace change design stage was subject to significant iteration and re-work. Helios saw a need to ease the adversarial nature of the consultation phase, and to improve the initial engagement between the change sponsor and affected stakeholders. Helios identified a lack of understanding between change sponsors and stakeholders as to what design considerations are important to them, such as predictable respite from noise for communities and defined routes for General Aviation crossing through controlled airspace.
- 4.34 We therefore propose that the design principles should be drawn up through engagement between the sponsor and local stakeholders before being submitted to the CAA for our review. This is a new proposal compared with the current process. Local stakeholders might include elected community representatives, local community groups and representatives of local General Aviation organisations or clubs. We will provide guidance on best practice for the preparation of the design principles.
- 4.35 The design principles will be developed in a local context, in accordance with national policy. They might address local trade-offs that need to be made, for example by addressing whether aircraft should, as a priority, avoid flying over

specific local parks or populations. Engagement should identify whether stakeholders can identify common priorities, although unanimous agreement on the principles will be unlikely.

- 4.36 It is important that the design principles are set through a two-way process and involve effective wide-ranging local engagement. While Helios recommended stakeholder engagement at this stage, we propose strengthening that requirement and will provide guidance to outline what that local engagement should look like and the design issues it should consider. However, we are not expecting the sponsor to carry out a lengthy or detailed consultation, since this will take place in Stage 3 of the process. Where the sponsor is unable to reach agreement with local stakeholders on commonly accepted design principles, the reasons for differing views should be recorded and drawn to the CAA's attention, with reasons given as to how the sponsor developed the final principles.

**Outputs from Step 1B:**

- **Airspace change proposal design principles**

**Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

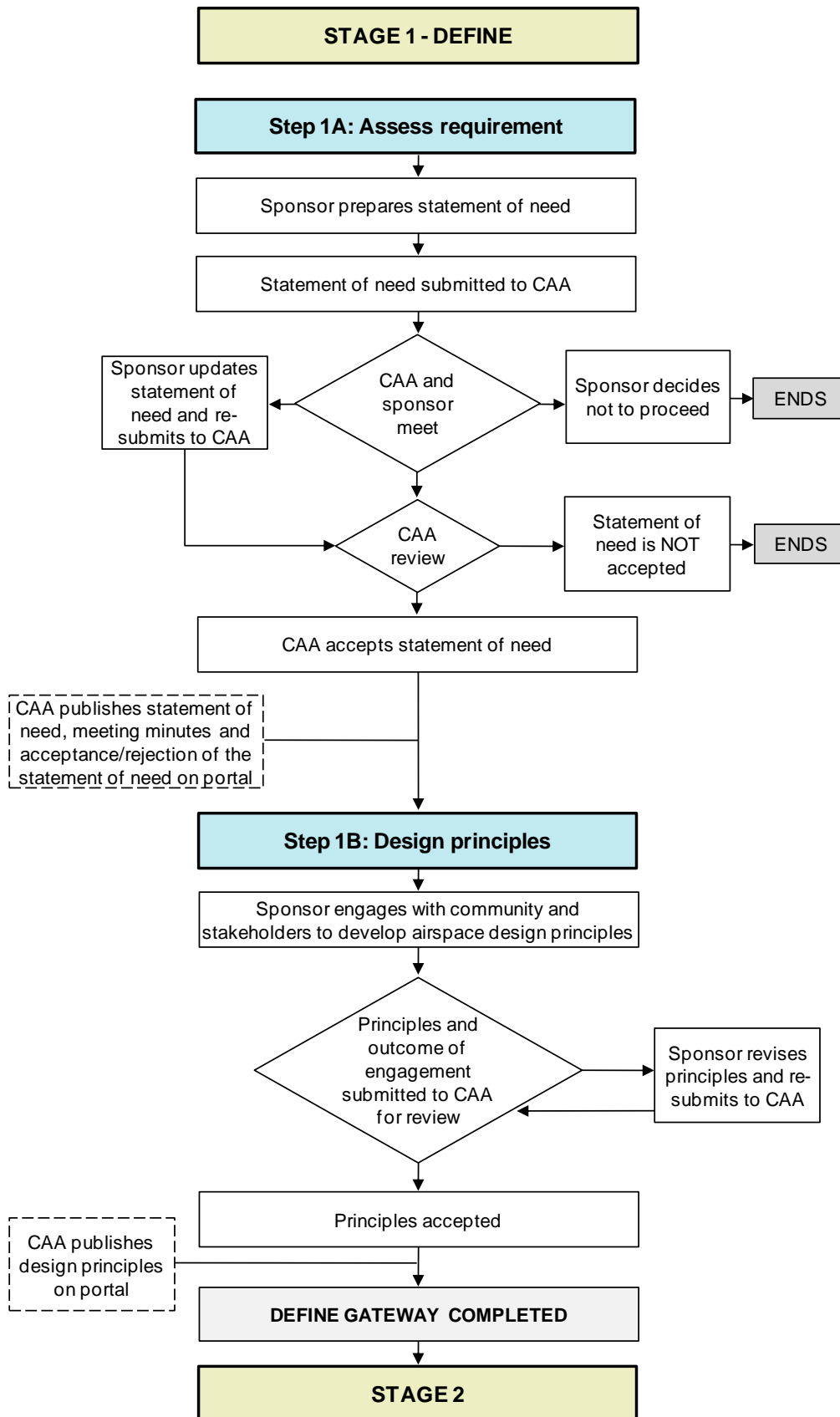
**Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

**Question 5: Overall, will Stage 1 improve the airspace change process?**

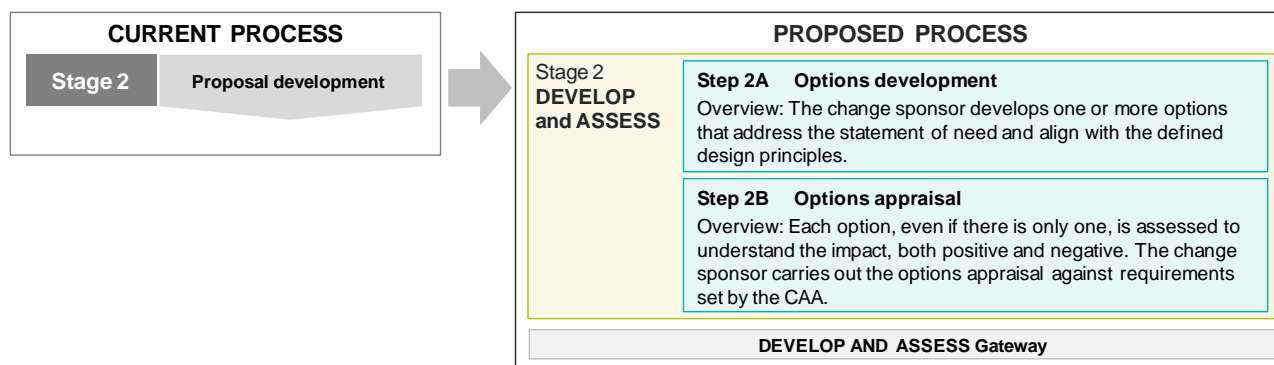
Yes  No  Don't know

**Please give your reasons and any other views on Stage 1.**

Figure 4.2 Proposed Stage 1 of the airspace change process



## STAGE 2: DEVELOP AND ASSESS



4.37 Stage 2 is where the sponsor develops options for the airspace change. In Step 2A of the new process, the sponsor develops options that address the statement of need and that align with the design principles from Stage 1. Step 2B is a new proposal for the sponsor to carry out a formal appraisal of the options (Helios called this an impact assessment).

### Step 2A Option development

4.38 This step would require the sponsor to develop options that address the statement of need and that align with the design principles from Stage 1. The sponsor would test these informally with the same local stakeholders and produces a 'design principle evaluation matrix' that sets out how its design options have responded to the design principles.

4.39 These outputs (options and matrix) would be presented to the CAA for review and acceptance, and published on the online portal. The CAA would not be assessing the appropriateness of any of the individual options, nor approving the airspace change. We would simply consider, validate and ultimately accept that the sponsor has considered all the possible options and evaluated the design options against the design principles in a fair and consistent manner, and that they are compliant with the required technical criteria.

4.40 We would produce guidance that illustrates good examples of the design process in which options have been considered.

#### Outputs from Step 2A:

- Airspace change design options
- Design principle evaluation matrix

### Step 2B Options appraisal

4.41 Helios identified a lack of trust on the part of those being consulted about airspace changes that the impacts have been consistently and rigorously identified and assessed, and therefore whether the impacts are fully understood



or appreciated. There was also a lack of clarity for sponsors as to what assessment they must undertake.

- 4.42 The CAA is proposing a new stage in the process which requires the sponsor to carry out an options appraisal. We propose that the change sponsor assesses each option against a 'do nothing' scenario (the 'counterfactual'), even where there is only a single change option, to understand the impacts, both positive and negative. Where possible the options appraisal should seek to monetise impacts adopting the rigour, structure and approach of a cost-benefit analysis.
- 4.43 This appraisal needs to be objective, repeatable and therefore consistent against defined criteria, which we will issue in the form of guidance. The guidance would explain how the sponsor would be required to assess each airspace change option, including the criteria to be assessed, the preferred methodologies and tools for the analysis, how to monetise costs and benefits for the specified criteria, and how to identify from the analysis those parties that would need to be consulted. In developing this guidance we would investigate whether any factors that require monetisation would be best achieved through WebTAG, the Department for Transport's appraisal method.<sup>16</sup> More information on the concept of options appraisal is at Appendix A.
- 4.44 Although we are setting out some key principles in this document, we will not decide the detail of the options appraisal criteria and methodology until we have heard your views on the general concept.
- 4.45 The change sponsor would submit its options appraisal to the CAA for review. We would then prepare our own assessment of the appraisal in the form of a review paper, and both documents would be published on the online portal.

#### Why use an options appraisal?

- 4.46 The CAA's airspace change process is invoked relatively infrequently compared with, say, planning applications, so it is more difficult to rely on past decisions and precedent when assessing new proposals. Historically, we have generally been able to achieve a balanced trade-off of these factors without having to confront the possibility of one or more of the factors being made appreciably worse. However, as airspace becomes scarcer in the future, or the need for significant redesign becomes more pressing, we may not be able to achieve a compromise solution that is regarded as a satisfactory result. There may well be difficult decisions as it becomes increasingly hard to resolve the competing interests of all affected parties. CAP 725 is not a checklist that guarantees approval as a result of following a given process. The CAA must consider all the

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<sup>16</sup> For more information about WebTAG please visit <https://www.gov.uk/guidance/transport-analysis-guidance-webtag>

elements of the proposal against our statutory duties and relevant guidance, taking into account the interests of all the affected stakeholders.

- 4.47 There could be conflicts between the interests of sponsors, those affected by noise, or other airspace users such as General Aviation or the military. Greater airport competition, in particular between airports in the London area, could even result in competing bids for a given volume of airspace – or proposals to change the same volume of airspace in different ways. Given the commercially driven nature of such proposals, our consideration of the most efficient use of airspace would almost certainly need to incorporate the value to each proposer of the airspace change in question (which in turn should reflect the value to users and end consumers of the airspace change).
- 4.48 The CAA acknowledges that airspace change decisions cannot be reduced to an entirely numerically driven exercise. Numerical values are not a substitute for policy direction as to which outcomes are important in the design of airspace – for example, whether a negative noise or carbon impact would prevent a change that would have a positive economic impact, is a determination that should be set in policy objectives. However, it may be that a more systematic process, including a greater degree of quantification in relation to the costs and benefits of a particular airspace change proposal, could help provide certainty of outcome for all concerned and mitigate the risk of making a wrong decision against a background of increasing scarcity of airspace capacity.
- 4.49 It would therefore be key to any options appraisal process for all parties, particularly for sponsors putting forward proposals, to have clear guidance from the CAA. This will set out how different factors would be assessed, including preferred methodologies and tools, guidance on monetisation, instances where numerical values would be overridden by policy considerations, and what those policy aims are. It would also indicate how the analysis would help identify those who should be consulted on the airspace change proposal and any challenges associated with gathering the necessary data to inform that position.

#### Depth of the options appraisal

- 4.50 Our proposal (based on Helios's recommendations) is that the sponsor would undertake the options appraisal and then include this in the package of documents on which it consults in Stage 3. This assists the sponsor in identifying impacts and mapping affected stakeholders, and allows those being consulted to see the impacts of different options and provide more information or comment. The responses to the consultation would then allow the sponsor to update the options appraisal in the light of any new information (and if necessary re-consult).
- 4.51 An alternative approach would be for the sponsor to carry out only an 'indicative' options appraisal at this stage and consult on this, and then prepare a 'full'

options appraisal as part of the final, formal airspace change submission. This would balance the need for sponsors to provide evidence about the potential change with the need to remain proportionate, so that we do not expect them to develop rigorous evidence about options that are only at an early stage of development. However, it does mean that stakeholders being consulted would not have the benefit of seeing the full options appraisal before the final proposal was submitted. Again, this is balanced against the reality that further evidence is likely to be developed during the consultation, so the final, submitted options appraisal could be expected to contain more detailed information.

**Outputs from Step 2B:**

- Options appraisal
- Options appraisal assessment (CAA review paper)

**Question 6: Will introducing the options appraisal we propose improve the airspace change process?**

Yes  No  Don't know

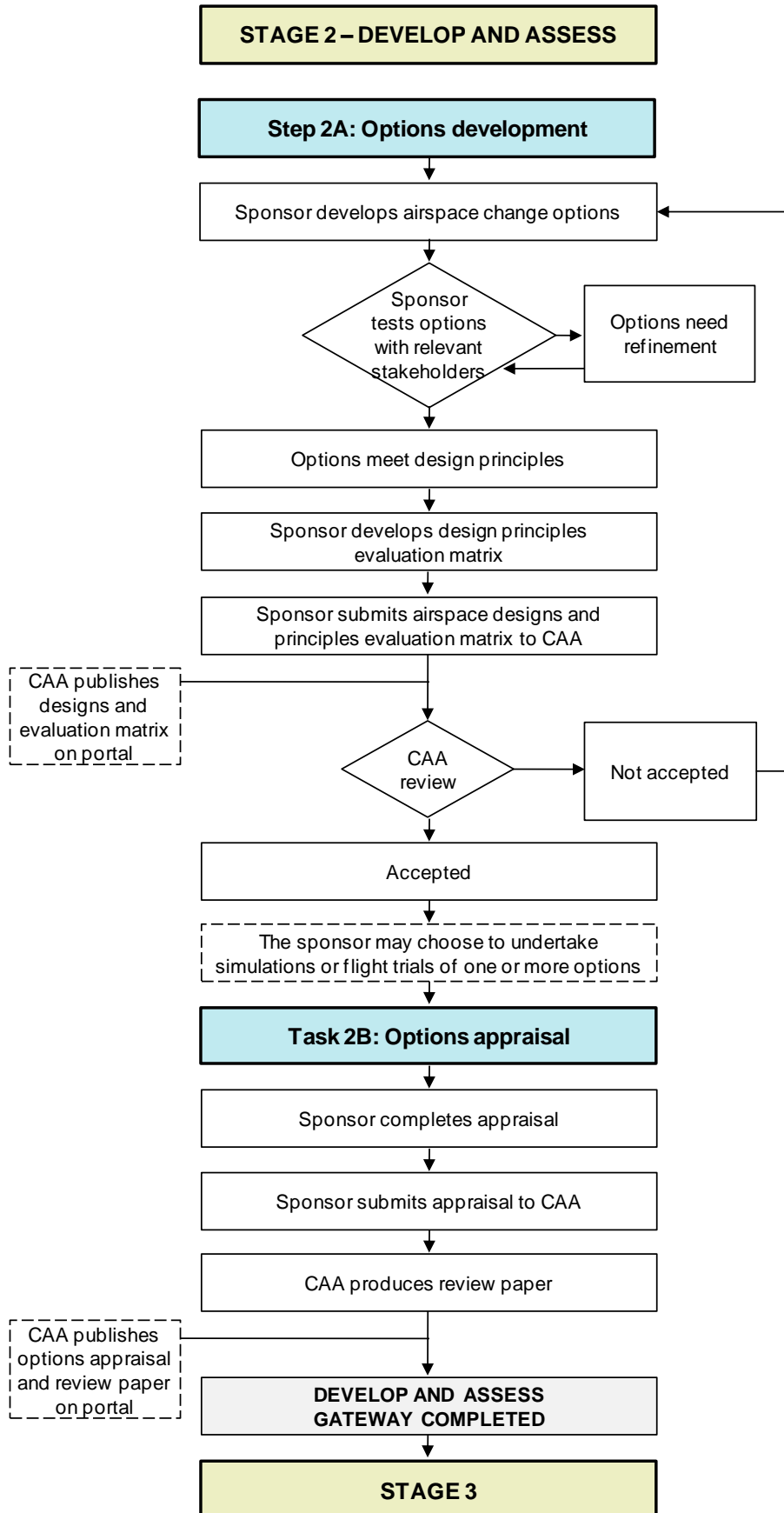
**If so, should this initially be a 'full' or 'indicative' options appraisal? Please give your reasons and any other views on options appraisal.**

**Question 7: Overall, will Stage 2 improve the airspace change process?**

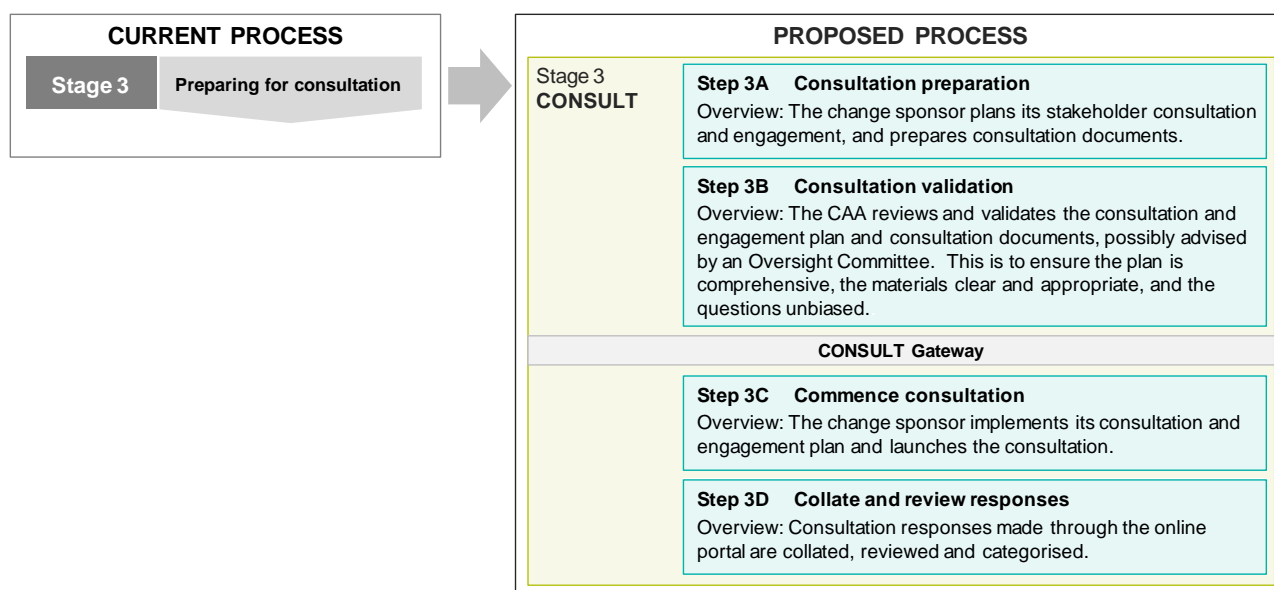
Yes  No  Don't know

**Please give your reasons and any other views on Stage 2.**

Figure 4.3 Proposed Stage 2 of the airspace change process



## STAGE 3: CONSULT



- 4.52 We propose that Stage 3 is where the sponsor prepares its consultation plan (Step 3A) and has the plan validated (Step 3B). Completion of Step 3B forms the third 'gateway' in the process. The sponsor then launches the consultation (Step 3C) and collates and reviews the responses (Step 3D). The current process structures Stages 3 and 4 slightly differently. In our proposed revised process, Stage 4 does not commence until the consultation has been run and the responses collated and reviewed.
- 4.53 The consultation phase is a key part of the airspace change process. It allows the sponsor to gather information and to understand views and opinions about the impact of a particular proposal. It allows consultees to provide relevant and timely feedback to the sponsor. There are likely to be differing views.
- 4.54 If the overall process is to function correctly, it is crucial that the consultation is open, fair, transparent and effective, that it is seen to be so, and that the CAA is seen to be holding the sponsor to account in this respect. The CAA also has to be seen to be holding the sponsor accountable for the way it acts on the responses it receives, and for providing timely feedback to those responses.

### Helios findings

- 4.55 Helios observed that badly managed consultations, for example with consultation documents needing to be amended and re-issued, not only increase the cost and timescales for the sponsor but also create ill will from those being consulted.
- 4.56 Helios found that consultations were viewed with great suspicion by some parties because the sponsor itself carries out the consultation. Helios saw this as a potential conflict of interest that the CAA needs to ensure is seen to be

managed. Stakeholders are looking for assurance that consultation methodologies or documents are of good quality and complete. They want the ability to ask questions. Sponsors need to be seen to be engaging with consultees and collating and handling consultation responses properly.

- 4.57 Helios concluded that change sponsors needed to own the airspace change proposal from start to finish (including during consultation), but that sponsors needed to operate in a much tighter framework. Otherwise there was a risk of a loss of trust in the consultation process and the change sponsor.
- 4.58 Some stakeholders suggested to Helios that the change sponsor should not run the consultation. Helios did not recommend this. Helios's view was that the CAA should not run the consultation because its role is to regulate the process overall. Any other organisation doing the consultation on behalf of the change sponsor or CAA could be viewed as a proxy for them. Instead Helios recommended that the CAA subject the sponsor's consultation to greater scrutiny earlier in the process. This would include the CAA reviewing and validating all consultation material, moderating all consultation responses, and observing the consultation process through the online portal on which all material and responses would be placed.
- 4.59 Helios also observed that if consultation is to be directed through local community representatives, elected or unelected, there needs to be an assurance mechanism that the consultation communication flows down and that responses flow back up.

### **Overview of CAA proposals**

- 4.60 Based on Helios's recommendations, we are proposing that the CAA oversees the consultation process more closely so as to be able to respond to these important questions around trust and transparency. The CAA would monitor the dialogue between consultees and the change sponsors but it would still be the change sponsor's responsibility to respond to the comments made. The CAA will check that all responses have been dealt with effectively, according to the right process, when the final proposal is submitted. Proposed new elements are:
- the earlier engagement with stakeholders on design principles described at Step 2A
  - inclusion of the options appraisal from Step 2B in the formal consultation
  - stricter requirements on consultation materials, including ensuring that:
    - meaningful material is available in a form that does not require technical knowledge to understand and respond to it
    - a clear statement of the current situation is given, as well as clarity on what is being proposed
  - CAA validation before publication that consultation material is appropriate

- publication of all consultation material on an online portal (see Appendix B), including
  - the consultation itself and any supporting material
  - formal responses to the consultation
  - the sponsor's categorisation of responses into those that may lead to a change in the design and those that would not
  - questions about the consultation and the sponsor's replies.

- 4.61 The CAA would observe the consultation process through the online portal. If errors or confusion arise during the consultation process, the CAA may intervene to ask the sponsor to correct the problem and potentially extend the consultation period to do so. Before responses are published on the portal, the CAA would moderate them to remove material that is unacceptable in a public consultation (see Appendix B).
- 4.62 Our aim is to make it as easy as possible for people interested in airspace change consultations to see and understand what is happening and to respond in the knowledge that the CAA is holding the sponsor to account and reviewing the outcomes.
- 4.63 It has been suggested to us that open consultations, and the wider stakeholder engagement necessary to facilitate effective consultation, would benefit from sponsors appointing an independent third party to act as a neutral facilitator and to moderate interaction with stakeholders. This is not something that Helios proposed in its report, and the CAA does not have a firm view on the potential benefits. As such, we would welcome your views on whether a sponsor should appoint an independent third-party facilitator, and whether this should be mandatory for at least the more significant changes<sup>17</sup> or left to the sponsor to decide.

**Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?**

Yes  No  Don't know

**If so, should a facilitator be a mandatory requirement for certain types of airspace change? Please give your reasons and any other views (including benefits and disbenefits) on facilitators.**

<sup>17</sup> Such as those which we propose to call Level 1 (see Chapter 6).



## Oversight Committee

- 4.64 Helios recommended the formation of an independent Oversight Committee to assist the CAA in reviewing and validating the consultation plan in Step 3B and contribute to the CAA's final decision in Step 5B. The Committee would introduce people outside the CAA's Airspace Regulation team<sup>18</sup> (either from other parts of the CAA or outside the CAA) into a pool of experts who are part of the process. The CAA is not minded to accept this recommendation but welcomes your views (see paragraphs 4.126 to 4.133 later in this chapter).
- 4.65 Ultimately, the CAA is the decision-maker and, in our view, the proposals set out elsewhere in this consultation document will deliver the improvements in transparency and clarity that are required. We are ready and willing to make those decisions and be challenged upon them if necessary and appropriate. We discuss this further at the end of this chapter. If the Government were to accept the Airports Commission's recommendations regarding an Independent Aviation Noise Authority, that body could have a similar role at Step 3B in validating the sponsor's proposed consultation process (as regards its description of the anticipated noise impact of a proposed change).

## Step 3A Consultation preparation

- 4.66 Our proposal for this stage requires the sponsor to decide on its consultation strategy and prepare the consultation documents. The aim of consultation is to ensure that all stakeholders who may be affected, both positively and negatively, have an appropriate opportunity to comment on proposals based on a reasonable understanding of them and knowledge of related issues. Enough information must be provided to ensure that those consulted understand the issues and can give informed responses. The CAA intends to produce best practice guidance describing effective approaches to engagement, consultation material and activities. Where appropriate, the change sponsor may want to seek the advice and support of external experts in consultation and public engagement.
- 4.67 The scale and nature of consultation required will differ depending on the number and nature of affected stakeholders as well as the nature and scale of impact upon them. Using the options appraisal from Step 2B, the sponsor will draw up a consultation and stakeholder engagement plan. The CAA will provide guidance as to what this should cover, but as an indication of our current thinking, it is likely to need to cover:
- who is affected by the change (audience map)

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<sup>18</sup> In other words, the CAA team of experts responsible for administering the airspace change process.

- how they will be informed of the consultation (assessment of engagement requirements)
- what opportunities they will have to engage and respond (channels used)
- at which times (timetable of activity)
- what steps will be taken to minimise the chances of the engagement strategy failing or to generate an appropriate level of engagement and response if the strategy does fall short of expectations (safeguards and further options).

4.68 Where stakeholders include specific communities, the change sponsor should prepare a strategy as to whether or not any properties need to be contacted individually, or set out other reasonable methods of reaching communities (such as through local media or local authority communications). The sponsor would use the CAA guidance to consider which other organisations, groups or communities should be consulted. For example, where a change may impact on General Aviation's access to airspace, the sponsor will need to engage local flying clubs and schools.

4.69 The duration of the consultation should be proportionate to the scale of change and the numbers of affected stakeholders, and will be advised by the CAA using any relevant government guidance or best practice. Normally a 12-week period should be allowed for responses. It may be necessary to consider a slightly longer consultation over holiday periods to give committees and national bodies time to consult their members. For airspace change proposals which are categorised as Level 2, the CAA will consider a reduced consultation period where a change sponsor provides a strong rationale. This is explained in Chapter 5 about scaling the process.

4.70 The change sponsor then submits the consultation and engagement plan and the consultation documents to the CAA for validation.

#### **Outputs from Step 3A:**

- **Consultation and engagement plan submitted to CAA**
- **Consultation documents submitted to CAA**

#### **Step 3B Consultation validation**

4.71 This stage requires the CAA (possibly with advice from the Oversight Committee mentioned above) to review and validate that the consultation documents and engagement plan meet the requirements for an open, fair and transparent consultation. In particular they will need to be comprehensive, the materials clear and appropriate and the questions unbiased.

4.72 The CAA would produce guidance describing what needs to be checked and validated when reviewing the consultation plans and documents. The CAA would verify, for example, that:

- the consultation will address all the consultees identified by the options appraisal
- the approaches to engage them are sufficient and appropriate
- the consultation period is of appropriate duration based upon the scale and impact of the airspace change.

4.73 We propose that the CAA will issue a statement as to whether it considers these aspects of the consultation are adequate and, if not, where they fall short, in which case the process returns to Step 3A for the change sponsor to update the consultation preparations. The CAA would not offer comment explicitly or implicitly on the merits or otherwise of the wider aspects of the airspace change proposal at this stage, as this validation stage is independent of the decision-making stages.

**Outputs from Step 3B:**

- **CAA statement on validation of consultation**
- **Publication of consultation and engagement plan**

**Step 3C Commence consultation<sup>19</sup>**

4.74 In this step we propose that the change sponsor implements its consultation and engagement plan. The change sponsor issues the consultation documents, and publishes them on the online portal alongside the earlier material. The change sponsor maintains records to demonstrate that all reasonable actions have been taken to ensure stakeholders are informed of the consultation and have been offered the opportunity to engage with it. We propose that the sponsor also maintains a 'frequently asked questions' page on the online portal to respond to stakeholder questions during the consultation.

**Output from Step 3C:**

- **Publication of consultation documents**

**Step 3D Collate and review responses**

4.75 This step requires the sponsor to carry out a fair, transparent and comprehensive review and categorisation of consultation responses.

4.76 The CAA would provide high-level guidance for consultees about the purpose of consultation, the interpretation of the information being presented, the nature of information being sought by a consultation and how to respond via the online portal. We would also provide guidance for change sponsors about reviewing and categorising consultation responses.

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<sup>19</sup> The current process has the actual consultation as Stage 4, but we propose to move all the consultation steps to Stage 3.

- 4.77 Consultees should respond using the online portal. Before responses are published on the portal, the CAA would moderate them to remove material that is unacceptable in a public consultation (see Appendix B). The CAA would moderate responses solely to prevent publication of defamatory, libellous and offensive remarks.

**Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?**

Yes  No  Don't know

**Please give reasons for your answer.**

- 4.78 It may be that some feedback is not provided through a formal consultation response on the online portal but more informally, for example through feedback given at public events, or comments made in private or public meetings. Our view is that the sponsor should decide how to introduce this feedback into the process in a transparent way. It may be that they request such feedback to be repeated formally via the portal. What would not be appropriate would be for the sponsor to take such feedback into account without making it transparent.
- 4.79 Similarly some consultation responses may be sent by post rather than via the portal. Because of the need for transparency these would need to be uploaded to the portal by the sponsor. We would welcome views on whether it is reasonable for sponsors to be able to insist on responses being via the online portal, given the additional burden on sponsors and the CAA that postal responses could create in uploading, monitoring and analysing them. We see no justification for allowing responses by email rather than via the portal.

**Question 11: Should consultation responses be made solely through the online portal?**

Yes  No  Don't know

**Please give reasons for your answer.**

- 4.80 If the change sponsor identifies that responses submitted during the consultation can be answered prior to the end of the consultation, they are free to do so. All correspondence between consultees and the change sponsor would be visible for everyone to read.

- 4.81 The change sponsor would be expected to review the responses and categorise them as to those that present information that may lead to a change in the design and those that do not. The CAA would review this categorisation of responses and ensure that it is fair. If necessary we would ask the sponsor to change a categorisation. The categorisation for each consultation response would be published on the online portal.

**Outputs from Step 3D:**

- **Publication of consultation responses**
- **Sponsor's categorisation of responses**

**Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?**

Yes  No  Don't know

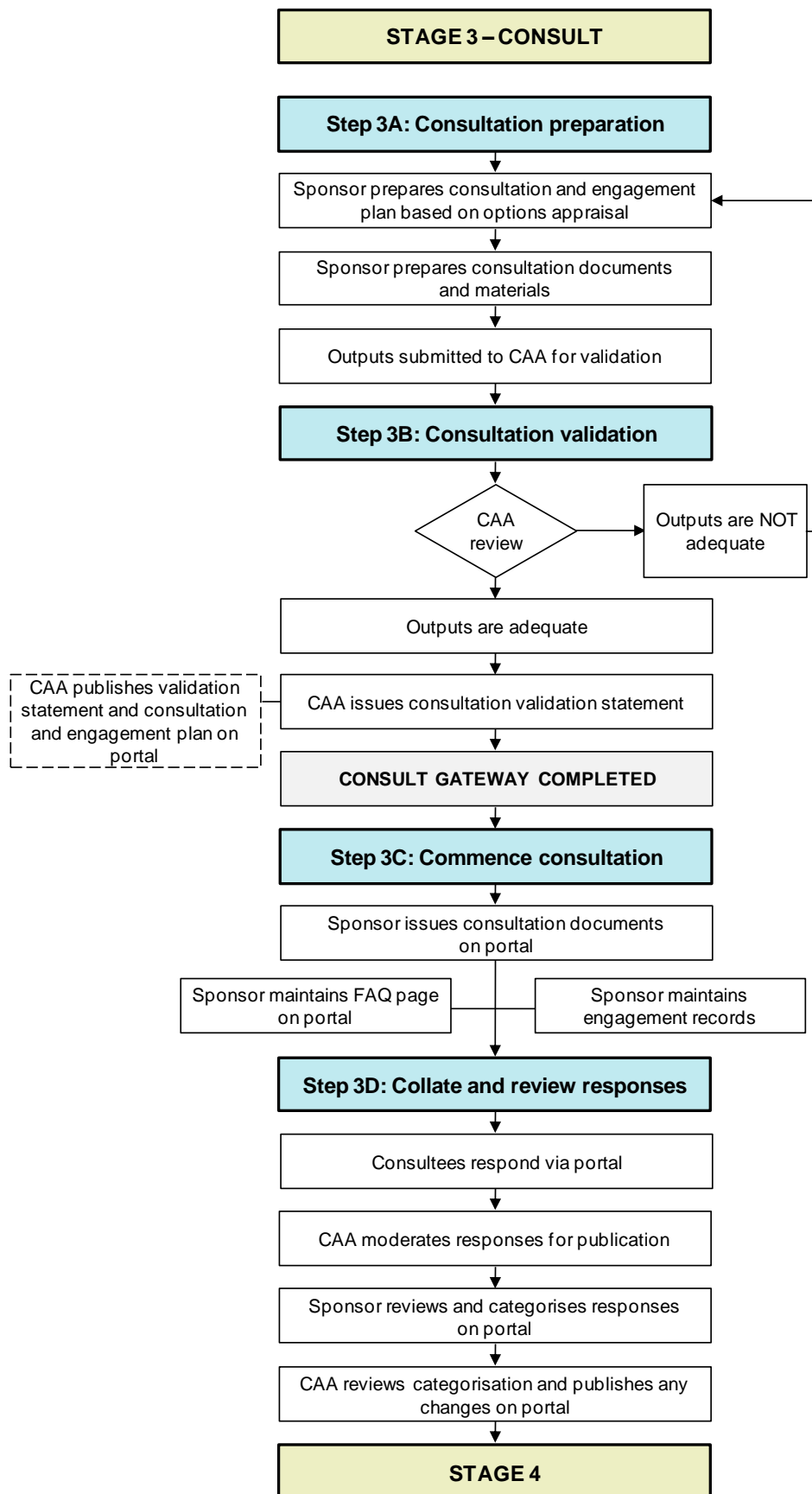
**Please give reasons for your answer.**

**Question 13: Overall, will Stage 3 improve the airspace change process?**

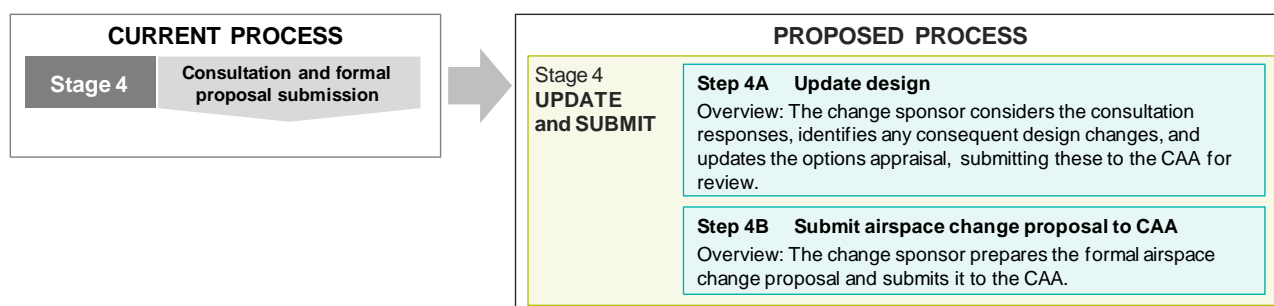
Yes  No  Don't know

**Please give your reasons and any other views on Stage 3.**

**Figure 4.4 Proposed Stage 3 of the airspace change process**



## STAGE 4: UPDATE AND SUBMIT



4.82 As noted under Stage 3, the current process structures Stages 3 and 4 slightly differently. In the revised process, Stage 4 does not commence until the consultation has been run and the responses collated and reviewed by the sponsor.

4.83 The key point of Stage 4 is for the sponsor to consider the need to update the design of the airspace change in the light of the new information in the responses received (Step 4A). The sponsor then makes the formal submission of the airspace change proposal to the CAA (Step 4B). As with all stages of the process, the online portal would play a crucial role in allowing everyone to see what progress is being made against the airspace change process.

### Step 4A Update design

4.84 In its report, Helios found a lack of transparency in how the change sponsor has answered the responses to the consultation. We therefore propose that Step 4A is sub-divided into further individual steps to address these concerns.

- The change sponsor reviews the consultation responses (categorised under Step 3D); from those responses identified for further consideration, the sponsor seeks ways of amending the airspace change design, if possible, to address the issues raised in those responses.
- The change sponsor uses the online portal to provide supporting evidence justifying how they have or have not been able to modify their proposal in light of those responses
- The change sponsor updates the options appraisal using the same approach as the original, if this is needed in order to take account of the revised impacts of any new design features
- The change sponsor submits the updated design and options appraisal to the CAA
- The CAA reviews this material and considers:
  - any design changes the sponsor has made



- updated options appraisal
- responses by the change sponsor to consultees' comments
- If the options appraisal reveals that the impact of the design has changed substantially, then the CAA may require the change sponsor to undertake a second consultation before the airspace change proposal can progress
- The CAA publishes the updated design and options appraisal on the online portal.

4.85 We propose to issue guidance based on objective principles that sets out what level of change in impact from the options appraisal would trigger a second round of consultation, who should be consulted, and so on. This is likely to be along the same lines as CAP 725, in that it will depend on the extent of the impact and whether new parties are affected. To keep the process proportionate, the guidance will set out where minor changes in impact may not need to be consulted upon.

**Outputs from Step 4A:**

- Consultation change log
- Updated options appraisal

**Step 4B Submit airspace change proposal**

4.86 At this stage the change sponsor prepares the formal airspace change proposal. Now that we are publishing airspace change proposals, we propose to introduce detailed, scalable guidance for the structure of submissions that sponsors must adhere to, recognising the very varied nature of airspace change proposals. This will standardise the way submissions are structured and presented, and make it easier for anyone interested in airspace changes to see what is being proposed, without requiring unnecessary material or creating an over-burdensome process.

4.87 Currently CAP 725 sets out a list of items that must accompany any formal submission. We do not propose substantial changes to this list, but it will be set out in guidance covering the content of the submission and how to complete the template. The list is categorised into:

- Operational assessment
- Environmental assessment
- Consultation assessment.

**Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions?**

Yes  No  Don't know

**Please give reasons for your answer.**

- 4.88 Currently we do not publish the proposal until we publish our decision. This means that the version of the airspace design that we decide upon and approve has sometimes changed from the version that was consulted upon (once the proposer has taken into account comments it received during the consultation). We propose that under our revised process, we would publish the redacted version of the formal submission from the sponsor on the online portal as soon as we are able to. Helios recommended that we publish only a notice that it has been submitted, and that we do not publish the submission itself until we have assessed and decided upon it (that is, when Stage 5 has been completed). However, we consider that there is no reason to keep the redacted version confidential. We consider immediate publication will foster trust in the CAA and address the anomaly identified above. Furthermore, there is a need for all stakeholders to see the final submission, particularly for Level 1 changes, for which a Public Evidence Session will be convened (please see the description of Stage 5 below).
- 4.89 If any material needs redacting for publication, then the sponsor must prepare two copies of the submission, one complete and one redacted. However, sponsors should note that information held by the CAA is subject to legislation that requires us to consider disclosing it on request (Freedom of Information Act 2000 and Environmental Information Regulations 2004) and the redacted material can only be withheld in certain circumstances. We would issue guidance on what these categories are and what supporting justification we would need in order to accept that some information is redacted from the published version, and the information we would need to consider withholding the redacted material if asked for it.

**Outputs from Step 4B:**

- **Submission of airspace change proposal in accordance with template in full and redacted versions**

**Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?**

Yes  No  Don't know

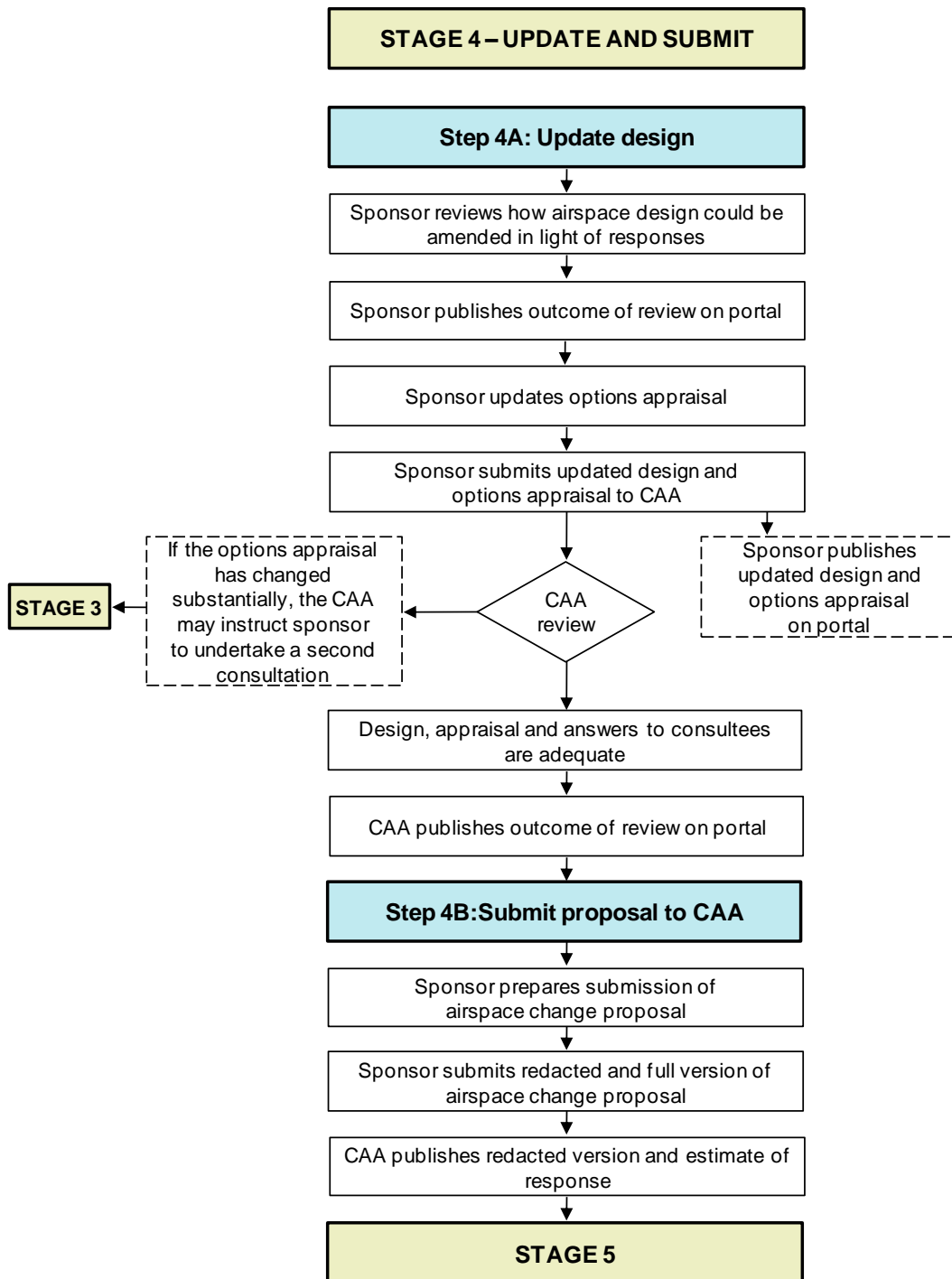
**Please give reasons for your answer.**

**Question 16: Overall, will Stage 4 improve the airspace change process?**

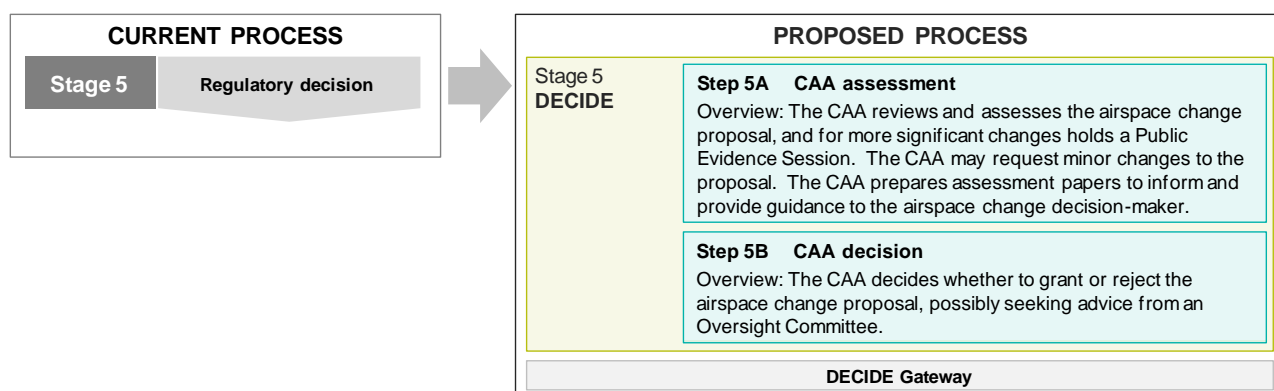
Yes  No  Don't know

**Please give your reasons and any other views on Stage 4.**

**Figure 4.5 Proposed Stage 4 of the airspace change process**



## STAGE 5: DECIDE



4.90 We propose to separate out the current Regulatory Decision stage into two new steps which together form Stage 5: Step 5A (CAA assessment) and Step 5B (CAA decision).

4.91 Helios identified a number of problems in this stage of the current process. As with earlier stages of the process, its report noted a lack of transparency. Stakeholders wanted a chance to comment on the final, submitted proposal and share their views on it directly with the CAA. If the submitted proposal was modified in light of the consultation, stakeholders might not see the final version, and so there was no formal process by which the CAA could hear their views on it. There was a lack of visibility in how the CAA was undertaking the assessment and when it would be making a decision. This resulted in a lack of confidence in the CAA's capability and expertise in making the decision, and a lack of trust in the CAA's impartiality.

### Step 5A: CAA assessment

4.92 During this step, the CAA assesses the airspace change proposal and all the documentation and evidence accompanying it. Helios recommended few changes to the activities the CAA currently carries out, and no substantial changes to the documents prepared for its assessment, but it did recommend improved clarity as to what those documents are and transparency through their publication on the online portal. The main change Helios recommended was the introduction of a public hearing.

4.93 The CAA is modifying Helios's proposal for Step 5A in two ways. First, we intend to introduce a Public Evidence Session for Level 1 airspace change proposals as part of our assessment rather than the public hearing that Helios recommended, although the session will broadly adhere to the qualities Helios outlined for the hearing. Second, we intend to formalise and improve the transparency of a current activity that exists in CAP 725 but was not discussed in Helios's report,

which concerns an opportunity for the CAA to request supplementary information, or technical corrections and clarifications, to a submitted proposal.

- 4.94 After the Public Evidence Session (or, if one is not held, when Stage 5 commences) the CAA would move from the information-receiving stage of the process into the analysis and decision-making stage. As a consequence, any written communications received a) 14 days after the proposal is published on the portal (for Level 2 changes) or b) 14 days after the Public Evidence Session date is announced (for Level 1 changes) will not be taken into account by the CAA.

### Public Evidence Session

- 4.95 We are minded to agree that in some proposals the CAA should introduce an opportunity for stakeholders other than the sponsor to provide the CAA decision-maker with their views on the airspace change proposal directly, once the final proposal has been submitted to the CAA but before the CAA takes its decision. We are modifying this Helios recommendation slightly by renaming it a Public Evidence Session and clarifying its purpose.
- 4.96 The purpose of the Public Evidence Session is for the CAA to listen. We may ask questions but only if we do not understand what a stakeholder or representative is saying. There will be no opportunity for opposing parties to challenge the submissions made by other groups.
- 4.97 To determine when and how the Public Evidence Session is set up and held, the following principles will be set:
- At least 14 days' notice of the session will be given on the online portal once the final airspace change proposal is published
  - The session will be chaired by a CAA employee or professional facilitator, and attended by the CAA decision-maker and specialist colleagues who work on airspace matters. This is not a legal proceeding with formal rules of evidence. Instead it will be a facilitated evidence-giving session at which representatives will be expected to speak themselves without formality or legal representation, in order to reinforce that information-receiving nature of the session.
  - The sponsor may be present – not to argue their case, but to offer any clarification that is needed
  - Attendees will sign in
  - A series of five-minute slots will be available for booking by attendees wishing to speak. Representative organisations will be able to reserve ten-minute slots.

- A full transcript of the statements made by all parties will be published on the online portal. This evidence will be reviewed and demonstrably taken into account by the CAA in its decision document.
- Individual meetings forming part of the Public Evidence Session should be very much the exception. Under these proposals the CAA is unlikely to agree to give any stakeholders private sessions and stakeholders will be expected to give their views in public. If they do have to occur, the sponsor (if attending) and the CAA decision-maker need to be present, i.e. the same people present as in the full Public Evidence Session.
- Prior to any Public Evidence Session the CAA should give consideration as to whether the sponsor is required to draft an 'easy read' version of the proposal to be published before the Session, and/or a video version of the explanation
- As noted in our plans to scale the process, set out in Chapter 5, we propose that a Public Evidence Session will be held for Level 1 airspace change proposals but that it will not be necessary for Level 2 changes.

#### Technical details or amendments to submissions

4.98 In current practice the CAA often requests supplementary information, or technical corrections and clarifications, from sponsors where an initial assessment reveals an area of potential weakness (CAP 725, paragraph 49, or 5.4 in the administrative update). These may then lead to amendment of the airspace change proposal formally submitted by the sponsor for two reasons. First, technical corrections may be requested, but only to the extent that any such amendments do not substantially alter the proposal, with the purpose of rendering the proposal fit for assessment by the CAA decision-maker. Second, the CAA may request actual changes to the proposal to adjust the balance between the factors the CAA has to take into account when considering whether to agree to an airspace change (for example, amending the size of controlled airspace). Again, these would only be possible to the extent that such changes would not affect the substance of the proposal or require additional stakeholder consultation.

4.99 This practice has been developed to mitigate a specific risk, which is that changes are not approved because of small errors or technical issues in the proposal rather than matters of substance. Giving the sponsor the opportunity to provide more information or clarity is currently common practice. Although it was not mentioned in the process Helios recommends, we believe the CAA should retain an opportunity to request further detail or minor amendments to proposals without rejecting them outright and referring the sponsor back to the start of the process.

- 4.100 The CAA intends to formalise this practice and make it more transparent by publishing the requests and amendments along the way. This will work as follows:
- The CAA suggests that if certain identifiable changes or clarifications were made to the proposal, it would be able to be progressed to the decision-making Step (5B). This only applies on the condition that changes identified by the CAA would not change the proposal enough to necessitate re-consulting, within legally defined parameters. The relevant CAA decision-maker, according to the 'Level' of the change, as well as other CAA staff, will be part of the assessment.
  - The CAA writes to the sponsor explaining the assessment and requesting supplementary information, or technical corrections or clarifications
  - The sponsor resubmits the proposal as 'version 2.0' (and so on, if further revisions are needed)
  - Once resolved, the CAA's request and the sponsor's resubmission or response (including any revised consultation and a log of correspondence leading to that revision) are published on the online portal together (preferably during or, if necessary, at the end of Step 5A)
  - The CAA assessment continues (i.e. back to the stage where there are two outcomes: the case is, or is not, made to progress the decision).
- 4.101 Other than these amendments, the CAA's assessment will continue in much the same way as described in the current CAP 725, with a detailed assessment of the sponsor's proposal and relevant assessment documents prepared.
- 4.102 The CAA will rewrite CAP 725, including providing new guidance outlining what evidence and documentation we will need when assessing a proposal. This guidance will define what is included within the three assessment papers and how the CAA evaluates and balances various elements such as strategic policy, environmental impacts such as noise, and economic gain.

**Outputs from Step 5A:**

- **Note of any Public Evidence Session**
- **CAA diary of additional meetings CAA holds with stakeholders (if any)**
- **CAA operational, environmental and consultation assessments**
- **CAA request for further technical details or amendments (if any)**
- **Sponsor response or revised proposal as 'version 2.0' (if any)**



**Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Step 5B: CAA decision**

- 4.103 During this step the CAA makes a decision whether to approve or reject the proposed airspace change, with clear reasoning.
- 4.104 Helios emphasised the need for transparency and therefore advised that the decision, reasoning and assessment documents are all published on the online portal. Helios also suggested that an Oversight Committee might be formed and consulted for contentious changes.
- 4.105 The CAA is unsure of the merits of the Oversight Committee, and we discuss this and invite your views below. With the exception of this point, the CAA is, subject to this consultation, minded to broadly accept Helios's proposals for this step.
- 4.106 Chapter 5 sets out how we propose that the airspace change process is scaled, and defines different 'Levels' of airspace change proposal. Each Level defines the seniority of staff within the CAA that is empowered to make the final decision.
- 4.107 For airspace changes which might have a significant effect on the level or distribution of noise and emissions the CAA must seek the approval of the Secretary of State. These circumstances are set out in the Air Navigation Directions<sup>20</sup> and the process is described in the Air Navigation Guidance.<sup>21</sup>
- 4.108 The CAA will provide new guidance on airspace change decision-making. This will include principles as to how we consider the different elements of an airspace change proposal and come to a decision. The guidance will include information on how the CAA gives effect to its duty to consider the material factors and stakeholders identified in section 70 of the Transport Act. We have included how we currently apply our duties in Chapter 6 of this consultation.

**Outputs from Step 5B**

- **CAA decision document**
- **Publication of CAA operational, environmental and consultation assessments**

<sup>20</sup> The Civil Aviation Authority (Air Navigation) Directions 2001 (incorporating variation Direction 2004).

<sup>21</sup> Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions.

**Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Question 19: Overall, will Stage 5 improve the airspace change process?**

Yes  No  Don't know

**Please give your reasons and any other views on Stage 5.**

## Appeal

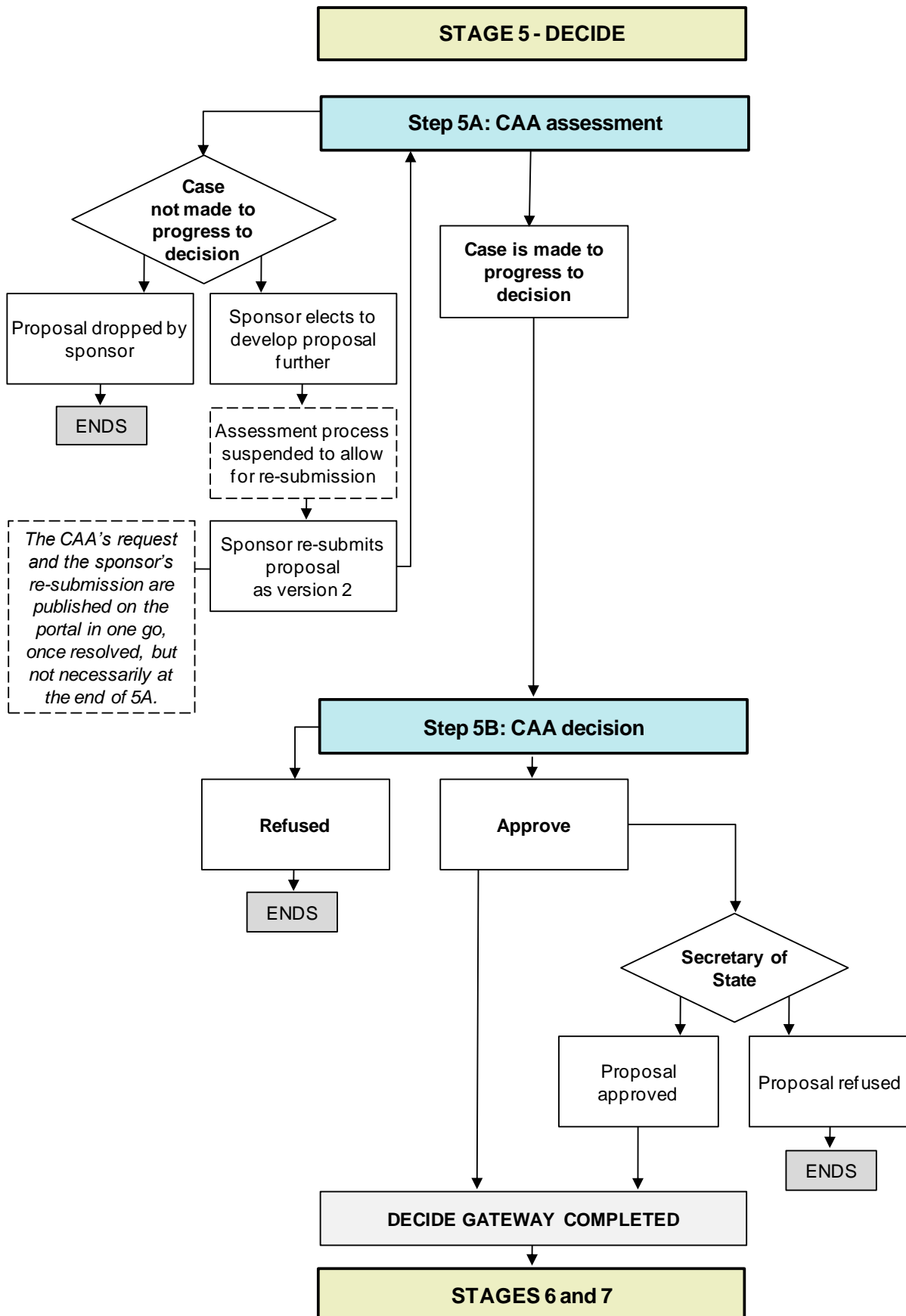
- 4.109 Helios recommended that the CAA introduce an appeal function into the airspace change process, following its decision but before implementation. Helios made this recommendation to give stakeholders “a way to challenge whether the decision made by the CAA was reasonable, based on the evidence available, or challenge the decision if there has been a breach of process.” Helios also argued that while a judicial review is a current, available mechanism for challenging whether the process has been followed, this option is expensive and therefore not easily accessible to all stakeholders.
- 4.110 The appeal Helios recommended was not designed to offer a challenge as to whether the right decision was made, only whether the right process was used to make it. Helios did not recommend that the appeal function could substitute a new decision for that reached previously, only that it could determine that the decision be taken again (as with a judicial review).
- 4.111 Whether or not a decision is reasonable, based on the evidence available, essentially means whether or not the CAA followed a fair and lawful process in reaching it. An appeal on the substance of the decision was therefore not Helios’s recommendation, nor in our view is it possible to establish an appeal body (with skills and power to substitute a decision of its own) within the CAA. The CAA experts who assess and make decisions are already involved in the process, and we do not have other relevant experts who would be independent of the original process and decision to hear the appeal.
- 4.112 The CAA has decided not to propose to introduce an appeal on process, either. We do not think an opportunity for stakeholders to ask us to review our own process would add sufficient value to the revised process proposed by Helios to justify its introduction, for two reasons.
- 4.113 The first is that the new process includes a number of gateways and full transparency at all stages, which means our thinking, and our working out, is fully in the public domain throughout the process. We have to balance the fact

that offering further opportunity for scrutiny of the process would not increase transparency but would increase the burden of the process on both sponsors and the CAA. We believe that the additional gateways and evidence added to the process are proportionate when judged against the aim of improving transparency, but a new appeal function would not pass that test. Furthermore, the time needed to allow for the possibility of an appeal to be requested, let alone the time needed should one then take place, could delay the implementation of some changes by up to a year, depending on the nature of the proposals.

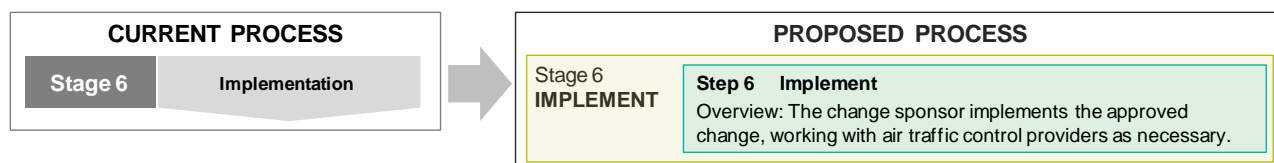
- 4.114 The second is that we believe the courts are the right place for a judgement as to whether we have followed due process, if such scrutiny is needed. Offering our own cheaper and more accessible version of this scrutiny is not proportionate, nor is it a good enough reason to provide a version of that function in-house, especially considering that a judicial review would still be available after the internal appeal in any event.
- 4.115 We have also taken into account the current statutory framework for airspace change, which enables the CAA to refer decisions to the Secretary of State under specific conditions relating to the anticipated environmental impact of the change (see Step 5B above). The Secretary of State is able to effectively challenge the substance of the CAA's airspace change decision (by preventing implementation of it), meaning that they could effectively substitute the CAA's decision with their own. We would review any revised process 12 months after it is first implemented to determine whether any additional scrutiny is needed and, depending on the evidence gathered during this review, we may reconsider our position on the appeal at that time.

**Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

Figure 4.6 Proposed Stage 5 of the airspace change process

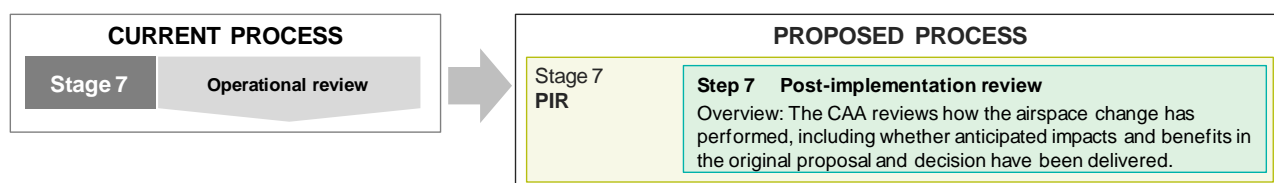


## STAGE 6: IMPLEMENT



- 4.116 There is no change to this stage. Helios did not review the implementation of airspace changes. However, aspects of the proposed process outlined in this consultation could have an impact on the time it takes to implement airspace changes, which take place through established international aviation procedures.
- 4.117 Time is critical for implementation, in order to allow for systems adaptation, testing and training. Modifications are required to both airborne and ground systems and these have to be co-ordinated on a series of internationally standardised implementation dates. These dates occur every 28 days and in some cases more than one cycle of notification is necessary (this depends on the type of change being proposed, or the Levels we propose in Chapter 5). Coding and design has to take place before this phase is reached. Co-ordination is often required at the UK's international borders and with other civil and military authorities. This can mean that major changes to airspace are only made in the quieter traffic periods that occur over winter, which again means implementation is time-critical.
- 4.118 As no changes are proposed to implementation, there are no questions in this section of the consultation.

## STAGE 7: POST-IMPLEMENTATION REVIEW



- 4.119 In accordance with CAP 725, the CAA expects the controlling authority of the airspace that was subject to a change to monitor and gather data on the impacts of the change, including the impact on airspace users and those on the ground affected by aviation noise or other environmental impacts. Under our post-implementation review process (formerly 'operational review') the CAA itself carries out a rigorous assessment of whether the objectives of the change have been realised, and whether the anticipated impacts and benefits set out in the original airspace change proposal and decision have been delivered. If they have not, the CAA investigates why, to determine whether further action or revised procedures are needed to change the airspace structure, to meet the terms of the original decision. The review is normally carried out 12 months after implementation, to ensure that a full cycle of winter and summer operations has been observed in all weather and traffic conditions. The nature of each review is determined by the scale and impact of the airspace change, and during the assessment phase the CAA may decide to revise the scope and objectives of the review or to request more information.
- 4.120 In its report, Helios identified some issues with this stage:
- frustration in the delay to commence and then complete the review
  - lack of confidence in the review as the scope was seen as too limited
  - lack of trust, as communities have typically not been invited to contribute to the review.
- 4.121 The CAA has already sought to make this part of the airspace change process more transparent by using our website to publish information about post-implementation reviews. In particular, conscious of considerable public interest, we published a large amount of material relating to our post-implementation review of 'changes to Gatwick departures 2013' and received a lot of feedback from local communities.
- 4.122 This greater transparency and stakeholder engagement provide the model for how we intend to continue in respect of Stage 7 of the airspace change process, at least for Level 1 changes. We propose that Stage 7 be as follows:

- The CAA initiates a review between 12 months and 18 months after the change is implemented. Helios recommended the 18-month window and we will endeavour to keep to this.
- The CAA can also initiate a review at any other time if it considers this is warranted
- For Level 1 changes, the CAA will instruct the sponsor as to the specific data, operational information and other evidence that is needed, the format in which it is required, and how the impacts are to be measured. This is to demonstrate how the airspace change has performed in relation to the original statement of need, design principles and options appraisal.
- We will publish the evidence collected on the online portal
- The CAA prepares a report identifying:
  - any differences from those expected
  - what mitigations are required for impacts that are greater than predicted
  - any learning points where impacts are less than expected
- The report is published on the online portal.

4.123 We see this revised process as addressing the concerns outlined in the Helios report, while keeping the review proportionate. We do not propose to widen the scope of the review. The review is to establish whether the original objectives were met and to identify any issues arising, and is not a re-run of the original decision process.

4.124 Recent experience, such as the decisions we made regarding the various route options at Gatwick, suggests the following outcomes would apply at this stage:

- For those changes that are determined to have met the criteria and objectives of the original airspace change proposal, the process is complete and therefore ends
- For those changes that require modification to get closer to the original intent and what was approved previously, the modified designs will be implemented and then monitored for a period of six months in order to determine if the original objective has been achieved. If it has, the process is complete and therefore ends. If it has not, a further change proposal will need to be submitted and the process recommences afresh.
- Any other outcome is considered to be a new proposal that sits out with Stage 7 of the process.

4.125 Experience tells us that for more significant airspace changes stakeholders will want to engage with the CAA as part of this process. We propose that as part of



the post-implementation review, the sponsor will be expected to receive and sort, in the manner instructed by the CAA at the time, stakeholder feedback to the implementation of the change and to provide that to the CAA in an agreed format.

**Outputs from Step 7:**

- Sponsor post-implementation review submission
- CAA post-implementation review report

**Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?**

**Question 22: Overall, will Stage 7 improve the airspace change process?**

Yes  No  Don't know

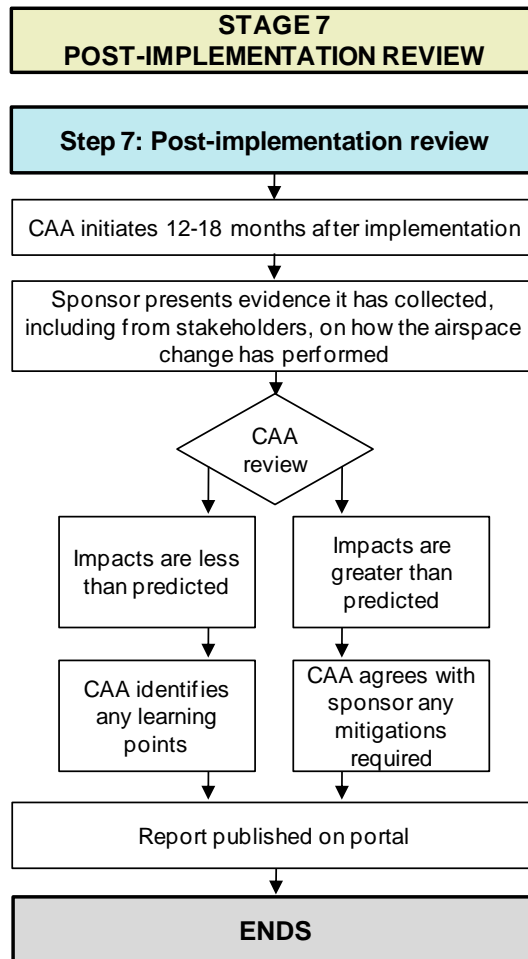
**Please give your reasons and any other views on Stage 7.**

**Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

Yes  No  Don't know

**Please give reasons for your answer.**

Figure 4.7 Proposed Stage 7 of the airspace change process



## Oversight Committee

- 4.126 As explained above, Helios recommended the formation of an expert Oversight Committee to provide the CAA with independent advice and assistance. Helios proposed that the Committee would be chaired by the CAA, with membership drawn from within and outside the CAA dependent on expertise; although most members would likely be external. The membership would be varied according to the nature and location of the airspace change proposal to make it relevant and to prevent any conflict of interest. The CAA would only call upon the Committee for airspace change proposals that are sufficiently contentious or of sufficient magnitude to warrant this additional scrutiny, such as some of the Level 1 changes outlined in Chapter 5.
- 4.127 Helios believes that this would address any lack of trust in the CAA's process as well as allowing us to call on external experts. The Committee would act as a balanced forum to review and debate the proposal.
- 4.128 In Step 3B Helios proposed that the Committee would assist the CAA in reviewing and validating the consultation plan, consultation documents and engagement plan to ensure the plan is comprehensive, the materials clear and appropriate and the questions unbiased. The other involvement Helios recommended is at Step 5B of the final decision stage where the CAA would call on the relevant Oversight Committee to advise and assist in reviewing the airspace change proposal and the assessment papers. The Oversight Committee would not be accountable for making the decision, which is a matter for the CAA or Secretary of State only.
- 4.129 Helios envisaged that members of an Oversight Committee might represent the following interests:
- Airspace operation and safety
  - Airports
  - Airspace users
  - Environmental aspects, including at least noise and air quality<sup>22</sup>
  - Health and well-being
  - Consultation and engagement experts
  - Socio-economics
  - Communities.

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<sup>22</sup> Helios envisaged one member of the Committee being provided by an Independent Aviation Noise Authority should the Government accept the Airports Commission recommendation to form one.

- 4.130 The CAA is not minded to accept this recommendation. Having regard for the other changes proposed to the airspace change process within this consultation document, it is not clear how the Oversight Committee, if constituted broadly as indicated above, would add value to the decision-making process.
- 4.131 There are three reasons as to why the CAA is not minded to introduce an Oversight Committee. First, in order to be effective, the Committee would need a range of divergent interests made up of all the varied stakeholder parties. As a consequence the Committee would add to the opposing points of view that need to be rationalised. This is unlikely to help the CAA, as decision-maker, or to improve transparency in the process, having regard for the other changes that are proposed. Second, the Committee would not be bound by the statutory duties the CAA is bound by, meaning it would not need to have regard to the factors the CAA needs to consider and balance when making a decision. Third, the views of representatives on such a Committee would potentially be elevated above the views of other stakeholders and respondents. For example, if a member of a particular local community or industry group were on the Committee, they would in effect have more of a say over the proposal than other communities or groups.
- 4.132 The CAA fully accepts that it is for us to determine what airspace change proposals should be approved and we accept accountability for that decision and any subsequent challenge. However, we are seeking your views on whether such a Committee would strengthen the process and on whether this would be a proportionate approach given the other measures that we are proposing.
- 4.133 If we go ahead with this proposal, the CAA would issue guidance on the formation and accountabilities of an Oversight Committee; including principles as to when an Oversight Committee is appropriate, the relevant membership of experts or stakeholders, and the Committee's remit.

**Question 24: Should the CAA set up an Oversight Committee?**

Yes  No  Don't know

**Please give reasons for your answer, including what benefits or drawbacks it would deliver compared with the proposed process.**

**Guidance material**

- 4.134 The CAA must exercise its air navigation functions in accordance with section 70 of the Transport Act 2000. All airspace change proposals are different, and often there are differing requirements and interests that may conflict. Where this happens, section 70 requires us to apply its provisions in the manner we think is reasonable, having regard to them as a whole. This means balancing the needs of those affected by an airspace change proposal, whether they be other airspace users, service providers like airports, or those on the ground. It is therefore reasonable for those parties to understand how the airspace change

proposal works and how the CAA will reach its decision both in terms of process and the decision-making criteria. This requires the CAA to publish comprehensive, effective and accessible guidance material setting out:

- any policies on which we rely in making our decision
- the process we will follow
- what we expect from airspace change sponsors or others involved in the process.

4.135 Helios observed that a lack of specific guidance in some areas has created variation in the approaches to airspace change proposals. Helios gives the example of consultation documents, where variation in the content can be interpreted as the sponsor deliberately attempting to hide or obfuscate information. The need for the material to be clarified tends to lengthen the process.

4.136 Therefore while the CAA currently provides guidance to sponsors at the Stage 1 framework briefing, Helios sees a need for more extensive and precise guidance than what is currently published in CAP 725. The CAA is currently able to scale the airspace change process according to the individual characteristics of the proposal concerned, but there is little guidance on how it does this. Helios observed that a clear, consistent and repeatable airspace change process required more guidance material.

4.137 The CAA has therefore decided to produce significant additional guidance material to supplement that already in CAP 725. The individual pieces of guidance which we think are needed are noted throughout this consultation document. There are 15 in all and subject to your views these will be incorporated into the revised CAP 725. It may be possible to edit CAP 725 to make the requirements set out in it clearer and more concise. We therefore do not think that 15 new guidance annexes will necessarily increase the current page count of CAP 725.

4.138 The additional guidance can be categorised as follows and largely mirrors what Helios recommends:

**Table 4.1: Proposed guidance material**

Guidance topic	Step
Airspace change requirements assessment	1A
Airspace change grading matrix	1A
Assessment meeting requirements	1A
Identification and agreement of airspace design principles	1B

Guidance topic	Step
Airspace change design: good practice examples	1B
Airspace change options appraisal requirements and guidance	2B
Consultation requirements	3A
Consultation validation requirements	3B
Responding to a consultation about an airspace change proposal	3D
How to classify consultation responses	3D
Secondary consultation principles	4A
Submitting an airspace change proposal	4B
CAA assessment of an airspace change proposal	5A
CAA decision criteria for an airspace change proposal	5B
Formation and accountabilities of an Oversight Committee	5B

**Question 25: Are there any other areas where the CAA should provide guidance?**

Yes  No  Don't know

**Please give reasons for your answer.**

## Interdependencies

- 4.139 There are two things outside the CAA's control which could alter the proposals we introduce.
- 4.140 The first is Government policy on airspace and aircraft noise. Chapter 2 explained that the CAA's process must follow the legal framework and guidance which the Government gives us on environmental matters, and that these were not within the scope of this consultation as the CAA cannot change them. If the legal framework or related guidance were to change or be clarified then clearly our own process might need to change too. While the legal framework at least is unlikely to change in the next year, any significant restatement of Government policy would be well signalled to everyone affected in advance, and this could happen before any changes are made to the airspace change process. Significant Government policy changes would also need to be the subject of public consultation. The CAA would have plenty of notice as we work closely with the Department for Transport on these issues.

- 4.141 There are many aspects of Government policy which might be relevant here. For example, the Airports Commission's final report, which considered options for new runway capacity in the UK, made a number of recommendations which, if implemented by the Government, would affect the airspace change process. One of these proposed that a new Independent Aviation Noise Authority should be established with a statutory right to be consulted on flight paths and other operating procedures.
- 4.142 The second interdependency is European law. The European Aviation Safety Agency (EASA) is planning to make proposals for a new air traffic management 'implementing rule' that includes the way airspace change proposals are processed by European Union member states. When this rule is implemented it will be in the form of EU law which has automatic effect in the UK. The UK process must therefore conform to the rule. We are aware of the content of the draft proposals which set out in general terms what high-level characteristics an airspace change process should include. We do not currently anticipate this requiring any specific changes to the UK's process. However, the implementing rule remains under development by EASA and its final wording, which will not be known before 2017, remains to be seen.



## Chapter 5

## Scaling the airspace change process

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- 5.1 It is important to recognise that airspace change proposals vary greatly in terms of size and complexity. A minor change to the boundaries of high-level airspace over the sea will be significantly different from a major reorganisation of flight paths near airports over a built-up area. Therefore any revised process must be flexible enough to be scalable to accommodate different types of proposal. By scalable, we mean that not all airspace change proposals necessarily need to be subjected to each and every element of the process.
- 5.2 At present, we already scale the process so that requirements on sponsors are greatest for those changes that are anticipated to have the greatest impact on others. Whilst the principle is already established, we do not currently publish how we do this, and we recognise that to be fully transparent, we need to explain this much more clearly. Indeed, scaling the requirements will be a key part of the new process.
- 5.3 Table 5.1 below illustrates a matrix for proportionate scaling of the airspace change process depending on the characteristics of the change. Our intention is to grade airspace change proposals into two 'Levels' and for each to apply the requirements of the process in a proportionate way. The principle of the matrix is to make clear to interested parties, particularly sponsors, which aspects of the process will apply, and to what extent, for any given Level of airspace change proposal. We would normally expect to adhere to the matrix, but in unforeseen or exceptional circumstances we would reserve the right to depart from it. In particular, when an imminent safety-critical or national security related airspace change is required, we would not apply the matrix.
- 5.4 Temporary airspace changes (which are defined in the Government's Air Navigation Guidance to the CAA<sup>23</sup> as usually less than 90 days) will continue to sit outside of this process.
- 5.5 The Levels are based on the design of airspace from an infrastructure perspective, meaning they are defined by the height and area in which the changes occur. Broadly, the impact of any airspace change will fall into one of two categories:

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<sup>23</sup> Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions. <https://www.gov.uk/government/publications/air-navigation-guidance>

- Level 1: A change that affects traffic patterns below 7,000 feet (which is derived from the altitude-based priorities in the Government's Air Navigation Guidance to the CAA); or
- Level 2: A change that does not affect traffic patterns below 7,000 feet.

- 5.6 Level 1 changes will require more extensive consultation. The number of stakeholders potentially affected by a proposed airspace change will determine how extensive a consultation must be. Level 1 changes will affect a wider range of stakeholders because of the different priorities we must give to environmental impacts when changes are at or below 7,000 feet according to the Air Navigation Guidance.
- 5.7 The categorisation of an airspace change proposal is not related to the size and capability of the sponsor. So a proposal by a small regional airport could be Level 1 and a proposal by NATS could be Level 2C.
- 5.8 Sponsors have to undertake an options appraisal at Step 2B. This evidence base will determine the scope of the impact, and will be used by sponsors when they develop their stakeholder engagement plan for consultation. This means that in addition to the defined Levels, there is a general principle of scale built into the process. For example, an airport with less traffic will have smaller impacts, and an airport with fewer local communities will have fewer people to make aware of the consultation. Therefore the resource a sponsor will require for its consultation will depend on the extent of that impact.
- 5.9 Table 5.1 below categorises airspace changes by 'Level' and includes a description of each category.

**Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?**

- 5.10 For information, Table 5.2 shows the number of airspace changes at each level that the CAA made a decision on in recent years, by sponsor. The CAA has made a decision on 46 airspace changes between 2010 and 2015, varying between one and 14 decisions in each year. However, some airspace change proposals can last several years. At the time of writing, there are 59 airspace

change proposals that are currently active. Of that number, 30 have yet to reach the regulatory decision stage (and are therefore between Stages 1 and 5). A decision has been made on the other 29 and they are either awaiting implementation or completion of the associated post-implementation review. We expect the number of airspace change proposals to increase in the future because the airspace structure is increasingly in need of modernisation, and the UK has committed to doing so in order to comply with its obligations under European law as part of the Single European Sky initiative.

**Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?**

Yes     No     Don't know

**Please give reasons for your answer.**

Table 5.1 CAA proposed guidance for scaling the airspace change process

Level	Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government's Air Navigation Guidance determines that noise is an impact for consideration)	Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government's Air Navigation Guidance determines that there will be no noise impacts for consideration)
<p><b>Description of Level</b></p>	<p>High impact changes to notified airspace structure.</p> <p>These will typically be large scale changes which change aircraft tracks, or dispersion or reduce height over land, up to and including 7,000 feet (above mean sea level), such as changes to departure and arrival routes at airports, or changes which have a significant impact on other aviation stakeholders.</p>	<p>Medium to low impact changes to notified airspace structure.</p> <p><b>Level 2A:</b> These will typically be changes which change aircraft tracks or reduce height over land, below 20,000 feet (above mean sea level) but above 7,000 feet (above mean sea level), such as changes to Air Traffic Service (ATS) routes, or establishment of new controlled airspace below 20,000 feet (above mean sea level).</p> <p><b>Level 2B:</b> These will typically be changes to controlled airspace that occur over the sea or at 20,000 feet (above mean sea level) and above. These may also be changes outside controlled airspace above 7,000 feet (above mean sea level) or;</p> <p><b>Level 2C:</b> These will typically be changes which reflect the current use of the airspace concerned or the removal of established airspace structure i.e. DCT to ATS Route, SID Truncation. These types of changes will not alter traffic patterns below 7,000 feet (above mean sea level).</p>
<b>Stage 1 – Define</b>		
<p><b>Step 1A ASSESS REQUIREMENT</b></p>	<p>In this step each change sponsor will need to produce a Statement of Need expressing explicitly what airspace issue they are seeking to address.</p> <p>This step will not be scaled as it will be the first step in the process, and we will not yet know the scope of the potential proposal.</p> <p>The CAA would only be in a position to provide the change sponsor with a provisional indication of the Level at this stage of the process - confirmation would follow once the change sponsor has completed their option development and options appraisal (Steps 2A and 2B respectively). <b><i>Should the options appraisal at Step 2B reveal that the change could alter the distribution of traffic below 7,000 feet, the sponsor will have to go back to Step 1B to re-engage and include communities. We envisage this to be a rare occurrence, but sponsors with a change likely to be Level 2 may still wish to consider engaging communities and national bodies during Steps 1B and 2A rather than scaling the process.</i></b></p>	

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Level	Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government’s Air Navigation Guidance determines that noise is an impact for consideration)	Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government’s Air Navigation Guidance determines that there will be no noise impacts for consideration)
<b>Step 1B DESIGN PRINCIPLES</b>	<p>In this step the change sponsor identifies and communicates the design principles to be applied to the airspace change design. The design principles encompass the safety, environmental and operational criteria and the strategic policy objectives that the change sponsor seeks to achieve in developing the airspace change proposal.</p> <p>The engagement expected at this step will be scaled as follows (noting the point above that the Level is only confirmed at Step 2B and therefore Step 1B may need to be revisited if a sponsor does not engage with affected communities but subsequently determines at Step 2B that their proposal could alter traffic below 7,000 feet):</p>	
	<p><b>Level 1</b> – the change sponsor should engage with the following:</p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Communities affected by impacts (such as noise or economic growth) associated with the change</li> <li>• Relevant national organisations and representatives.</li> </ul>	<p><b>Level 2</b> – the change sponsor should engage with the following:</p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Relevant national organisations and representatives.</li> </ul>
<p><b>Define Gateway</b></p>		
<p><b>Stage 2 – Develop and assess</b></p>		
<b>Step 2A OPTION DEVELOPMENT</b>	<p>In this step the change sponsor engages with directly affected stakeholders to test informally the design options against the design principles.</p> <p>Sometimes there will only be limited scope for design options, with few realistic options available. Where this is the case, sponsors will have to explain to stakeholders and the CAA why this is the case, with proportionate evidence.</p> <p>The engagement expected at this step will be scaled as follows (noting the point above that the Level is only confirmed at Step 2B and therefore Steps 1B and 2A may need to be revisited if a sponsor does not engage with affected communities but subsequently determines at Step 2B that their proposal could alter traffic below 7,000 feet):</p>	
	<p><b>Level 1</b> – the change sponsor should engage with the following:</p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Communities affected by impacts (such as noise or economic growth) associated with the change</li> <li>• Relevant national organisations and representatives.</li> </ul>	<p><b>Level 2</b> - the change sponsor should engage with the following:</p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Relevant national organisations and representatives.</li> </ul>

<b>Level</b>	<b>Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government's Air Navigation Guidance determines that noise is an impact for consideration)</b>	<b>Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government's Air Navigation Guidance determines that there will be no noise impacts for consideration)</b>		
<b>Step 2B OPTIONS APPRAISAL</b>	<p>In this step the change sponsor completes an options appraisal. The CAA will publish sufficient detail of the appraisal methodology in guidance material to assist change sponsors in carrying out a robust appraisal. The evidence collected in the appraisal will be useful in highlighting to change sponsors, stakeholders and the CAA the impacts of different options.</p> <p>It is likely that all sponsors will have to complete the full options appraisal, as this is an essential piece of evidence in a) understanding the impacts of the potential change and b) setting the Level of the change. However, there will be an implicit scale to the collection of evidence as the altitude-based priorities in the Government's environmental guidance to the CAA differ for Level 2 changes.</p>			
<p><b>Develop and Assess Gateway</b></p> <p><b>Note: the Level of the change is defined at this Gateway, i.e. before proceeding to Stage 3.</b></p> <p><b>We envisage that only Level 1 changes have the potential to merit Secretary of State intervention, but that will always be a matter for the Secretary of State and not for the CAA to decide.</b></p>				
<p><b>Stage 3 – Consult</b></p>				
<b>Step 3A CONSULTATION PREPARATION</b>	<p>In this step the change sponsor prepares a consultation and engagement plan and associated documents and submits them to the CAA for validation.</p> <p>The documents required at this step will be set out in more detail in forthcoming CAA guidance (to be written in the light of responses to this consultation on the proposed airspace change process). Meanwhile we have provided below a draft, indicative list of consultation and environmental assessment requirements showing how we expect the requirements to be scaled.</p> <table border="1" data-bbox="427 1037 2074 1426"> <tr> <td data-bbox="427 1037 1240 1426"> <p><b>Consultation</b></p> <p><b>Level 1 – the change sponsor should consult with the following:</b></p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Communities affected by impacts (such as noise or economic growth) associated with the change</li> <li>• Relevant national organisations and representatives.</li> </ul> <p>The minimum consultation period required is 12 weeks, and the maximum is 14.</p> </td> <td data-bbox="1245 1037 2074 1426"> <p><b>Consultation</b></p> <p><b>Level 2 – the change sponsor should consult with the following:</b></p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Relevant national organisations and representatives.</li> </ul> <p>The minimum consultation period required is 12 weeks, and the maximum is 14. The CAA will also consider a reduced consultation period where a change sponsor provides a strong rationale and justification for pursuing a shortened consultation.</p> </td> </tr> </table>		<p><b>Consultation</b></p> <p><b>Level 1 – the change sponsor should consult with the following:</b></p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Communities affected by impacts (such as noise or economic growth) associated with the change</li> <li>• Relevant national organisations and representatives.</li> </ul> <p>The minimum consultation period required is 12 weeks, and the maximum is 14.</p>	<p><b>Consultation</b></p> <p><b>Level 2 – the change sponsor should consult with the following:</b></p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Relevant national organisations and representatives.</li> </ul> <p>The minimum consultation period required is 12 weeks, and the maximum is 14. The CAA will also consider a reduced consultation period where a change sponsor provides a strong rationale and justification for pursuing a shortened consultation.</p>
<p><b>Consultation</b></p> <p><b>Level 1 – the change sponsor should consult with the following:</b></p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Communities affected by impacts (such as noise or economic growth) associated with the change</li> <li>• Relevant national organisations and representatives.</li> </ul> <p>The minimum consultation period required is 12 weeks, and the maximum is 14.</p>	<p><b>Consultation</b></p> <p><b>Level 2 – the change sponsor should consult with the following:</b></p> <ul style="list-style-type: none"> <li>• Directly affected local aviation stakeholders</li> <li>• National Air Traffic Management Advisory Committee</li> <li>• Relevant national organisations and representatives.</li> </ul> <p>The minimum consultation period required is 12 weeks, and the maximum is 14. The CAA will also consider a reduced consultation period where a change sponsor provides a strong rationale and justification for pursuing a shortened consultation.</p>			

Level	Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government's Air Navigation Guidance determines that noise is an impact for consideration)	Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government's Air Navigation Guidance determines that there will be no noise impacts for consideration)
	<p><b>Documentation</b></p> <p>As noted above, the documents the change sponsor is expected to prepare will be defined in CAA guidance. A draft, indicative list of environmental assessments required for <b>Level 1</b> changes is set out in <b>Box 1</b> below.</p>	<p><b>Documentation</b></p> <p>As noted above, the documents the change sponsor is expected to prepare will be defined in CAA guidance. As a draft, indicative suggestion:</p> <ul style="list-style-type: none"> <li>• For <b>Level 2A</b> we would expect the carbon assessment described in <b>Box 2</b> below.</li> <li>• For <b>Level 2B and 2C</b> we would expect the carbon assessment described in <b>Box 3</b> below.</li> </ul>
<p><b>Step 3B CONSULTATION VALIDATION</b></p>	<p>In this step the CAA reviews and validates that the consultation and engagement plan and consultation documents meet the requirements for an open, fair and transparent consultation and meet the requirements set out above. We will not comment on the merits or otherwise of the airspace change proposal itself.</p>	
<p><b>Consultation Gateway</b></p>		
<p><b>Stage 3 – Consult (continued)</b></p>		
<p><b>Step 3C COMMENCE CONSULTATION</b></p>	<p>In this step the change sponsor implements its consultation and engagement plan, and launches the consultation, publishing the documents on the online portal. Consultees respond through the portal, and their responses are moderated by the CAA before publication.</p>	
<p><b>Step 3D COLLATE AND REVIEW RESPONSES</b></p>	<p>In this step the change sponsor carries out a fair, transparent and comprehensive review and categorisation of consultation responses. The CAA will provide guidance for change sponsors about reviewing and categorising consultation responses.</p> <p>Sponsors proposing <b>Level 1</b> changes should expect this step to require more resource than Level 2 changes, as there are likely to be more stakeholder responses to catalogue and take into account when they update their design.</p>	



Level	Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government's Air Navigation Guidance determines that noise is an impact for consideration)	Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government's Air Navigation Guidance determines that there will be no noise impacts for consideration)
<b>Stage 4 – Update and submit</b>		
<b>Step 4A UPDATE DESIGN</b>	<p>In this step the change sponsor updates the designs, as appropriate, to address consultation responses. The sponsor then submits the updated design and options appraisal to the CAA.</p> <p>The CAA may suggest that the change sponsor undertakes a second consultation if the assessed impact has changed "substantially" as a result of any update. We are aware that there have been a number of judicial reviews which have considered the question of the requirement to re-consult; it has been concluded that fresh consultation is only required where there is "a fundamental difference between the proposals consulted on and those which the consulting party subsequently wishes to adopt". (See Note 4 for a definition of "fundamental".) We propose to adopt this approach for all <b>Level 1 and 2</b> changes on a case-by-case basis when considering whether or not a second consultation is required.</p>	
<b>Step 4B SUBMIT PROPOSAL</b>	<p>In this step the sponsor submits a formal proposal to the CAA, adhering to a template which the CAA will develop. We will prepare guidance setting out the documentation needed to support the submission, but this is unlikely to change much from the current requirements which include:</p> <ul style="list-style-type: none"> <li>• Operational requirements</li> <li>• Environmental report</li> <li>• Consultation report.</li> </ul>	
	<p>As noted above, the documents the change sponsor is expected to prepare will be defined in CAA guidance. A draft, indicative list of environmental assessments required for <b>Level 1</b> changes is set out in <b>Box 1</b> below.</p>	<p>As noted above, the documents the change sponsor is expected to prepare will be defined in CAA guidance. As a draft, indicative suggestion:</p> <ul style="list-style-type: none"> <li>• For <b>Level 2A</b> we would expect the carbon assessment described in <b>Box 2</b> below.</li> <li>• For <b>Level 2B and 2C</b> we would expect the carbon assessment described in <b>Box 3</b> below.</li> </ul>
<b>Stage 5 – Decide</b>		
<b>Step 5A CAA ASSESSMENT</b>	<p>In this step the CAA assesses the airspace change proposal and all the documentation and evidence accompanying it. CAA case officers determine whether the proposal is fit for purpose. If further information or clarifications are needed, these will be requested and the proposal will be updated on the portal by the change sponsor. Once the proposal is deemed fit for purpose, it will be progressed to the decision-making step.</p>	

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Level	Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government’s Air Navigation Guidance determines that noise is an impact for consideration)	Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government’s Air Navigation Guidance determines that there will be no noise impacts for consideration)
	For <b>Level 1</b> changes, a Public Evidence Session will be held by the CAA, in accordance with the procedure set out in the consultation document.	For <b>Level 2</b> changes, no Public Evidence Session is deemed necessary.
<b>Step 5B CAA AIRSPACE CHANGE DECISION</b>	In this step the CAA makes a decision whether to approve or reject the proposed airspace change, with clear reasoning. We will scale this step of the process by aiming to make decisions about medium or low impact changes faster, and by empowering different seniorities of staff to make decisions.	
	Time taken to reach <b>Level 1</b> decision: At least 16 weeks.	Time taken to reach <b>Level 2A</b> decision: Typically 16 weeks.  Time taken to reach <b>Level 2B and 2C</b> decision: Likely to be shorter than 16 weeks.
	<b>Level 1</b> CAA decision-maker: Group Director Safety and Airspace Regulation (or Head of Airspace, ATM and Aerodromes as a nominated deputy, if the Group Director deems necessary).	<b>Level 2A</b> CAA decision-maker: Head of Airspace, ATM and Aerodromes  <b>Level 2B</b> CAA decision-maker: Manager Airspace Regulation  <b>Level 2C</b> CAA decision-maker: Principal Airspace Regulator
<b>Decision Gateway</b> Note: The stages below follow in the event that the CAA or Secretary of State approves the change		

Level	Level 1: A change that will alter traffic patterns below 7,000 feet (i.e. the maximum height at which the Government's Air Navigation Guidance determines that noise is an impact for consideration)	Level 2: A change that will <u>not</u> alter traffic patterns below 7,000 feet (i.e. the Government's Air Navigation Guidance determines that there will be no noise impacts for consideration)
<b>Stage 6 – Implement</b>		
<b>Step 6 IMPLEMENT</b>	In this step the change is implemented. The scale and nature of the airspace change will determine the AIRAC cycle requirements (single or double). The CAA will confirm the AIRAC cycle requirements following completion of Step 2B.	
	<b>Level 1</b> changes will typically be undertaken in a double cycle, over a maximum of 16 weeks.	<b>Level 2A</b> changes will typically be undertaken in a double cycle, over a maximum of 16 weeks.  <b>Level 2B and 2C</b> changes will typically be undertaken in a single cycle, over a maximum of 12 weeks (however RNAV/RNP procedures will require a double AIRAC i.e. 16 weeks).
<b>Stage 7 – Post-implementation review</b>		
<b>Step 7 POST- IMPLEMENTATION REVIEW</b>	<p>In this step the CAA initiates a post-implementation review. As part of its decision (Step 5B) the CAA will make the sponsor aware of the evidence and action required, and we expect that the vast majority (if not all) of the relevant data would have been collated ahead of the commencement of the post-implementation review. Also, the extent of data required from the sponsor will be determined by the Level of each airspace change. In all cases the change sponsor will have a period of three months to collate the required data from commencement. The post-implementation review will typically commence 12 months after the change was implemented.</p> <p>The CAA proposes to implement the following timescales for completion of the post-implementation review following receipt of the required information from the sponsor (<u>excluding</u> the three-month window in which the change sponsor is required to collate the required data):</p>	
	Post-implementation reviews for <b>Level 1</b> changes will typically be completed within six to nine months from receipt of required information from the change sponsor.	Post-implementation reviews for Level 2A changes will typically be completed five to six months from receipt of required information from the change sponsor.  For <b>Level 2B</b> changes they will typically be completed four to five months from receipt of required information from the change sponsor.  For <b>Level 2C</b> changes they will typically be completed three to four months from receipt of required information from the change sponsor.
	For <b>Level 1</b> changes the CAA will also instruct the sponsor as to the specific data that is needed, and the specific format in which it is required.	For <b>Level 2</b> changes the sponsor will be expected to adhere to good practice, but will not be given specific instructions for the format of the data required.

<p><b>Box 1</b></p> <p><b>Noise</b></p> <p><b>Changes that affect routes and/or traffic patterns below 4,000 feet (above mean sea level):</b></p> <ul style="list-style-type: none"> <li>• Leq contours;</li> <li>• SEL footprints;</li> <li>• Operational diagrams that portray existing traffic patterns and proposed traffic patterns;</li> <li>• An assessment and portrayal of noise impacts up to 4,000 feet (above mean sea level) for geographic areas not contained by either the Leq contours or SEL footprints.</li> </ul> <p><b>Changes that affect routes and/or traffic patterns between 4,000 feet and 7,000 feet (above mean sea level):</b></p> <ul style="list-style-type: none"> <li>• SEL footprints;</li> <li>• Operational diagrams that portray existing traffic patterns and proposed traffic patterns;</li> <li>• An assessment and portrayal of noise impacts up from 4,000 feet to 7,000 feet (above mean sea level) for geographic areas not contained by either the Leq contours or SEL footprints.</li> </ul> <p>Longer-term noise impacts (e.g. a five-year forecast) will also be required.</p>	<p><b><u>CO<sub>2</sub> emissions</u></b></p> <p>An assessment of fuel and CO<sub>2</sub> impacts of the proposed change. This will include annual totals for each. Longer-term CO<sub>2</sub> emissions (e.g. a five-year forecast) will also be required.</p> <p><b><u>Local air quality</u></b></p> <p>Explicit consideration of, and assessment where necessary. A full local air quality assessment is required if there are any changes to traffic dispersion or total aircraft emissions below 1,000 feet.</p> <p><b><u>AONBs and National Parks</u></b></p> <p>Explicit consideration of any changes to routes and/or traffic patterns that may affect either an Area of Outstanding Natural Beauty or a National Park.</p> <p><b><u>Tranquillity</u></b></p> <p>Explicit consideration of any potential impacts upon tranquillity.</p> <p><b><u>Biodiversity</u></b></p> <p>Explicit consideration of, and assessment where necessary.</p>
<p><b>Box 2</b></p> <p><b><u>CO<sub>2</sub> emissions</u></b></p> <p>For Level 2A changes, an assessment of fuel and CO<sub>2</sub> impacts of the proposed change. This will include annual totals for each. Longer-term CO<sub>2</sub> emissions (e.g. a five-year forecast) will also be required.</p>	<p><b>Box 3</b></p> <p><b><u>CO<sub>2</sub> emissions</u></b></p> <p>For Level 2B and 2C changes, an assessment of fuel and CO<sub>2</sub> impacts of the proposed change if the anticipated impact is negative (i.e. an increase in fuel and emissions). This will include annual totals for each. If the anticipated impact is positive, a qualitative assessment and explanation is adequate. Longer-term CO<sub>2</sub> emissions (e.g. a five-year forecast) will also be required.</p>

**Notes to Table 5.1**

**Note 1:** If any airspace change is deemed as fast-track by the CAA's Group Director Safety and Airspace Regulation, the matrix is dis-applied.

**Note 2:** A glossary of terms appears at the beginning of this consultation document.

**Note 3:** This matrix is intended to provide guidance about the scaling of the airspace change process. For more detail on the process please refer to Chapter 4.

**Note 4:** 'Fundamental' would be defined as "a change of such a kind that it would be conspicuously unfair for the decision-maker to proceed without having given consultees a further opportunity to make representations about the proposal as so changed." *Kenneth Parker QC (then sitting as a Deputy High Court judge) R Elphinstone) v Westminster City Council, [2008] EWHC 1287 (Admin)*.

**Note 5:** Local aviation stakeholders are those where there is a direct operational impact from the proposal (e.g. aerodrome users/adjacent air traffic control providers). National representative organisations that are concerned with strategic policy will be consulted through the National Air Traffic Management Advisory Committee.

**Table 5.2 Number of previous airspace change proposals using proposed categorisation by Level, 2010–2015**

	2010				2011				2012				2013				2014				2015				
	1	2A	2B	2C	1	2A	2B	2C	1	2A	2B	2C	1	2A	2B	2C	1	2A	2B	2C	1	2A	2B	2C	
NATS						1	4		2		1						1		8	1			1		19
Aerodrome					1				3												1				5
MoD			1																1			1			3
CAA																	1					1			2
FASVIG																									0
MoD/Aerodrome																									0
NATS/Aerodrome									2				1												3
NATS/British Gliding Assoc.						1																			1
Government						1		1																	2
Windfarm Developer			1																1				1		3
NATS/Other States NAA						1			2	3													2		8
<b>TOTALS</b>	0	0	2	0	1	1	7	0	5	8	1	0	1	0	0	0	1	1	10	1	1	2	4	0	
	2				9				14				1				13				7				46

Level 1	9
Level 2A	12
Level 2B	24
Level 2C	1
	46

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	Ongoing				
	1	2A	2B	2C	
NATS	1		1	4	6
Aerodrome	6	6	1	1	14
MoD	1				1
CAA				2	2
FASVIG	2				2
NATS/Aerodrome	4				4
Windfarm Developer			1		1
<b>TOTALS</b>	14	6	3	7	
	30				

## Chapter 6

# CAA duties when carrying out our airspace functions under section 70 of the Transport Act 2000

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## Legal basis for the CAA's decisions

- 6.1 Under section 66(1) of the Transport Act 2000, the Secretary of State has issued Directions to the CAA (that is, our airspace functions) which include developing policy and strategy on the use and classification of airspace, and taking into account guidance, planning policy and the need to reduce environmental impacts. The CAA's general duty governing how it exercises its air navigation functions, and therefore duties when approving changes to the structure of airspace, is set out in section 70 of the Transport Act 2000. These duties include a duty to take into account environmental guidance issued by the Secretary of State. The Secretary of State issued revised guidance on environmental objectives in January 2014. This legal framework and guidance forms the basis for the CAA to consider any proposals submitted to it for changes to the dimensions, classification or use of UK airspace.
- 6.2 The purpose of this chapter is to set out the CAA's policy approach in carrying out our duties when making airspace change decisions – including what we understand those duties to mean, how we will balance competing priorities, and what evidence from stakeholders we will take into account<sup>24</sup> when reaching its decision. While this consultation is principally about changes we are considering making to the airspace change process, this chapter is not about a proposed change. This chapter is an opportunity for the CAA to be transparent about the way in which we carries out our statutory duties. There is an opportunity for you to share your views at the end of this chapter, but the CAA is not in a position to change the legislation in the Transport Act.

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<sup>24</sup> See Appendix C for more detail.

## The CAA's duties under section 70

### Transport Act 2000

#### Section 70 – General Duty

(1) The CAA must exercise its air navigation functions so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) and (3).

(2) The CAA must exercise its air navigation functions in the manner it thinks best calculated—

- to secure the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic;
- to satisfy the requirements of operators and owners of all classes of aircraft;
- to take account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally;
- to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section;
- to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services;
- to take account of the interests of national security;
- to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification).

(3) If in a particular case there is a conflict in the application of the provisions of subsection (2), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.

(4) The CAA must exercise its air navigation functions so as to impose on providers of air traffic services the minimum restrictions which are consistent with the exercise of those functions.

(5) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the performance by the CAA of its air navigation functions.

- 6.3 Section 70(1) of the Transport Act 2000 requires that in exercising its air navigation functions, the CAA must give priority to maintaining a high standard of safety in the provision of air traffic services. This duty overrides the other material factors in section 70.

### Framework for airspace change decision-making

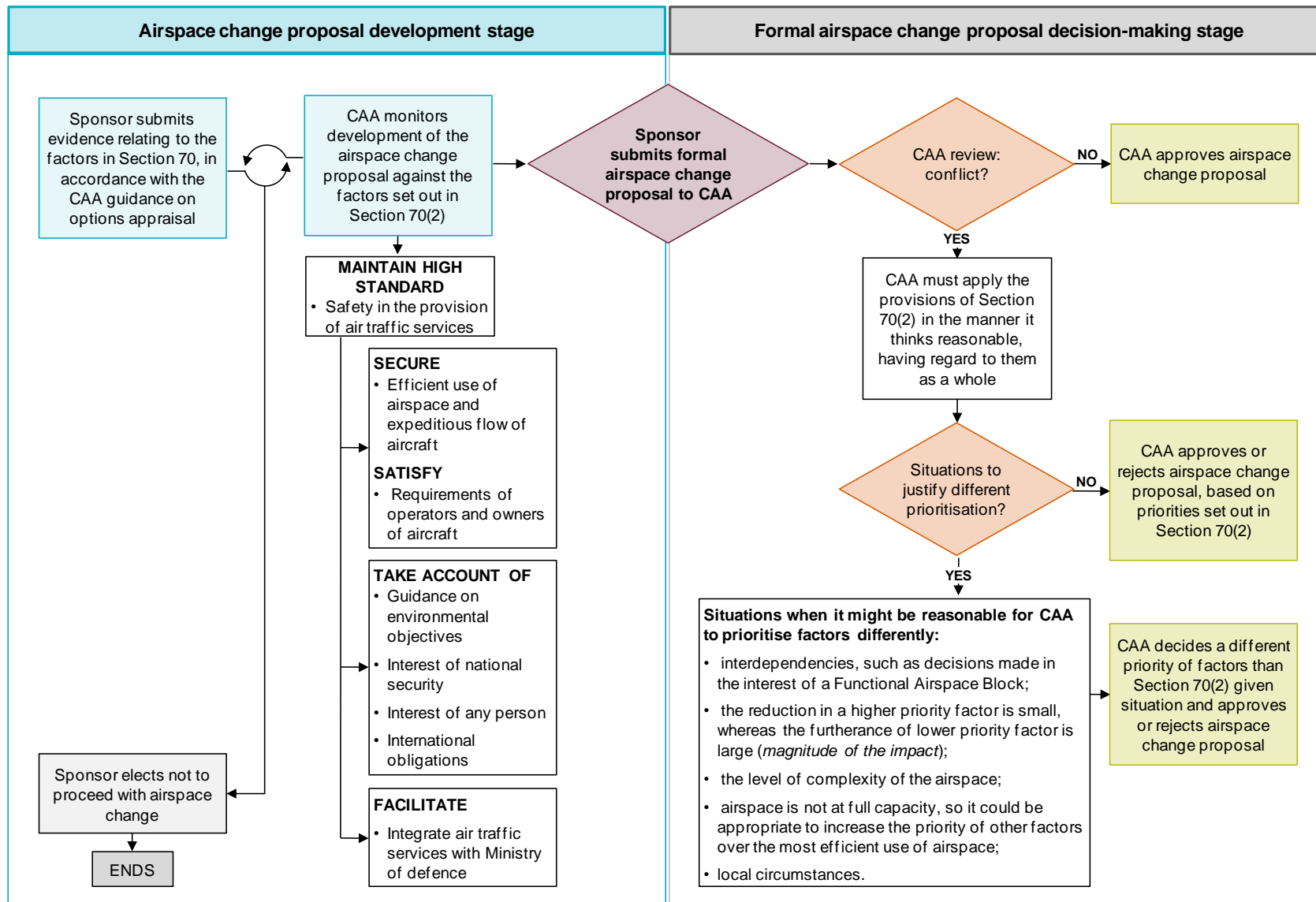
- 6.4 Airspace change proposals come in all shapes and sizes with varying scope for conflict between the material factors the CAA must take into account and,



consequently, it is necessary to have a decision-making process that is scalable but consistent in its application.

- 6.5 Beyond the overarching and primary safety duty, the CAA's statutory functions require it to consider a number of material factors, of which securing the most efficient use of airspace is one (and merits its own explanation below). In formulating a policy approach for airspace change decisions, the CAA has therefore set out how it balances those material factors in a decision-making framework.
- 6.6 A diagram illustrating this decision-making framework is shown in Figure 6.1. The circular arrows represent an iterative process of interaction between the airspace change sponsor and the CAA about the development of an airspace change. This interaction may occur over many months or even years, leading to the sponsor ultimately making a proposal – activity which, under the proposed process, would be visible on the online portal. However, some proposals may be discussed with the CAA but later withdrawn by the sponsor without ever reaching the formal proposal stage.

Figure 6.1: Airspace change process decision-making framework



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**Subject to maintaining a high level of safety, the CAA will approve an airspace change proposal that contributes positively to all the material factors in section 70(2) and where there is no conflict between those material factors.**

- 6.7 Where in a particular case a proposed change would contribute positively to some of the material factors, but negatively in respect of others, section 70(3) refers to this situation as a conflict. Section 70(3) then requires the CAA to apply those material factors in the manner it thinks is reasonable having regard to them as a whole.

#### Weighting implied by the language of CAA's duties in section 70(2)

- 6.8 Once a proposal has been formally submitted, and the anticipated impacts analysed against the material factors, the CAA has a duty to take into account, the CAA will first assess whether there is a conflict between the factors in section 70(2). As its starting point, when considering a proposal, the CAA will give its duty to secure something higher weight than its duty to satisfy or facilitate. (These are all terms used in the CAA's statutory duties in section 70(2) above.) For example, the CAA would give the obligation to secure the most efficient use of airspace higher weight than the obligation to satisfy owners and operators of aircraft.
- 6.9 The CAA regards the term to take account of as meaning that the material factors in question may or may not be applicable in a particular case (for example, national security) and also that the range of ways they could affect our decision could be wide. This means that sometimes, a factor we must 'take account of' is prioritised over one we need to 'secure'.
- 6.10 Not all of the material factors will be relevant in all airspace change proposals.
- 6.11 Table C1 in Appendix C sets out examples of beneficial characteristics of an airspace change proposal which could be used to demonstrate how the proposal impacts each material factor. The table also sets out examples of detrimental characteristics which, if they arise from the proposal, would likely indicate that the proposal has not contributed positively towards one of the material factors or has had a detrimental effect.
- 6.12 The examples are not an exhaustive list, nor should they be taken as examples that will demonstrate a factor under every circumstance. However, it is expected that for most proposals that reflect these examples, they will be evidence that a sponsor has considered the factor in question.
- 6.13 The examples act as guidance for airspace change sponsors to help them gauge whether or not any of the material factors are in conflict (section 70(3) of the Transport Act 2000). If there is conflict between any material factors, this does not mean that the proposal automatically fails and is refused by the CAA. What it does mean is that the CAA will need to use its judgement to decide whether,

despite there being a conflict between these factors, a balance can be struck and that the proposal should be approved.

**Where there is a conflict between the factors in section 70(2), section 70(3) requires the CAA to apply those in the manner it thinks is reasonable having regard to them as a whole.**

- 6.14 Where there is a conflict, and therefore section 70(3) applies, the CAA will use its discretion to determine the weight that each of the section 70(2) factors should be given. In such cases the CAA will be prepared to provide impartial advice to the sponsor prior to the proposal being submitted formally about how this conflict could be minimised, including encouraging the sponsor to engage as appropriate with affected stakeholders about how this might be achieved.
- 6.15 There may be good reasons why the CAA may need to resolve a conflict other than in accordance with the relevant weight indicated by the wording of section 70(2) (as explained above). Some examples are given below, but this list is not exhaustive:
- *Local circumstances* – such as where the CAA might make an airspace change that takes account of the noise of aviation over the ability to secure the most efficient use (i.e. where design principles, as described in Stage 2 of the process, mean an airspace design create less efficient paths that avoid a population centre)
  - *Interdependencies* – such as where the CAA might make an airspace change that reduces the efficient use of airspace or does not meet the requirements of operators and owners in order to meet an international obligation under the UK/Ireland Functional Airspace Block<sup>25</sup>
  - *Magnitude of the impact* – such as when the impact of an airspace change on a higher-weight objective is small, whereas the impact on a lower-weight objective is large
  - *Complexity of the airspace* – such as when an airspace structure modified through the consultation process in an attempt to meet different user requirements may render it safe, but almost unusable by operators or owners of aircraft, or unworkable by air traffic control
  - *Airspace not at full capacity* – such as when it is deemed that securing the efficient use of airspace is less important and it could be appropriate to increase the weight placed on other factors.
- 6.16 Once the proposal is submitted formally for decision, the CAA will consider the rationale and evidence supporting the proposal against its statutory duties.

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<sup>25</sup> See [www.ukirelandfab.eu/](http://www.ukirelandfab.eu/).

Where the initial assessment was that the application of those material factors is in conflict, the CAA will judge the proposal according to the extent of that conflict, having regard to the factors as a whole. For example, a sponsor may be able to demonstrate that a conflicting objective has a “minimal”, “acceptable”, “reasonable”, or “equitable” impact despite being negative.

- 6.17 For the avoidance of doubt, it should be noted that the obligation on the CAA in section 70(3) is not fulfilled by securing the most efficient use of airspace. That objective, in section 70(2)(a), is just one of the section 70(2) factors that the CAA must balance in making its decision.

#### The CAA’s interpretation of section 70(2)(a) including “the most efficient use of airspace”

- 6.18 This sub-paragraph requires the CAA “to exercise its air navigation functions in the manner it thinks best calculated to secure the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic”.
- 6.19 The CAA regards an efficient use of a scarce resource as one that makes the best use of it. In determining the best use of airspace, the CAA has identified the different elements that could make up an airspace change and its consequences, applying recognised principles of statutory interpretation. For example, because section 70(2)(a) explicitly refers to both the efficient use of airspace and the expeditious flow of aircraft, the latter cannot be viewed as a synonym for the former. Thus, while expeditious flow may contribute to the efficient use of airspace, and is therefore a consideration in determining efficient use of airspace, efficient use of airspace must mean something different. Similarly, the matters set out in sections 70(2)(b) to (g) cannot be viewed as characteristics of an efficient airspace change; they are different material factors and, applied singly, would yield different outcomes.
- 6.20 The CAA uses the following overall definition of “the most efficient use of airspace”:

**The most aircraft movements through a given volume of airspace over a period of time in order to make the best use of the limited resource of UK airspace from a whole system perspective.**

- 6.21 The CAA uses the following definition of “*expeditious flow*”:

**The shortest amount of time that an aircraft spends from gate to gate, from the perspective of an individual aircraft, rather than the wider air traffic system.**

- 6.22 Thus the CAA would regard the increased efficiency of an individual flight, sometimes referred to as flight efficiency, as a factor in expeditious flow rather than an efficient use of airspace.<sup>26</sup>
- 6.23 The CAA may consider multiple factors in assessing a proposal against the duty of making the most efficient use of airspace. Those factors may also be relevant to the CAA's other section 70(2) duties. In general, the CAA will be guided by the factors that contribute to an efficient use of airspace shown in Table C2 of Appendix C, but not all will be relevant in a given airspace change proposal, and some may actually oppose each other.
- 6.24 Section 70(2)(a) gives the CAA the objective of securing the most efficient use of airspace, but the most the CAA can currently achieve is an analysis of options presented by an airspace change sponsor as to which is the most efficient. To judge this, the CAA regards the appropriate metric as the number of aircraft through a given volume of airspace. While it is theoretically possible to attribute a value to different types of use of airspace, and/or to measure the efficient use of airspace in terms of the number of passengers, these metrics are not currently technically feasible. In assessing the efficient use of airspace, the CAA will therefore count each aircraft, whatever its size or purpose, as one.

#### The CAA's interpretation of section 70(2)(c)

- 6.25 The CAA interprets "any person (other than an operator or owner of an aircraft)" as including airport operators, air navigation service providers, people or businesses on the ground who may be affected by aviation noise or other environmental impacts (although the environmental impact on all stakeholder is also considered separately), passengers on aircraft, owners of cargo being shipped by air, or anyone else affected by an airspace change proposal.

**Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?**

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<sup>26</sup> It is a standard feature of airspace management that the most expeditious flow for an individual aircraft is sacrificed in the interests of the most efficient use of airspace, i.e. aircraft do not fly their most direct route to their destination; they fly their most direct route permitted by air traffic control within an airspace structure designed to make the most efficient use of airspace, from a whole-system, all-aircraft, perspective.

## Chapter 7

# CAA cost recovery for administering the airspace change process

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- 7.1 This chapter sets out the estimated magnitude of the additional costs the CAA will incur from the changes we are considering making to our airspace change process, which in turn will depend on the outcome of the forthcoming consultation. It then reflects on options for funding these additional costs, and also considers whether the current funding mechanism for airspace change activities is the right one.
- 7.2 Once we have established who should pay, we will develop and further consult on the detailed mechanism.

## Current CAA airspace change proposal costs

- 7.3 There are two categories of cost associated with designing, planning and deciding on airspace changes:
- Change sponsors meet their own costs associated with designing an airspace change, commissioning technical advice, consulting with stakeholders and preparing and submitting documents to the CAA.
  - The CAA retains a team of people to scrutinise airspace change proposals made by sponsors and make a recommendation to the CAA decision-maker as to whether or not the proposed change should be accepted, and if so with what conditions. The costs associated with this activity are charged to airlines through the UK en route unit rate.<sup>27</sup>
- 7.1 The costs incurred by the CAA in carrying out the work associated with the airspace change process are predominantly staff costs. The 2015/16 cost of CAA staff directly associated with the process is £1,089,000, including overheads. The average staff complement is eight full time equivalent employees (although this is spread across 16 members of staff who each spend a proportion of their time supporting the airspace change process). This includes airspace regulators and additional posts covering specialist knowledge on, for example, environmental assessments. It also includes administrative and business support. However, this excludes some indirect costs, such as those who provide occasional expertise and advice on aspects of the proposed change. There are

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<sup>27</sup> This is the distance/weight based charge levied on civil airlines flying in UK airspace. The large majority of the charge is made up of NERL's costs incurred in providing en-route air traffic services. Certain DfT and CAA costs are also included in the charge.



also three full time secondees from other organisations, who work directly on airspace change but are not paid directly by the CAA.

## Future CAA airspace change proposal costs

- 7.2 The additional annual costs to the CAA of the proposed airspace process changes are an estimated £932,500 (in 2015/16 prices) including overheads, for 11 new staff. Three of those 11 staff would start working for the CAA midway through 2016 to help set up the new process. This is summarised in Table 7.1 below.
- 7.3 The staffing costs in Table 7.1 include from the start of 2017/18 two additional airspace change regulators and an additional 1.5 environmental assessors. These are increases in staffing power on top of similar roles that already exist in the CAA, to account for activities that are already part of the process but would increase in volume under the proposals in this consultation. The other new posts, for example the three community engagement managers and the economist for the options appraisal, are entirely new roles necessitated by the proposed enhancements to the process, and in some cases will bring new capabilities to the CAA.

**Table 7.1: Future additional CAA airspace change staffing costs**

Role	Estimated FTE cost including overhead	New FTE compared with 2015/16		Notes
		Financial year 2016/17 (from Q3 only)	Financial year 2017/18	
Airspace change regulator	£130,000	1	2	To deliver higher workload from the extended process
Webpage, database, social media and correspondence	£65,000	1	2	Modifier and administrator
Community engagement manager	£65,000	1	3	To oversee sponsor engagement with communities
Economist – options appraisal	£80,000	-	1.5	Validation of options appraisal submitted by sponsors
Environmental assessor	£65,000	-	1.5	To deliver higher workload from the extended process
Legal adviser	£130,000	-	1	Legal advice
<b>Total new posts</b>		<b>3 FTE for half the year</b>	<b>11 FTE</b>	
<b>Estimated cost including overhead</b>		<b>£130,000</b>	<b>£932,500</b>	

Note: FTE = full time equivalent employee

- 7.4 In addition to the staffing costs set out above there are two additional set-up costs in 2016/17:



- **Consultation costs of up to £60,000.** This includes an online consultation subscription (to Citizen Space, to run our consultation), associated materials, and attendance at a range of external meetings (probably across the country).
- **Online portal costs of up to £175,000 (estimated).** This estimate is a single upfront cost in 2017 for the creation of a bespoke online airspace change portal (plus annual technical support). A possible alternative would cost an estimated £20,000 to £25,000, incurred every year but inclusive of technical support, if we choose an off-the-shelf, subscription-based solution. We are currently assuming an upfront development cost of up to £175,000, because it does not look as if any off-the-shelf subscription-based solutions would meet all the specific needs of the airspace change process.

## Future potential funding mechanisms

7.5 The CAA is required by the Government to fully recover its cost from industry in accordance with section 11 of the Civil Aviation Act 1982. As such this section proposes two long-term options for funding future additional airspace regulatory costs:

- Option 1: UK en route unit rate under RP3
- Option 2: New statutory charge.

7.6 As we explain below, option 1 is only possible in the longer term. Option 1 therefore means we would still need to set up a new statutory charge in the short-term.

### UK en route unit rate (option 1)

7.7 Currently, the majority of CAA's airspace-related costs are funded from the UK en route unit rate, a distance/weight-based charge that is fixed until 2019 and levied on commercial airlines flying in UK airspace. NERL's allowable costs make up the largest single component of the en route unit rate, with certain UK Government aviation and CAA-related costs accounting for the remainder.

7.8 Therefore the first option is to continue with the current charging mechanism and incorporate the additional costs within the UK CAA unit rate for 2020.

7.9 However, as explained above, because the UK en route unit rate is essentially fixed until the next regulatory period (RP3<sup>28</sup>) commences in 2020, we cannot recover any additional costs and therefore would not be in a position to implement the proposed changes to the process until 2020.

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<sup>28</sup> The Single European Sky Performance Scheme requires EU Member States to adopt performance plans in respect of air navigation service providers over a reference period (RP).  
[www.eurocontrol.int/articles/performance-scheme-single-european-sky](http://www.eurocontrol.int/articles/performance-scheme-single-european-sky)

## A new statutory charge (option 2)

- 7.10 The CAA has powers to create new statutory charges on those it regulates to pay for work it needs to carry out to meet its regulatory duties. This gives the CAA a potential mechanism for meeting the shortfall of three years of staffing costs before RP3 starts in 2020, or could provide an entirely new funding route for all airspace change activities.
- 7.11 If a new charge were to be created, the CAA would need to decide which entities should pay it. The options include:
- UK airport operators
  - UK airlines
  - NATS/NERL.
- 7.12 The sponsor incurs the cost of preparing airspace change proposals. For an airport-sponsored change, this will be the airport operator, whether it is commercial or General Aviation, which then passes the costs on to its customers. For an en route sponsored change, the sponsor will be NERL, which recovers its costs from airspace users through en route charges.
- 7.13 **UK airports** serving both commercial and General Aviation: a good reason for charging airports is that they generate income as a direct result of operations which themselves create a demand for controlled airspace and arrival and departure routes, and give rise to the consequential noise and other local environmental impacts. One reason against charging airports is that as sponsors of many of the airspace changes which we anticipate would have the greatest impact on stakeholders (Level 1) they already incur a cost for designing, planning and consulting on airspace changes – unlike airlines. Airspace changes at General Aviation airports are also sometimes required albeit less often.
- 7.14 **UK airlines** are the primary beneficiaries of changes that result in a more efficient use of airspace, through fuel and time savings – and of course are the fundamental reason for the existence of airspace design. The problem that arises when considering charging airlines is that the CAA's current charges are principally on airlines who are licensed in the UK (which account for nearly two-thirds of commercial movements at UK airports or around half of all commercial aircraft using UK airspace), whereas creating a charge levied on the en-route air navigation service provider (NERL) or airports would, in theory, enable that entity to pass the costs on to airlines actually flying in UK airspace.
- 7.15 **NERL** is a sponsor of a number of airspace changes and therefore is one of the primary stakeholders creating the need for an airspace change process, in its current or revised form, to exist. Up to the start of 2020, NERL cannot automatically pass any increase in costs associated with the revised airspace change process to airlines through the en route rate (e.g. as a result of a new

statutory airspace charge). However, during this period, NERL does have a financial incentive to deliver airspace change through improving flight profiles (as measured by 3Di) and air traffic delays.

**Question 30: Do you have a preference for either of the long-term options for recovering the CAA's airspace change costs that are set out in Chapter 7?**

**Please give your reasons and any other views on how the CAA recovers its airspace change costs.**

**Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.**

## Chapter 8

## Transition to a new process

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- 8.1 Because the development of more complex airspace change proposals can last for several years, there will be some which are in progress when we introduce any changes to the process. We will therefore need to publish guidance on transition arrangements, and give sponsors plenty of notice of any additional requirements that they may need to meet.
- 8.2 We cannot publish this transition guidance until we know what changes we are introducing. However, common sense would suggest that any proposal which has yet to be consulted on before the introduction of the revised process (and which therefore corresponds to Stage 1, Stage 2 or Steps 3A/3B of Stage 3 in the proposed process) should adhere to the new process from the implementation date onwards, to the extent that this is feasible or reasonable. We will discuss individual cases with the sponsor concerned and publish any agreed position. As soon as our decision on a revised process is announced, sponsors should consider what additional action may be required to align their proposal with any new process.
- 8.3 We would not expect to mandate new elements of any new process for a proposal which has already been consulted on at the time a new process is introduced (and is therefore at Step 3C in the new process or later). However, we would expect the sponsor in such cases to discuss with us whether there are any elements of the new process that it would be required to fulfil.

**Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?**

Yes  No  Don't know

**Please provide any further comments or evidence that would inform our proposed transition arrangements.**

## Chapter 9

## Next steps

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### Consultation responses

- 9.1 Chapter 1 explains how you can respond to this consultation. We will publish responses online through the consultation website, although you can if you wish request that your response is not published or provide a redacted version if some material is sensitive.

### Timescales

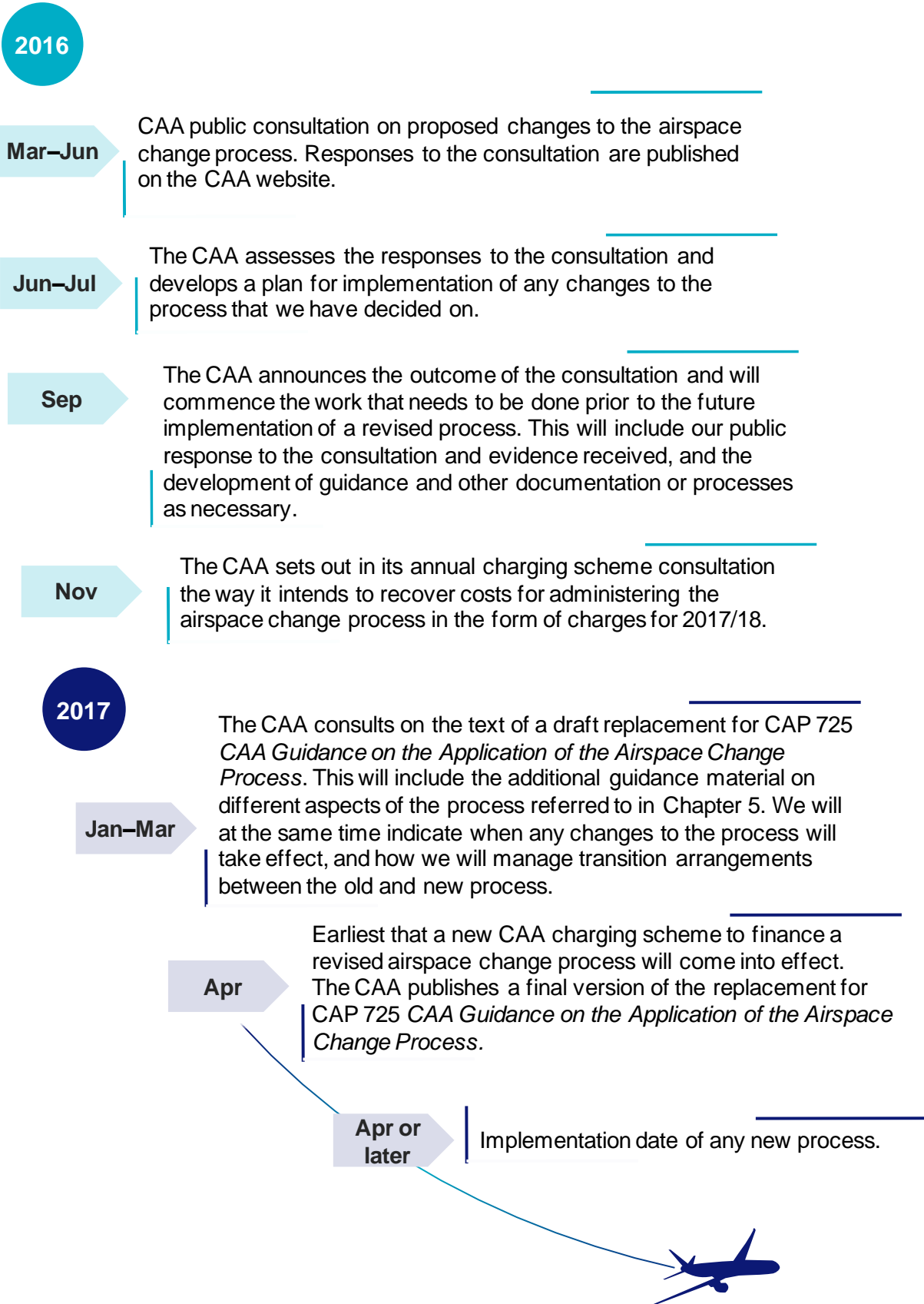
- 9.2 Our anticipated timescales for this review of the airspace change process are set out overleaf.

**Question 33: Are our timescales for introducing the new process reasonable?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Figure 9.1 Anticipated timelines for reviewing the airspace change process**



**APPENDIX A****Options appraisal for airspace change proposals**

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**The case for requiring sponsors to carry out an options appraisal**

- A1 As part of a revised airspace change process, the CAA is proposing that airspace change sponsors should carry out a more comprehensive 'options appraisal' which will form a new part of the process (Step 2B of Stage 2).
- A2 As described in Chapter 4, Helios identified a lack of trust on the part of those being consulted about airspace changes that the impacts have been consistently and rigorously identified and assessed, and therefore that the impacts are not fully understood or appreciated. Helios also identified a lack of clarity for sponsors as to what assessment they must undertake.
- A3 The CAA is experiencing an increase in the workload associated with airspace change decisions. This includes the number of decisions, the range of competing interests involved, the significance of their potential impact on noise distribution, and the sensitivity of local communities to flight path changes. Given this, the way the CAA interprets and complies with its statutory functions needs to be robust, in particular. This will in turn strengthen the CAA's ability to make and defend the right decision.
- A4 As the demand for airspace capacity increases in the future, or the need for significant redesign becomes more pressing, the CAA, as regulator, is less likely to be able to accommodate the needs of everyone. We must consider all the elements of the proposal against our statutory duties and relevant guidance from the Secretary of State, but where we have discretion in terms of how we execute our role in balancing the competing interests of all affected parties, we need a more robust approach. We may no longer be able to achieve a balanced trade-off of these competing interests without having to confront the possibility of one or more of the factors being made appreciably worse. CAP 725 is not a checklist that guarantees approval for following a given process.
- A5 The proposal on which we are consulting you uses an impact assessment approach that will complement and enhance the existing decision-making framework for airspace change proposals. We are calling this options appraisal – since it is essentially about reviewing different options that meet the sponsor's objectives, including where there is only a single option, to understand the impacts, both positive and negative.
- A6 This appraisal needs to be objective, repeatable and therefore consistent against defined criteria, which we will issue in the form of guidance. Although we are

setting out some key principles here, we will not decide the detail of the options appraisal criteria methodology until we have heard your views on the general concept. Where possible, the appraisal should seek to monetise impacts adopting the rigour, structure and approach of a cost-benefit analysis. We would investigate whether any factors that require monetisation would be best achieved through WebTAG, the Department for Transport's appraisal method.

- A7 As with any of the process changes we are proposing, we will need to satisfy ourselves from a 'Better Regulation' perspective that the additional resource costs that will be created for sponsors and the CAA are outweighed by the benefits. The impacts are set out in Appendix D.

### **The CAA's statutory obligations under section 70 of the Transport Act 2000**

- A8 The CAA's primary duty when deciding on an airspace change is to maintain a high standard of safety. Subject to this overriding duty, the CAA is required to apply a number of other factors in reaching its decision. These factors include, among other things, the efficient use of airspace, the requirements of all airspace users, the interests of other parties (i.e. non-users), and government guidance on environmental objectives. In addition, the CAA will soon be required to consider the impact on economic growth alongside our other statutory duties.
- A9 In the Future Airspace Strategy the CAA committed to gaining a broader understanding of the efficient use of airspace and its use as the guiding principle for managing trade-offs to enable airspace decisions to be made in a consistent and objective manner.
- A10 The CAA's airspace change decisions have, for the last 12 months, begun to articulate how 'efficient use of airspace' has been interpreted in that proposal, although we have always described the evidence and factors that have been taken into account in reaching a view on the efficiency of the proposed change. In some cases we have previously adopted a de facto interpretation of airspace efficiency which is to minimise the total cost of creating additional airspace capacity. The CAA has considered how the benefits from a reclassification of airspace measure against the financial costs (such as to airlines in terms of fuel burn, or to the air traffic control provider in terms of controller workload) and broader economic impacts, including environmental effects and the impacts on General Aviation.
- A11 Chapter 6 sets out how the CAA has recently been applying a more codified approach to airspace change decision-making. This includes an explanation of our understanding of the meaning of the 'efficient use of airspace' under section 70(2) of the Transport Act 2000 and a framework for decision-making that explains how the CAA balances its various duties under the Air Navigation



Directions, section 70 of the Transport Act 2000 and relevant Government environmental guidance.

### **How does this options appraisal differ from an impact assessment?**

- A12 An impact assessment is a formal, evidence-based procedure to assess the economic, social, and environmental effects of public policy, both positive and negative. Thus it is used as a policy development tool which can identify and explain the impacts of policy, appraise different policy options and inform decision making. It can improve transparency and increase the involvement of stakeholders, thus making the eventual outcome more legitimate, and the CAA more accountable.
- A13 There is no formal requirement for the CAA to carry out an impact assessment before making an airspace change decision. We are not developing new policy but clarifying the processes we use to apply existing policy to a regulatory decision.<sup>29</sup>

### **How would an options appraisal assist in decision-making?**

- A14 As explained in more detail in Chapter 6, we use the existing Directions, statute and guidance to devise a more systematic approach to airspace change decision making. However, there remain some elements which could benefit from a proper comparison of the costs and benefits to expose the option with the greatest net benefit. The CAA is therefore proposing that sponsors use an options appraisal approach to airspace change proposals, using impact assessment principles that will complement and enhance the existing decision-making framework. This cannot override the CAA's statutory duties, nor is it a substitute for Government policy which sets the outcome the CAA should seek to achieve, but it could help the CAA in making the right decision and explaining it in our decision document. It also highlights for all parties, especially the sponsor, the impacts of what is being proposed in a transparent way.
- A15 As noted above, the CAA's decision may require it to balance competing interests. There could be conflicts between the interests of sponsors, those affected by noise, or other airspace users such as General Aviation or the military. Greater airport competition, in particular between airports in the London area, could even result in competing bids for a given chunk of airspace – proposals to change the same volume of airspace in different ways. Given the commercially driven nature of such proposals, the definition of efficiency would

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<sup>29</sup> However, it is possible that Government will require a more formal process in the future. It has announced that some of the activities of regulators will fall in scope of the Business Impact Target (a target to deliver £10bn in deregulatory savings). A framework will be put in place to analyse the costs and benefits of those activities that fall in scope, but it is not yet clear whether decisions such as airspace changes will be captured by the new regime.

almost certainly need to incorporate the value to each proposer of the airspace change in question (which in turn should reflect the value to users of the airspace change).

- A16 The CAA acknowledges that airspace change decisions cannot be reduced to a purely numerical problem. Numerical values are not a substitute for policy direction as to which outcomes are important in the design of airspace – for example, whether a negative noise or carbon impact would prevent a change that would have a positive economic impact, is a determination that should be set in policy objectives. However, it may be that a more systematic process, including a greater degree of quantification in relation to the costs and benefits of a particular airspace change proposal, could help provide clarity of the outcome for all concerned and mitigate the risk of making a wrong decision against a background of increasing scarcity of airspace capacity.
- A17 It would therefore be key to any appraisal process for all parties, particularly for sponsors putting forward proposals, to have clear guidance from the CAA on how the different factors should be assessed. This should set out how different factors would be weighed, where numerical values would be overridden by policy considerations, and what those policy aims are.
- A18 An important part of the appraisal is the timing. We propose that the change sponsor should carry out the options appraisal before going out to consultation, allowing those being consulted to evaluate the options presented and the supporting evidence, and challenge it if necessary or provide additional information. This then allows the sponsor to review the appraisal again in the light of consultation responses. This more robust appraisal then forms a key part of the proposal submitted to the CAA. It also provides a useful benchmark against which the post-implementation review (Stage 7) can be judged.

### **Why is the CAA not carrying out the options appraisal?**

- A19 We propose that the options appraisal is carried out by the sponsor as described in Step 2B in Chapter 4. There are pros and cons to this. Sponsors will have access to the best information, and the CAA will be validating it. Going through this process will also highlight to sponsors where the negative impacts of a change are disproportionately severe compared with the benefits. However, in order to comply with our statutory duties, the CAA will need to validate the information provided. It could be argued that, for example, an airport sponsor may not properly reflect the impact of the proposal on other airports, and that an airport may omit potentially more favourable options that benefit the overall network but not itself.
- A20 The CAA will need to publish sufficient detail of the appraisal methodology in guidance material to help sponsors and do so in a way that does not discourage them from proposing appropriate changes.

## Monetising different factors and the continued need for a degree of judgement

- A21 Utilising airspace brings both benefits and costs depending on the factor or input. Currently, the environmental impacts of airspace change proposals are quantified, but there is no common approach to quantifying the benefits. Using an options appraisal framework would require the development of comparable metrics for economic factors such as access (the 'value' of airspace to different users) and for external costs such as noise, tranquillity, etc, to ensure that the trade-offs made between these competing factors are made on an equivalent basis.
- A22 For example, in considering a proposal to expand controlled airspace, the CAA would have to take account of the impact on those users that could have their access to the newly created volume of controlled airspace limited. Similarly, in considering a proposal to change a Standard Instrument Departure route near an airport, the CAA would have to take into account the impact on those living under the flight paths, such as aircraft noise and local air quality. In this case it is conceivable that in terms of a local airspace change there is a net disbenefit, but that at a national level the change when aggregated with others to form more strategic airspace reform brings an overall 'greater good' benefit. There may also be secondary indirect effects from an airspace change that should be taken into account but which are likely to be difficult to quantify, bearing in mind also that the sponsor is providing the appraisal. For example, if a change facilitates competition between airports, this should result in a more attractive offering to passengers/shippers in terms of choice and value, and thus additional economic benefit.
- A23 In order to make informed trade-offs between competing factors it is important that they can be compared on an equivalent, like-for-like basis. But it can be seen from these examples that monetisation may not be straightforward. There could be a case for weighting some factors more heavily, for example where secondary benefits or opportunity cost could not be quantified, say for maintaining a healthy General Aviation sector despite the relatively few people using the airspace relative to commercial airliners. In other cases it may not even be practical, and a binary test would have to apply, for example in the case of military access or national security considerations.
- A24 To carry out an options appraisal a given number of years into the future, assumptions would be needed as to what future operations (including other airspace changes) would look like over that period and also what would happen absent the airspace change being proposed. The easiest assumption is 'steady state' (no changes other than expected growth in demand and proposals that are known and are cleared to proceed), but it could also be a way to compare 'new capacity with airspace change' with 'new capacity without airspace change'. The

CAA's forthcoming duty to have regard to economic growth is relevant here. The CAA will prepare full guidance, with a methodology and the impacts the sponsor will have to cover, at the same time as we prepare other guidance pieces and a new CAP 725.

## APPENDIX B

# A portal for airspace change proposals

## Introduction

B1 In Chapter 4 we explain how we propose to revise the airspace change process. One of the key recommendations we have accepted from the Helios review focuses on improving transparency, accessibility and information exchange by setting up an online portal for airspace change proposals. We have explored options for achieving this and shortlisted three for further consideration. This appendix explains the purpose of the portal, its functions and our evaluation of the options taken into account.

## Helios recommendations

B2 The Helios review highlighted a number of issues with the current airspace change process, which have been examined in previous chapters. The observations that have been critical in proposing an online portal concern a lack of transparency, particularly when it comes to the CAA's involvement, resulting in poor stakeholder confidence, and the potentially wide impact of airspace change on local communities as well as aviation stakeholders.

### Figure B1: Addressing Helios recommendations on transparency



B3 Helios notes that, as a regulator, the CAA usually maintains distance from the organisations that it regulates. This prevents 'regulatory capture' and is particularly important in matters of safety. However, in the case of airspace change proposals, Helios observed that the CAA's limited engagement and visibility during the consultation is perceived by communities and general

aviation as being distant from the process, and is interpreted as not bringing change sponsors to account. In practice we do assess the consultation process, monitor the change sponsor's replies to consultees' comments and we will intervene where necessary where issues arise. However, we need to demonstrate our engagement in these activities more openly.

### **How does an online portal help transparency, accessibility and communication exchange?**

- B4 To address stakeholder confidence, transparency and visibility, we propose to set up an online portal. Airspace change sponsors will be required to use the portal for their formal consultation process, and the CAA will use it to oversee those consultations.
- B5 All consultation material, consultee submissions and change sponsor's responses would be published on the online portal, which would be accessible to all. More specifically, we propose that the portal would provide:<sup>30</sup>
- a single access point listing every current airspace change proposal and its current status
  - the route by which all consultees respond to consultations publicly
  - a document repository for each airspace change proposal, decision and post-implementation review
  - the means of tracking progress of an airspace change proposal and accessing all relevant documents published during the process, through updates when new material becomes available including where a response has been made (via a subscribe function to register desire for updates)
  - the means of flagging opportunities for public engagement with the sponsor
  - a way for the consultation process to be in line with modern technology, with easy access to information and social media
  - a way to facilitate a two-way communication stream, consultation information flowing downwards and responses and comments flowing upwards.
- B6 As we envisage it, the portal would be owned and administered by the CAA, but we would need to allocate a section of the portal to each change sponsor for which they would need administrative rights to allow them to manage the consultation, and assess consultees' responses independently. (As explained in Chapter 4, we agree with Helios's recommendation and underlying reasoning that the CAA should not itself run the consultation.) This approach would make

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<sup>30</sup> The list here is dependent on the cost, given the need for the costs incurred by the CAA to remain proportionate.

consultation more transparent, by making all consultees' responses more visible. It would still be the sponsor's responsibility to respond to the comments made. Greater visibility should increase stakeholders' confidence that their views are being heard and also allow sponsors to show how they are being acted on.

B7 A full list of the documents that we envisage being available on the portal is shown in Table B1.

**Table B1: Documentation to be available on the online airspace change portal**

Step	Documentation available on portal	Originator
1A	Statement of need, including the CAA's acceptance or rejection.	Sponsor
	Airspace change proposal assessment meeting minutes	CAA
1B	Design principles	Sponsor
2A	Design options	Sponsor
	Design principles evaluation matrix	Sponsor
2B	Options appraisal	Sponsor
	CAA assessment of options appraisal	CAA
3A	None	
3B	Consultation validation statement	CAA
	Consultation and engagement	Sponsor
3C	Consultation documents	Sponsor
	Consultees responses	Consultees
	'Frequently Asked Questions' for consultees	Sponsor
3D	Publication of consultee response categorisation	Sponsor
4A	Updated design options	Sponsor
	Consultation change log	Sponsor
	Updated options appraisal	Sponsor
4B	Final airspace change proposal (redacted version)	Sponsor
	Estimated date of airspace change proposal decision	CAA
5A	Revised decision date, if relevant	CAA
	Requests for further detail or technical amendments	CAA
	Resubmitted proposals, in light of above requests	Sponsor
5B	Revised decision date, if relevant	CAA
	Decision document	CAA
	CAA assessment of proposal	CAA
	Summary of Public Evidence Session, if held	CAA
	Summary of stakeholder meetings, if held	CAA
6	None	
7	Sponsor post-implementation review submission	Sponsor
	Post-implementation review report	CAA



- B8 Our intention is that consultees would only be permitted to make one response to a consultation, which they would not be able to amend once submitted. However, we intend that respondents would be able to save their response and go back to complete it.
- B9 Before responses are published on the portal, the CAA would moderate them to remove unacceptable material. We would publish guidelines on what we regard as unacceptable, but broadly this means defamatory, libellous and offensive remarks, or material that causes legal issues like copyright infringement or personal data.<sup>31</sup>
- B10 Creating and running an online portal will inevitably have set-up as well as ongoing resourcing and hosting costs. The resource and cost impacts on the CAA are set out in Appendix D.

**Question 34: Do you agree with the concept of an online portal?**

Yes  No  Don't know

Please give reasons for your answer.

**Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?**

**Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?**

## Options for setting up the portal

- B11 After internal consideration, we have narrowed down our proposals for a portal to the following three options:
- **As is:** we continue with the current way we publish information, using multiple websites. CAA-generated documents and documents produced by the sponsor but signed-off by the CAA would be published on the CAA website, while sponsor-generated documents which do not require signing-off or which need to first be shared with stakeholders and communities would be published on the sponsor's website. The consultation would run on the sponsor's website.

<sup>31</sup> We would model the guidelines on government policy, for example <https://gds.blog.gov.uk/terms/> and <https://www.gov.uk/government/publications/web-chat-moderation-policy>.



- **Bespoke:** we commission a custom-built portal to address the relevant recommendations from the Helios review and create a dedicated system for all airspace change proposal information, engagement and consultations.
- **Off-the-shelf:** we evaluate the specifications of existing software products to determine if any can meet our requirements.

B12 For the third option, we considered a cloud-based consultation and engagement platform, already widely used by Government and public bodies.

### Our evaluation of the options

B13 The **'as is'** option, which envisages continuing to use both our website and the sponsor's website to publish information and run consultations, is, at a first glance, the easiest and cheapest solution. However, our website has limited interactive functionality and CAA policy does not allow a third party to publish documents on our website independently. So the sponsor would have to continue running the consultation on its own website.

B14 This approach presents two issues:

- a key requirement is that the change sponsor autonomously manages the consultation while we oversee it, and
- that we monitor the exchange of information between the change sponsor and the consultees.

B15 We do not think that the 'as is' option would achieve either of these requisites and we therefore regard it as unsuitable, at least as the sole solution.

B16 The **bespoke** option would ensure that all the requirements we have decided to take forward from the Helios review are met, as we would commission a bespoke product, custom-built to our specifications. However, design and implementation times are likely to be lengthier and costs relatively high.

B17 The **off-the-shelf** option would use a product such as Citizen Space, a consultation and engagement platform already widely used by Government and public bodies. However, we have not yet found any off-the-shelf solution that would work as a 'one-stop shop' to host all our requirements across the entire process. A work-around would be to use off-the-shelf solution in conjunction with the CAA website.

**Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?**

Yes  No  Don't know

**Please give reasons for your answer.**

## Cost

- B18 All three options have implications in terms of upfront cost, ongoing technical and user support requirements and subsequent resourcing costs.
- B19 The **'as is'** option is at a glance the easiest to implement, however, it does not improve visibility, accessibility or transparency. In order to meet these requisites, the CAA would have to take ownership of managing a document library on its own website on behalf of the sponsor, which would have resource implications in addition to the ones already specified in Chapter 7.
- B20 The **bespoke** option is the most costly in terms of design and implementation. Initial conversations with developers have indicated costs of up to £175,000 plus annual support costs, but we will not develop a detailed enough specification for a robust quote until we have completed this consultation exercise. The resource requirement would be smaller than the 'as is' option, as the platform would provide editing rights to both the CAA and the sponsor and allow both parties to publish information autonomously.
- B21 The **off-the-shelf** solution would incur an annual subscription fee and would require one or more work-arounds to meet our specified criteria, which in turn would have resource implications, albeit smaller than the 'as is' option. We estimate annual costs of around £20,000 to £25,000 including hosting and support costs.
- B22 Table B2 below provides a comparison of the three options in terms of cost, functionality, user experience and compliance with the requirements set out in the new process.

**Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?**

Yes  No  Don't know

**Please give reasons for your answer.**

**Table B2: How the three options meet key requirements for the online portal**

Principle met	Requirement	'As is' (CAA and sponsor websites)	Off-the-shelf product	Bespoke system
Accessibility	Allow access by CAA & sponsor; enable sponsor to manage consultation and engagement autonomously, while CAA oversees the process.	Accessible by respective site owner only	Yes	All custom-built to CAA requirements and specifications
Accessibility	Search function by postcode, airspace change name, airport and region.	Yes, but only generic search	Yes to all	
Accessibility	It is fully interactive, allowing interested parties to submit responses with an online form.	No	Yes	
Accessibility	It provides users with a log-in function to ensure responses can be saved and edited.	No	Yes, but only if user wishes to submit response; consultation can be viewed by all	
Transparency	Log-in function to ensure responses and comments are traceable.	No	Yes, but only if user wishes to submit response; consultation can be viewed by all	
Accessibility	Users can submit multiple responses or save their response for later submission.	No	Yes	
Transparency and information exchange	Flexibility of platform for publishing documents: all consultation documents, consultee submissions and sponsor replies can be published on platform.	Good	Only in relation to consultation questions, not as effective as a document repository	
Transparency	Allows format to be set to the airspace change process, for ease of navigation between stages.	Yes	Only through embedding an editable table	
Visibility and transparency	Allows CAA to monitor dialogue between sponsor, consultees and interested parties.	Not easily	Yes	
Transparency	Parties can register to receive updates when new material has been published.	Via Skywise	Via third-party mail marketing service e.g. MailChimp	
	Resource costs.	High	Some	Less
	Set-up cost.	Low	Annual costs of around £20,000 to £25,000 inclusive of licence fee, hosting and support	Estimated at up to £175,000 for design and build, plus annual fee for hosting and support
	Development and implementation time.	Low	Some	Longer

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## APPENDIX C

# Factors in assessing an airspace change in the context of the CAA's section 70(2) Transport Act duties

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### **Beneficial and detrimental characteristics of airspace change in the context of the CAA's section 70(2) duties**

- C1 For every airspace change proposal submitted to the CAA, the sponsor is required to demonstrate in both their stakeholder consultation and their submission to the CAA how they have considered each of the material factors in section 70(2) of the Transport Act 2000.
- C2 Table C1 below sets out examples of beneficial characteristics of an airspace change proposal which could be used to demonstrate how the proposal addresses each factor. The table also sets out examples of detrimental characteristics which, if they arise from the proposal, would likely indicate that the proposal has not contributed positively towards one of the material factors or has had a detrimental effect.
- C3 The examples are not an exhaustive list, nor should they be taken as examples that will demonstrate a factor under every circumstance. However, it is expected that for most proposals that reflect these examples, there will be evidence that a sponsor has considered the factor in question.
- C4 The examples act as guidance for airspace change sponsors to help them gauge whether or not any of the factors are in conflict (see section 70(3) of the Transport Act 2000). If there is conflict between any factors, this does not mean that the proposal automatically fails and is refused by the CAA. What it does mean is that the CAA will need to use its judgement to decide whether, despite there being a conflict between factors, a balance can be struck and that the proposal should be approved.
- C5 If it is apparent that a proposal will result in the application of the section 70(2) factors being in conflict, the CAA is obliged by section 70(3) to apply those objectives in the manner it thinks is reasonable having regard to them as a whole. In such cases the CAA will be prepared to provide impartial advice to the sponsor prior to the proposal being submitted formally about how this conflict could be minimised, including encouraging the sponsor to engage as appropriate with affected stakeholders about how this might be achieved.
- C6 Once the proposal is submitted formally for decision, the CAA will consider the rationale and evidence supporting the proposal against its statutory duties. Where the initial assessment was that the application of those factors is in

conflict, the CAA will judge the proposal according to the extent of that conflict, having regard to its duties as a whole. For example, a sponsor may be able to demonstrate that a conflicting objective has a 'minimal', 'acceptable', 'reasonable', or 'equitable' impact, despite being negative.

**Table C1 Examples of characteristics of an airspace change proposal**

Transport Act 2000 section 70 (2)	Examples of a beneficial characteristic for this objective	Examples of a detrimental characteristic for this objective
<p>“to secure the most efficient use of airspace”</p> <p><u>The efficient use of airspace is defined as:</u></p> <p>“The most aircraft movements through a given volume of airspace over a period of time in order to make best use of the limited resource of UK airspace from a whole system perspective.”</p>	<ul style="list-style-type: none"> <li>• The volume of regulated airspace (meaning controlled and subject to a classification other than G) is appropriate (including any buffer) for operations intending to use the airspace but no bigger</li> <li>• Airspace classification is appropriate for operations intending to use the airspace but classification is no higher than necessary</li> <li>• High proportion of movements are sequenced</li> <li>• High proportion of movements take place alongside similar aircraft or aircraft with similar capability (Uniformity)</li> <li>• (Assuming high demand for use of a particular airspace) high proportion of movements are planned and/or follow pre-planned path (Predictability)</li> <li>• Low number of controller interactions</li> <li>• Least complex airspace design (one way of achieving this is systemised airspace, for example, performance-based navigation) appropriate for the intended utilisation</li> <li>• Airspace which is designed to be used flexibly, that is activated/deactivated and can be accessed when active if operations permit (Flexible Use of Airspace)</li> <li>• Appropriate surveillance capability for the intended use in accordance with national policy</li> <li>• Minimise the occurrence of ‘choke-points’</li> </ul>	<ul style="list-style-type: none"> <li>• A proposal that reduces the total number of aircraft movements</li> <li>• Existence of obsolete or unused procedures and/or profiles</li> <li>• Inappropriate airspace classification that results in a reduction in the total number of aircraft in an airspace, for example because the airspace is classified as X when all the other factors in fact only require Y</li> <li>• A greater need for tactical interventions</li> <li>• A high number of controller interactions</li> </ul>
<p>“the expeditious flow of air traffic”</p>	<ul style="list-style-type: none"> <li>• Enabling optimum routes (vertical and/or horizontal)</li> <li>• Enabling 3D/4D operations (for example, free routing)</li> </ul>	<ul style="list-style-type: none"> <li>• A proposal that increases gate-to-gate times</li> <li>• Creating sub-optimal routes, for example, longer track miles, stepped climbs/descents</li> </ul>

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Transport Act 2000 section 70 (2)	Examples of a beneficial characteristic for this objective	Examples of a detrimental characteristic for this objective
<p>Proposed definition:</p> <p>“The shortest amount of time that an aircraft spends from gate to gate, from the perspective of an individual aircraft, rather than the wider air traffic system”.</p>	<ul style="list-style-type: none"> <li>• Short or no delays (airborne holding or on the ground)</li> </ul>	
<p>“to satisfy the requirements of operators and owners of all classes of aircraft”</p>	<ul style="list-style-type: none"> <li>• Satisfy the requirements of all operators</li> <li>• Minimum financial cost to operators using airspace (i.e. minimum cost of capability/ equipment) (Equipage)</li> <li>• Enabling 3D/4D operations (for example, free routing)</li> <li>• Only establish the least restrictive airspace structure</li> <li>• Enable the most fuel efficient routes to be flown thereby reducing the cost of fuel for operators</li> </ul>	<ul style="list-style-type: none"> <li>• Failing to satisfy the requirements of all operators</li> <li>• Restricting access for some operators</li> <li>• Increasing costs to aircraft operators for access to airspace</li> </ul>
<p>“to take account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally”</p>	<ul style="list-style-type: none"> <li>• No increase or a reduction in third-party safety risk</li> <li>• No reduction or an improvement in third-party impact</li> <li>• Meets known requirements of interested parties, for example Air Navigation Service Providers, airports, Government (local and national), Non-Governmental Organisations, residents, general public</li> <li>• No negative impact on other commercial interests</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in third-party safety risk</li> <li>• A potential reduction in competition in a particular market – for example, between competing airports or operators</li> <li>• Consequences that run counter to Government policy or instruction</li> <li>• Increase in public annoyance due to overflights</li> <li>• Negative impact upon tranquillity or visual intrusion in Areas of Outstanding Natural Beauty or National Park</li> <li>• Negative impact upon biodiversity</li> </ul>
<p>“to take account of any guidance on environmental objectives given to the CAA by the</p>	<ul style="list-style-type: none"> <li>• Demonstrating that the requirements and priorities of the Department for Transport's Air Navigation Guidance have been met</li> </ul>	<ul style="list-style-type: none"> <li>• Failing to demonstrate that the requirements of the Department for Transport's Air Navigation Guidance have been met</li> </ul>

Transport Act 2000 section 70 (2)	Examples of a beneficial characteristic for this objective	Examples of a detrimental characteristic for this objective
Secretary of State”	<ul style="list-style-type: none"> <li>• Improvements to environmental impacts, or at least no reduction</li> <li>• Improvement or no impact on any environmental factors required by the CAA</li> </ul>	<ul style="list-style-type: none"> <li>• Worsening of any environmental impacts</li> <li>• Negative impact on any environmental factors required by the CAA</li> </ul>
“to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services”	<ul style="list-style-type: none"> <li>• Facilitates Ministry of Defence access where required</li> <li>• Maintenance of tactical freedom</li> <li>• Use of common Communication, Navigation, Surveillance platforms negating technical non-compatibility</li> <li>• Technical interoperability</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in costs imposed on Ministry of Defence</li> <li>• Inadequate access for Ministry of Defence</li> <li>• Increased resource implications for military Lower Airspace Radar Services units</li> </ul>
“to take account of the interests of national security”	<ul style="list-style-type: none"> <li>• A proposal that maintains or improves national security</li> <li>• A proposal that improves the ability to react to national security needs</li> </ul>	<ul style="list-style-type: none"> <li>• A proposal that weakens national security</li> <li>• Negative impact on tactical freedom/military training</li> </ul>
“to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State”	<ul style="list-style-type: none"> <li>• A proposal that directly achieves or enables progress towards such an obligation especially in relation to Functional Airspace Block/Single European Sky Air Traffic Management Research (SESAR)</li> </ul>	<ul style="list-style-type: none"> <li>• A proposal that means the UK fails to meet any such obligation, or that would delay meeting such an obligation</li> </ul>

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## Factors in assessing the most efficient use of airspace

C7 Chapter 6 discusses factors that the CAA may consider in assessing a proposal against the objective of an efficient use of airspace, and refers to Table C2 below.

**Table C2: Factors in assessing the most efficient use of airspace**

Factors that the CAA <i>would</i> consider in assessing the efficient use of airspace	Factors that the CAA <i>would not</i> consider in assessing the efficient use of airspace	
	<i>Factor</i>	<i>Comment</i>
Volume of airspace	Efficiency of an individual flight	Any resulting benefits would be a factor in assessing the impact on, for example, the requirements of aircraft operators and owners
Classification of airspace	Reduced fuel burn	This is an outcome from the increased efficiency of an individual flight – see above
Sequencing of movements	Access to or sharing of airspace	This would be a factor in assessing the impact on the requirements of aircraft operators and owners
Uniformity (aircraft or capability level)	Price paid by airspace users to the air navigation service provider for services received	En-route services are subject to separate economic regulation by the CAA
Predictability (high-demand airspace)		
Air traffic controller interactions		
Presence of choke points		
Complexity of airspace design		
Level of surveillance capability		
No obsolete procedures or profiles		
Flexible use of airspace		
Level of air traffic control service offered		

## APPENDIX D

# The impact of the CAA's proposals

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## Introduction

D1 This consultation concerns a policy rather than legislative change. Consequently there is no formal requirement for a full impact assessment of the proposals. However, given that the revised airspace change process could increase the burden on change sponsors in particular, and because there are wider benefits from airspace modernisation, we have done some preliminary work on a Business Engagement Assessment, which is set out below. This is only a draft, based on estimates from discussions with relevant stakeholders. Therefore all the indicative costs below will need to be scoped in more detail through the consultation process.

## Who the proposal is likely to affect

- D2 The proposal will affect:
- Sponsors of airspace change proposals (mainly providers of air traffic control and airports, but it could be other organisations, including consultancies working for them on airspace change)
  - Airspace users (airlines and their customers, business and general aviation, military)
  - Communities affected by flight paths (including local government and representative bodies)
  - Non-governmental organisations (in particular environmental groups)
  - The CAA.

## Options considered

D3 The CAA considered four options to address the problem of ensuring that the airspace change process meets modern standards for regulatory decision-making, in that CAA decisions are robust, evidence-based and defensible. These are set out below. However, the CAA's proposals are based on the recommendations from an independent review by our consultants Helios, incorporating some modifications. We understand that Helios itself gathered considerable evidence in order to narrow down the range of options before making its recommendations.

- **Do nothing (i.e. reject Helios recommendations)** – Having commissioned a wholly independent review of the airspace change process because of increasing evidence that the process needed updating, the CAA would not reject all the recommendations unless we concluded that the problems identified did not in fact exist, or we had alternative means of addressing them to all those proposed by Helios. We are not in that position, as set out in detail in this consultation. In terms of impacts, doing nothing carries the risk that important airspace changes will not be progressed because either the sponsor withdraws or delays in the face of challenge, or the CAA's decision on the sponsor's proposal is challenged. This would give rise to long-term effects on sponsors, airspace users and ultimately the consumer. It is difficult to estimate these costs in financial terms because of the knock-on effect to the UK economy from a less efficient air transport network. Even if there is no challenge, this option continues to carry the current, identified risk that some communities and General Aviation groups feel insufficiently consulted or engaged with on the airspace change affecting them – giving rise to perceived unfairness, lack of trust and so on.
- **An administrative update** of the CAA's airspace change process guidance (CAP 725). Although this is desirable as a separate exercise in order to bring cross-references etc up to date, and therefore make the process clearer, it does not address the problem and the outcome is the same as the 'do nothing' option above.
- **Accept all the changes to the process recommended by Helios consultants** – As part of its review, Helios tested various hypotheses in stakeholder workshops and through an online stakeholder survey. Helios's analysis of the views expressed led it to conclude that the process would benefit from being updated (i.e. it did not recommend 'do nothing'). Helios made recommendations in a number of different areas. Helios did not attempt to quantify the financial impacts. The CAA welcomes the findings of the review but sees some recommendations as needing modification for them to be deliverable. The CAA also wants to gather feedback on some recommendations before arriving at a view.
- **CAA assesses Helios recommendations and modifies them in the light of that assessment and a formal consultation** – The CAA studied the Helios report and considered each of Helios's recommendations for updating the process. With some modifications the CAA broadly accepts those findings and the recommendations proposed to address them, and is consulting on proposals to give them effect. The CAA will seek to quantify the financial impacts by gathering evidence through consultation on the proposed new process. However, while it may be possible to quantify the impacts on airspace change sponsors, it is quite difficult to estimate what the financial benefits may be from a better airspace change process, since this will depend

on the counterfactual, i.e. how many airspace change proposals would be delayed or withdrawn if the process were not improved, and the impact of that. Some data is available for the airspace modernisation programme generally and we set this out below to give some bounds.

## Impacts of each step of the proposed airspace change process

D4 As an overview, Table D1 shows how we envisage the new elements of each step of the proposed process impacting on sponsors and the CAA.

**Table D1: Envisaged impacts of the proposed airspace change process, by individual step**

Step	Additional impact on sponsor	Additional impact on CAA
All		The CAA would set up a new online airspace change portal. The CAA would revise and issue new guidance on the airspace change process.
1A	Much of the work in planning an airspace change and producing the Statement of Need is already done under the current process, guided by the CAA according to the significance of the change being proposed. The additional burden on sponsors is therefore likely to be minimal in formalising this.	Minutes of the CAA meeting with the sponsor are currently prepared by the sponsor, so these administrative costs will transfer to the CAA from sponsor.
1B	The sponsor is already expected to carry out some public engagement on its aims and potential design principles. For some sponsors this includes a degree of consultation. We estimate the impact as an additional full-time employee for one month plus the costs of a public meeting and materials.	None.
2A	The sponsor is required to produce some new material such as the evaluation matrix. There is greater potential for ongoing stakeholder engagement.	None.
2B	The sponsor would be required to produce a more formal options appraisal assessing the impacts, requiring associated resources and expertise.	The CAA would be required to produce an assessment of the options appraisal, requiring associated increased resources (reflected in an additional economist role).
3A	Sponsors already produce a consultation plan and consultation document. The plan would now be more formal and published, increasing the administrative burden.	None.
3B	Small. Updating consultation plan and consultation document is already part of the process, but these would need to be published on the portal.	Formal CAA validation of the plan and associated statement would increase administrative burden (reflected in additional airspace change regulator and community engagement manager roles).

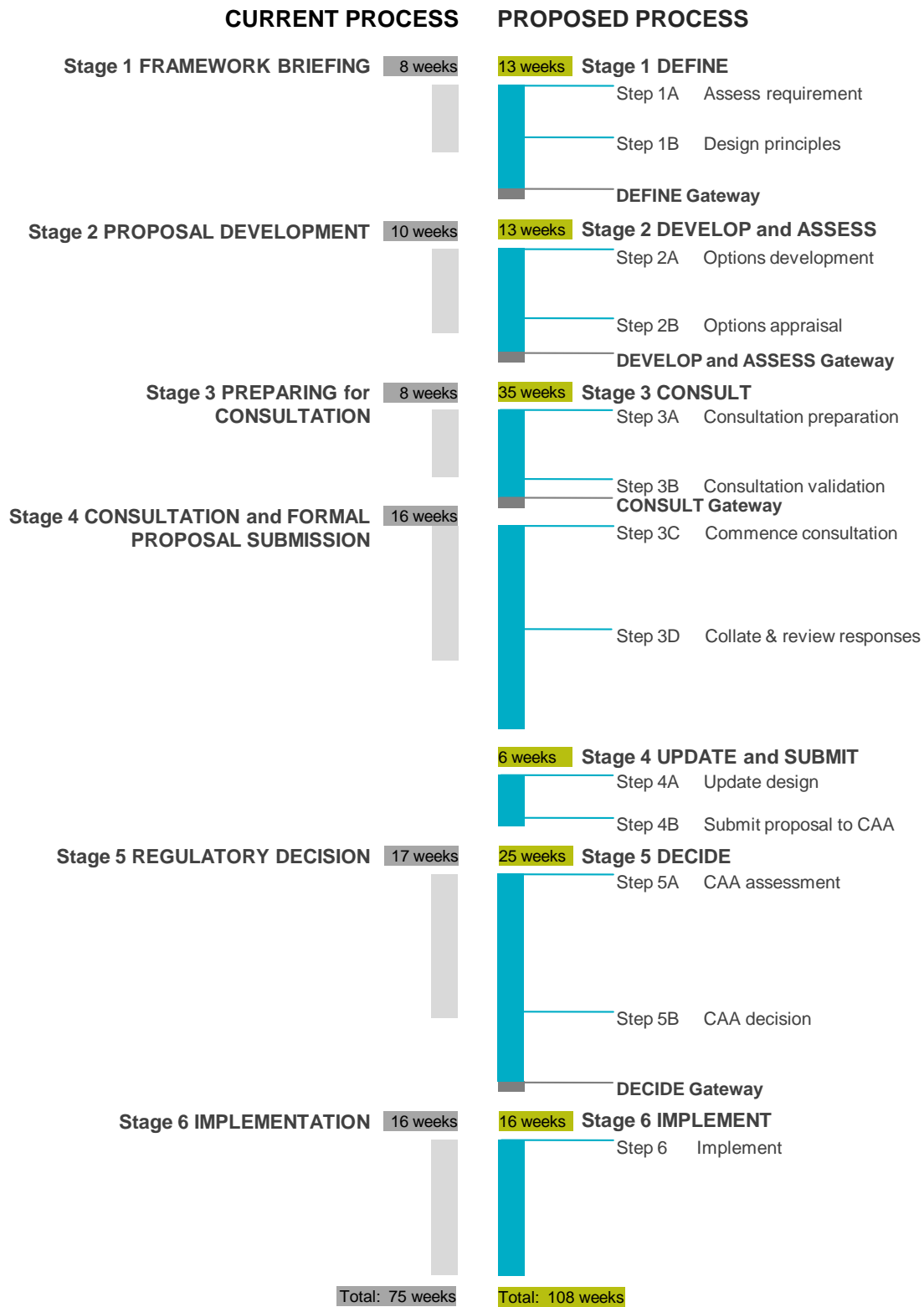
Step	Additional impact on sponsor	Additional impact on CAA
3C	None.	None.
3D	Categorisation of responses will increase administrative burden and require new expertise.	Moderation of responses will increase administrative burden and may require new expertise (reflected in additional community engagement and webpage and social media manager roles).
4A	The sponsor already updates the design in light of responses, but updating the options appraisal will require additional resources and expertise. If further consultation is needed, this will require more resources, time and cost.	The CAA already reviews any change in design, but reviewing the updated options appraisal will require increased expert resources. If further consultation is needed, this will require more resources (reflected in additional airspace change regulator and community engagement manager roles).
4B	None.	None.
5A	The sponsor may need to develop films and innovative ways of getting their proposals across, prior to and for the purpose of the Public Evidence Session.	Public Evidence Session, new materials and more transparent process will require increased expert resources (reflected in additional airspace change regulator, environmental assessor, and community engagement manager roles).
5B	This step may take longer. Resource will not be spent by the sponsor during this time, but there may be a delay if any decisions are to be made by the Secretary of State.	None.
6	None.	None.
7	This stage may need additional resource. Public interest in post-implementation review for significant airspace change has greatly increased creating significant additional resource burden.	The CAA has carried out one significant post-implementation review along the lines of that proposed. However, the CAA recognised that it was not resourced to carry this out and recruited four extra fixed contract staff to carry out some of the work, and our on-going analysis of proposed airspace changes was affected by the workload. Therefore, even though a number of the tasks will be passed to the sponsor, the proper discharge by the CAA of its post-implementation review functions (including transparency in response to public interest) will require some additional resource (reflected in additional airspace change regulator, legal advice, and community engagement manager roles).

D5 Figure D1 sets out a comparison of the timescales we anticipate the proposed process will take, compared to the current process. It is based on the following assumptions:

- Gateway assessments may be quite short, but duration for each is assumed to be within a one week window of receipt of the required documentation.

- Time has been allocated (four weeks) for updating the proposal following Stage 3 consultation. This includes some time for the sponsor to review the feedback received during the consultation to determine whether or not there is actually a requirement to update its proposal.
- Time has been allocated between tasks to reflect the requirement to produce the necessary documentation in support of the process.
- Time for a second consultation within Stage 4 has been set to eight-week duration; this may not be required.
- Time allocated in Stage 5 for the Secretary of State to make a decision may not be needed if the Secretary of State and the CAA are able to agree that this is not necessary earlier in the process.

**Figure D1: Comparison of current and proposed process timescales**



- D6 It would be helpful if you can provide us with more evidence of what you believe the effect of the new process will be on your organisation or other stakeholders, and how this might change in the future. In particular we are interested in quantitative evidence (in other words, the estimated monetary cost of your involvement), although for some areas we realise that it will be difficult to put a figure on the costs or benefits.

**Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?**

Yes  No  Don't know

**Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible.**

## Financial impacts on the CAA

### Staff

- D7 Adopting the new, more complex process, including an online airspace change portal, options appraisal and Public Evidence Session, will require an increase in CAA staff. These posts will cover a broader range of economics, public engagement and web skills than the CAA has at present, and will expand our existing airspace, environmental and legal teams to handle the increased rigour of the assessment stages and related outputs. More staff resources would be needed as anticipated major airspace changes, such as future iterations of LAMP, materialise.
- D8 The additional annual cost of CAA staff to support the proposed process amounts to an estimated £932,500 (in 2015/16 prices including overheads), for 11 new staff. Three of those 11 staff will start working for the CAA midway through 2016 to help set up the new process. Further detail is outlined in Chapter 7.

### Online airspace change portal

- D9 We propose to set up a new online portal. As described in Appendix B, we have considered three options to deliver this, and the cost of the final product will depend on which solution is selected. The options are:
- As is: we continue with the current way we publish information on the CAA website
  - Bespoke: we commission a custom-built portal to meet all our requirements
  - Off-the-shelf: we evaluate the functionality of a range of existing products and select the one with the best overall fit.



D10 The first option is the least costly, as the existing CAA website would only require minor adjustments. However, the website does not meet the other requirements for the portal. The second bespoke option is the most expensive and would require resources to design it and implement it. However, it would provide a custom-built system meeting all our needs. Initial conversations with developers have indicated a set-up cost of up to £175,000 plus annual support costs, but we will not develop a detailed enough specification for a robust quote until we have completed this consultation exercise. The third option considers an off-the-shelf platform which, when used in conjunction with the CAA website, could offer a satisfactory all-round solution and value for money. We estimate an annual cost of £20,000 to £25,000 for a subscription, which includes all relevant support costs. However, we have not yet found an off-the-shelf product that would deliver the specific needs of the proposed airspace change process. While cheaper, it may not solve the problem.

### Financial impacts on airspace change sponsors

- D11 We have been in discussion with a number of industry stakeholders to assess the financial impacts of the proposed airspace change process. However, given the bespoke nature of each airspace change it has not been possible for us to obtain a robust estimate at this stage. As part of this consultation we are seeking to gather more evidence to derive such estimates.
- D12 Table D1 above describes the increase in time and resource that we believe the new process will require.
- D13 The cost of the airspace change process will vary according to the size and scope of the change being proposed. We expect small and straightforward airspace changes to incur relatively limited additional cost to the sponsor other than any costs associated with greater consultation. It is the larger and more complex airspace changes that are likely to see the greatest increase in cost to sponsors through both greater appraisal and greater consultation.

**Question 40: We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.**

### Financial impacts on airspace users and communities

- D14 The additional costs of amendments to the airspace change process envisaged by these proposals will be recovered through infrastructure charges (levied by sponsors) and from CAA charges (to be determined). These are therefore likely to increase airspace users' costs and in turn the users of air transport services. We have not predicted any significant financial impact on communities but

welcome information if they envisage that these proposals would have a financial impact.

### **Non-financial impacts on CAA/Government**

- D15 We are proposing these changes to the process in part to address the CAA's standing with stakeholders and we hope and anticipate that our reputation as a trusted, independent regulator is likely to be improved.
- D16 There could be implications for the timescales within which the UK has committed to the European Commission to modernise its airspace, although some of these deadlines are non-negotiable. The revised airspace change process is likely to take longer because of the increased rigour of the process, which means that some changes could be implemented more slowly than at present. Conversely it could also be argued that by making the decision-making process more robust, some airspace changes, particularly more significant changes, are less likely to be held up by legal challenge.

### **Non-financial impacts on airspace change sponsors**

- D17 We are proposing these changes to the process in part to address the sponsor's standing with stakeholders, including communities, and we hope and anticipate that trust between sponsors and communities will be improved.

### **Non-financial impacts on airspace users**

- D18 Modernisation also seeks to ensure that users other than commercial air transport, such as General Aviation or the military, have access to the airspace they need.