

Airspace change process: Information pack

CAP 1465b



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Published by the Civil Aviation Authority, 2016

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

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First published 2016

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July 2017

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Chapter 1

Introduction

- 1.1 The CAA's Safety and Airspace Regulation Group (SARG) is responsible for airspace design in the UK. An airspace change is defined as a change to the notified airspace design that would require publication in the UK Aeronautical Information Publication (AIP) or by Notice to Airmen (NOTAM) and regulatory approval. The CAA manages the regulatory oversight of change proposals through the Airspace Change Process (ACP).

Chapter 2

Purpose

2.1 This document is designed to provide airspace Change Sponsors with specific guidance on the following aspects of the ACP:

- Legislative Framework, Statutory Duties and Functions (including environmental)
- Current and Future Airspace Change Process
- Roles and Responsibilities of those involved
- Regulatory decision making process
- Transparency/Website Publication

2.2 In particular this guidance is designed to clarify to stakeholders what information is taken into account during the assessment of an airspace change, and how this will be evaluated by the CAA throughout the ACP. This document references the requirements under the current [Civil Aviation Publication \(CAP\) 725: Guidance on the Application of the Airspace Change Process](#), as well as explaining how this is expected to translate into the updated Airspace Change Process which is anticipated to be ready for implementation towards the end of 2017.

2.3 The guidance will be treated as a 'live' document and it will evolve as and when changes to its content are required; as such, it will not take the form of a CAP and it is not our intention to store it on the CAA website. The document will routinely be distributed directly to Change Sponsors upon receipt of a DAP 1916 form, but will be shared with any interested party should we feel that there is value in doing so or should they request a copy of it.

Chapter 3

Legislative framework, statutory duties and functions (including environmental)

- 3.1 The CAA's statutory duties and functions are contained in the CAA (Air Navigation) Directions 2001 as varied in 2004 (the 2001 Directions), Section 70 of the Transport Act 2000 (the Transport Act) and the 2014 Guidance to the CAA on Environmental Objectives relating to the exercise of its air navigation functions (the 2014 Guidance).

The Civil Aviation Authority (Air Navigation) Directions

- 3.2 The Secretary of State has given the CAA functions that relate to the design of airspace in the Civil Aviation Authority (Air Navigation) Directions dated 2001 (amended in 2004). These include its statutory air navigation function to consider proposals from air navigation service providers, airports and/or airspace users¹ to change the structure of UK airspace (including the published instrument flight procedures) published in the UK's Aeronautical Information Publication (AIP).

Section 70 of the Transport Act

- 3.3 Section 70 of the Transport Act 2000 (see Annex A) places the CAA under a general duty in relation to its air navigation functions to exercise those functions so as to maintain a high standard of safety in the provision of air traffic services. That duty is to have priority over the CAA's other duties in this area of work. Noting that priority, the CAA's duties in relation to air navigation is to exercise its functions in the manner it thinks best so that:

¹ Anybody can initiate, and thus, sponsor an airspace change, albeit they usually fall into one of these three categories.

- It secures the most efficient use of airspace² consistent with the safe operation of aircraft and the expeditious flow of air traffic³.
- It satisfies the requirements of operators and owners of all classes of aircraft.
- It takes account of the interests of any person⁴ (other than an operator or owner) in relation to the use of any particular airspace or airspace generally.
- It takes account of any guidance on environmental objectives given to the CAA by the Secretary of State.
- It facilitates the integrated operation of air traffic services provided by or on behalf of the armed forces and other air traffic services.
- It takes account of the interests of national security.
- It takes account of any international obligations of the UK notified to the CAA by the Secretary of State.

3.4 The CAA adopts the following approach when undertaking its regulatory assessment of airspace change proposals.

Subject to maintaining a high level of safety, the CAA will approve an airspace change proposal that contributes positively to all the material factors in section 70(2) and where there is no conflict between those material factors. In making this decision, the CAA should give the duty to secure something higher weight than the duty to satisfy or facilitate. For example, we would give the duty to secure the most efficient use of airspace higher weight than the duty to satisfy owners and

² The CAA considers the 'most efficient use of airspace' to mean the use of airspace that secures the greatest number of movements of aircraft through a specific volume of airspace over a period of time so that the best use is made of the limited resource of UK airspace. It concerns the operation of the airspace system as a whole.

³ The CAA considers the most 'expeditious flow of air traffic' to mean each aircraft taking the shortest amount of time for its flight. This concerns individual flights.

⁴ The CAA considers the words 'any person (other than an operator or owner of an aircraft)' to include airport operators, air navigation service providers, members of the public on the ground, owners of cargo being transported by air, and anyone else potentially affected by an airspace change proposal.

operators of aircraft. We assess that the term to take something into account reflects that some factors may or may not be applicable in a particular case (for example, national security) and the range of impact on a decision outcome could be significant. Thus its weight will depend heavily on the circumstances of the individual case, giving the CAA discretion to apply the appropriate expert judgement when balancing all factors.

Where a particular proposed airspace change would contribute positively to some of the material factors, but negatively in respect of others, section 70(3) refers to this situation as a conflict.

Where there is a conflict, Section 70(3) requires the CAA to apply the objectives in the manner it thinks is reasonable having regard to them as a whole. The CAA has always done this, but there is no predetermined policy on how it weights the factors and balances them in a reasonable manner in the case of a conflict. There may be good reasons why the CAA may in some cases resolve “conflicts” other than in accordance with the relevant weight indicated by the statutory language, and we consider that the wording in Section 70(3) gives the CAA wide discretion. Consequently, there is a greater need to give clear reasons and evidence for deviating from relative weights set out in the statutory wording. Examples of cases where the CAA is likely to resolve a conflict other than in accordance with the relative weighting in section 70(2) are:

- *Interdependencies* – such as where the CAA might approve/decide in favour of an airspace change that reduces the efficient use of airspace or does not meet requirements of owners and operators in order to meet an international obligation under the UK/Ireland FAB;
- *Magnitude of the impact* – such as when the impact on a higher weight factor is small, whereas the impact on a lower weight factor is large;
- *Complexity of the airspace* – such as when an airspace structure modified through the consultation process in an attempt to meet

different user requirements may render it safe, but almost unusable by operators or owners of aircraft or unworkable by air traffic control;

- *Airspace not at full capacity* – such as when it is deemed that securing the efficient use of airspace is less important and it could be appropriate to increase the weight of other objectives.

Guidance to the Civil Aviation Authority on environmental objectives relating to the exercise of its air navigation functions

- 3.5 The Secretary of State has given the CAA specific guidance on environmental objectives within the meaning of Section 70 of the Transport Act. The Guidance includes the following:
- The CAA's primary objective is to develop a *“safe, efficient airspace that has the capacity to meet reasonable demand, balances the needs of all users and mitigates the impact of aviation on the environment”*.
- 3.6 The Department for Transport (DfT) are currently undertaking a review of the Guidance and will be consulting on their proposals to amend the content in due course.

Chapter 4

Current airspace change process

- 4.1 The current ACP is detailed in [CAP 725: CAA Guidance on the Application of the Airspace Change Process](#). This lays out a seven-stage process of development, consultation and approval that is initiated by the Change Sponsor through the submission of a [DAP 1916](#) (Intended Change to Notified Airspace Arrangements) form⁵. Upon receipt of this form, Airspace Regulation will allocate a Case Officer, who will then engage directly with the Change Sponsor throughout the process. The seven stages of the process are summarised below:

Stage 1 – Framework Briefing: This presents the opportunity for Change Sponsors to discuss with the Case Officer (and other appropriate Airspace Regulation experts such as Instrument Flight Procedure regulators and environmental/consultation specialists) their intentions, any issues/concerns that are currently being experienced and how/why they believe that changing the airspace arrangements will address these difficulties. It also provides an opportunity for the Case Officer to provide appropriate and tailored advice and guidance on the specific requirements placed upon the Change Sponsor dependent upon the potential impacts of the proposed change. Where the proposal changes the operational and/or environmental impacts of the current operation, those affected will need to be consulted in accordance with the guidance set out in CAP 725. In cases where the Change Sponsor believes that there will be no changes to the operational and/or environmental impacts, they will be expected to present evidence during the Framework Briefing to support that position. CAP 725 (pages 28-29) includes very specific guidance for

⁵ The DAP 1916 form can be accessed and submitted through the CAA website (www.caa.co.uk/airspacechange). Should you encounter any difficulties submitting the form through the website, you are advised to save a copy of your completed form and submit it as an email attachment to airspace.policy@caa.co.uk.

the Change Sponsor on the points that they will be expected to cover as they outline their intentions.

Stage 2 – Proposal Development: During this phase it is expected that the Change Sponsor would begin to develop and analyse detailed airspace design options in order to satisfy their requirements. Although it is not mandatory, it is recommended that Change Sponsors consider establishing a focus group with representatives of potentially impacted stakeholders to support the development of design options, as these can be a useful forum in which to explore previously overlooked consequences of a particular design option, prior to formal consultation.

Stage 3 – Preparing for Consultation: The Change Sponsor must decide on the most appropriate consultation methodology to suit their proposal and to engage all necessary consultees. CAP 725 (para 3.7, Page 36) provides some very detailed guidance on how to produce an effective consultation document, and Change Sponsors are encouraged to ensure that their consultation material is developed in accordance with the Governments Consultation Principles (Annex B). The CAA consultation specialists within Airspace Regulation can provide advice and guidance in this respect and Change Sponsors should seek endorsement from them that their consultation material and methodology meets regulatory requirements before the consultation commences.

Stage 4 – Consultation and Formal Proposal Submission: The Change Sponsor distributes consultation material and conducts other consultation activities, clearly articulating how the feedback will be managed and assessed. The Change Sponsor is required to publish a consultation feedback report to document the result of the consultation, clearly explaining how the feedback led to the final decision on the selected option to carry forward. The Change Sponsor will then submit a Formal Airspace Change Proposal to Airspace Regulation; CAP 725 (para's 4.17 and 4.18) details the documentation that Change Sponsors must include within the formal proposal submission to enable the CAA to

perform an accurate and thorough analysis in order that a well-informed regulatory decision can be made.

Stage 5 – Regulatory Decision: The CAA Case Officer, in concert with environmental and consultation specialists where required, completes a detailed assessment of the Formal Airspace Change Proposal. This is presented in the form of a Case Study, detailing all the factors, how they have been considered, and how this assessment has determined whether or not the proposal(s) should be approved. This stage of the process is explained in greater detail below.

Stage 6 – Implementation: If the proposal(s) are approved at Stage 5, the Change Sponsor will prepare the changes to operational procedures that are required for implementation, and submit the required amendment requests to promulgate the change in the UK AIP and other national regulatory documents. The exact timescale for the promulgation and implementation of a particular change will be dependent upon the nature and scale of the change proposal and the AIP publication cycle.

Stage 7 – Operational Review: The CAA will undertake an operational review of the change no sooner than 12 months after implementation. The purpose of the review is to determine if the airspace change, as approved, has been implemented and whether the anticipated benefits have materialised. If this is not deemed to be satisfactory, alternative options will be explored which can include reversion to previous airspace arrangements.