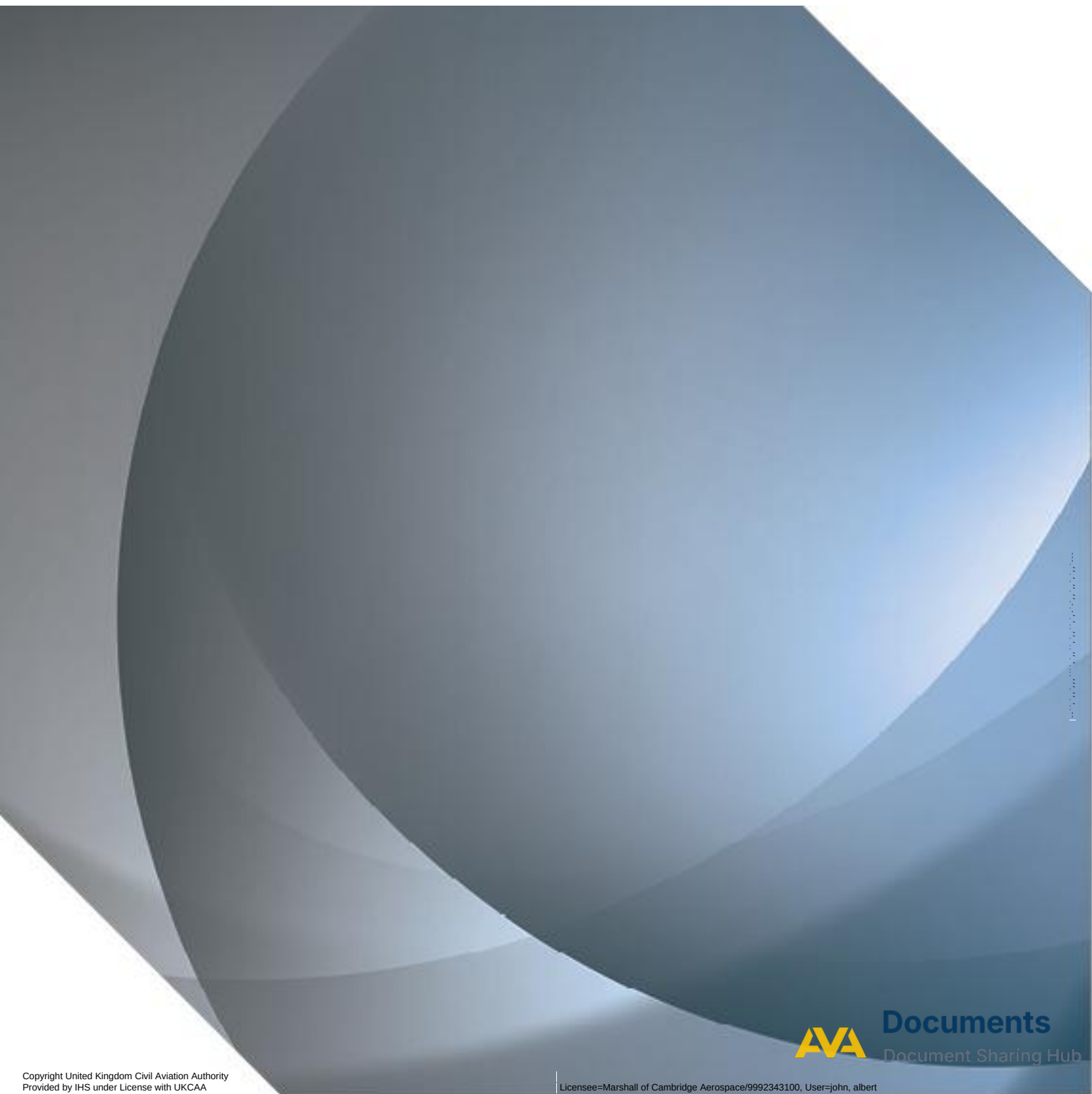


Consultation on proposals for a revised airspace change process

CAP 1389



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Contents

Summary of this consultation	4
Glossary	11
Chapter 1: Introduction	16
Chapter 2: The current airspace change process	22
Chapter 3: Reasons for changing the current process	26
Chapter 4: How the CAA is considering revising the airspace change process	35
Chapter 5: Scaling the airspace change process	84
Chapter 6: CAA duties when carrying out our airspace functions under section 70 of the Transport Act 2000	97
Chapter 7: CAA cost recovery for administering the airspace change process	105
Chapter 8: Transition to a new process	110
Chapter 9: Next steps	111
Appendix A: Options appraisal for airspace change proposals	113
Appendix B: A portal for airspace change proposals	119
Appendix C: Factors in assessing an airspace change in the context of the CAA's section 70(2) Transport Act duties	126
Appendix D: The impact of the CAA's proposals	132

Summary of this consultation

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.

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.

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.

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.

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.

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.

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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. www.ais.org.uk
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. https://www.gov.uk/government/publications/air-navigation-guidance
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> . www.caa.co.uk/cap724 CAP 725 <i>CAA Guidance on the Application of the Airspace Change Process</i> . www.caa.co.uk/cap725 CAP 1356 <i>Helios report: Independent review of the Civil Aviation Authority's Airspace Change Process</i> . www.caa.co.uk/cap1356
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 ₂	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). www.caa.co.uk/fas .

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. www.gov.uk/government/organisations/airports-commission
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. www.caa.co.uk/Environment/Environmental-information/Information-by-environmental-impact/Noise/
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). www.nats.co.uk
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 ₂) 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

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 recreational¹) 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 services², 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).

¹ 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.

² 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. 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 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 issues³, 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.⁴

³ 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.

⁴ 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 or telephone Barbara Perata-Smith on 0207 453 6266.

Chapter 2

The current airspace change process

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.⁵ 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

⁵ 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.

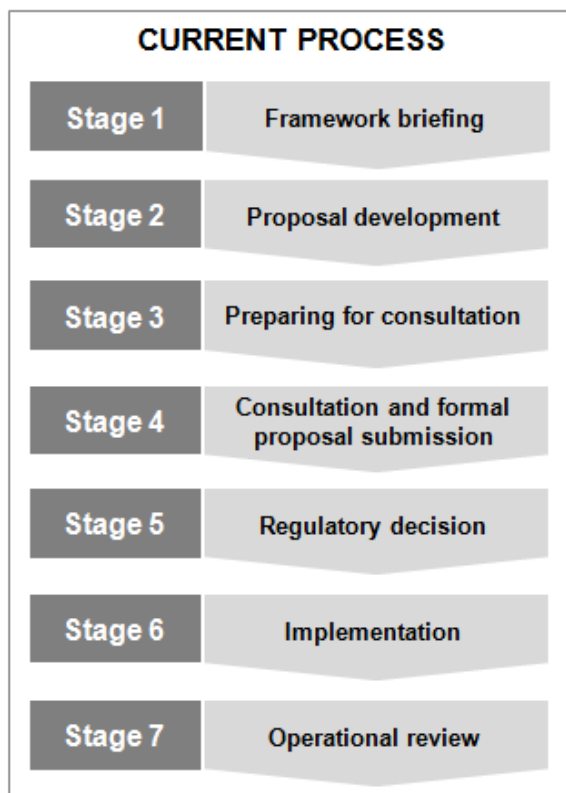
- 2.5 We therefore require the proposer or ‘sponsor’ of any permanent change to the published airspace structure to follow our **airspace change process**. The sponsor is usually an airport or an air traffic control provider; however, a proposal can be put forward by any interested party, such as the 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

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 paths⁶ 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).

⁶ 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.⁷ 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:

"FASIIG 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 FASIIG 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."

⁷ 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

(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 (FASIIIG), 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 aircraft⁸ 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.

⁸ 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 Gatwick⁹ 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'¹⁰ to be realigned. As noted earlier, introducing satellite navigation will potentially allow

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

¹⁰ 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 website¹¹ 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

¹¹ As CAP 1356 *Helios report: Independent review of the Civil Aviation Authority's Airspace Change Process* 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

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.

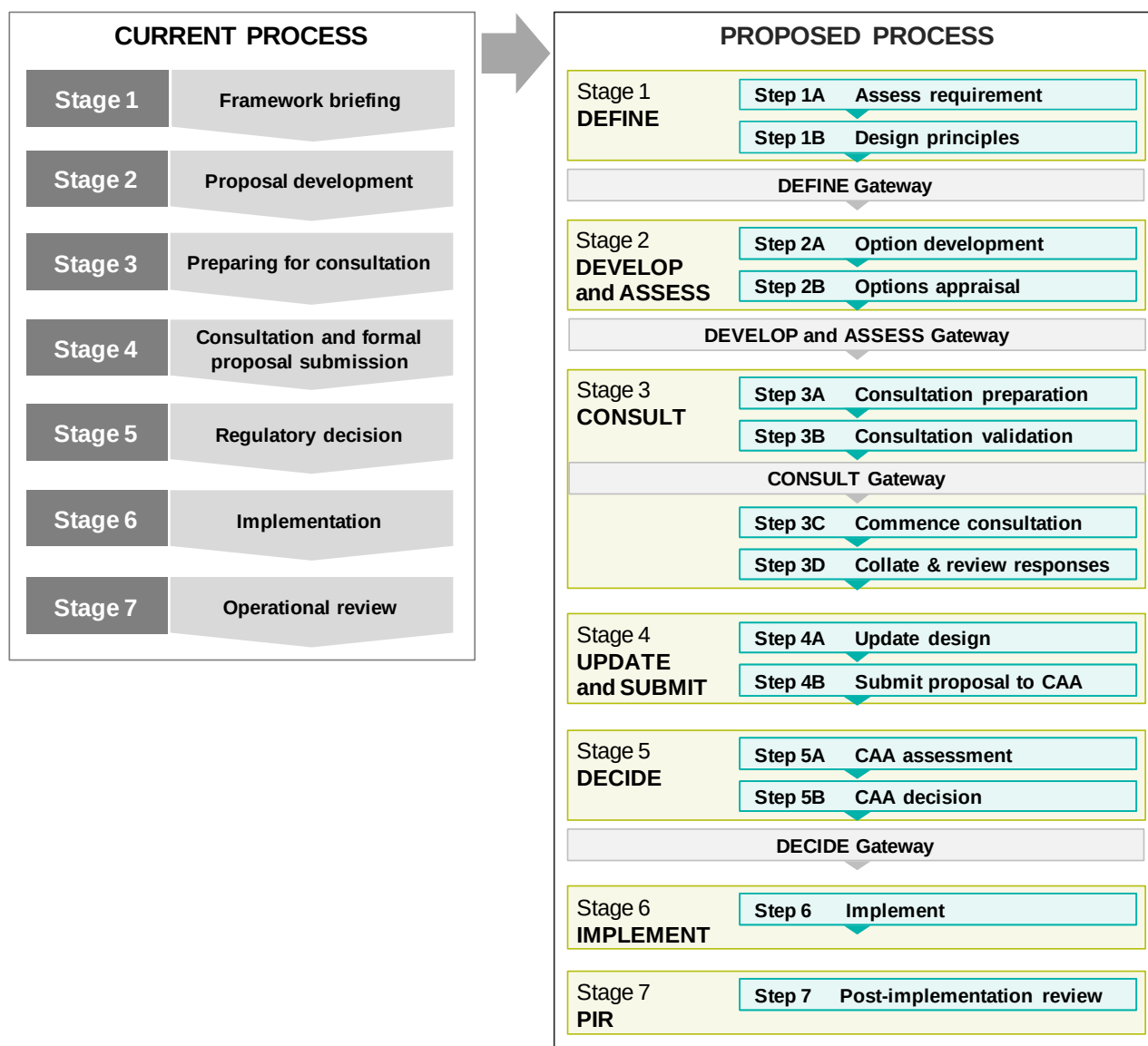
Summary of key changes proposed

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.¹²

- 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.

¹² 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.¹³ 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

¹³ See for example the CAA's report on oversight of the Heathrow 'operational freedoms' trial which ran 2011–2013 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).¹⁴ 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 assessment¹⁵).
 - 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.

¹⁴ 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.

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