

Proposal to modify NATS (En Route) plc licence in respect of certain planning and reporting requirements under Conditions 10 and 10a: Notice under section 11(2) of the Transport Act 2000

CAP 1405

Published by the Civil Aviation Authority, 2016

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

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First published May 2016

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Chapter 1

Introduction

Purpose of this document

1.1 This document invites representations on a proposal to modify the requirements for NATS (En Route) plc (NERL) to prepare service and investment plans. The proposal is to specify that NERL must produce detailed technology and airspace programmes for the remainder of the current Single European Sky Reference Period (RP2 (2015-19)), and outline programmes for the next Reference Period RP3 (2020-24). We also propose that NERL's reporting on the delivery of the milestones in the programmes will be subject to review by an Independent Reviewer (IR). The proposal would remove the current separate requirement in the Licence for NERL to submit plans in respect of:

- raising the United Kingdom Transition Altitude (TA); and
- implementation of the next phases of terminal airspace redesign under the London Airspace Modernisation programme (LAMP);

the specific requirements for which have been overtaken by events.

Views invited

1.2 Under section 11(1) of the Transport Act 2000 (the Act) the CAA may modify the conditions of a licence if its holder consents to the modifications. NERL, as the licence holder, has given its consent to the modifications proposed in this document.

1.3 Under sections 11(2) and (3) of the Act, before making modifications to a licence, the CAA must publish a notice setting out the proposed modifications, their effect and the reasons for the proposal, and must state the period (of not less than 28 days) within which representations may be

made regarding the proposed modifications. This document constitutes such a notice.

- 1.4 Any representations about the proposals in this document should be sent, if possible by e-mail, to economicregulation@caa.co.uk by 3 June 2016. Alternatively, comments may be sent by post to:

Rod Gander
Consumers and Markets Group
Civil Aviation Authority
CAA House
45-59 Kingsway
London WC2B 6TE

- 1.5 We expect to publish the representations on our website for other interested parties to read as soon as practicable after the period for written representations expires. Any material that is regarded as confidential should be clearly marked as such. Please note that we have powers and duties with respect to information under section 102 of the Transport Act 2000 and the Freedom of Information Act 2000.
- 1.6 If you have any questions on this document please contact Matt Claydon on 020 7453 6508 (or by e-mail to matt.claydon@caa.co.uk).

Next steps

- 1.7 Once we have considered the representations, we will decide what modifications, if any, to make to NERL's licence. We will publish notice of our decision which, we propose, will take effect on 29 June 2016.

Chapter 2

Background

- 2.1 In January 2015, in support of the UK-Ireland FAB Performance Plan for RP2 (2015-2019), we introduced a new Condition 10a in NERL's licence on the implementation of and reporting on programmes that fall under the Future Airspace Strategy (FAS) Deployment Plan. The Condition requires NERL to use reasonable endeavours to implement the major air traffic management modernisation programmes set out in the UK FAS Deployment Plan of December 2012. These include raising the Transition Altitude (TA) to 18,000 feet, the London Airspace Management Programme (LAMP) and the implementation of the SESAR Pilot Common Project (PCP).¹
- 2.2 To help us oversee the implementation of the modernisation programmes, the Condition required NERL to submit plans to the CAA in respect of TA and LAMP as follows:
- For TA, to submit by 31 December 2015 a detailed project plan for implementing by 31 March 2018 a TA of 18,000ft; and
 - For LAMP, to submit by 31 December 2015 a detailed project plan for the period until 31 December 2017 and an outline plan for the period from 31 December 2017 to 31 December 2019.
- 2.3 The plans were to be subject to consultation with users through NERL's annual consultation on its Service and Investment Plan (SIP) as required under Condition 10 of the Licence. During 2015 NERL identified the need to significantly change part of its investment plans for RP2, in particular in relation to the delivery of TA and LAMP Phase 2² and further identified an opportunity to bring forward intended SESAR-related investment from RP3 to RP2, whilst remaining within the RP2 cost envelope. To allow

¹ Commission Implementing Regulation (EU) No 716/2014 on the establishment of the Pilot Common Project of the European Air Traffic Management Master Plan.

² LAMP Phase 1A was implemented in February 16.