

Draft procedure for reviewing the classification of airspace – a consultation

CAP 1934



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Second edition published July 2020 to clarify footnote 19 and the corresponding glossary entry.

Civil Aviation Authority
Aviation House
Beehive Ring Road
Crawley
West Sussex
RH6 0YR

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Enquiries regarding the content of this publication should be addressed to:

airspace.modernisation@caa.co.uk

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Summary of this consultation and how to respond

Overview

1. **The Secretary of State has given the CAA a new function to review airspace classifications and to amend them where appropriate. This requires a new regulatory procedure. This document seeks your views on a draft of that procedure.**
2. The classification of airspace determines the flight rules which apply – how and where aircraft can fly, the equipment that must be carried and procedures that must be followed. The new function given to the CAA responds to a General Aviation-led review of how airspace is managed.¹ The new procedure will be a useful tool to assist the CAA with the longer-term strategy for airspace modernisation, for example for integrating new types of airspace user.
3. As a way of initiating a review in parallel with developing this new procedure, between December 2019 and March 2020 we ran a public consultation to seek suggestions of airspace volumes that might need the classification reviewed. We have published a summary of the responses as CAP 1935.² We will start work on considering amendments to some of the airspace volumes recommended by respondents once the new procedure is in place.
4. We must introduce the new procedure and allocate staff to run it by 1 December 2020.

Regulatory basis

5. As part of our airspace regulation functions, which are set out in Air Navigation Directions from the Secretary of State, the CAA has:
 - developed and published a national policy for the classification of UK airspace
 - classified UK airspace in accordance with that national policy

¹ The definition of General Aviation varies, but it generally encompasses a wide range of aviation activity from microlights, gliders and balloons to corporate business jets, and includes all sport and recreational flying. The review referred to is the Lord Kirkhope Inquiry into Airspace Change, commissioned by the All-Party Parliamentary Group on General Aviation. This is discussed further in Chapter One.

² The summary of responses is published as CAP 1935, Outcome of the consultation on the airspace classification review 2019/2020 www.caa.co.uk/cap1935 and on our consultation website <https://consultations.caa.co.uk/corporate-communications/airspace-classification-review-2019-2020/>

- published that classification.
6. In October 2019 the Secretary of State modified the CAA's responsibilities in this area. Effective 1 December 2020³, we must:
- regularly **consider** whether airspace classifications should be reviewed
 - carry out a **review** (which includes consultation with airspace users) where we consider a change to classification might be made, and
 - as we consider appropriate, **amend** any classification **in accordance with procedures developed and published by the CAA for making such amendments** – this is the procedure that we are consulting you about.
7. The Air Navigation Directions also say that in developing the national airspace classification policy, classifying UK airspace, or amending the classification of a volume of airspace, the CAA must seek to ensure:
- that the amount of controlled airspace is the minimum required to maintain a high standard of air safety, and
 - subject to overriding national security or defence requirements, that the needs of all airspace users are reflected on an equitable basis.

Structure of this consultation document

8. We have structured this consultation document as follows:
- Chapter 1 explains the background to the Government's decision to give the CAA this new role
 - Chapter 2 explains what the CAA must take into account in designing the new procedure
 - Chapter 3 gives an overview of our proposed three-stage procedure
 - Chapter 4 explains the first stage, Consider
 - Chapter 5 explains the second stage, Review
 - Chapter 6 explains the third stage, Amend
 - Chapter 7 covers implementation arrangements
 - Chapter 8 sets out next steps
 - Appendix A is a glossary of relevant airspace terms used in this document and more widely

³ The Secretary of State deferred the original effective date of 1 April 2020 until 1 December 2020

- Appendix B is a CAA-produced consolidated version of the Air Navigation Directions from the Secretary of State to the CAA
- Appendix C reproduces section 70 of the Transport Act 2000 which governs the way the CAA exercises its air navigation functions
- Appendix D explains more about the context of the Airspace Modernisation Strategy.

What we are consulting on

9. We are seeking your views on the procedure we propose to adopt for amending the classification of airspace, reflecting the CAA's airspace functions, government policy and best practice decision-making.

What we are not consulting on

10. We are not seeking your views on any of the following:
- the policy on airspace classification
 - the classifications of particular volumes of airspace
 - the functions given to the CAA in the Air Navigation Directions, which come directly from the Secretary of State
 - aspects of government policy, including the Air Navigation Guidance – the statutory guidance which the Secretary of State gives the CAA on how it should take environmental impacts into account – including policy objectives in respect of people significantly affected by aircraft noise, the concentration, dispersion or alternation of flight paths, or avoidance of tranquil areas; government policy is not within the direct control of the CAA
 - the CAP 1616 airspace change process, specific airspace change proposals going through that process, or specific airspace changes that have already happened using that process or its predecessor.
11. Consequently the CAA will disregard elements of responses to this consultation that focus on any of these areas.

Your views are invited

12. This document seeks your views on our proposed procedure to review and amend airspace classifications that we will introduce on 1 December 2020. We aim to design a procedure that will allow different, sometimes competing, factors to be taken into account, including satisfying the requirements of all airspace users.

13. We are interested to learn what elements of the new procedure are the most important to you, bearing in mind that the procedure must be proportionate and reflect the CAA's airspace functions and government policy.
14. We are allowing 12 weeks for responses to the consultation. We appreciate that as a result of the Covid-19 pandemic, some stakeholders may have other priorities at the moment. However, we are required to introduce the new procedure by 1 December 2020, and have scheduled as much time as we are able to.

How to respond to this consultation

15. We have sought to make this consultation as accessible as possible by presenting the key points on our dedicated consultation website. The longer document you are reading is for stakeholders wanting more detail. The questions in each case are the same.
16. Please note that the consultation will close at 23.59 on 17 September 2020 and we cannot commit to taking into account comments received after this date. Please let us have your comments by answering the questions on our [consultation website](#). The questions include some multiple-choice answers and the opportunity to submit your comments by completing text boxes. Our strong preference is that you complete the online consultation. We understand that some stakeholders prefer not to be constrained by the questions alone and will want to send a self-contained response. While we will read these submissions, we will not be able to analyse the submissions in the same way that we analyse the online responses.
17. 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 identity or refuse publication. (In any event, your email address will not be published.) 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.
18. There are five consultation questions, which are listed on the next two pages for ease of reference. They also appear through the document, in the context of information that will help you to respond to them.

19. If you would like to discuss anything about how to respond to the consultation, please email airspace.modernisation@caa.co.uk.

Next steps

20. We will take your views into account and, where we feel it necessary to do so, make modifications to our proposed procedure for reviewing airspace classification. We will then publish the final procedure before implementing it from 1 December 2020.

Consultation questions

Question 1: Do you have any general comments about our proposed new procedure?

Question 2: Do you have any comments about our proposed approach for the Consider stage?

About right	Some modifications needed	Significant modifications needed (please list your modifications)	Don't know
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Please explain your answer and provide any other general comments.

Question 3: Do you have any comments about our proposed approach for the Review stage?

About right	Some modifications needed	Significant modifications needed (please list your modifications)	Don't know
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Please explain your answer and provide any other general comments.

Question 4: Do you have any comments about our proposed approach for the Amend stage?

About right	Some modifications needed	Significant modifications needed (please list your modifications)	Don't know
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Please explain your answer and provide any other general comments.

Question 5: Please can you quantify the cost impacts of the new procedure on your organisation, or more broadly if possible, and how we might best minimise these?

Chapter 1

Background to the CAA's new procedure

Summary

- The CAA is introducing a new procedure to review and where appropriate amend airspace classification.
- This chapter explains what we mean by airspace classification and how this relates to UK airspace and the Airspace Modernisation Strategy.
- It goes on to explain the CAA's new function to review and, where appropriate, amend airspace classification, and the new procedure which the Secretary of State's Air Navigation Directions have required us to introduce.

Purpose of this consultation

- 1.1 The Secretary of State has given the CAA a new function to review airspace classifications and to amend them where appropriate, requiring a new regulatory procedure. This document seeks your views on a draft of that procedure.

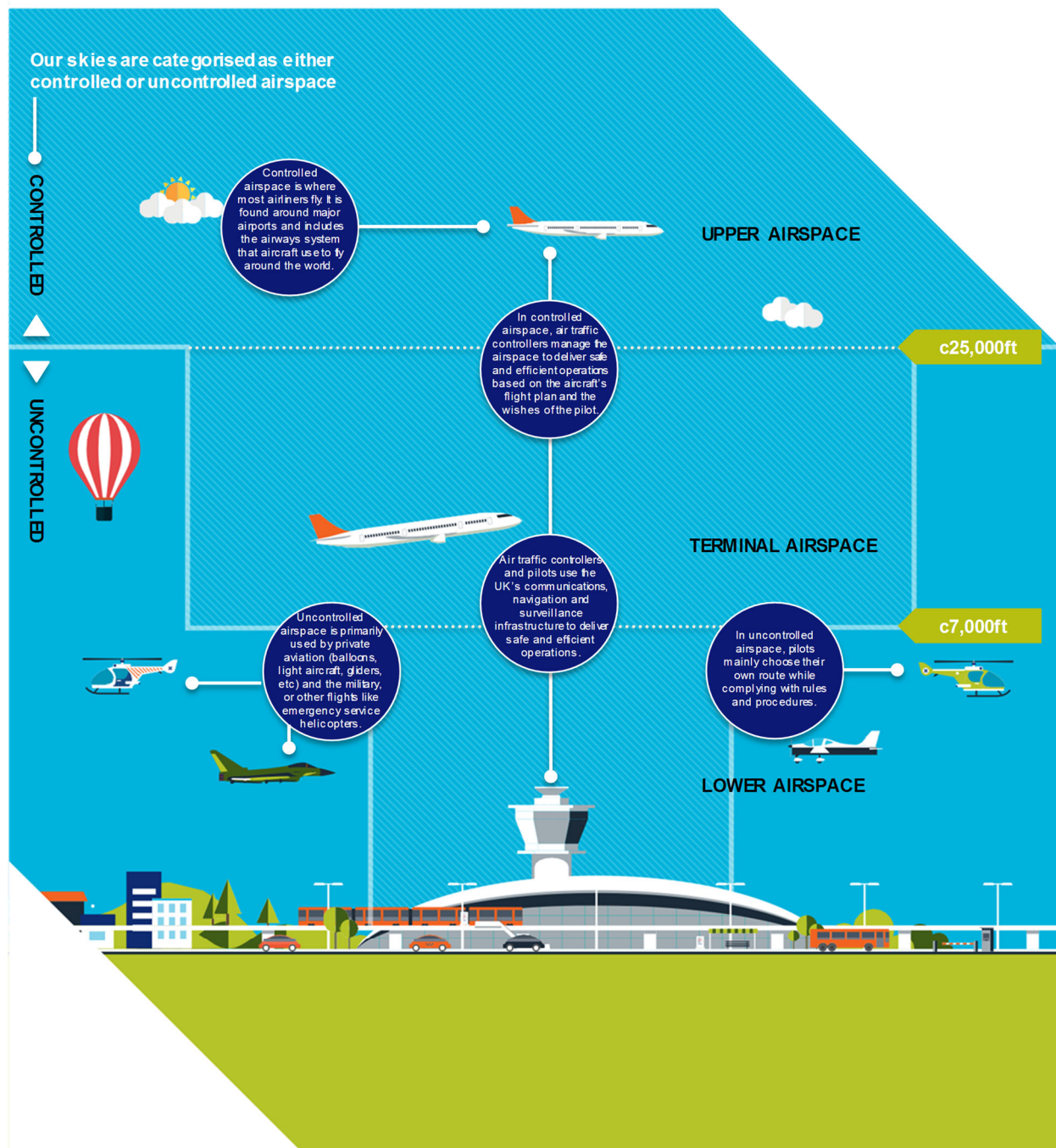
Airspace

- 1.2 States have complete and exclusive sovereignty over the airspace above their territory. States have chosen to commit, by international treaty, to provide air navigation services (which include air traffic control) in that airspace to an internationally recognised standard.
- 1.3 For the purposes of providing air traffic services, airspace can be divided into two main categories, controlled and uncontrolled. Aircraft in controlled airspace fly under the positive monitoring and direction of air traffic control to maintain safe distances between them.⁴ Uncontrolled airspace typically incorporates areas where aircraft are not required to be identified and managed by air traffic services, although pilots may request a service from notified air traffic service providers to support their safe flying.
- 1.4 Prior to the Covid-19 pandemic, the UK's skies were accommodating increasing numbers of commercial flights, military activities and an active General Aviation sector, as well as new types of user such as unmanned aircraft systems.⁵

⁴ In Class E airspace, only flights under Instrument Flight Rules are controlled.

⁵ Unmanned Aircraft may also be referred to as Drones, Remotely Piloted Aircraft Systems (RPAS), Unmanned Aerial Vehicles (UAV), Model Aircraft, Radio Controlled Aircraft.

Figure 1: Controlled and uncontrolled airspace



Note: this diagram is representational only and does not necessarily depict the specific areas in which airspace users operate.

For more information see <https://www.caa.co.uk/Consumers/Unmanned-aircraft/Our-role/An-introduction-to-unmanned-aircraft-systems/>

The CAA's role in airspace modernisation

- 1.5 The CAA's statutory duties and functions in respect of airspace regulation are contained in Section 70 of the Transport Act 2000 and The Civil Aviation Authority (Air Navigation) Directions 2017 (as amended).⁶
- 1.6 One of the CAA's functions is to have a strategy and plan for airspace. The CAA reviewed and rearticulated its airspace strategy in response to a government policy change that redefined our role when the Government's Air Navigation Directions were updated and republished in October 2017. In those Directions the Secretary of State gave the CAA a number of new roles, including developing a long-term strategy and plan for modernising UK airspace, with the objective to deliver quicker, quieter and cleaner journeys and more capacity for the benefit of those who use and are affected by UK airspace. The CAA published its revised strategy in December 2018, setting it in the context of the latest government policy, including on environmental impacts, demand from airspace users and technological developments. Appendix D explains more about the resulting Airspace Modernisation Strategy, CAP 1711.⁷

Airspace classification

- 1.7 The Air Navigation Directions have long required the CAA to publish a national policy for the **classification of airspace**. ICAO requires that States determine those portions of airspace where air traffic services will be provided and, where it is so determined, whether air traffic control service or flight information service are provided. In turn, the airspace is designated according to the type of air traffic service provided and in accordance with the ICAO airspace classification system. **Air traffic control** service is provided to all flights within airspace classes A to D and to those flights operating in accordance with the instrument flight rules (IFR) in class E airspace; these are known as 'controlled airspace' classifications. **Flight information service** may be provided to all flights in class G (uncontrolled airspace) and to visual flight rules (VFR) flights in Class E airspace.
- 1.8 The classification of the airspace determines the flight rules that apply and the procedures that must be followed. The classification depends upon the types of air traffic involved, the density and complexity of air traffic and the safety hazards posed to passenger-carrying commercial air transport operations. In summary, the ICAO airspace classifications notified within the UK are:

⁶ The CAA publishes the Air Navigation Directions and any subsequent amendments. For ease of reference, the CAA also produces a consolidated version. These can be found at: <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Legislative-framework-to-airspace-change/>

⁷ www.caa.co.uk/cap1711

- **class A:** the most restrictive airspace classification, allowing IFR operations only
- **class C and class D:** airspace allowing for both IFR and VFR operations in a controlled environment
- **class E:** airspace allowing for both IFR and VFR operations wherein VFR operations are not controlled
- **class G:** the least restrictive airspace classification, applied to all other airspace.

1.9 More information on airspace classifications can be found in the CAA policy statement *The Application of ICAO Airspace Classifications in UK Flight Information Regions*.⁸

1.10 In class G (i.e. uncontrolled) airspace, there are currently no restrictions on which aircraft can enter it or the routes they take. The recreational flying and aerial sports sector within General Aviation tends to operate in class G, alongside a few commercial and business flights. The vast majority of commercial air transport flights operate solely in controlled airspace. The military has significant requirements to use both types of airspace and occasionally also operates within the confines of segregated training or danger areas.

The CAA's new role on airspace classification

1.11 In summer 2018 the All-Party Parliamentary Group on General Aviation commissioned the Lord Kirkhope Inquiry into Airspace Change to examine the management and design of lower airspace in the UK. In June 2019 the Inquiry's report⁹ recommended the introduction of a process that would give the CAA the power to either lower the class of controlled airspace or make airspace uncontrolled.¹⁰ There was a concern that controlled airspace was subject to a 'ratcheting up' effect where there was little incentive for the airspace controlling authority to initiate these changes itself.

1.12 In October 2019 the Secretary of State gave the CAA new Air Navigation Directions that modified the CAA's responsibilities in respect of airspace classification, requiring us to introduce a new procedure whereby we review and where appropriate amend airspace classifications. In his covering letter, he said that the changes were designed to strengthen how airspace is managed. He also said he was committed to see that the UK benefits from being the best place in

⁸ <http://publicapps.caa.co.uk/docs/33/20141113PolicyStatementApplicationOfAirspaceClassificationInUKPolicyVersion5.pdf>

⁹ <https://generalaviationappg.uk/wp-content/uploads/2019/07/Lord-Kirkhope-Final.pdf>

¹⁰ The CAA's proposed procedure is more flexible; it would accommodate proposals to make the classification more restrictive as well as less restrictive, according to future need.

the world to undertake General Aviation-related activities, and that enhancing the UK's existing airspace arrangements was key to achieving this objective.

- 1.13 The new procedure on which we are consulting is a CAA function which must be consistent with the CAA's statutory duties under section 70 of the Transport Act 2000 and with government policy. Within those constraints, our aim is also to make it proportionate to the objectives and to design it in accordance with modern, best-practice regulatory principles. It must also align with the CAA's longer-term strategy, to ensure that airspace planning is consistent with national and international obligations or standards and with new concepts such as the integration of new technologies.
- 1.14 We expand on this in the next chapters, beginning with the legal and policy framework within which the procedure must be designed and operate.

Chapter 2

Considerations in designing the procedure

Summary

- This chapter explains the considerations we must take into account in designing the new procedure, in particular the legal and policy framework within which we must work.
- Unlike the airspace change process where the change sponsor presents a new airspace design to the CAA for approval, the procedure for reviewing airspace classification involves the CAA itself designing and proposing amendments to airspace.
- Input from the airspace controlling authority (i.e. the air navigation service provider) is essential, because only the airspace controlling authority will have the local operational knowledge needed. The airspace controlling authority will need to own the safety of the airspace, and therefore the operational procedures and safety case for the amended design, even though we assist them as they prepare it.
- The new procedure must be consistent with the Airspace Modernisation Strategy. In the future it could be a useful tool for amending classification to improve our compliance with ICAO requirements or to facilitate the introduction of new air traffic management concepts. The new power is sufficiently flexible to allow us to make a classification more restrictive as well as less restrictive.
- We explain the stakeholders that will be involved in the new procedure, and our policy of maximising transparency through the publication of all documents wherever possible.

Legal and policy framework

- 2.1 The new procedure we design must operate within the legal and policy framework set by government.

Air Navigation Directions

- 2.2 Under sections 66 and 68 of the Transport Act 2000, the Secretary of State has given the CAA a number of airspace-related functions. As a result of these Air Navigation Directions¹¹, the CAA has already developed and published a

¹¹ Civil Aviation Authority (Air Navigation) Directions 2017, as amended by the [Civil Aviation Authority \(Air Navigation\) \(Amendment\) Directions 2018](#) and the [Civil Aviation Authority \(Air Navigation\) \(Amendment\) Directions 2019](#). The 2017 Directions form an annex to the [Air Navigation Guidance 2017](#) and the 2018 and 2019 amendments will also be annexed in due course. For ease of reference, the CAA also produces a consolidated version. These can be found at <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Legislative-framework-to-airspace-change/>

national policy for the classification of UK airspace, classified UK airspace in accordance with that national policy, and published that classification.

- 2.3 The revised Directions go further and require us – in Direction 3(b) – to:
- regularly **consider** whether airspace classifications should be reviewed
 - carry out a **review** (which includes consultation with airspace users) where we consider a change to classification might be made, and
 - as we consider appropriate, **amend** any classification **in accordance with procedures developed and published by the CAA for making such amendments**.
- 2.4 A new Direction 3(ba) also requires that in applying our classification policy, or amending a classification, we seek to ensure that the amount of controlled airspace is the **minimum required** to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the **needs of all airspace users are reflected on an equitable basis**. (The CAA understands 'equitable' to mean that needs are fairly accounted for, not that each user has the same and equal amount of airspace. The needs of different types of airspace user could vary considerably.)
- 2.5 Directions 3(b) and 3(ba) are reproduced in Appendix B. The relevant Directions were originally due to come into force on 1 April 2020, but the Secretary of State subsequently amended this date to 1 December 2020 because of the time it would take for us to develop and consult on a robust procedure.

Sections 70 and 71 of the Transport Act 2000

- 2.6 Under section 70 of the Transport Act 2000, we have a duty to take a number of factors into account when exercising our air navigation functions, including whether to amend an airspace classification. Our duty to maintain a high standard of safety has priority over other factors. Those other factors include international obligations, and security, operational and environmental impacts such as aircraft noise and emissions, including taking account of any guidance on environmental objectives given by the Secretary of State. The full text of section 70 is reproduced in Appendix C.
- 2.7 Section 71 of the Transport Act 2000 allows the CAA to request any specific documents or information from an air navigation service provider for any purpose connected with our air navigation functions.

Air Traffic Management and Unmanned Aircraft Bill

- 2.8 Should the Air Traffic Management and Unmanned Aircraft Bill become law in the form currently drafted¹², it will give the Secretary of State (or the CAA if powers are delegated) new powers to compel an air navigation service provider or airport (or other person with functions relating to air navigation):
- to prepare an airspace change proposal that will assist in the delivery of the CAA's airspace strategy
 - to take steps towards the preparation of such an airspace change proposal
 - to co-operate for the purpose of assisting another air navigation service provider, airport (or other person with functions relating to air navigation) to do the above
- including following CAA procedures and having regard to its guidance and doing specified things by specified dates. In this context, 'airspace change proposal' includes a proposal to change the classification of a volume of airspace under this procedure.

Secretary of State for Defence

- 2.9 Direction 12 adds a provision in cases "where it appears to the CAA that there is a need to increase the volume, or alter the classification, of UK airspace, but to do so might, in the opinion of the CAA or the MoD [Ministry of Defence], have an adverse effect on the ability of the armed forces of the Crown to maintain their operational capability". The Directions require us to seek the approval of the Secretary of State for Defence before proceeding with any such change to UK airspace.
- 2.10 Where the Secretary of State for Defence is content with the proposed change, the CAA must ensure that such further consultation on the proposal is undertaken as required under the Directions. Where the Secretary of State for Defence is not content with the proposed change, the CAA may only approve the proposed change in accordance with directions given by the Secretary of State under section 68(3) of the Act.
- 2.11 We may therefore need to consult the Ministry of Defence on a proposal to change airspace classification, and seek its approval where appropriate, before proceeding with any consultation.

¹² The draft Bill can be viewed at
<https://services.parliament.uk/bills/2019-21/airtrafficmanagementandunmannedaircraft.html>

Environmental guidance from the Secretary of State

- 2.12 Section 70 requires the CAA to take account of the interests of any person other than an airspace user (which would include those on the ground) and of any guidance on environmental objectives given to the CAA by the Secretary of State when carrying out its air navigation functions as set out in the Air Navigation Directions. For our function relating to a change in airspace design (one which goes through the CAP 1616 process), this guidance is the Air Navigation Guidance 2017, last issued in October 2017. However, in respect of airspace classification, the guidance was amended by the Secretary of State's letter of 31 October 2019 accompanying the Directions.
- 2.13 In that letter, the Secretary of State stated that the CAA should consider the environmental consequences of a proposal we make for amending the classification of airspace, but he also specifically *disapplied* the existing Air Navigation Guidance. Because of the section 70 requirement, we must therefore make our own assessment of the potential environmental consequences. We have concluded that the principles we would use would be the same as the Air Navigation Guidance, but without any of the obligations on process that the guidance contains.¹³
- 2.14 Below is an extract from the Secretary of State's letter:

“Supplementary guidance to the Civil Aviation Authority (CAA) on environmental objectives when carrying out its air navigation functions

In accordance with section 70(2)(d) of the Transport Act 2000, the CAA should note that:

- i. the environmental objectives set out in the Air Navigation Guidance 2014 and 2017, as well as the rest of that Guidance, are not to apply to:
 - decisions whether to approve proposals for permanent changes to airspace design which seek to implement GNSS approaches without approach control; or
 - decisions to amend the classification of any airspace in accordance with the amended Directions 2017 new direction 3(b) (airspace reclassification);
- ii. this exemption from the Guidance is to apply with immediate effect and until further notice;
- iii. although exempted, we expect sponsors of exempted proposals, including the CAA, to consider the potential environmental consequences

¹³ Our proposed approach to the assessment of environmental impacts is on pages 48 to 49.

of the proposals, and to engage with relevant communities as the CAA considers appropriate;

iv. the department will keep this exemption under review and will notify you of any change in this policy; and

v. the exemption will be incorporated into the Air Navigation Guidance when a suitable opportunity arises.”

Call-in by the Secretary of State

2.15 If a proposal for a change in airspace design meets certain criteria, the Secretary of State may decide to call-in the proposal and to make the related decision, instead of the CAA doing so. One of these criteria is where a proposal could lead to any volume of airspace classified as class G being reclassified as class A, C, D or E. This is set out in Direction 6(5)(d) of the Air Navigation Directions.

2.16 However, this only applies to the CAA’s decision-making functions subject to the call-in requirements (Directions 4(1), 5(1), 5A(1)). There is no provision in the Directions for the Secretary of State to call-in a proposal by the CAA to amend airspace classification under the new procedure on which we are consulting here.

2.17 Therefore, call-in does **not** apply to the new procedure.

Summary of legal and policy framework

2.18 In summary, the CAA must:

- regularly consider whether to review the classification of airspace
- consult airspace users as part of any review
- where we consider an amendment to airspace classification might be made, amend it in accordance with a new procedure that we must develop and publish
- in developing that procedure and our usage policy, seek to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users are reflected on an equitable basis
- ensure that the outcome is consistent with the factors set out in section 70 of the Transport Act 2000, including complying with any environmental guidance given to us by the Secretary of State
- consult the Ministry of Defence before making any amendment to airspace classification

- ensure that the procedure is consistent with the Airspace Modernisation Strategy and best practice regulatory principles.

2.19 Our overriding objective will always be to maintain a high standard of safety.

Role of the CAA as proposer of the classification amendment

- 2.20 From the above it can be seen that the modified Directions give the CAA a different role from the existing CAP 1616 airspace change process for proposed changes in airspace design.¹⁴ The new classification procedure is functionally separate from the CAP 1616 process, which gives us some flexibility in what the new procedure looks like. More importantly, there is one fundamental difference, which is that the Directions require the CAA to propose the classification change, whereas CAP 1616 airspace change proposals are 'sponsored' by an airport or air navigation service provider, with the CAA acting only as regulator.¹⁵ This presents us with something of a challenge, as it means **the CAA designs and proposes the new airspace, with essential input from the airspace controlling authority** (i.e. the air navigation service provider). To accomplish this, we need specialist skills that could undertake airspace design.
- 2.21 There are some aspects of a proposed change in classification that, even with those skills, we cannot produce alone. We are reliant on the airspace controlling authority, as only they will have the local operational knowledge needed. **The airspace controlling authority will need to own the safety of the airspace, and therefore the operational procedures and safety case for the amended design**, even if we assist them as they prepare it.
- 2.22 In the unlikely event that the airspace controlling authority's input is not forthcoming, the Air Traffic Management and Unmanned Aircraft Bill would give the Secretary of State (or the CAA if powers are delegated) new powers to compel that input where it would assist in the delivery of the CAA's airspace strategy (see legal framework above).
- 2.23 The Airspace Regulation decision-making process will assess whether any amendment in classification complies with all relevant implementation requirements for airspace design and does not conflict with the airspace design overall. Although that formal decision would come at the end of the procedure, and will be taken independently, there will need to be formal discussion between the CAA teams during the design process.

¹⁴ www.caa.co.uk/cap1616

¹⁵ Although the new procedure is quite separate from the CAP 1616 airspace change process, any change in airspace design that is proposed by a sponsor under the CAP 1616 process could well include a change in airspace classification. This is unaffected by the new procedure.

- 2.24 Our new procedure must be proportionate to its objective, and designed in accordance with modern, best-practice regulatory principles. It must also align with the CAA's Airspace Modernisation Strategy (CAP 1711 published in December 2018) that seeks to modernise UK airspace through new operations, new airspace design and new technologies (see Chapter 1 and Appendix D).
- 2.25 The Secretary of State has given the CAA a useful new role to review and amend airspace classification. When considering proposals for a change in airspace design, we already have 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 the UK's international obligations. The new procedure gives us the opportunity, where it is appropriate and safe to do so, to make a change to a less restrictive airspace classification or to reduce the volume of airspace that is controlled. It would also accommodate proposals to make the classification more restrictive, where necessary.
- 2.26 In the future the new procedure could be used to enable our compliance with ICAO requirements on airspace classification, and to facilitate the introduction of new air traffic management concepts to support, for example, the integration of drones and other emerging technologies.
- 2.27 In designing and using the new procedure, our overriding objective will always be to maintain a high standard of safety. Expectations for what the procedure can reasonably deliver should always be seen in this context.

Collecting and analysing data to create an evidence base

- 2.28 The CAA does not currently routinely collect data on airspace utilisation. As a consequence of our regulatory functions, we have selected pockets of information and knowledge. But to obtain a solid evidence base, we are currently devising mechanisms for collecting data and analysing it. We will need to work within our resource constraints, but we expect as a minimum to source data for a given volume of airspace that we have identified as of potential interest or which is the subject of a stakeholder suggestion where we need to verify what we are being told.
- 2.29 This means:
- identifying what data we need (sufficient to meet our statutory obligations in support of this new procedure, but not so extensive or granular that its collection and analysis would be unmanageable or disproportionate)
 - identifying who owns that data
 - if not owned by the CAA, establishing whether we can obtain that data, on what timescales and at what cost, and

- analysing that data in a way that is meaningful and that will give us appropriate outputs.

2.30 We set out the data we have identified so far in Chapter 5.

Relevant stakeholders

- 2.31 **Secretary of State:** The Secretary of State's objective for the new procedure is for the CAA to regularly consider whether the classification of designated volumes of UK airspace requires review. The new procedure will allow the CAA, where it is appropriate and safe to do so, to use a less restrictive airspace classification or to reduce the volume of airspace that is controlled. In doing so, we will satisfy the obligation in new Direction 3(ba) to "seek to ensure [...] that the needs of all airspace users are reflected on an equitable basis" and potentially provide benefits for airspace users generally, including members of the General Aviation community, by allowing better access to it. In the longer term, as explained above, the new procedure will also give us another tool to use in seeking to modernise airspace so as to maintain a high standard of safety and accommodate new users and new technology.
- 2.32 **Airspace controlling authority:** The main interested parties in the design and classification of airspace are, at higher altitudes, NERL (NATS En Route plc, the subsidiary of NATS which is air traffic control provider for upper airspace); at lower levels, airport operators and localised air traffic services providers; and the Ministry of Defence which has an interest in upper and lower airspace for diverse purposes.
- 2.33 **Airspace users** including airlines and other commercial operators, the Ministry of Defence, and the General Aviation community, which encompasses a wide range of aviation activity from microlights, gliders and balloons to corporate business jets. In the future, and depending on how airspace classes evolve, drone operators and other types of airspace user may also have an interest in the procedure. Controlled airspace can reduce the freedom to manoeuvre for certain users. At lower altitudes in particular, there is more of a challenge in balancing the differing (and often conflicting) requirements of a more diverse range of users without compromising safety. Depending on the airspace classification, recreational flyers, for example, may have to fly around controlled airspace, or seek permission to cross it. If a review suggests a volume of controlled airspace may be underutilised or larger than necessary, or its classification is no longer justified, then the CAA can consider its amendment.
- 2.34 **Communities:** those affected by aviation noise or other environmental impacts, their representatives, councils and other elected representatives, and organisations with an interest in aviation's environmental impact. We do not anticipate that this procedure will be used for any change that causes

measurable environmental impacts, such as changes to departure and arrival routes at aerodromes.

- 2.35 **Users of air transport services**, i.e. passengers and shippers: we do not anticipate that the procedure will have any impact on this group.

Transparency

- 2.36 As with the airspace change process, a prime objective of the new procedure will be that it is as transparent as possible throughout. Those with an interest in a change in airspace classification should feel confident that their voice has a formal place in the procedure. Openness also allows the CAA and the airspace controlling authority to see more clearly what is expected from them.
- 2.37 The default position is therefore that the CAA will publish any documentation in relation to a proposal, including documents from and notes of meetings. We will consider withholding material:
- for reasons of national security
 - which the CAA has agreed with the airspace controlling authority should not be made public, in order to protect the legitimate commercial interests of a person or business (in the same way that we are obliged to apply the Freedom of Information Act to any information held by the CAA)
 - containing personal information, in accordance with data protection law.
- 2.38 However, we do not anticipate needing to withhold large amounts of information and would only accept redaction of the minimum information necessary to comply with our obligations.
- 2.39 For the purpose of transparency in airspace change proposals, the CAA runs an online portal that holds all relevant information. For the longer term we see merit in adapting the portal to accommodate the new classification procedure, but for the moment we will place relevant information on a dedicated webpage. We discuss this further in Chapter 7.