

CAA assessment of the criteria for call in by the Secretary of State of Edinburgh Airport's October 2018 airspace change proposal

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Chapter 1

Background

Introduction

- 1.1 On 13 August 2018, Edinburgh Airport submitted an airspace change proposal to the CAA (“Edinburgh Airport Arrivals and Departures version 2.0”¹, ACP reference ACP-2015-02), proposing changes to the arrival and departure routes to and from Edinburgh Airport. This proposal was a modification of an airspace change proposal submitted to the CAA in August 2017. On 6 September 2018, the CAA received a request for the airspace change decision of this proposal to be called in by the Secretary of State. On 20 September 2018, the Secretary of State asked the CAA to assess whether the call in criteria set out in the 2017 Secretary of State Directions to the CAA has been met. The Secretary of State’s request attached draft guidance to the CAA on making this assessment (“Call in Guidance”) which the CAA was asked to take into account².
- 1.2 On 15 October 2018, the CAA received an update of Edinburgh Airport’s airspace change proposal (“Edinburgh Airport Arrivals and Departures version 2.1”, hereafter referred to in this document as the “Edinburgh Proposal”). Since this version pre-dates 17 October 2018, the closing date of the 28-day window during which stakeholders may request that the proposal is called in by the Secretary of State, the CAA has based its assessment on this version.
- 1.3 This report represents the CAA’s assessment of the call in criteria as they apply to the Edinburgh Proposal, and will be provided to the Secretary of State to inform his decision whether he has a discretion to exercise to call-in the proposal for decision by himself rather than the CAA.
- 1.4 The remainder of this chapter outlines the relevant Directions and Guidance given to the CAA. Chapter 2 sets out the CAA’s assessment of each of the call in criteria and Chapter 3 gives the CAA’s overall assessment of whether any of the call-in criteria are met such that a discretion for the Secretary of State to call in the Edinburgh Proposal arises.

¹ Available on the CAA website at [https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Decisions/FASI\(N\)/](https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Decisions/FASI(N)/).

² On 18 October, CAA received new amending directions from the Secretary of State, which added the new function for CAA to provide him with an assessment of this nature.

Relevant Directions and Guidance

- 1.5 The Civil Aviation Authority (Air Navigation) Directions 2017, issued to CAA on 18 October 2017 contain the primary definition of the call in criteria and the exceptions which the CAA must consider in this assessment.

- (5) For the purposes of this direction, the “call in criteria” are that the proposed change—
- (a) is of strategic national importance,
 - (b) could have a significant impact (positive or negative) on the economic growth of the United Kingdom, or
 - (c) could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.
- (6) This direction does not to apply to a proposal which is—
- (a) submitted by, or on behalf of, the MoD,
 - (b) directly related to a planning decision which had already been determined by the Secretary of State,
 - (c) directly related to a planning decision made by another planning authority which involved detailed consideration of changes to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal, or
 - (d) submitted to the CAA for approval before the coming into force of these Directions.

- 1.6 The Secretary of State’s Air Navigation Guidance 2017, providing guidance to the CAA on its environmental objectives when carrying out its air navigation functions and to the CAA and wider industry on airspace and noise management 2017, published in October 2017, states that.

6.7 In accordance with the call-in criteria as set out in the Air Navigation Directions 2017, the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.

- 1.7 In a letter to the CAA dated 20 September 2018³, DfT requested that the CAA assess whether the call in criteria in this case are met and that the CAA take into account attached draft statutory guidance on carrying out that assessment when doing so⁴.
- 1.8 The guidance described above is hereafter referred to as “the Guidance” and is set out below:

³ Attached to this report as Appendix A

⁴ On 22 October, the CAA received amended guidance from the DfT, although it is our view that the amendments do not change our overall assessments of this case.

Call-in criterion (a) – Strategic national importance

9. A proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the overall delivery of one or more of the following government policies only:

- I. an Airports National Policy Statement (NPS), for example if the CAA considers that a proposed airspace change could prevent the successful delivery of on-going or future airspace changes that could increase future capacity as agreed in that NPS;
- II. *[Section deleted in Version 1.1 of the Guidance to the CAA]* the UK's Airspace Modernisation Strategy, for example:
 - a. two or more airspace change proposals put forward together by a single sponsor that the CAA considers could affect the airspace arrangements of multiple airports, or
 - b. a proposal that conflicts with successful and timely implementation of the CAA's "co-ordinated strategy and plan for the use of UK airspace for air navigation up to 2040, including for the modernisation of the use of such airspace" and any road map and airspace changes developed to deliver the CAA's strategy and plan;
- III. maintaining UK national security, for example a proposal that the CAA has been advised by the Ministry of Defence or another government department might have a national security impact on the operations of a site of critical national infrastructure, such as a nuclear installation or prison;
- IV. the UK's Industrial Strategy as it relates to space ports, but only where a proposal establishes the airspace needed for operations from the first space ports designed for sub-orbital use and vertical launchers, and which therefore sets the precedent for future design and airspace change decisions;
- V. airspace zones specifically linked to the UK policy on the safe use of drones in the UK, but only in respect of the first proposal to establish the airspace needed for the use of drones commercially (i.e. excluding testing) and which therefore sets the precedent for future design and airspace change decisions.

10. The DfT will notify the CAA at the point that the CAA no longer needs to take paragraphs 9. IV and/or 9. V into account.