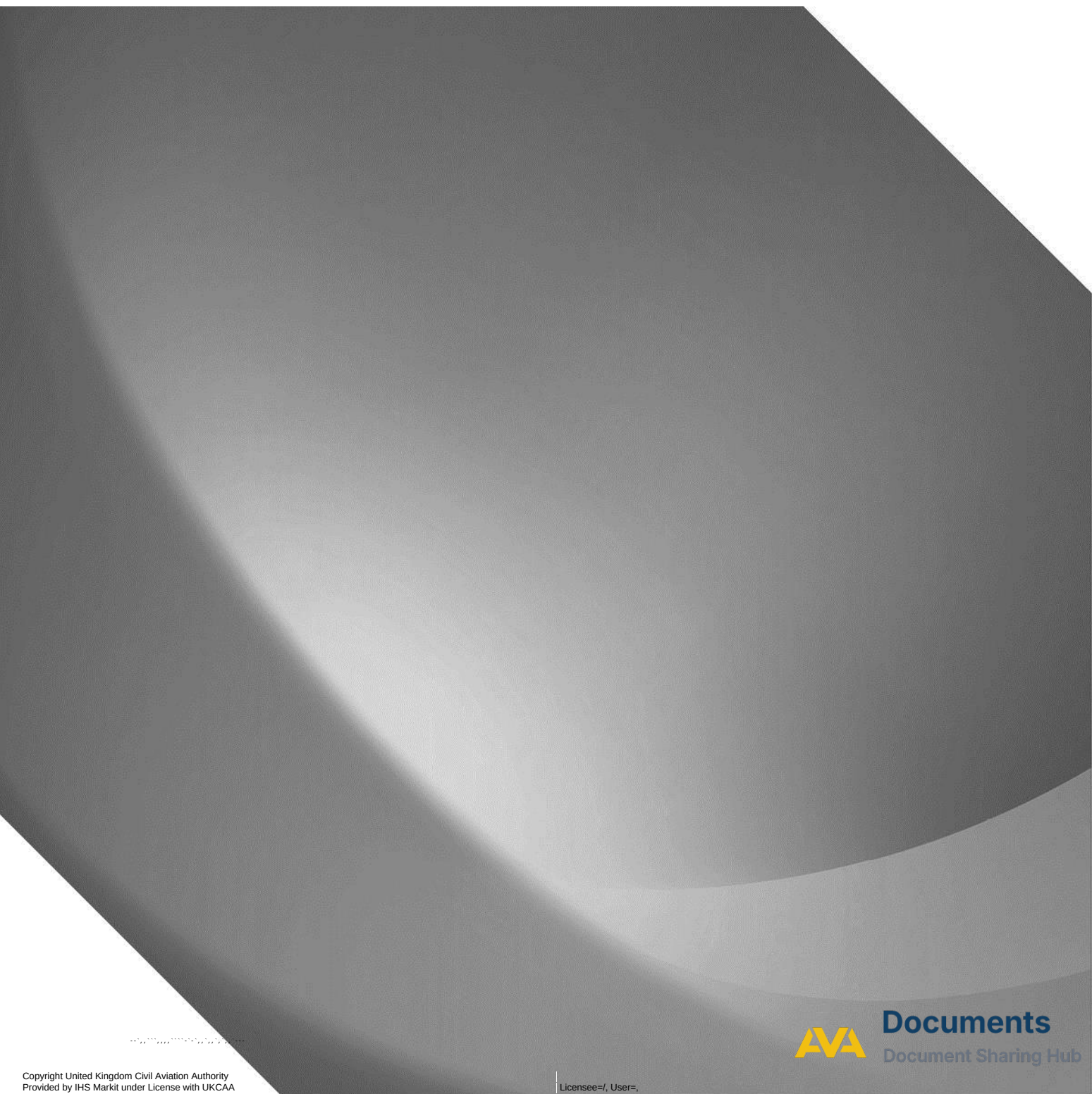


# Reforming policy on the design and use of UK airspace

CAA response to the Department for Transport consultation

**CAP 1561**



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## Executive Summary

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- 1.1 The Civil Aviation Authority (CAA) considers that modernising the UK's airspace, some of the most congested in the world, presents an opportunity that will benefit consumers, airlines, airports, general aviation and some local communities.
- 1.2 Delivering this modernised infrastructure presents challenges. There are increasing and competing demands for airspace that must be reconciled, and any change to low-level airspace that alters the noise distribution may well face challenge from stakeholders.
- 1.3 The CAA welcomes the Department for Transport's (DfT) proposals to reform policy on the design and use of airspace. They are a welcome step towards creating a framework that facilitates modernisation and the benefits it unlocks, while ensuring that stakeholders are properly informed; engaged in the change process; that they have a genuine opportunity to shape proposals as they are developed; their views form part of the evidence base presented to the CAA where airspace decisions are required.
- 1.4 The CAA is making its own reforms to the process for deciding on changes to airspace design. We are currently consulting on draft Airspace Design Guidance. Our proposed reforms will help to reinforce the DfT policy framework, by ensuring that our process meets modern standards for regulatory decision-making in being fair, transparent, consistent and proportionate. The airspace change process must be impartial and evidence-based, and must take account of the needs and interests of all affected stakeholders.
- 1.5 However, while these reforms to government policy and the CAA's process for considering airspace changes form essential elements of the framework to secure modernisation, they may not be enough to secure sustainable airspace modernisation. There needs to be a mechanism to create a masterplan for airspace changes, a means to drive those changes forward, and a way to decide between competing demands for scarce airspace capacity. The government should also introduce a stronger enforcement regime for noise management.<sup>1</sup>

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<sup>1</sup> These issues were discussed in the CAA's response to the Transport Select Committee inquiry into airspace management and modernisation, available here, which would encourage the DfT to consider alongside this response:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/airspace-management-and-modernisation/written/49710.pdf>

## Summary of the key points in our submission

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- 1.6 We summarise these and other points in our submission below.

### A new mechanism to drive airspace modernisation

- 1.7 The CAA considers that successful modernisation requires a new mechanism to oblige proposals to be developed and for them to be coordinated with other change sponsors such that those changes are aligned coherently into a UK airspace masterplan. In addition there also needs to be means for deciding between competing demands for scarce airspace capacity. The CAA believes that this is a national issue and is committed to working with the DfT to assist in the development of a solution that would create such a mechanism.

### Enforcement of noise management

- 1.8 Recent consultation and engagement with communities shows that a mechanism is needed to reassure overflowed communities that the aviation industry will be held to account if it does not meet clear and transparent standards on noise management. Without this, distrust between communities, the aviation industry, the CAA and the DfT will remain. In the first instance it should be airports which enforce airlines' noise performance, with a potential role for the CAA as a potential backstop considered for cases where stronger action is needed.
- 1.9 Currently the CAA does not have powers to require the aviation industry to take particular actions to manage noise, nor to enforce standards relating to noise management. The CAA is concerned that this is not clear from the consultation document.

### ICCAN

- 1.10 We recognise that ICCAN can play an important role in enhancing transparency, assessing the effectiveness of information provision, and assuring the impact of mitigations. But the CAA's experience of airspace design, management and regulation suggests that no single body is likely to bring about a significant change in overflowed communities' understandable concerns about the noise impacts from airspace change. We are therefore wary of raising expectations that ICCAN will be able to change perceptions in this respect.
- 1.11 The CAA now sees no significant overlap between ICCAN and our own roles undertaken within either our Airspace Regulation team or Environmental Research and Consultancy Department. As such, creation of the body may take longer than currently expected.
- 1.12 The CAA should have a limited role in setting up ICCAN to ensure its independence. The core principle should be that ICCAN established with sufficient independence for it to challenge and criticise all stakeholders, including the CAA.

## Tier 2

- 1.13 A definition that a tier 2 change is a change to ANSP procedures which results in a permanent and planned redistribution of aircraft is an accurate description of the policy objective. For the purposes of clarity, we suggest the DfT consistently adopts this language in its definition throughout the final policy documents. We consider that a change to MATS Pt II, where an aerodrome is obliged to publish one, is evidence of a planned and permanent change to ANSP procedures. We recommend that 'redistribution' is clearly defined in the final policy framework in order that there is no ambiguity whether the tier 2 function applies to a particular ANSP proposal or not.
- 1.14 As a tier 2 change may have the same impacts as a tier 1 change we consider consistency with tier 1 functions and processes is an overriding objective. The law will in any event require the change sponsor/CAA to consider all section 70 factors when proposing/considering tier 2 changes. DfT's final policy framework should avoid any references that could make this uncertain.. To avoid inconsistency the same approach to assessment of environmental factors set out in the ANG for tier 1 changes should be applied to Tier 2 including application of altitude-based priorities.
- 1.15 We acknowledge that the DfT's proposed tier 2 policy aims to be proportionate, including the proposed exemption for airports with fewer than 50,000 movements a year. However, the consequence of this would be inconsistency between tier 1 and tier 2. This inconsistency could lead to ANSPs furthering procedure changes rather than tier 1 changes to airspace design, which would reduce the incentive to systemise risking the aim of modernising airspace. We recommend that further consideration is given to this aspect of the policy. The CAA considers that the aim of proportionality could be better achieve by introducing different levels of tier 2 changes based on impact rather than number of aircraft movements with correspondingly different process requirements rather than by excluding them from the tier 2 definition overall.
- 1.16 For the purposes of clarity, the DfT should define the terms engagement and consultation in its final policy and be clear as to what it expects to see in which circumstance when drafting and reflecting the policy in the Directions and guidance it gives to the CAA.

## Tier 3

- 1.17 Without additional enforcement powers and formal direction, the CAA would be able to do no more than set out best practice in relation to information provision, and potentially report on which airports have adopted it.

## Transition arrangements

- 1.18 To give change sponsors and other stakeholders sufficient clarity and certainty, it will be important to ensure that the CAA and DfT adopt a unified approach to transitioning to new Airspace Design Guidance and the underlying policy framework that introduces new or revised functions and bodies.
- 1.19 To ensure this approach to transition is harmonised, we propose agreeing a timeline with the DfT in the coming months. We consider that both the DfT and CAA should publish the respective policy and process with a lead-in time before coming into force.

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## Chapter 1

# Introduction

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- 1.1 The CAA welcomes the opportunity to respond to the DfT's consultation on its proposals to reform policy on the design and use of UK airspace, including directing the CAA to carry out new functions.
- 1.2 As the UK's independent aviation regulator, the Secretary of State has given the CAA functions that relate to the structure and design of airspace in the Civil Aviation Authority (Air Navigation) Directions dated 2001 (amended in 2004).
- 1.3 This means the CAA has responsibility for deciding whether to approve proposed changes to the design of airspace over the UK – the airspace structure and instrument flight procedures within it that are used by aircraft. These decisions are taken in accordance with Section 70 of the Transport Act 2000, which sets out various factors that must inform our decision-making, including safety, efficient use of airspace, the expeditious flow of air traffic, security, operational and environmental impacts such as aircraft noise and emissions.
- 1.4 The current consultation from the DfT comes alongside the CAA undertaking a programme of work to revise and update the way we make decisions on proposed changes to airspace. The two organisations have worked closely together in developing our proposals. The CAA believes that in total, if implemented, the suite of changes will lead to a more transparent change process, with decisions made on the best possible evidence base, and stakeholders having the opportunity to influence proposals during their development in a structured and clear way.
- 1.5 Our consultation on draft Airspace Design Guidance was launched in March and will close on 30 June 2017. It can be found here:  
<https://consultations.caa.co.uk/policy-development/draft-airspace-design-guidance/>
- 1.6 We look forward to continuing to work closely with the DfT as it develops the final policy framework<sup>2</sup> that underlies our airspace change process.

## Transition

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- 1.7 **To give change sponsors and other stakeholders sufficient clarity and certainty, it will be important to ensure that the CAA and DfT adopt a**

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<sup>2</sup> The Directions containing the CAA's air navigation functions which give effect to that policy and the environmental guidance to the CAA on our environmental duty when carrying out our air navigation functions (referred to in this document as the ANG).

**unified approach to transitioning to new Airspace Design Guidance and the underlying policy framework that introduces new or revised functions and bodies.**

1.8 In this context, we welcome the DfT's statement that:

1.9 *"We will therefore work closely with the CAA following the consultation to agree an implementation date and detailed transition arrangements. Where relevant e.g. for airspace change, we would expect to mirror the transition arrangements set out by the CAA in its recent consultation on the Airspace Change Process: any change proposal which has yet to be consulted on before the introduction of the revised process should adhere to the new process from the implementation date."*

1.10 **To ensure this approach to transition is harmonised, we propose agreeing a timeline with the DfT in the coming months. We consider that both the DfT and CAA should publish their respective policy and process with a lead-in time before coming into force.** This would mean, for example, that when the DfT publishes revised Directions and a new ANG, it would provide a date on which its provisions would come into effect. Otherwise changes will come into effect on the day of publication, which would cause delays to airspace changes if the CAA and other stakeholders involved in the process are not fully prepared for the changes.

1.11 For information, we have set out our current intention in terms of the transition to new regulatory guidance on our website [here](#).

1.12 We intend to provide the DfT with a marked-up version of the draft ANG, given the close interplay between our own process and the government policy framework. We will use this to highlight specific areas where we believe that additional clarity or confirmation of the DfT's intention will provide helpful certainty for all stakeholders.

## The wider context

### Airspace modernisation

1.13 The CAA welcomes the DfT's support for the need to modernise airspace to deliver economic benefits to the UK by ensuring this major piece of infrastructure is up to date. We also support the clarification of the policy framework, including the steps proposed to consider and incorporate the impacts of aviation including health and quality of life into decision making.

1.14 New technology offers the opportunity for aircraft to fly more precise routes, which presents the potential for clear benefits - fewer delays, improved resilience to disruption, better passenger experience, lower costs, reduced carbon emissions through less fuel burn, changes to noise profiles that may benefit