Outcome of the CAA consultation on proposals for a revised airspace change process

CAP 1465

Contents

Chapter 1

Introduction

Consultation on proposals for a revised airspace change process

1.1   Between March and June 2016 the CAA carried out a major consultation (CAP 1389)[1] on revising our airspace change decision-making process. Following an independent review by the consultancy Helios in 2015, the CAA set out the principles of a new process, with new steps and activities to address areas in which our existing process could be improved. We contacted more than 1,000 individuals and organisations directly about the consultation and used social media to raise broader awareness. We also met or presented to around 50 different organisations, groups and companies to discuss our proposals.

1.2   We analysed the responses in depth using quantitative and qualitative approaches. This is explained in the consultation analysis which forms an annex to this report. In our analysis we avoided focusing on the overall percentage of respondents favouring or rejecting a proposal, as stakeholder groups were not evenly represented. Instead, we analysed how each stakeholder group responded, noting in particular topics on which they were split as a group or in disagreement with other groups. We then developed solutions to those of our proposals where responses raised significant opposition or issues that needed to be addressed.

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[1]   See https://consultations.caa.co.uk/policy-development/proposals-for-revised-airspace-change-process where the consultation document and responses can be viewed. Our consultation was the CAA's first use of Citizen Space, a bespoke website platform specifically designed to make complex policy consultations easier to understand for public and industry audiences. In the interests of transparency, we have published all responses unless the respondent specifically asked us not to.

Consultation responses

1.3   Our full analysis of responses to the consultation forms a separate annex to this report and has its own executive summary. We have therefore given only a brief summary below.

1.4   On the whole, stakeholders were supportive of the proposed new process. In the 'closed' (yes or no) questions we found overwhelming support for the introduction of gateways into the process; engagement on design principles; the options appraisal concept; a single online portal; and the publication of consultation responses online. In addition there was broad support for the publication of airspace change submissions as early as possible, and for the Public Evidence Session.

1.5   In analysing the 'open' (free text) responses we found there were overwhelmingly positive sentiments about the potential improvements to transparency; engagement (such as the introduction of the design principles stage, although there were also cautions about getting it right in practice) and certainty (such as the introduction of gateways). In addition, there were broadly positive sentiments about the potential improvements to fairness and proportionality (while the majority of sentiments were positive, there were significant numbers raising concern).

1.6   There were also areas of concern or disagreement. Two thirds of those responding, across all categories of respondent, were opposed to responses to an airspace change consultation being made solely through the online portal. We noted some negative sentiments about flexibility and scalability. There were also differences of opinion between stakeholders on certain topics, including independent third-party involvement, appeals, and whether increasing costs were proportionate.

1.7   We identified and categorised 363 recommendations as to how we could further improve the process. The largest number of recommendations (112) concerned engagement, transparency and the portal, which gave us helpful feedback as how stakeholders participate in the process. There were also significant numbers of recommendations relating to how we

scale the process, proportionality within it and flexibility, many of these from commercial industry. Costs of the proposed process and transition arrangements also generated around 30 recommendations each, many from commercial industry. We also asked respondents to tell us what data should be made available in relation to an airspace change proposal, and what guidance on the process the CAA should produce. A summary of these recommendations forms part of the consultation analysis in the annex.

Chapter 2

Outcome of the consultation

2.1 On the whole, stakeholders were supportive of the proposed new process. We are therefore maintaining, for the most part, the process proposed in our consultation (Figure 1), but with some modifications.

Figure 1: Comparison of old and new process stages
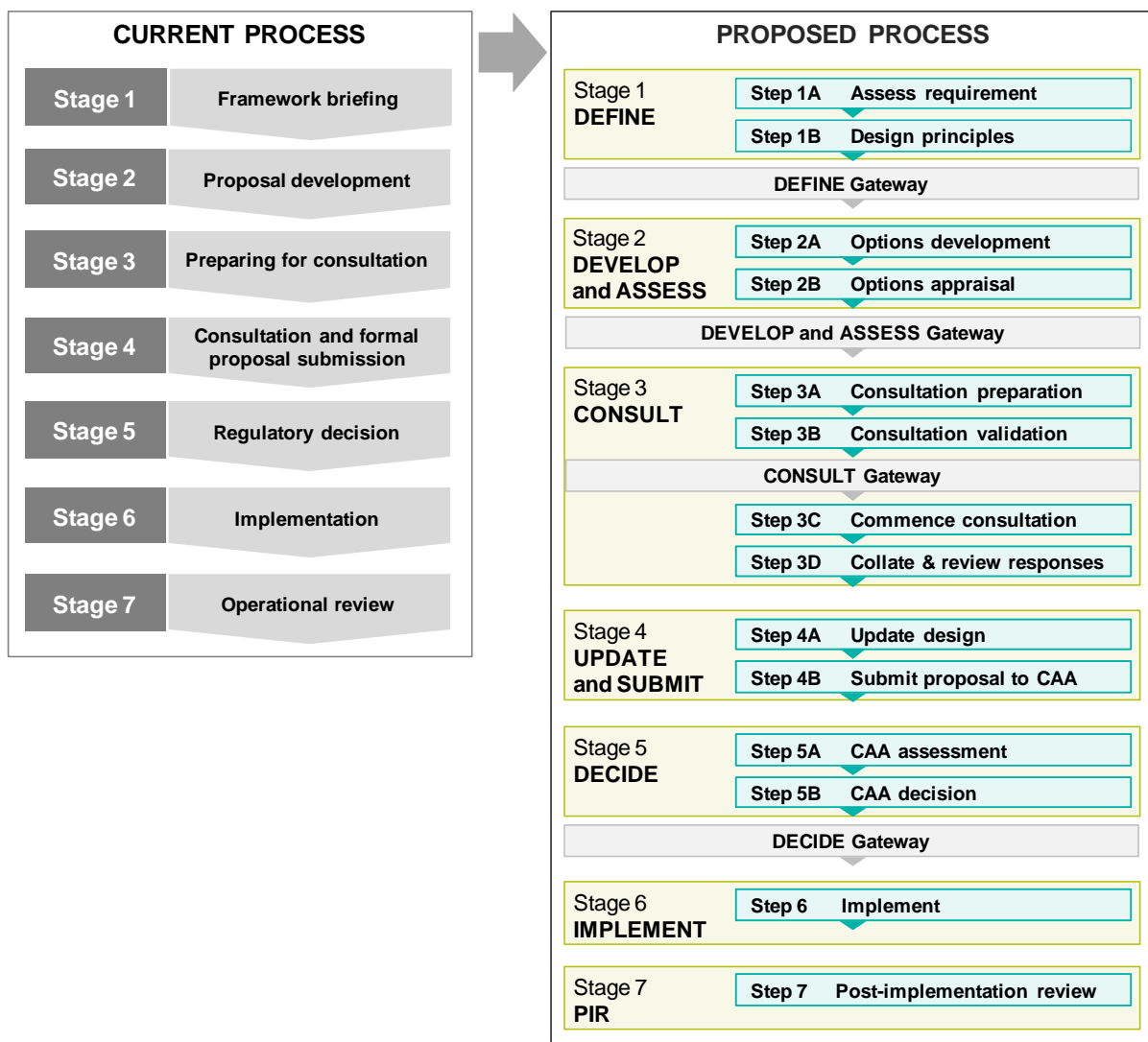
2.2 Overleaf is a summary of the main changes to the process. More detail, including where we have modified our proposals in the light of consultation responses, is set out in Chapter 3. Some changes remain dependent on greater policy clarity from the Government.

- **Fourteen-step process** based on the existing process, with **gateway sign-offs** by the CAA to improve certainty

- Single bespoke website forming an **airspace change portal** for anyone to view, comment on and access documents for every airspace change proposal, with offline submissions also accepted for the time being

- Airspace change sponsor early engagement with stakeholders on **design principles**

- Formal **options appraisal** for each proposal where the sponsor shows how it has assessed the impacts of different designs at three stages in the process, building in detail as the number of options decreases

- Recommended use by sponsor of an **independent third-party facilitator** to make early engagement with stakeholders on design principles more effective, and potentially also for formal consultation

- Publication of airspace change **consultation responses online** as they are received

- **Categorising airspace change proposals by 'Level'** according to the scale of the potential noise impact, to keep the process proportionate – including Level M for some military changes

- **Standard template for formal submission** of airspace change proposals

- **Publication of final airspace change proposal** on receipt, or as soon as possible thereafter

- **Public Evidence Session** for some changes with greater impact ('Level 1') allowing stakeholders to address the CAA decision-maker once a proposal has been submitted

- Publication of a **'minded to' decision** for public review for changes on which we believe there could be a risk of misinterpretation or misunderstanding of some of the evidence

- **CAA timescale commitments** for gateway sign-offs and final decision

- No **formal appeal** against a CAA decision

- Clearer timescales and objectives for the **Post-Implementation Review**

- No **Oversight Committee**

- CAA **recovery of additional costs** through the en-route unit rate from 2020, and until then through a statutory charge on NERL and airports

- New **process implementation date** not before August 2017.

- The immediate introduction of a procedural improvement, in the form of an **Airspace Change Process Information Pack** including a **new Regulatory Decision Template**.

2.3   This new, final version of the process was approved by the CAA's Board
           on 21 September 2016, on the understanding that the CAA would write
           detailed guidance as to how the process would work in practice and
           publicly consult on that guidance before introducing the process. We
           expect to consult on the revised guidance in Spring 2017 with 12 weeks
           for comments.

2.4   Having informed the final version of the process, the consultation
           responses will also help shape the detail of the new guidance material we
           will now write.

2.5   Our proposals are subject to validation by the Regulatory Policy
           Committee and the CAA is submitting a Business Impact Target
           assessment based on evidence received in our consultation.[2]

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[2]   The Regulatory Policy Committee is an independent advisory non-departmental public body
       which provides the Government with external, independent scrutiny of new regulatory and
       deregulatory proposals. The Business Impact Target provides an incentive across government
       to reduce unnecessary regulatory burdens on business and ensures that regulatory decisions
       are made in the light of high quality, robust evidence about the likely impact on business.

Chapter 3

The new process

Stage 1: Define
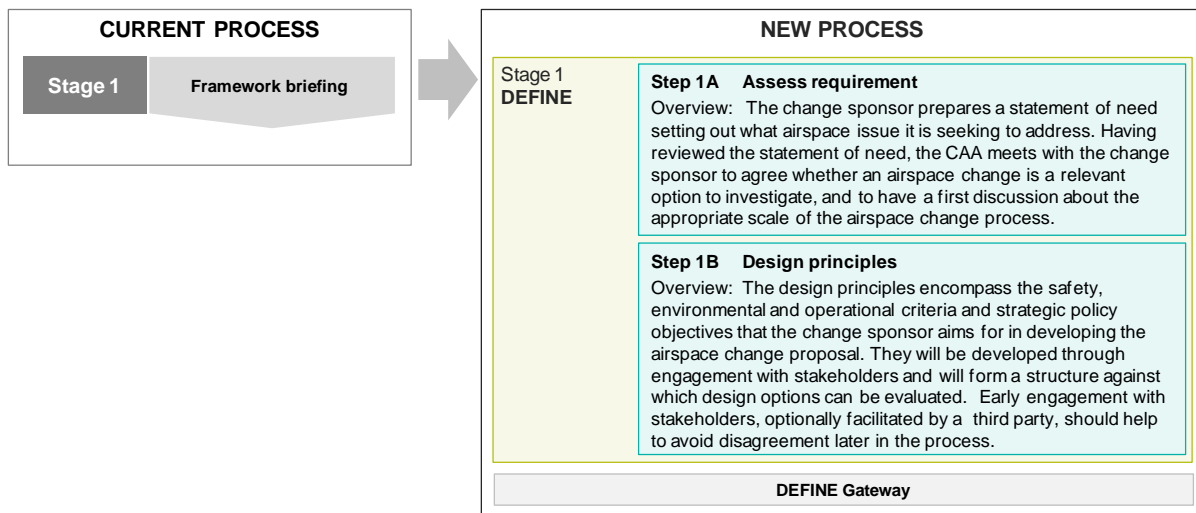
3.1   We are adopting our proposals for this stage, including the sponsor engaging stakeholders early on the design principles of a proposed airspace change.

3.2   This could be a key stage in heading off later disagreements by facilitating conversations, particularly concerning significant changes. In the light of consultation responses, our revised guidance will therefore also recommend a non-mandatory role for independent third-party facilitation.

3.3   The detail of the guidance on which we consult will to an extent depend on clearer policy principles from the Government on noise policy objectives and any priorities they may want us to apply in our assessment. We will work with the Government to manage the interdependency between any policy proposals they make[3] and our own process, and will note in our draft guidance that this stage may be amended if the Government's policy principles are amended.

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[3]   We know that the Department for Transport is reviewing its policy in the area of airspace, including the Directions it may give to the CAA in this regard.

Stage 2: Develop and assess

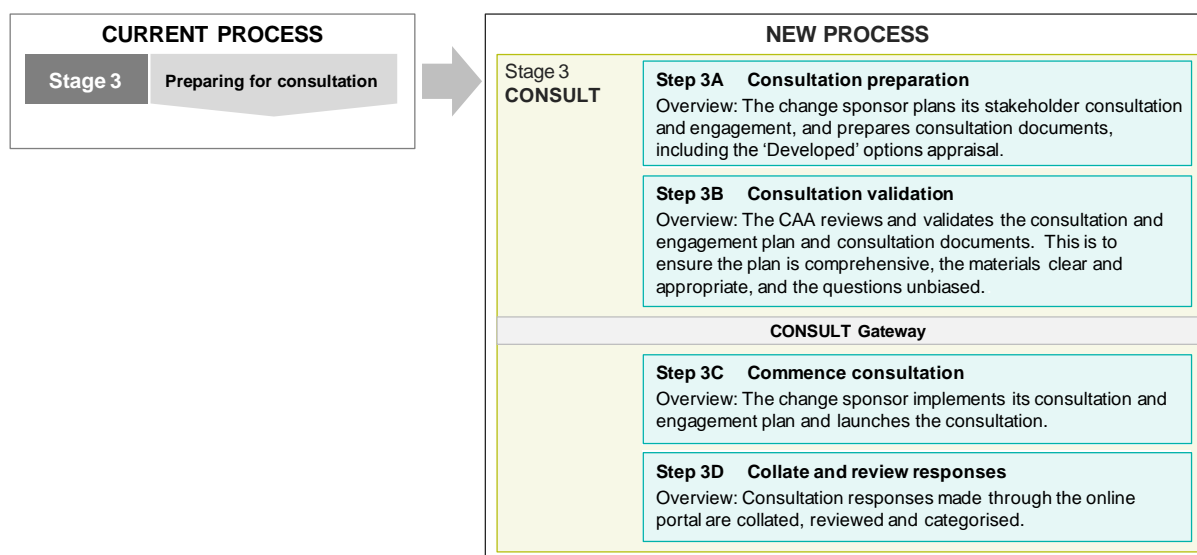| CURRENT PROCESS	NEW PROCESS
Stage 2 — Proposal development	Stage 2 DEVELOP and ASSESS — **Step 2A Options development** Overview: The change sponsor develops one or more options that address the statement of need and align with the defined design principles. **Step 2B Options appraisal** Overview: Each option, even if there is only one, is assessed to understand the impact, both positive and negative. The change sponsor carries out the options appraisal against requirements set by the CAA in an iterative approach: this is the first of three appraisal phases. **DEVELOP AND ASSESS Gateway**

3.4   We are adopting our proposals for this stage, including for the sponsor carrying out an options appraisal – but we are modifying how that appraisal will be undertaken.

3.5   In the light of consultation responses about whether this should be an 'indicative' or 'full' options appraisal at this early stage, we have decided that the options appraisal should evolve through three phased iterations. We will still review the appraisal at each phase.

3.6   This will build the evidence base as the proposal matures. This should be both less onerous (by avoiding the need for expensive detail on every potential design option) and more informative (by ensuring that the detail matures in sync with the proposal, and that a reasonable evidence base is made public for consultation). Those phases are:

- 'Initial' appraisal (at Develop and Assess gateway)
- 'Developed' appraisal (at Consult Gateway)
- 'Final' appraisal (at the end of Stage 4, as part of the formal submission of the airspace change proposal).

3.7   To ensure consistency and to respond to concerns that the sponsor could skew evidence and detail towards their favoured option, options will be appraised in the same way in each phase, based on a proforma we will develop (including guidance on 'do nothing' comparisons, which was requested in consultation responses by residents affected by aviation).

Less detail will be required for the 'Initial' appraisal (for example, it may be based on qualitative information rather than quantitative analysis).

3.8   The appraisal will be modelled on the factors we must consider under Section 70 of the Transport Act 2000.

3.9   Each 'people overflown' metric used in the appraisal must apply national policy and therefore include housing, hospitals, schools etc that have planning permission. It must also have regard to local plans, such as what is known to be coming under Local Development Frameworks. WebTAG will be used for health impacts associated with noise, and potentially for other impacts where possible.

3.10   The method we consult on for the options appraisal will need to be developed with government input, so that it matches both the environmental assessment that their policy proposals will ask us to undertake, and the evidence that the Secretary of State would need to review should they be the ultimate decision-maker. This stage may be amended if the Government's policy principles are amended.

Stage 3: Consult

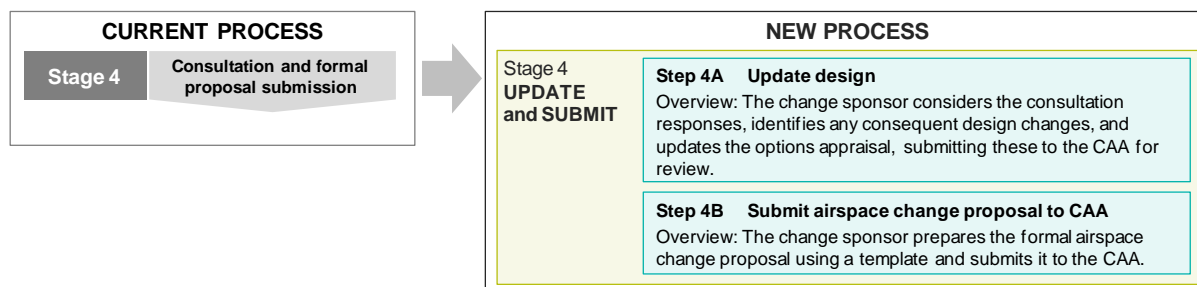| CURRENT PROCESS		NEW PROCESS	
Stage 3	Preparing for consultation	Stage 3 **CONSULT**	**Step 3A Consultation preparation** Overview: The change sponsor plans its stakeholder consultation and engagement, and prepares consultation documents, including the 'Developed' options appraisal.
			Step 3B Consultation validation Overview: The CAA reviews and validates the consultation and engagement plan and consultation documents. This is to ensure the plan is comprehensive, the materials clear and appropriate, and the questions unbiased.
		CONSULT Gateway	
			Step 3C Commence consultation Overview: The change sponsor implements its consultation and engagement plan and launches the consultation.
			Step 3D Collate and review responses Overview: Consultation responses made through the online portal are collated, reviewed and categorised.

3.11   We are adopting our proposals in respect of the consultation stage. The consultation on an airspace change will include the 'Developed' options appraisal (see Stage 2 above).
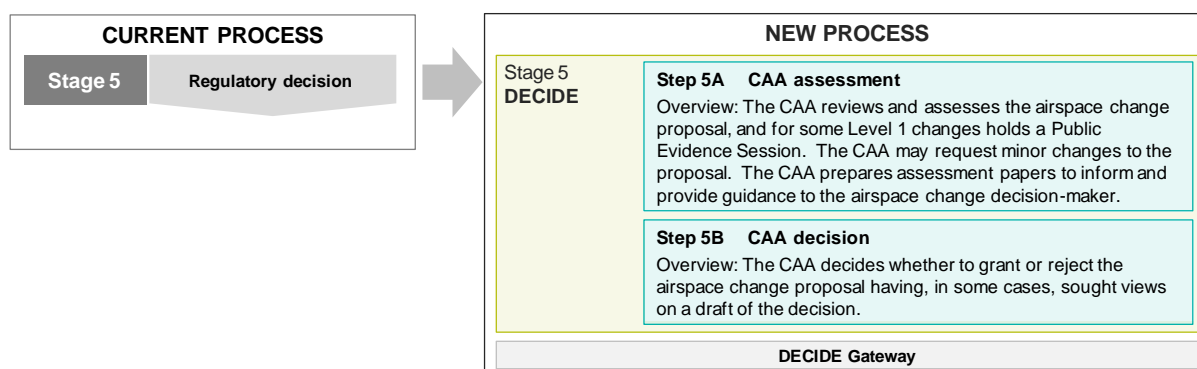
3.12   The sponsor will monitor and respond to responses, which will be made primarily through the portal.

3.13   We will publish consultation responses on the portal as they are received. Industry generally preferred that they be published at the end of the consultation period, to minimise instances of one response creating a snowball effect. Our view is that this argument is outweighed by transparency considerations, in that views should be expressed freely and openly, and a large number of responses, while creating practical difficulties, does not alter the validity of the point being made. We will be clear that the consultation is not a referendum and that the outcome will not be determined by the number of views expressed. We will limit responses to one per individual.

3.14   We will moderate responses solely to prevent publication of defamatory, libellous or offensive remarks. Alternatively we will offer guidance to sponsors on how to moderate responses and require that sponsors seek our approval before any redactions are made.

3.15   In view of the overwhelming message from respondents to our own consultation, we will allow responses to the sponsor's consultation to be made offline (i.e. not via the online portal) for the time being. They will need to be uploaded to the portal by the sponsor. We will reconsider whether offline mechanisms are still necessary when we conduct our three-year review of the new process (see Chapter 5).

3.16   We recognise that not everyone supports the consultation being run by the sponsor, and that trust issues have arisen in the past. Our consultation document on the new process explains why we believe that greater transparency and closer involvement of the CAA in overseeing the sponsor's consultation is the best way to rebuild trust in the sponsor and the CAA – but we recognise that this will take time.

Stage 4: Update and submit

CURRENT PROCESS	NEW PROCESS

CURRENT PROCESS

Stage 4 — Consultation and formal proposal submission

NEW PROCESS

Stage 4
UPDATE and SUBMIT

Step 4A   Update design
Overview: The change sponsor considers the consultation responses, identifies any consequent design changes, and updates the options appraisal, submitting these to the CAA for review.

Step 4B   Submit airspace change proposal to CAA
Overview: The change sponsor prepares the formal airspace change proposal using a template and submits it to the CAA.

3.17   We are adopting our proposals for this stage of the process.

3.18   Having considered the trade-off between flexibility and comprehensibility, we will introduce standard templates to format airspace change proposals. The template will identify the main characteristics of the proposal (akin to an executive summary). It will structure the proposal using standard headings with guidance setting out what is required under each.

3.19   The update will include the 'Final' options appraisal (see Stage 2 above).

3.20   We will publish the formal proposal including options appraisal, suitably redacted to protect commercial confidentiality and other sensitive information, as soon as possible after receiving it. This will inform the Public Evidence Session which, should one be held, will take place a minimum of 14 days later.

Stage 5: Decide

CURRENT PROCESS

Stage 5 — Regulatory decision

NEW PROCESS

Stage 5
DECIDE

Step 5A   CAA assessment
Overview: The CAA reviews and assesses the airspace change proposal, and for some Level 1 changes holds a Public Evidence Session. The CAA may request minor changes to the proposal. The CAA prepares assessment papers to inform and provide guidance to the airspace change decision-maker.

Step 5B   CAA decision
Overview: The CAA decides whether to grant or reject the airspace change proposal having, in some cases, sought views on a draft of the decision.

DECIDE Gateway

3.21   We are adopting our proposals for this stage, including the Public Evidence Session. In the light of responses we have also decided that the

CAA will in some cases publish a 'minded to' decision for comment, and introduce a Key Performance Indicator (KPI) in respect of the time period for our decision.

Public Evidence Session

3.22   Given the general support from respondents, we will go ahead with our proposal to introduce a Public Evidence Session for some Level 1 changes as part of our assessment in Stage 5B of the process. It will give communities face-to-face contact with the CAA decision-maker and the opportunity to be heard in public.

3.23   We retain the proposal that the Session take place no sooner than 14 days after publication of the formal proposal. There will be short pre-booked speaking slots. A transcription and/or recording will be published on the portal.

3.24   We will require the sponsor to produce an executive summary of its proposals – in particular, how they differ from what was consulted on – and a layman's guide, so that stakeholders can more easily understand what has changed between the consultation proposal and the formal proposal. This will address the concerns of some respondents that 14 days would not be long enough to understand the implications of the formal proposal.

3.25   We will remain flexible on whether the Session is chaired by a fully independent facilitator or by someone from the CAA but outside the airspace regulation team.

Time period for the final decision

3.26   We will offer a KPI for the time period for the final decision at Stage 5B, in the form of 'best endeavours to make the decision within 16 weeks (for Level 1 changes) or 10 weeks (for Level 2 changes), subject to the sponsor also meeting its time commitments'. This will be dependent on:

- a timeline provided by the sponsor, subject to our agreement
- the CAA and sponsor adhering to those deadlines.

3.27   A further eight weeks will be needed where the CAA publishes a 'minded to' decision (see below).

Appeal

3.28   We have decided not to introduce an appeal into the process, because we were not persuaded to alter our position after considering the responses we received.

3.29   At present, the only way to appeal an airspace decision made by the CAA is through judicial review in the courts. Judicial review is a challenge to the fairness and lawfulness of the process followed by the CAA in reaching our decision.

Appeal on process

3.30   We acknowledge that many respondents feel that the courts are not an affordable option for them, and therefore are not accessible to all communities or other stakeholders wishing to challenge one of our decisions. But as the consultation document made clear, introducing a CAA internal review offering further opportunity for scrutiny of the process would not increase transparency, because the new process already introduces full transparency at all stages through the new online portal. So our thinking, and our working out, will be fully in the public domain throughout the process.

3.31   A significant negative effect of a CAA internal review is that it would further increase the burden of the process on both sponsors and the CAA, potentially delaying the implementation of some changes by up to a year, depending on the nature of the proposals. We have concluded from the responses to the consultation that this would not be proportionate to the value added. Our position therefore remains that the most appropriate body to carry out such a review is the court through the judicial review process.

Appeal on substance

3.32   As explained in the consultation document, the CAA experts who assess
         and make decisions are already involved in the airspace change process,
         and we do not have other relevant experts who would be independent of
         the original process and decision to hear the appeal. Any appeal or review
         would therefore have to be undertaken externally to the CAA by another
         body. Having considered the options, including those suggested by
         respondents to our consultation, we have concluded that there is no
         ready-made body with the relevant expertise and status that could take
         responsibility for the review. In theory, one could be set up from scratch,
         but the cost of doing this would, we believe, be disproportionate to the
         benefits it would offer, bearing in mind that the judicial review option
         already exists.

3.33   However, we did see some merit in giving stakeholders an opportunity to
         review a 'minded to' decision before it is made final. This new step in the
         decision-making process, explained below, will offer stakeholders the
         opportunity to challenge our conclusions for errors or misunderstandings.

3.34   There are also potential changes in government policy that could be
         relevant. Our consultation document noted that the current statutory
         framework for airspace change requires the CAA to refer decisions to the
         Secretary of State under specific conditions relating to the anticipated
         environmental impact of the change, and that this gave the Secretary of
         State a means of challenging the substance of the decision. We know that
         the Government is considering a different role for the Secretary of State in
         airspace change proposals, that would nonetheless retain the opportunity
         for the Secretary of State to review our thinking and substitute their own
         decision.

3.35   As mentioned in our consultation document, we also know the
         Government to be considering giving the CAA an obligation to take into
         account in its decision-making process the views of a new independent
         aviation noise body. This might provide a degree of the external challenge
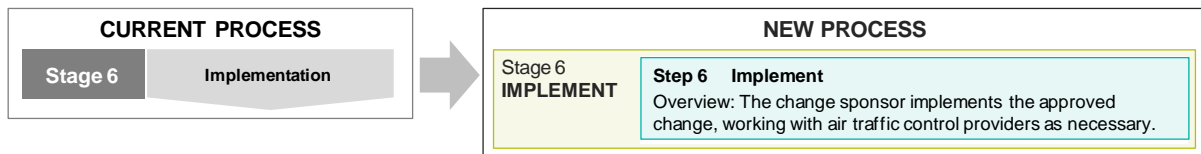   that some stakeholders are seeking, albeit confined to noise issues alone.

3.36   Any potential changes in government policy would be subject to a
        government public consultation.

'Minded to' decision

3.37   In some areas of economic regulation the CAA publishes a 'minded to'
        decision for comment before it makes its decision final. As noted above,
        as a means of addressing the consultation responses asking for some
        kind of appeal or internal review process, we have decided to adopt this
        approach for the airspace change process. We recognise that publication
        of a 'minded to' decision for comment would not offer advocates of an
        appeal process the same objective review by a third party of the
        substance of our decision. However, it would introduce other benefits by
        further broadening the extent of transparency in our decision-making. On
        matters of process, it would offer an opportunity for stakeholders to ask us
        to pause and think, where needed, before concerns progressed to judicial
        review in the courts.

3.38   The principle of publishing a 'minded to' decision is to demonstrate
        openness to learning whether there is something we have missed,
        misunderstood or misinterpreted. A 'minded to' position is, in essence, a
        statement that the decision-maker has arrived at a conclusion, but that
        they are seeking feedback on whether they have taken all the right factors
        into account. It is not designed for stakeholders to make new
        representations. This new part of the process aims to ensure that the final
        decision is as comprehensive, clear and robust as possible and can be
        demonstrated to have been reached fairly, with adequate opportunity for
        all interested parties to provide representations. We would publish the
        'minded to' decision online and in some cases hold a public meeting to aid
        discussion.

3.39   Once the Government has confirmed whether the CAA will continue to be
        required to refer certain decisions to the Secretary of State, or whether the
        Government will introduce an alternative (for example, a 'call-in' function),
        it would also be an approach we would consider regarding our interaction
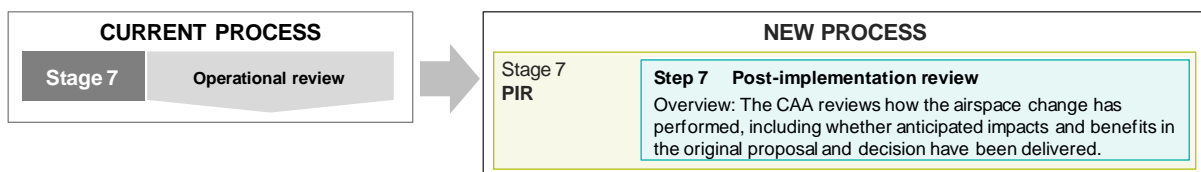   with the Secretary of State.

3.40   Publishing a 'minded to' decision will invite fresh thinking and scrutiny
          from outside the CAA. There are already a number of different expert CAA
          teams that review the thinking in airspace change decision-making, and
          this will be increased with the new skill set we are recruiting, in the form of
          community engagement managers. But external scrutiny of the 'minded
          to' decision will add to the rigour of our decision-making.

3.41   There are also disadvantages. Some respondents to our consultation,
          from the industry in particular, reported that our process was too lengthy
          and was at risk of becoming disproportionate. Inviting views on a 'minded
          to' decision will increase the timescales of the process by at least eight
          weeks (assuming we allow stakeholders four weeks to respond and
          ourselves four weeks to assess their comments). To mitigate the increase
          in timescales to some extent, we will state a clear, time-bound period for
          the submission of comments and we will give no guarantee to take
          account of comments received outside that period.

3.42   The increase in timescales will put a premium on making sure that the
          earlier parts of the process are comprehensive and inclusive, and that the
          decision-making period itself (i.e. when we are deciding what to do in
          response to a proposal) is as proportionate as possible, to ensure that the
          minded position is based on up-to-date material and that the underlying
          evidence base has not grown stale.

3.43   A 'minded to' decision will not be necessary for all airspace change
          proposals. We will specify clear criteria for proposals where we expect to
          publish a 'minded to' decision. We will set out this part of the process, and
          what will and will not be part of that process, in more detail in the draft
          guidance on which we will consult next year. This will take into account
          any policy proposals from the Government that may influence this part of
          the process. We will work closely with the Government to ensure that our
          new process and any proposals that they bring forward work together and
          minimise burden where possible.

Stage 6: Implement

CURRENT PROCESS		NEW PROCESS	
Stage 6	Implementation	Stage 6 IMPLEMENT	Step 6 Implement Overview: The change sponsor implements the approved change, working with air traffic control providers as necessary.

3.44   The CAA did not propose any changes in this part of the process.

Stage 7: Post-implementation review (PIR)

CURRENT PROCESS		NEW PROCESS	
Stage 7	Operational review	Stage 7 PIR	Step 7 Post-implementation review Overview: The CAA reviews how the airspace change has performed, including whether anticipated impacts and benefits in the original proposal and decision have been delivered.

3.45   The CAA has already sought to make this part of the airspace change process more transparent by using our website to publish information – for example, conscious of considerable public interest, we published a large amount of material relating to our post-implementation review of 'changes to Gatwick departures 2013' and received a lot of feedback from local communities.

3.46   Revised guidance on the PIR procedure will clearly set out the purpose of the review (essentially, to consider whether the impacts of the change are those that were anticipated when the change was approved). This will seek to manage expectations as to what is being reviewed.

- Our consultation proposed that we initiate a review between 12 and 18 months from implementation of an airspace change. In the light of responses we are keeping this as 12 months (unless we agree with the sponsor that a different period is needed to collect representative data).

- When we approve a change we will set out the precise data the sponsor must collect during the 12 months from implementation, and when it should present this to us.

- Stakeholders will also be invited to submit evidence about whether the impacts of the change are those expected, 12 months on. They

will have one month to do this, via the portal, in a defined format. We
will not guarantee to consider submissions received outside this
window, to keep the review proportionate and because this is not a
second consultation. We will not hold a second Public Evidence
Session as part of the PIR.

▪   We will then have three months to review the evidence and publish
    our conclusions on the PIR.

Other changes to the process

Gateway sign-offs

3.47   We will adopt the proposed new 14-step process based on the seven
        stages of the existing process, with the new gateway sign-offs by the CAA
        to improve certainty.

3.48   We will commit to monthly meetings for 'gateway assessments' according
        to a schedule published annually. The schedule will include deadlines that
        sponsors must meet for their proposal to be considered at each gateway
        meeting (such as all materials being submitted two weeks in advance).
        Subject to that, we will commit to making a decision about whether a
        gateway has been successfully passed in that meeting. Gateway sign-off
        is on process, not on the merits of a proposal.

Community involvement in CAA decision-making

3.49   This issue was raised by residents affected by aviation in responses to
        our consultation. We are considering how we might involve communities
        better in our decision-making, for example through a regular forum, in
        addition to individual meetings with coordinated groups. We will also
        consider other community engagement opportunities as part of the CAA's
        noise management review.[4]

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[4]   See Chapter 4 of The CAA's Strategic Plan 2016–2021 www.caa.co.uk/CAP1360.

Oversight Committee

3.50   We have decided to remain with the proposal in our consultation not to introduce the Oversight Committee recommended by the Helios report, despite support for the concept from some stakeholder groups. We did not receive any responses that convinced us that our reasoning was wrong – particularly with regard to the issue that the CAA would be bound by legislation but the Committee would not, making its interests and issues difficult to take into account.

3.51   We believe that the sponsor's public consultation, run on our portal, remains the most appropriate mechanism for receiving views and evidence from a wide range of stakeholders, fairly and objectively.

Online portal

3.52   The online portal we develop should be a single website (as per the preference of respondents to the consultation).

3.53   Respondents had varied views as to whether a bespoke or off-the-shelf solution would work. Off-the-shelf would be cheaper, but the only way to make the portal a single one-stop shop, which received overwhelming support, is a bespoke website. This is because, unsurprisingly, no off-the-shelf solution that currently exists would perform all the specific activities associated with the airspace change process on a single platform.

3.54   As noted under Stage 3 above, we will publish responses to an airspace change consultation along the way, as soon as they are moderated. We will for the time being allow offline responses, which will be uploaded to the portal by the sponsor.

Proportionality

3.55   To maintain the scalability of the process, we will go ahead with categorising airspace change proposals into Levels 1 and 2A/B/C as proposed in the consultation document.

3.56   We do not agree with suggestions that further granularity of Level 1 is justified. We do, however, recognise that airspace used by the military needs special consideration. We will therefore introduce a Level 'M' for some military changes. We are currently working with the Government on the key principles, including changes which affect civil aircraft operations and therefore noise distribution.

3.57   We will not introduce a separate Level for Performance-Based Navigation (PBN) replication of conventional route structures, since PBN concentration will affect traffic – and therefore noise distribution – below 7,000ft and should be treated as such. This is aligned with the Government's Air Navigation Guidance (and may therefore change if their guidance on this topic changes).

3.58   We will determine the actual Level of the proposal no later than Stage 2B.

3.59   Sponsors must seek feedback from stakeholders on the proposed Level at the design principles stage, as one of the key engagement points – this should include discussion about the height of the change and consider its relation to the height of local terrain (and mean sea level). As explained in the consultation document, any differing views will be recorded by the sponsor and drawn to the CAA's attention.

3.60   As described above, to aid proportionality from a time-keeping perspective, we will introduce timeframes for CAA gateway and final proposal decisions, subject to sponsors meeting certain commitments.

Interpretation of Section 70 of the Transport Act 2000

3.61   Our consultation document set out our interpretation of section 70 and invited views, but we were not changing our interpretation. Taking on board the feedback we received, we will provide greater clarity on our interpretation in the revised guidance, explaining how we weight the different factors using evidence, but without this weighting taking the form of a strict hierarchy.

Chapter 4

CAA cost recovery

Additional resource costs

4.1 Following our consultation and the feedback we received on the process, we have reduced the staff we expect to need to be able to carry out the new process. This will be subject to a review three years after we implement the new process (see Chapter 5).

4.2 The table at Figure 2 below sets out the additional cost we need to recover, including the new staff we need (which will be introduced in phases, as set out below) and the online portal we need to develop.

Recovery through the CAA charges scheme

4.3 In our consultation document we proposed two long-term options for funding future additional airspace regulatory costs:

- Option 1: UK en route unit rate under RP3[5]
- Option 2: New statutory charge.

4.4 Consultees responded with mixed views and much uncertainty, but there was broad industry support for the UK en route unit rate, with residents affected by aviation more favourable to a new statutory charge, and General Aviation and national representative organisations divided in opinion. Similarly, when we asked which entity would be most appropriate to receive a new statutory charge until the en route rate could be used, there was no clear picture from respondents.

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[5] The fixed reference period around which the CAA's economic regulation of NERL is based. RP3 runs from 2020 until 2024.

Figure 2: Increment to the CAA's airspace change staff resource

Increment to airspace change resource	Estimated cost per FTE including overhead (2015/16 prices)	New FTE compared with financial year 2016/17	
		FY2017/18	FY2018/19
Airspace change regulator (To deliver higher workload from the extended process)	£130,000	1.5 1 from Apr 17, 1 from Aug 17	3 1 from 1 Apr 18
Webpage and database administrator (To manage and moderate portal content)	£65,000	1.5 1 from Apr 17, 1 from Aug 17	2
Community engagement manager (To oversee sponsor engagement with communities)	£65,000	1.5 1 from Apr 17, 1 from Aug 17	2
Economist (To validate options appraisal submitted by sponsors)	£80,000	1 from Apr 17	1
Environmental assessor (To deliver higher workload from the extended process)	£65,000	1 from Apr 17	1
Legal adviser (To provide legal advice on our decision-making)	£130,000	1 from Apr 17	1
TOTAL (average FTE)		**7.5**	**10**
FTE cost		£665,000	£925,000
Portal		£250,000	n/a
TOTAL additional cost to be recovered from new charging scheme		**£915,000**	**£925,000**

FTE = Full-time employee

4.5   There is no perfect solution, but having reviewed consultation responses, we have concluded that, long term, the incremental costs should be recovered in the same way as the CAA's other airspace-related costs, which is through the en route rate. The earliest that such a change could be implemented would be January 2020, at the start of RP3.

4.6   This is the best long-term option because airlines are the users of airspace and therefore create some of the externalities associated with its use, and because they receive some of the benefits of airspace change (for example, where there are fuel or time-saving benefits).

4.7   However, the en route rate cannot be adjusted until 2020. Until then, we have concluded that the incremental costs should be borne equally by NATS' regulated business NERL and airports, through a new statutory airspace charge.

4.8   Our rationale for charging both NERL and airports is that they are the primary sponsors of airspace change proposals received by the CAA. They already incur their own costs in preparing and submitting airspace change proposals, and they can also derive some business benefits (for example, improved throughput or punctuality) from an airspace change.

4.9   The new charge will be consulted upon as part of the CAA's annual charges consultation.

Chapter 5

Transition, implementation timescales and future review

Changes being made with immediate effect

5.1   We are bringing some changes into effect immediately. This follows several major airspace change proposals in the past three years, and an internal review of the way we currently manage airspace change work. These changes can be summarised as codifying existing best practice so that this is applied consistently. In particular, we will:

- adopt a project management system to remove variability from CAA resources needed for the processing of airspace change proposals, by constraining sponsors on timing and better managing CAA resources

- provide the sponsor with a standard set of requirements and information ahead of the framework briefing (Stage 1), such as information on the legislative framework, what constitutes an airspace change, the current and future airspace change process, the roles and responsibilities of those involved, and best practice on engagement

- identify opportunities where we can provide better clarity around our expectations of all parties involved in the process

- continue to improve the decision document format through the use of a standard template

- continue to improve the use of the CAA website to promulgate airspace change related documentation, including the status of pending airspace change proposals and prospective airspace changes that do not progress beyond framework briefing.

Transition arrangements

5.2   We are going ahead with transition arrangements as outlined in the consultation document. This means that we will not mandate the new process for an airspace change proposal which has already been consulted on at the point that the new process is introduced (and is therefore at Step 3C in the new process or later).

5.3   With this in mind, sponsors should now be considering what additional action may be required to align their proposal with the new process. We will discuss individual cases with the sponsor concerned and publish any agreed position.

5.4   Where the sponsor is on the cusp of where we draw the line between the old and new process, we will need to be flexible. Equally, sponsors working under the old process should demonstrate to us that they have the new process in mind and have taken it into account, even if we are not mandating rigid adherence to the new process until revised guidance is in place.

Implementation timescales

5.5   Our implementation timescales will be slightly later than outlined in the consultation document. We now expect to consult on revised guidance in Spring 2017 with 12 weeks for comments, having engaged with relevant stakeholders beforehand. At that point we should have a better idea of when we will publish the final guidance and when we will implement the new process. These dates may be dependent on other factors such as the design and testing of the online portal and government policy changes, but will not be before August 2017.

Review of the new process

5.6   We will formally review the new process three years after implementation, with one caveat.

5.7   That caveat is that we will consider closer to the time whether there have been sufficient Level 1 changes to allow a proper review – since it may take three years for the first airspace change wholly under the new process to be completed, if we include the post-implementation review stage.

Annex A

Analysis of Consultation Responses

Contents of the Annex

Executive summary

The consultation

1   In March 2016, the CAA launched a public consultation on proposed amendments to our airspace change decision-making process. Following an independent review by the consultancy Helios in 2015, the CAA set out the principles of a new process, with new steps and activities to address areas in which our existing process could be improved.

2   The consultation closed on 15 June 2016. We received 110 responses in total, counting multiple official responses from the same organisation as one. A full list of those who responded is shown in Chapter 1.

Summary of the most significant findings from the analysis of multiple-choice questions

3   The multiple choice, closed, questions we asked provided a wealth of quantitative feedback about our proposals. The key finding is that in respect of most questions, there was general support for the CAA's proposals.

4   However, responses to several questions revealed some differences of opinion and some opposition to proposals the CAA was consulting on. These are summarised below, since these are the areas where the decision the CAA comes to may be different from what was consulted on, and/or may not accord with everyone's views.

General support for the proposals

5   In particular, there was strong support for the introduction of gateways into the process (Question 1); engagement on design principles (Question 2); the options appraisal concept (Question 6); a single online portal (Questions 34/37); and the publication of consultation responses online (Question 9).

6   There was broad support for the publication of airspace change submissions as early as possible (Question 15), and for the Public Evidence Session (Question 17).

General opposition to the proposals

7   Question 11 asks whether consultation responses should be made solely through the online portal. Two-thirds of those responding, across all categories, were opposed, with only one quarter in favour.

Significant differences of opinion

8   Question 6 asks whether, if the options appraisal we propose would improve the airspace change process, this should initially be a 'full' or 'indicative' options appraisal. The 'full' appraisal was favoured by 77% of residents, 80% of councils/elected political representatives and 56% of national representative organisations. Commercial industry favoured 'indicative' (62% indicative vs 19% for full) as did General Aviation (60% vs 40%).

9   Question 8 asks whether an independent third-party facilitator would make a sponsor's consultation more effective. 68% of residents and 63% of councils/elected political representatives were in favour, but there was greater opposition or uncertainty from other respondents. In particular, one third of commercial industry responses were opposed, and fewer than a quarter were in favour.

10   Question 10 asks whether the CAA should publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period. 89% of residents, 87% of councils/elected political representatives and 60% of General Aviation responses were in favour, whereas three-quarters of commercial industry and two-thirds of national organisations were opposed.

11   Question 12 asks whether the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality. One quarter of residents said no, and another quarter were unsure. In other respondent categories, only one other respondent said no, with more than two-thirds saying yes.

12   Question 17 asks whether introduction of a new Public Evidence Session would improve the airspace change process. Most respondents were in favour, with a number of 'don't knows', but six responses disagreed, all from commercial industry (29% compared with the 38% of commercial industry responses which supported).

13   Question 24 asks whether the CAA should set up an Oversight Committee. 95% of commercial industry responses said no. 75% of councils/elected political representatives and 80% of General Aviation responses said yes. Residents were divided (56% yes, 33% no), as were national representative organisations (25% yes, 38% no).

14   Question 30 asks for preferences for long-term cost-recovery. 75% of commercial industry supported the UK en route unit rate and only 5% a new statutory charge. Whereas 28% of residents were favourable to a new statutory charge, and 9% to the UK en route unit rate. Other respondents were divided between the two options, but more than half of respondents overall said 'don't know' or 'no preference'.

15   Question 31 asks for preferences for levying a new short-term statutory charge. As with Question 30 the results were mixed and a high proportion (62%) of respondents overall said 'don't know' or 'no preference'. 33% of commercial industry chose NATS and 22% chose airlines. 22% of national representative organisations chose NATS. Whereas 25% of residents chose airports, 9% airlines and 3% NATS.

Summary of the qualitative analysis of respondents' free-text responses

16   Having analysed the themes commonly discussed by respondents in their written comments, we are able to draw the following conclusions:

General support for the proposals

17   There were strongly positive sentiments about the potential improvements to:

- Transparency
- Engagement (although positive sentiments were often followed by concerns or caution about getting it right in practice) – such as the introduction of the design principles stage
- Certainty – such as the introduction of gateways.

18   In addition, there were broadly positive sentiments about the potential improvements to:

- Fairness
- Proportionality (whilst the majority of sentiments were positive, there were significant numbers raising concern).

General concerns about the proposals

19   There were significant numbers of negative sentiments about:

- Flexibility and scalability.

Significant differences of opinion

20   There were significant differences of opinion between stakeholders on certain topics:

- Increasing costs – with residents affected by aviation often suggesting that higher costs are worthwhile and the commercial aviation industry often suggesting that higher costs should be avoided
- Third-party involvement – with residents affected by aviation and their political representatives are more likely to see the benefit of an independent third-party being involved, and the commercial aviation industry is more likely to see such involvement as potentially problematic
- The appeal function – with residents most often suggesting an appeal should be included and the commercial industry most often suggesting one should not.

Other notable sentiments and views

21   We also noted the following common topics:

- Distrust of the CAA and sponsors
- Comments about the role of the CAA
- The need for further clarification of our interpretation of Section 70
- The need for comprehensibility of future documents and materials.

Summary of recommendations made by respondents

22   Having assessed the recommendations made by respondents, there are clear areas where we received most significant input, and themes within those suggestions.

23   We assigned categories to help to analyse the recommendations. In total we categorised 363 recommendations across the 40 questions – with around 20 of those duplicated by very similar or in some cases identical recommendations.

24   The majority of recommendations concerned engagement, transparency and the portal (112 in total). This is positive feedback, as these are the elements of the work that relate to how third parties are engaged with the process – so hearing from stakeholders directly on how they would wish to be approached and how our proposals can improved is helpful.

25   There were also significant numbers of recommendations relating to how we scale the process, proportionality within it, and flexibility. Many of

these recommendations came from the commercial aviation industry, although other stakeholders also made suggestions and proposals here. Similarly, costs of the proposed process generated around 30 recommendations, the majority from the commercial industry.

26   Finally, there were around 30 recommendations relating to how we intend to implement out proposals and the arrangements we will put in place to aid with transition to the new approach.

27   We also asked respondents to propose data they believed should be made available during airspace change proposals, and what guidance they believed the CAA should produce to help sponsors and third parties during the process. There were many of these, which we will assess as we develop guidance on the new process for further consultation.

Chapter 1

The consultation

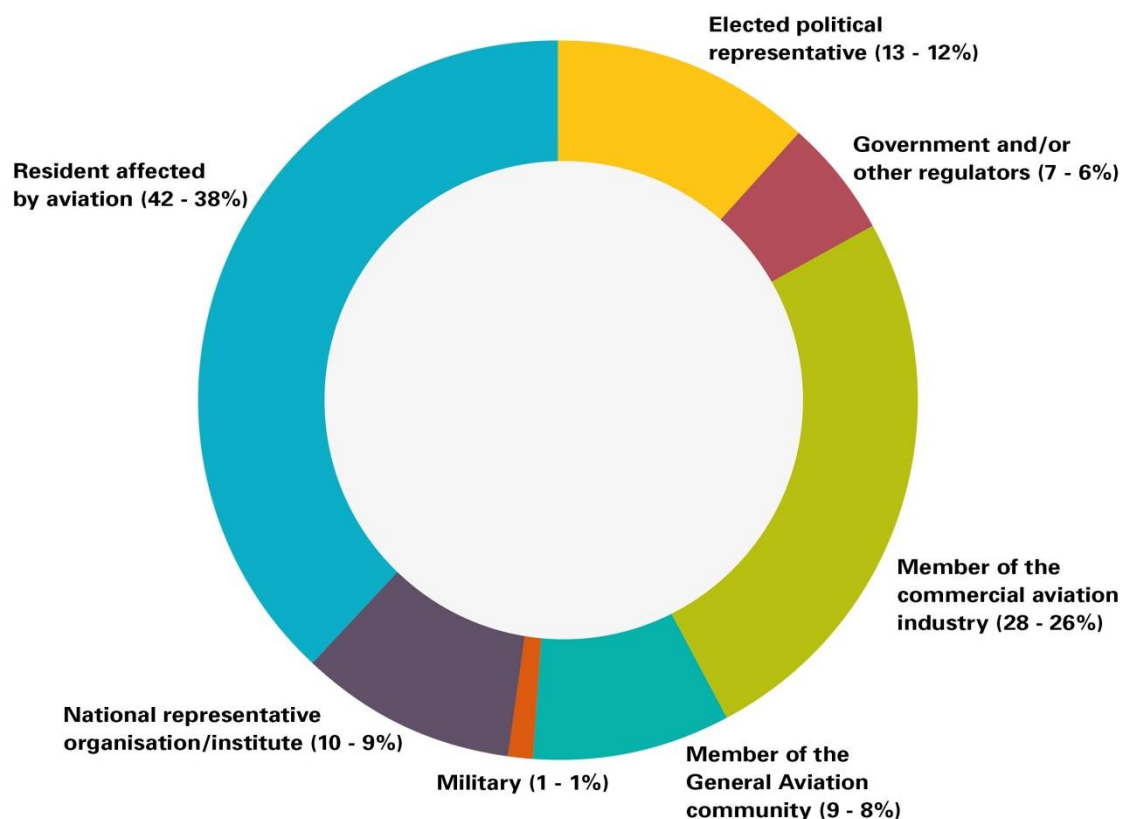## Structure of the consultation and overview of who responded

Overview of the consultation

1.1   In March 2016 the CAA launched a public consultation on proposed amendments to our airspace change decision-making process. Following an independent review by the consultancy Helios in 2015, the CAA set out the principles of a new process, with new steps and activities to address areas in which our existing process could be improved.

Who responded to the consultation?

1.2   We had 110 responses in total, counting multiple official responses from the same organisation as one.

**Responses to the consultation by category (number, % of total responses)**

Elected political representative (13 - 12%)

Government and/or other regulators (7 - 6%)

Resident affected by aviation (42 - 38%)

Member of the commercial aviation industry (28 - 26%)

National representative organisation/institute (10 - 9%)

Military (1 - 1%)

Member of the General Aviation community (9 - 8%)

1.3   We asked respondents to self-categorise in one of eight categories.[6] Of the 110 responses:

- The most responses were from residents affected by aviation (42). Many of these were associated with campaign groups (either officially or unofficially), but there were also two parish councils included in this category.
- The second largest number of responses (28) was from the commercial aviation industry, including:
  - NATS
  - 14 airports or airport groups
  - four airlines
  - four consultancies
- 10 responses from national representative organisations of different types
- 13 responses from elected political representatives, of which there were:
  - one Member of Parliament
  - 10 local councillors responding on behalf of their councils
  - two local councillors responding independently from their councils
- seven responses in the Government and/or other regulators category – these were also all from councils, but sent by council employees rather than by councillors
- nine responses from organisations or individuals from the General Aviation community
- one response in the military category, from the Ministry of Defence.

Geographic spread of responses

1.4   Of the 110 responses, 75 identified themselves as resident or based in the South East, nine as East of England and eight as North West. The remaining 18 respondents were spread between other parts of the country, with no responses from Northern Ireland or Wales.

1.5   Half of the industry responses came from the South East, and half were spread between other parts of the country. Just over 80 per cent of responses from residents affected by aviation were from the South East.

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6   Only seven are shown in the pie chart, as one (airline passenger) was not used by any respondents.

Category of respondent by geographic region
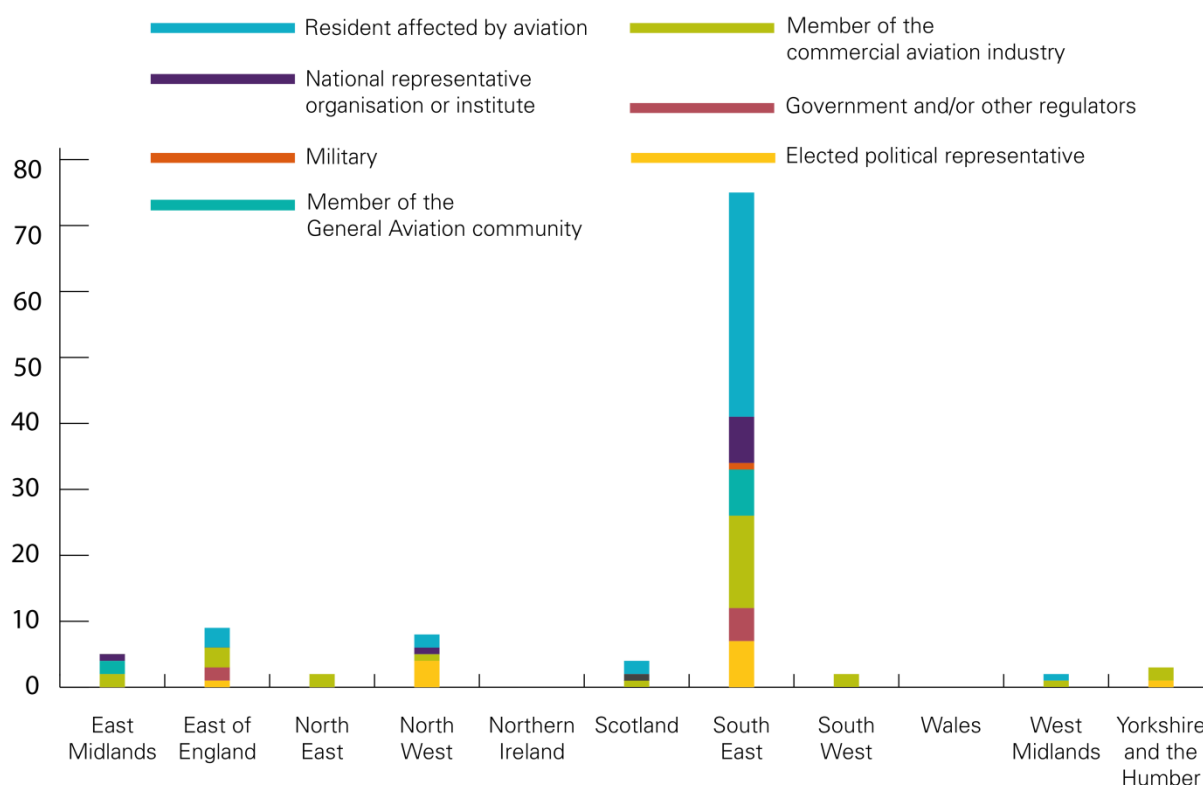
Question types

1.6   Of our 40 consultation questions, 31 were comprised of both a 'closed' and an 'open' element. So on these 31 questions, respondents were invited to choose 'yes', 'no' or 'don't know' (the 'closed' element), as well as being offered a free-text box to share their reasons and views (the 'open' element). On three of these 31 questions there were specific options to choose rather than (or in addition to) 'yes', 'no' or 'don't know'. The remaining nine questions were 'open' only (i.e. respondents were invited only to write free text).

Engagement during the consultation

1.7   More than 1,000 individuals and organisations were directly notified about the consultation via email or news alert, with further emails sent to the same group reminding them the consultation was to close shortly. Across the four alerts we issued, the open rate was around 50%. In addition, social media was used to raise broader awareness of the consultation both at the start and during the response period. During the consultation, the CAA met with or presented to around 50 different organisations, groups and companies to discuss our proposals, including:

- Air Navigation Solutions

- Aircraft Owners and Pilots Association UK (AOPA)

- Airport Community Forum (ACF)

- Airport Consultative Committee Coordinating Committee

- Airport Operators Association (AOA)

- Aviation Environment Federation (AEF)

- Birmingham Airport

- Birmingham Airport Consultative Committee

- British Air Transport Association (BATA)

- British Airways

- British Business & General Aviation Association (BBGA)

- British-Irish Airports Expo (presentation)

- Campaign Against Gatwick Noise Emissions (CAGNE)

- Department for Transport (DfT)

- East Midlands Airport

- East Midlands Airport Independent Consultative Committee

- Edinburgh Airport

- Future Airspace Strategy Industry Implementation Group (FASIIG)

- Future Airspace Strategy Programme Review Board

- Glasgow Airport

- HACAN

- Heathrow Airport Consultative Committee

- Jet 2

- Liverpool Airport

- London Gatwick Airport

- London Heathrow Airport

- London Heliport Consultative Group

- London Luton Airport

- London Stansted Airport

- Manchester Airport

- Manchester Airport Consultative Committee

- National Air Traffic Management Advisory Committee (NATMAC)

- NATS

- Stansted Airport Consultative Committee

- Strategic Aviation Special Interest Group of the Local Government Association

- Sustainable Aviation

- Virgin Atlantic

List of those responding to the consultation by self-declared category

Member of the commercial aviation industry (28)

Airports (14)

- Airport Operators Association

- Birmingham Airport

- London Gatwick Airport

- London Heathrow Airport

- London Luton Airport

- London Southend Airport

- Manchester Airports Group

- Newcastle International Airport

- Six airports or airport groups which preferred not to be identified

Airlines (4)

- easyJet

- Virgin Atlantic Airways

- Two airlines which preferred not to be identified

Consultancies (4)

- Skylines UK

- Stephen Turner Acoustics

- Two consultancies which preferred not to be identified

*Other** (6)*

- Gatwick Airport Consultative Committee (GATCOM)

- London (Heathrow) Airline Consultative Committee (LACC)

- NATS

- Sustainable Aviation

- An industry group which preferred not to be identified

- An air traffic controller

Member of the General Aviation community (9)

- Aircraft Owners and Pilots Association UK (AOPA)

- British Gliding Association (BGA)

- Future Airspace Strategy Visual Flight Rules Implementation Group (FASVIG)

- General Aviation Alliance

- Light Aircraft Association (LAA)

- Lasham Gliding Society

- A General Aviation organisation which preferred not to be identified

- Two individuals

Resident affected by aviation* (42)

- Balsall Common Village Residents Association

- Easters and Rodings Action Group

- Englefield Green Action Group

- Flamstead Parish Council

- Gatwick Obviously Not

- Great Warford Parish Council

- Heathrow Association for the Control of Aircraft Noise (HACAN)

- High Weald Councils Aviation Action Group

- Local Authorities' Aircraft Noise Council

- Newton Community Council

- Nutfield Conservation Society

- Plane Wrong

- Residents Action Group Elmbridge (RAGE)

- Richings Park Residents Association

- Richmond Heathrow Campaign

- Stop Stansted Expansion (SSE)

- Teddington Action Group

- One group which preferred not to be identified

- 24 individuals

Government and / or other regulators* (7)

- High Easter Parish Council

- Nutfield Parish Council

- Runnymede Borough Council

- Uttlesford District Council

- Three councils which preferred not to be identified

Elected political representative* (13)

- East Grinstead Town Council

- East Hampshire Association of Parish and Town Councils

- Felsted Parish Council

- Kent County Council

- Mere Parish Council

- Mottram St Andrews Parish Council

- Prestbury Parish Council

- Wisborough Green Parish Council

- Two councils which preferred not to be identified

- One MP who preferred not to be identified

- Two local councillors on their own behalves

National representative organisation or institute (10)

Airport Consultative Committees** (4)

- Aberdeen International Airport Consultative Committee

- Manchester Airport Consultative Committee

- Stansted Airport Consultative Committee

- One airport consultative committee which preferred not to be identified

Other (6)

- Aviation Environment Federation

- British Airline Pilots Association (BALPA)

- British Air Transport Association (BATA)

- Royal Aeronautical Society

- Strategic Airport Special Interest Group (SASIG)

- UK Flight Safety Committee

Military (1)

- Ministry of Defence

Airline Passenger (0)

- No responses

*   Council representatives declared themselves under three different categories (Government, elected representative, resident)

**   Unlike other airport consultative committees, LACC and GATCOM declared themselves members of the commercial aviation industry.

Chapter 2

Quantitative analysis of multiple-choice questions

2.1   This chapter considers the responses to the multiple-choice questions (radio buttons) only. It does not consider any accompanying text, which is analysed in Chapter 3. We begin with some important notes about the analysis. We then summarise some significant findings from the analysis, and then go on to analyse the results of each multiple-choice question in turn.

Notes on the analysis

2.2   Of the 110 responses, 20 were not submitted via the online form, but instead were sent by letter or email. Even though some of these 20 responses were still arranged in question format, some qualified their answers (for example as 'yes, probably') making it difficult for the CAA to transfer these answers to the online format.

2.3   The analysis in this section is therefore necessarily confined to responses which used the online form, giving a response population of 90. This excludes the Ministry of Defence response, for example, and therefore no 'military' category appears in this section.

2.4   As explained in the Introduction, we had 19 official responses from local councils, but these were spread across three different categories. This was because 10 councillors chose the 'elected political representative' category, two councillors chose the 'resident' category and seven council employees chose the 'Government and/or other regulators' category. We did not deem it appropriate to reallocate responses between categories. However, because there were only three other responses in the 'elected political representative' and 'Government' categories (one MP and two councillors replying independently from their councils), it made sense to amalgamate these categories for the purposes of this part of the report, in order to show the bulk of responses we received from councils under a single category. We have renamed this single category as 'Councils/elected political representatives' to better reflect who actually responded (no regulators sent a response). The two categories remain separate in other, qualitative sections of this report, to better express the way in which people identified themselves when we are considering their sentiments and views.

Views on the proposed process overall

Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?

Conclusion: Mixed views, with some uncertainty and some residents disagreeing
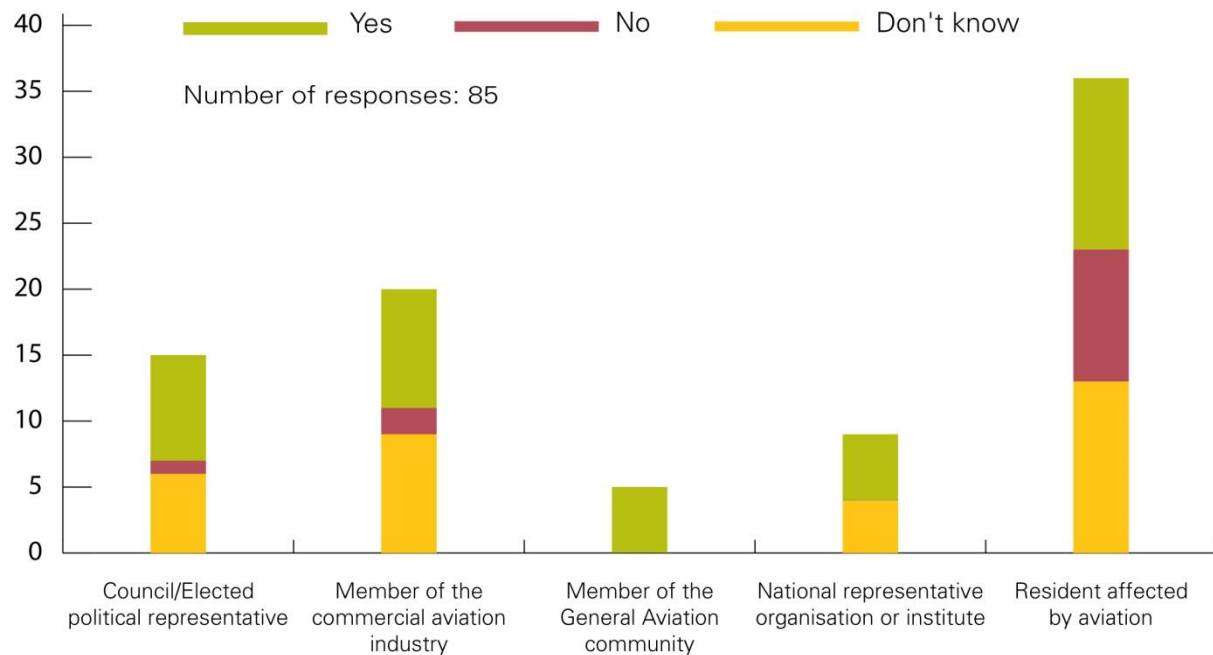
2.5   Question 23 was an overarching question seeking general views on the proposed new process. It came at the end of a series of questions about individual features of the stages of the process.

2.6   The responses to Question 23 were considerably more cautious than the more widespread support for individual proposals expressed in those preceding questions.

2.7   40 of 85 responses said the proposed process would achieve the right balance, compared with 13 which said it would not. A further 32 responses said they didn't know. Most of the 'no' responses (10) came from residents, although these are outnumbered by 'yes' and 'don't know' responses from residents (13 each). The other 'no' responses came from industry (2) and a Borough Council (1).

Question 1: Will the new process gateways improve the airspace change process?

Conclusion: Widespread support with some concerns by residents
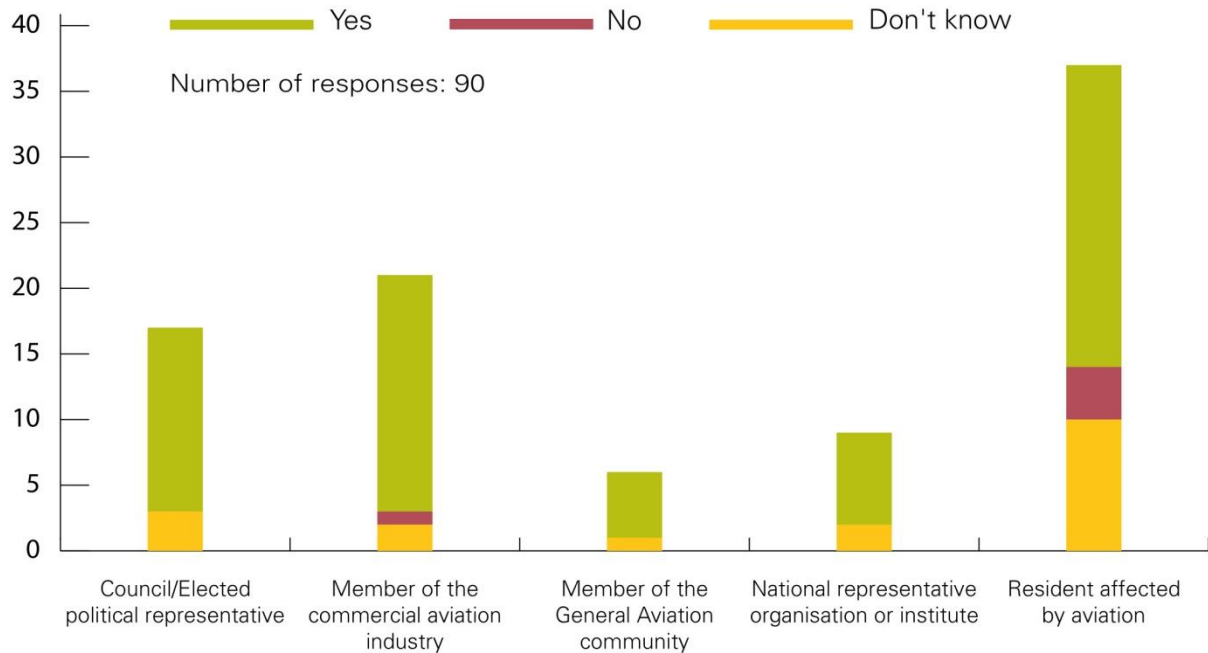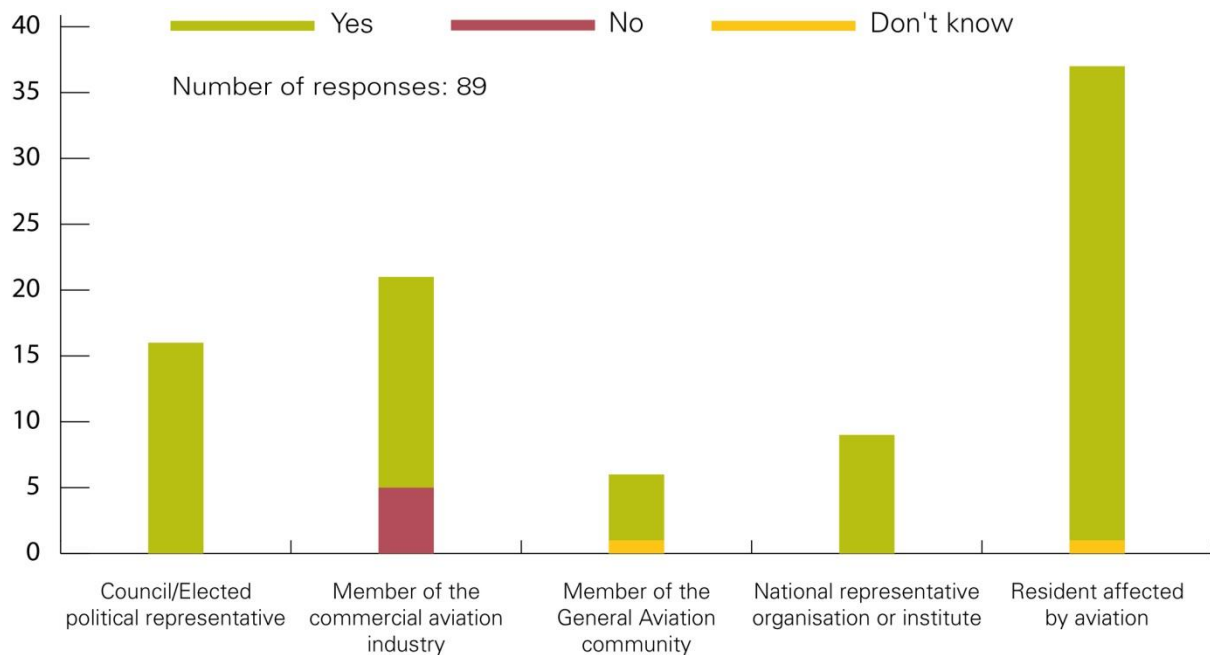

2.8   There was widespread support for the introduction of new 'gateways' to the airspace change process, with 67 'yes' responses proportionately spread between categories of respondent, and only 5 'no' responses, of which four were from residents. There were also 18 'don't knows', more than half being residents.

Views on Stage 1: Define

Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?

Conclusion: Widespread support but with a significant proportion of industry opposed

2.9   There was unanimous support from all respondent categories for the inclusion of a new step in the process for design principles (82 of 89 responses), except for the commercial aviation industry where 5 respondents were opposed. Only two responses were 'don't knows'.

Question 5: Overall, will Stage 1 improve the airspace change process?

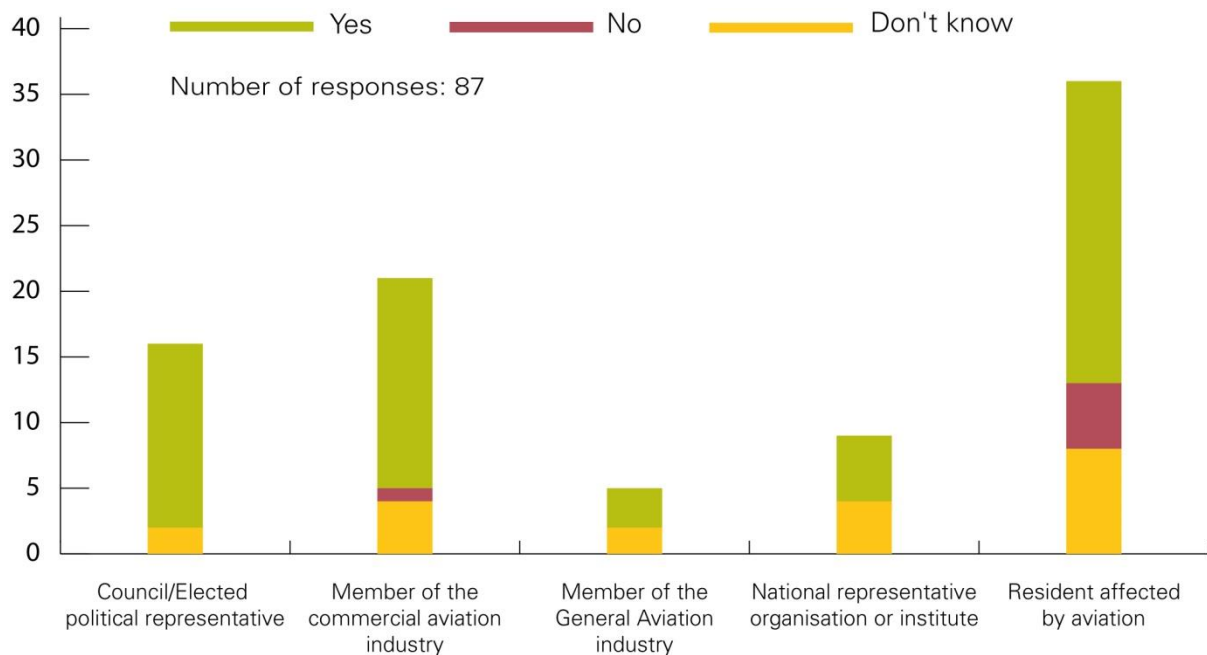*Conclusion: Widespread support but with some respondents unsure*
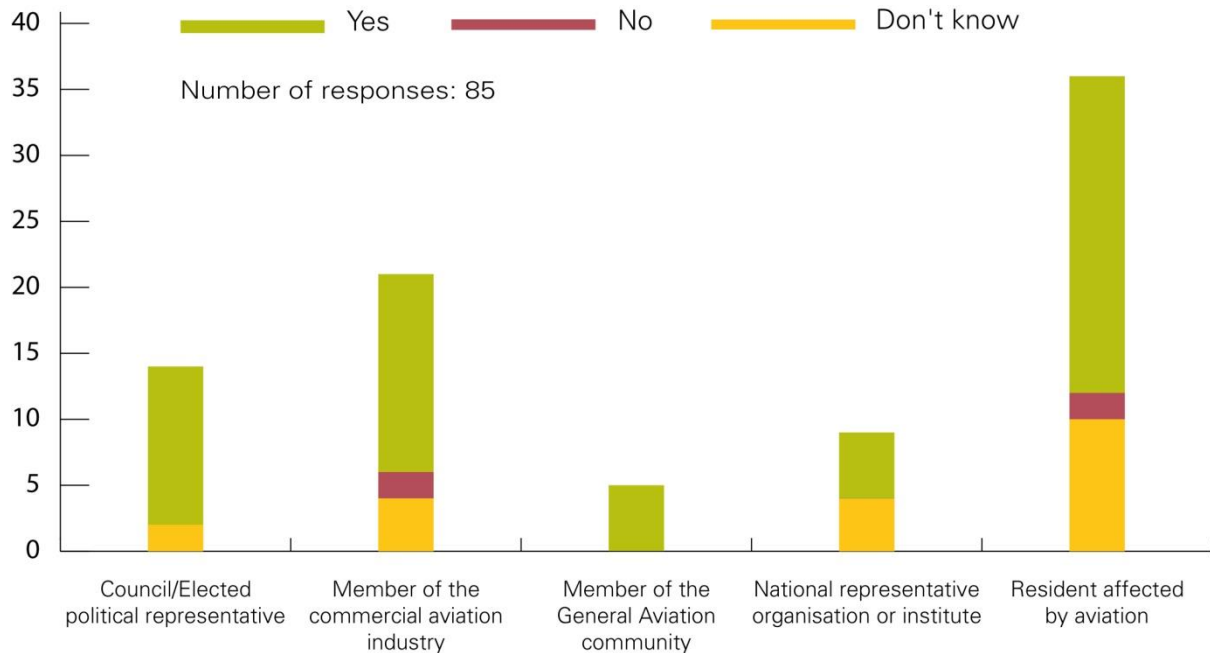
2.10   There was widespread agreement that Stage 1 would improve the airspace change process. The 61 'yes' responses were proportionately spread between the different categories of respondent. There were only four 'no' responses, two from residents and two from commercial industry. There were also a significant number, 20, of 'don't knows', half of these being residents.

Views on Stage 2: Develop and Assess

Question 6: Will introducing the options appraisal we propose improve the airspace change process?

Conclusion: Widespread support but with some respondents unsure or disagreeing


2.11   A similar result to the previous question but with greater opposition from residents. There was widespread agreement that an options appraisal would improve the airspace change process. The 61 'yes' responses were again proportionately spread between the different categories of respondent. There were six 'no' responses, five from residents and one from commercial industry. Again there were also a significant number, 20, of 'don't knows'.

Question 6 (part 2): If so, should this initially be a 'full' or 'indicative' options appraisal?
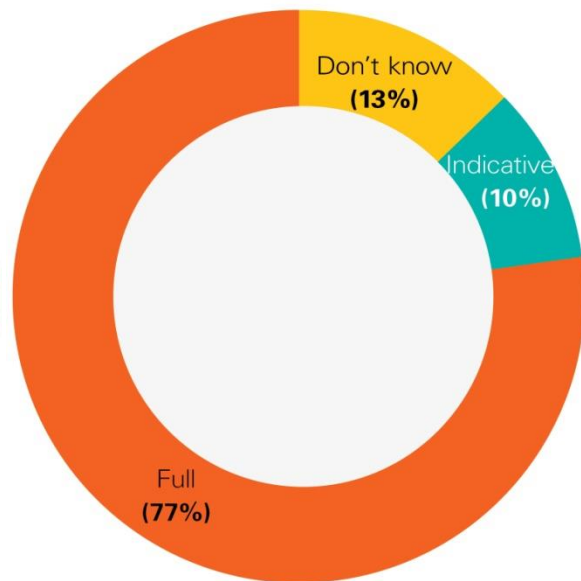
Conclusion: Residents and their representatives favour the 'full' options appraisal, while commercial industry favours 'indicative'
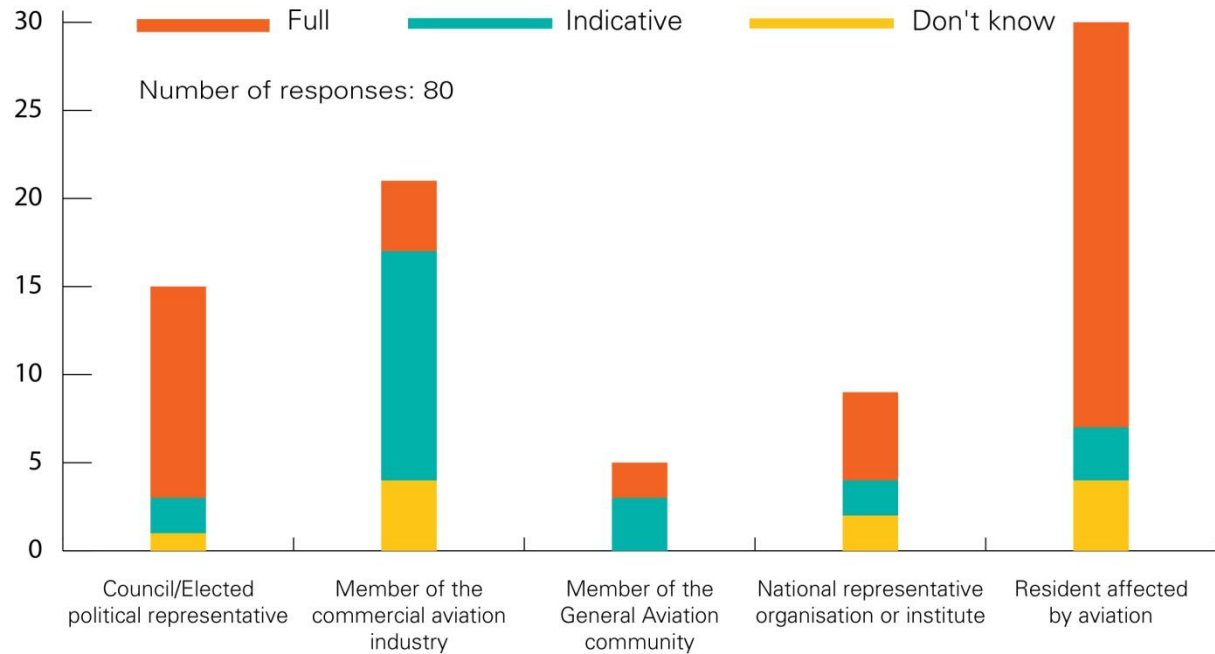
**Member of the commercial aviation industry (21 responses)**
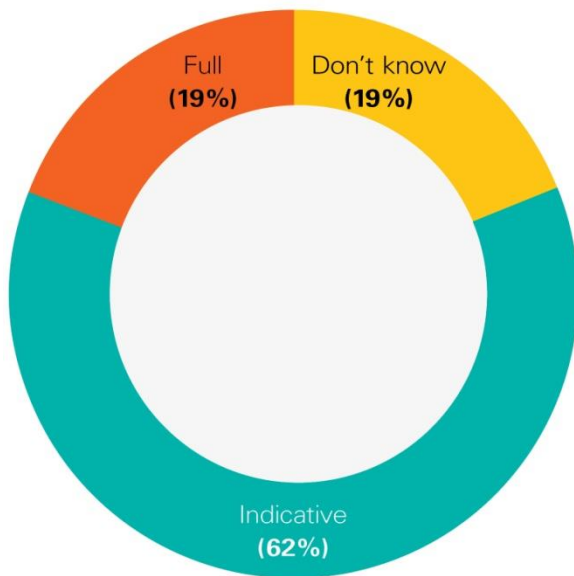
Resident affected by aviation (30 responses)

2.12   Most categories of respondent strongly favoured the 'full' rather than 'indicative' options appraisal, for example 23 to three for residents and 12 to two for councils/elected representatives. However, the opposite was the case for commercial industry who by 13 to four favoured an indicative options appraisal, while General Aviation responses were more evenly split three to two. There were 11 'don't knows' in all. The difference between commercial industry and residents' views is illustrated by the pie charts above.

Question 7: Overall, will Stage 2 improve the airspace change process?

*Conclusion: Broad support with some opposition from residents*
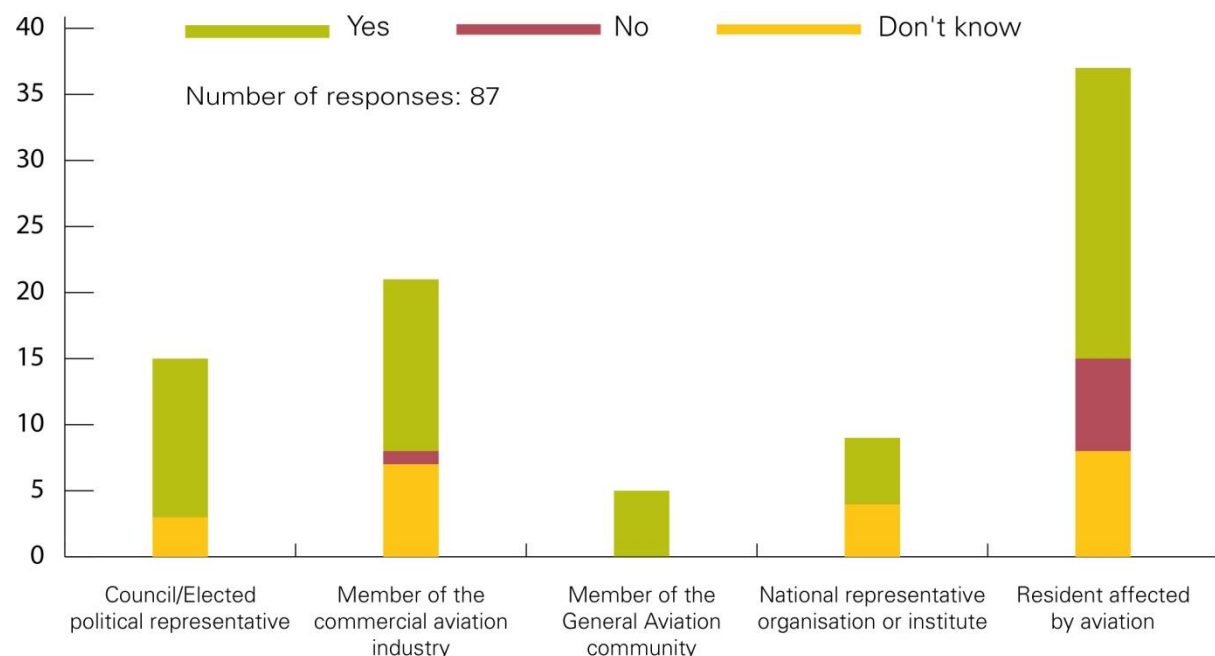
2.13   Broad support across all categories of respondent (unanimous in the General Aviation category), except for residents where there were 22 responses in agreement but seven against. Again there were a significant number of 'don't knows', around a quarter of all responses (22) in all.

Views on Stage 3: Consult

Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?

Conclusion: Many residents and councils in favour, but also significant opposition or uncertainty across all categories
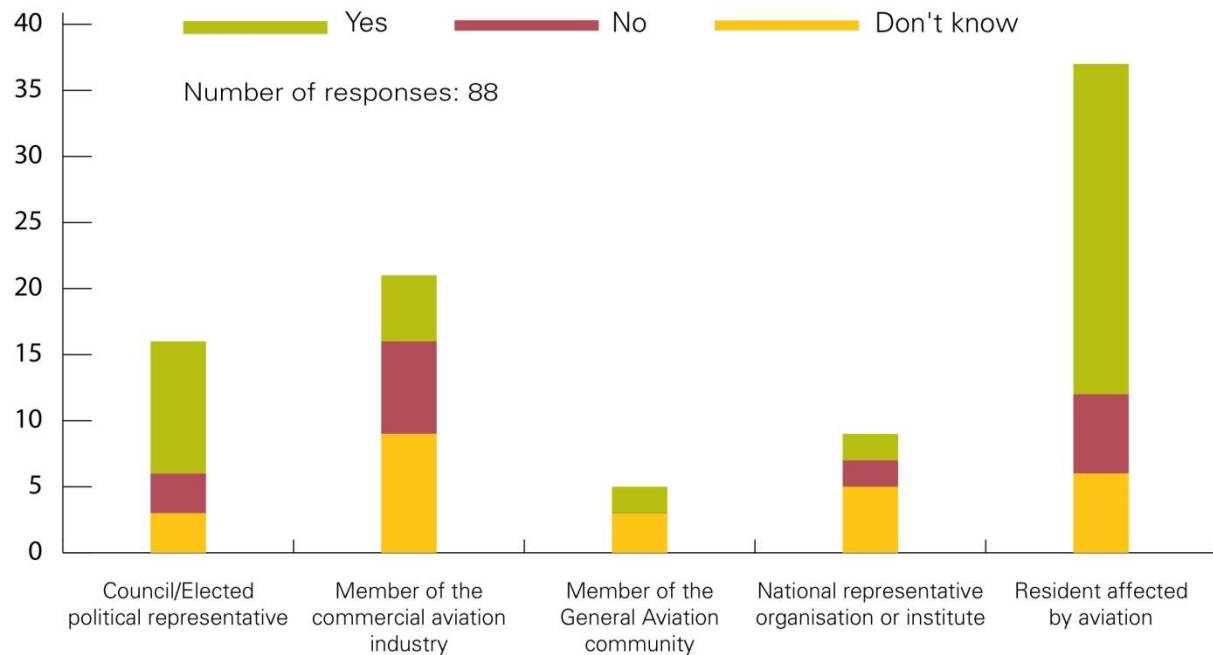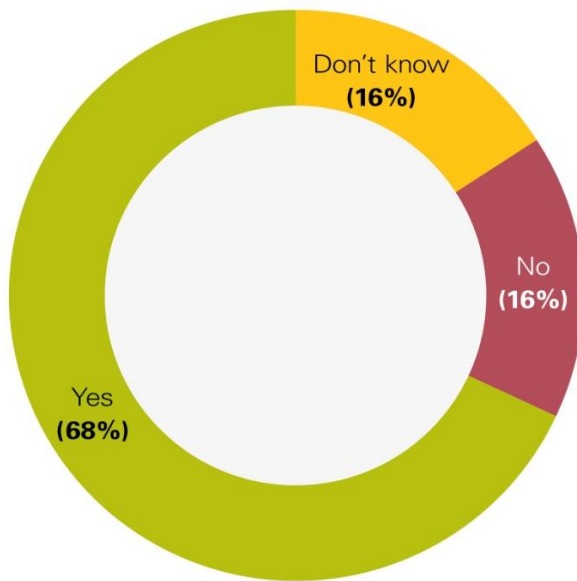

2.14   Only five respondents of 21 from commercial industry thought a third-party facilitator would make consultation more effective, with seven disagreeing and nine 'don't knows'. Residents were more strongly in favour, with 25 agreeing, six disagreeing and six 'don't knows'. Among other respondents there were 14 responses agreeing, five disagreeing, and 11 'don't knows'. Note the similarity between council/political representatives' and residents' views in the pie charts above. Compare this with the equivalent charts for commercial industry and national organisations.

**Council/Elected political representative
(16 responses)**
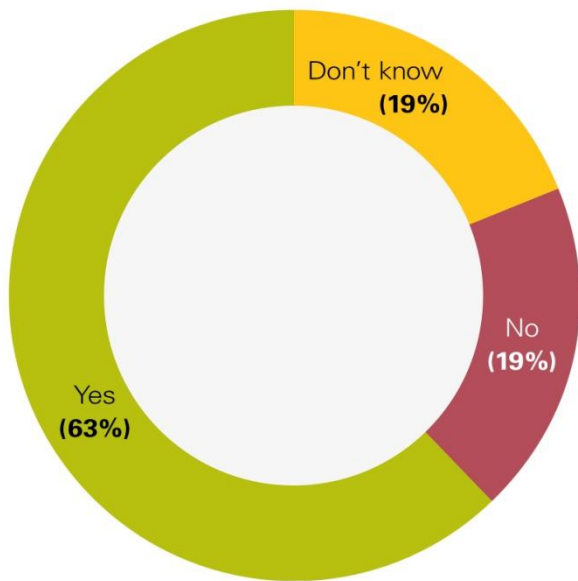
Don't know
(19%)

No
(19%)

Yes
(63%)

**Resident affected by aviation
(37 responses)**

Don't know
(16%)

No
(16%)

Yes
(68%)

**Member of the commercial aviation industry
(21 responses)**

Yes
(24%)

Don't know
(43%)

No
(33%)

**National representative organisation or institute
(9 responses)**

Yes
(22%)

Don't know
(56%)

No
(22%)
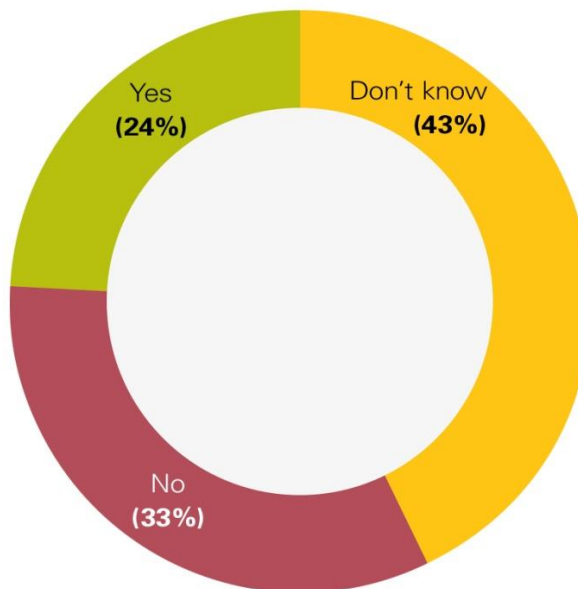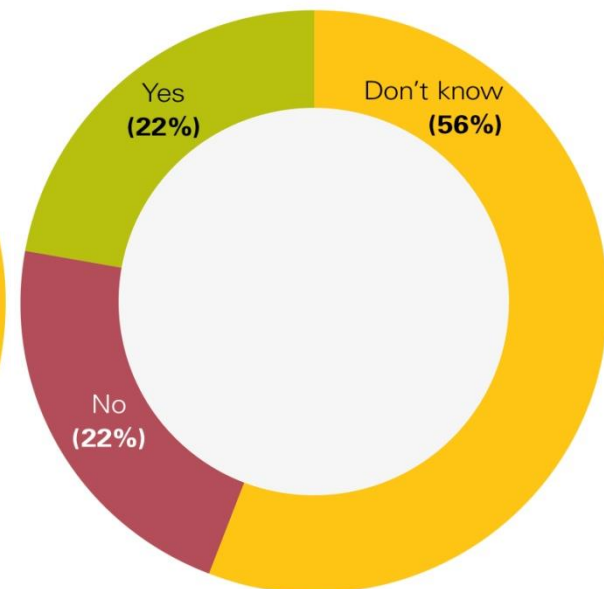
Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?

Conclusion: Widespread support
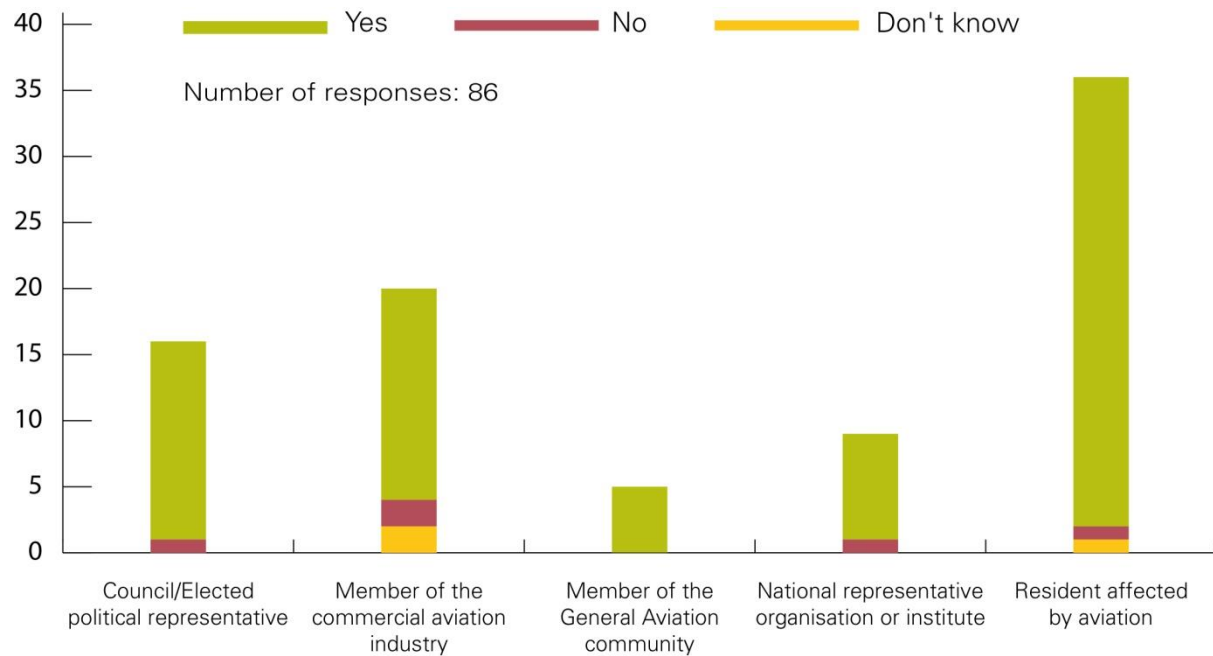
2.15   There was close to unanimous support from all respondent categories for the CAA to publish all consultation responses in full (78 of 86 responses), except for commercial industry where two respondents were opposed and two were 'don't knows'.

Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?

Conclusion: Polarised views, with residents strongly in favour and commercial industry and national organisations strongly opposed
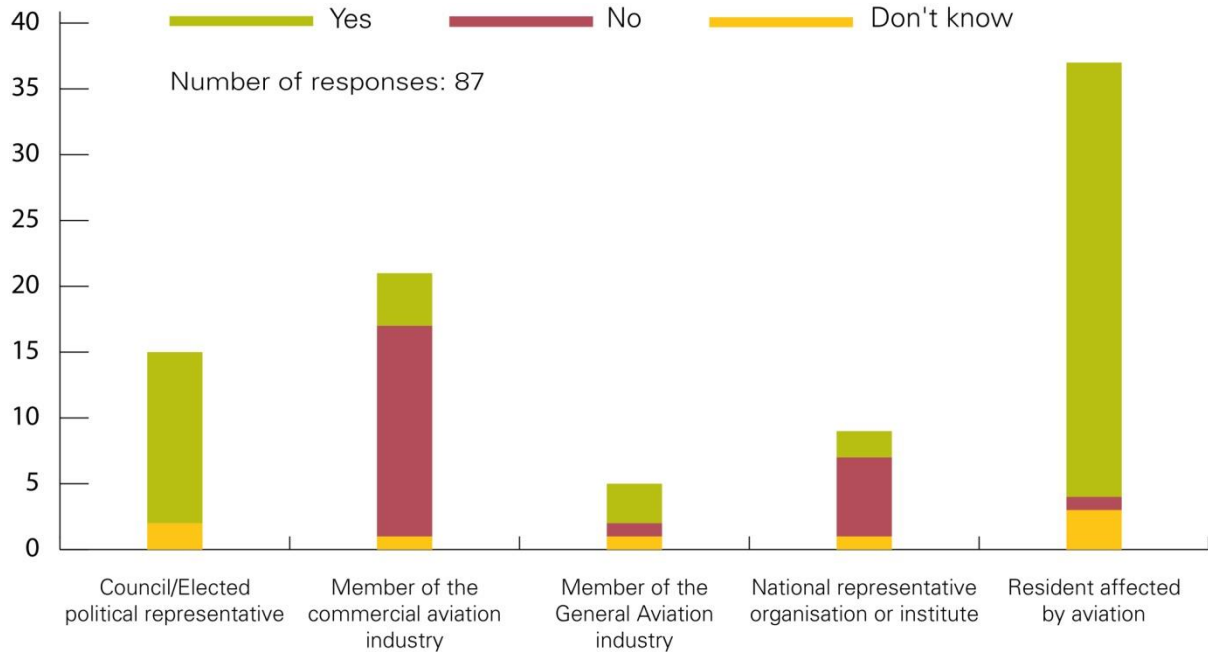
Member of the commercial aviation industry (21 responses)
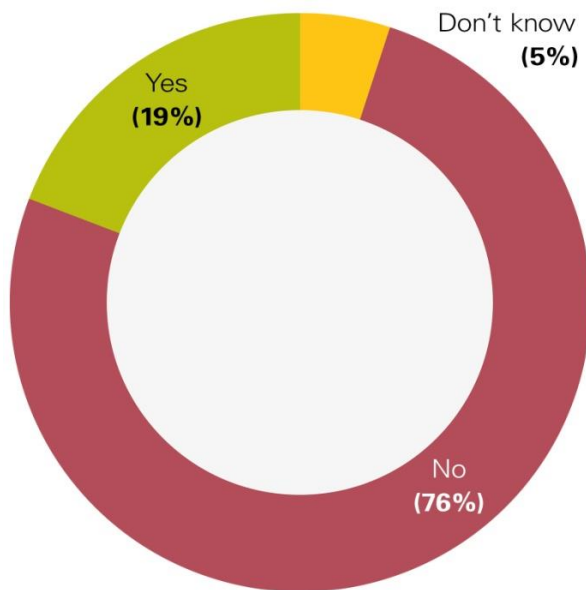
Resident affected by aviation (37 responses)
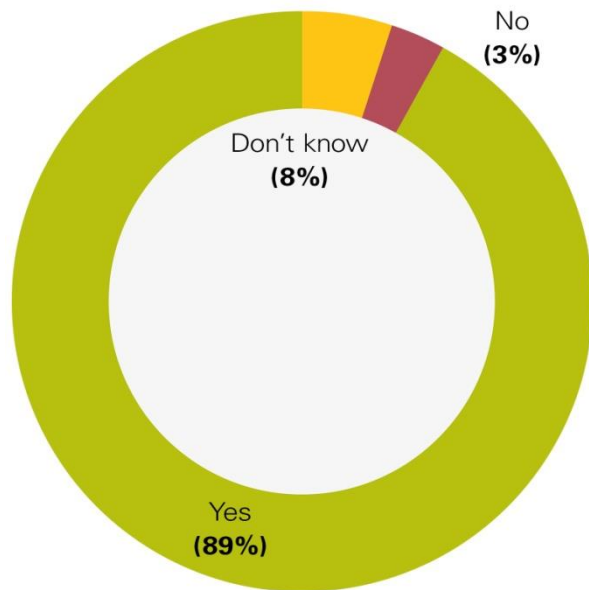
2.16   Only four respondents of 21 from commercial industry thought the CAA should publish consultation responses as they are submitted, with 16

opposed and one 'don't know'. Similarly only two of nine national representative organisations supported this. General Aviation responses were more divided, with three of five in favour. Residents were very strongly in favour, with 33 of 37 agreeing, only one disagreeing and three 'don't knows'. Councils/elected political representatives were generally in favour. The pie charts above compare the industry and residents responses.

Question 11: Should consultation responses be made solely through the online portal?

Conclusion: widespread opposition
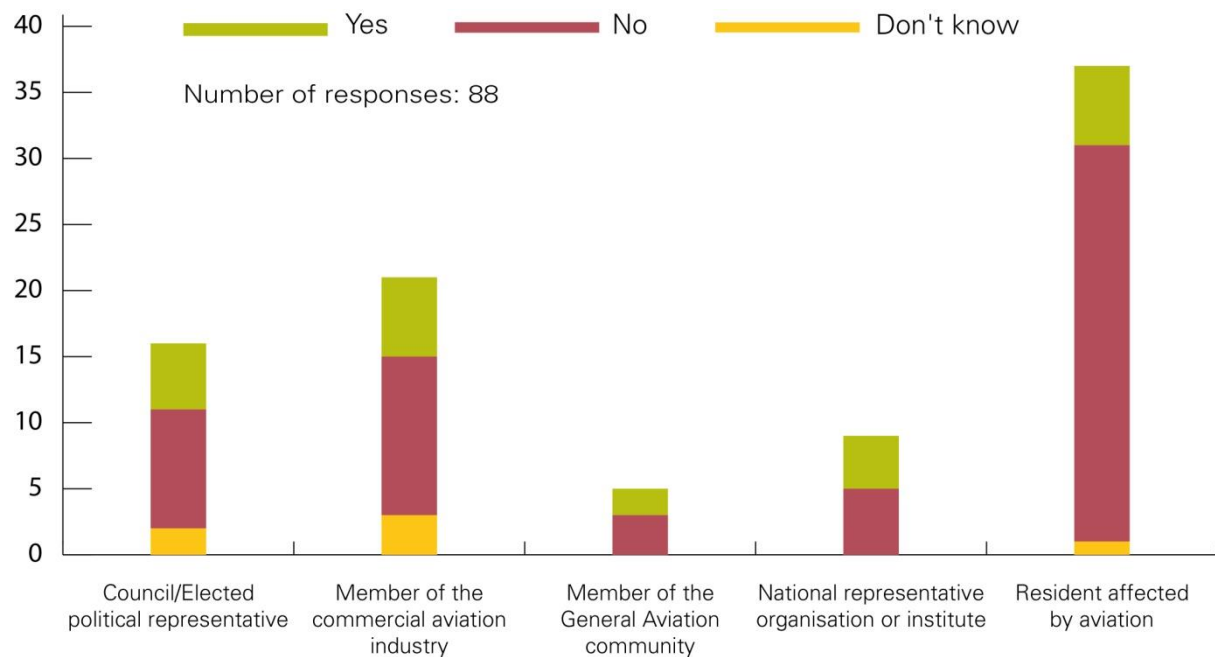
All categories (88 responses)
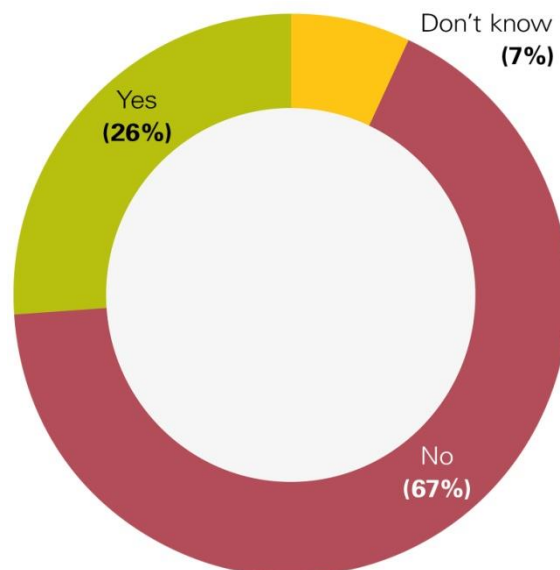
2.17   This was the only question where the proposal was rejected by most respondents (59 of 88 – two-thirds) across all categories, as shown in the pie chart above. Nevertheless in all categories of respondent there were between two and six responses in support, with just six 'don't knows' in all.

Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?

Conclusion: General support but some opposition or uncertainty, principally from residents
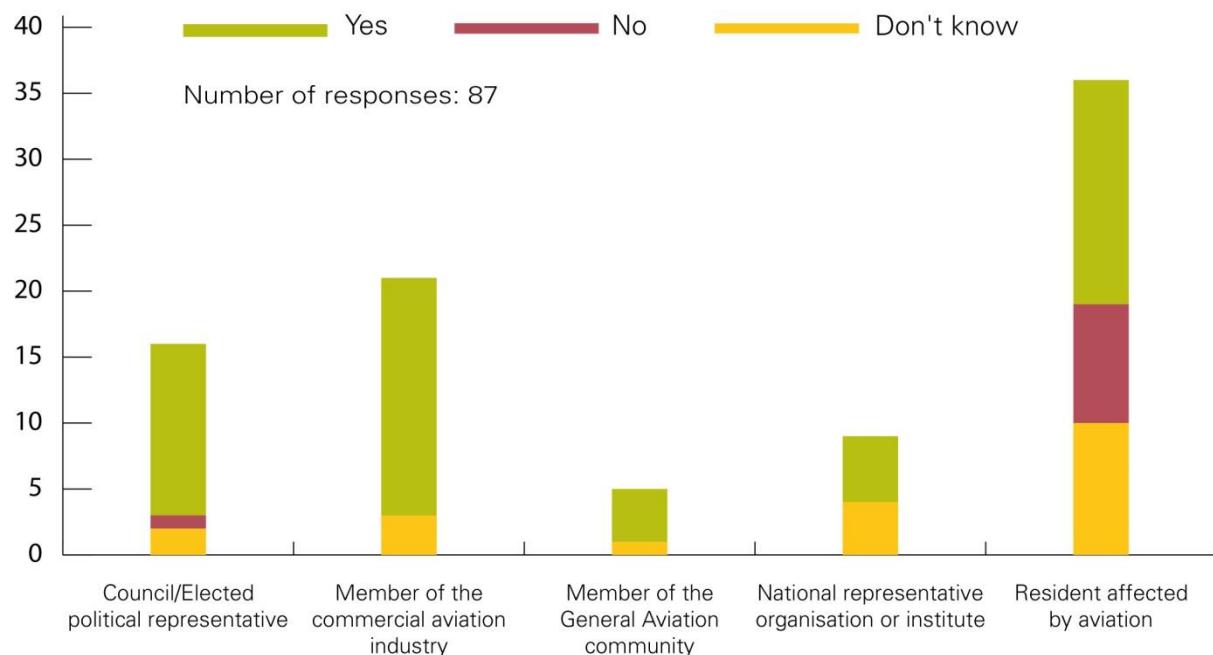
2.18   Mixed response from residents with 17 in agreement, nine disagreeing and 10 'don't knows'. Among the other categories there was broad agreement across all categories, with only one response not agreeing and 10 'don't knows'.

Question 13: Overall, will Stage 3 improve the airspace change process?

Conclusion: General support but some uncertainty, principally from residents
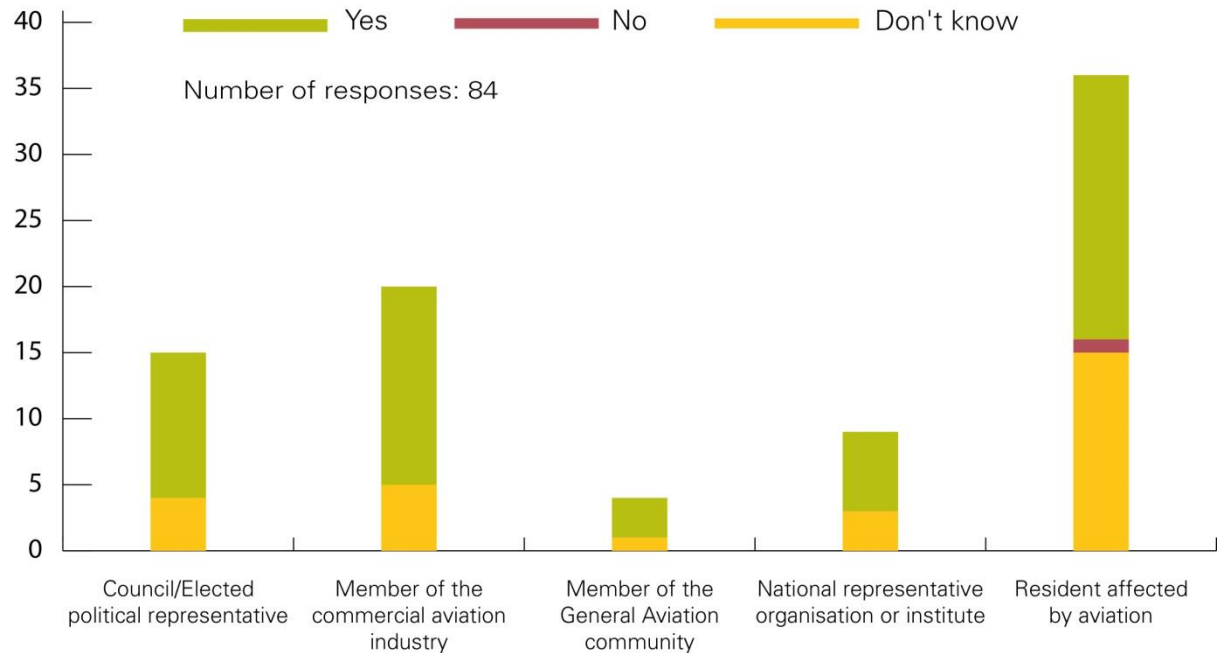
2.19   An interesting comparison with the previous question, with only one resident disagreeing but more residents (15) saying 'don't know'. Among the other categories there is again broad agreement across all categories, with no responses disagreeing and 13 'don't knows'.

Views on Stage 4: Update and submit

Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions?

Conclusion: General support, but some opposition from commercial industry
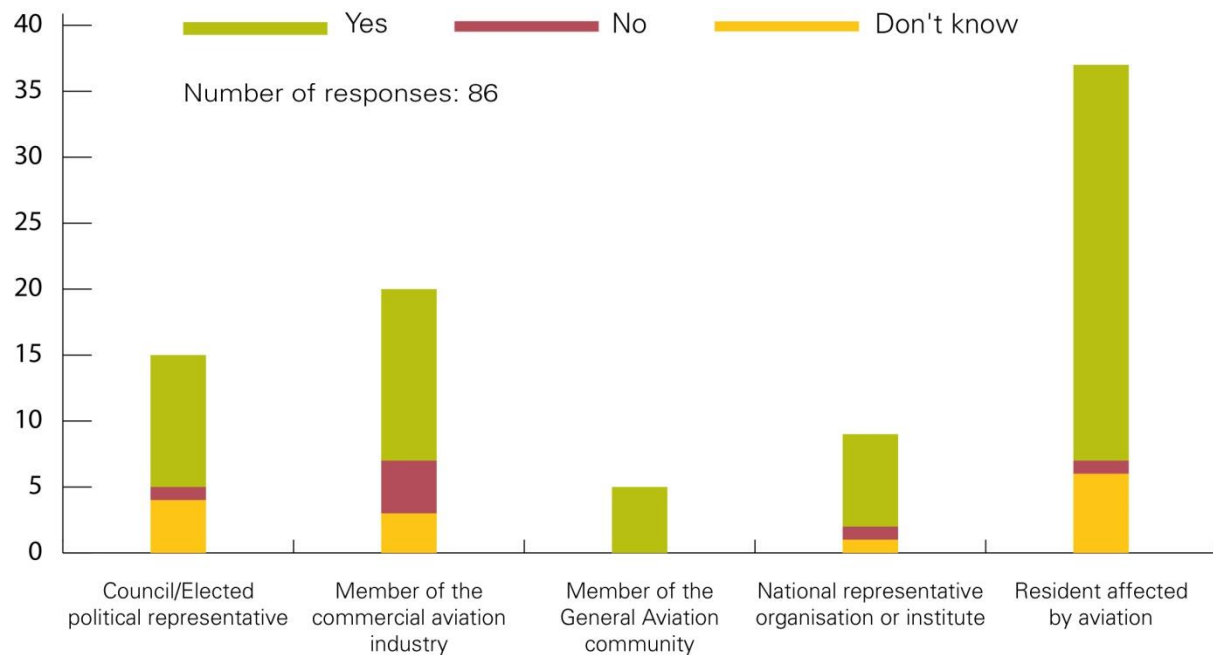
2.20   There was general support for a standard template, with 65 'yes' responses of 86 in total, proportionately spread between categories of respondent, seven 'no' responses and 14 'don't knows'. A significant proportion of the seven 'no' responses were from commercial industry, meaning one-fifth of commercial industry responses did not support the template, and a further three were 'don't knows'.

Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?

Conclusion: Broad support but with some significant opposition from some councils, commercial industry and residents
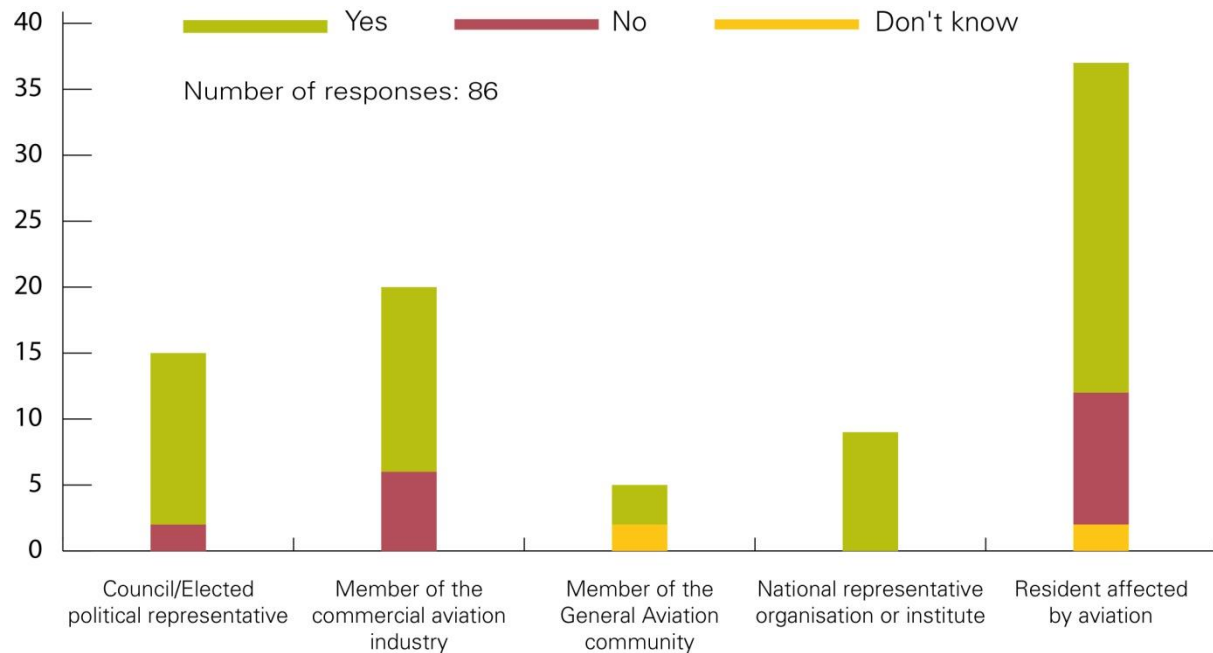
2.21   There was broad support for the CAA publishing a redacted version of the sponsor's submission immediately, with 64 'yes' responses of 86 in total, but there was also a significant number (18) of responses opposing the proposal, split between elected political representatives (two), commercial industry (six) and residents (10). In fact the qualitative responses revealed a weakness in the question, in that some of the 'no' responses were opposing immediate publication before the proposal had been assessed, and some were opposing the redaction of sensitive material. There were only four 'don't knows' in total.

Question 16: Overall, will Stage 4 improve the airspace change process?

Conclusion: Widespread support with some respondents unsure
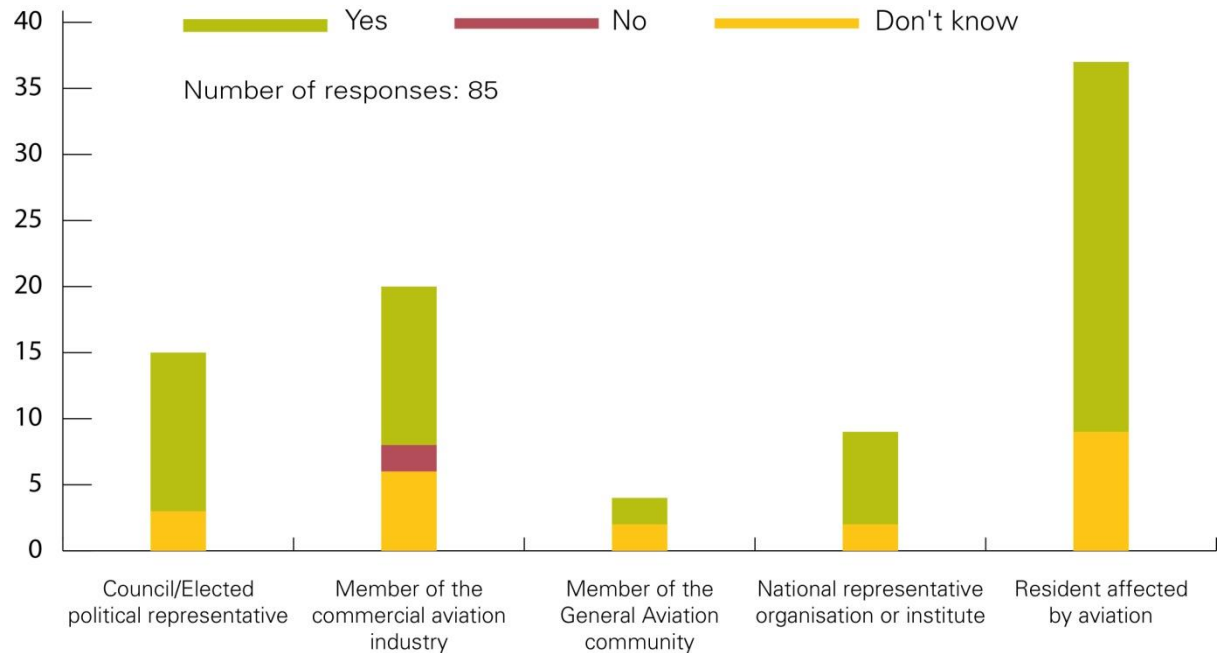
2.22   There was widespread agreement that Stage 4 would improve the airspace change process. The 61 'yes' responses were proportionately spread across all categories of respondent. There were only two 'no' responses, both from commercial industry. There were also a significant number, 22, of 'don't knows', spread across all categories of respondent.

Views on Stage 5: Decide

Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?

Conclusion: Broad support, but with significant opposition and uncertainty from commercial industry, and some uncertainty from other respondents
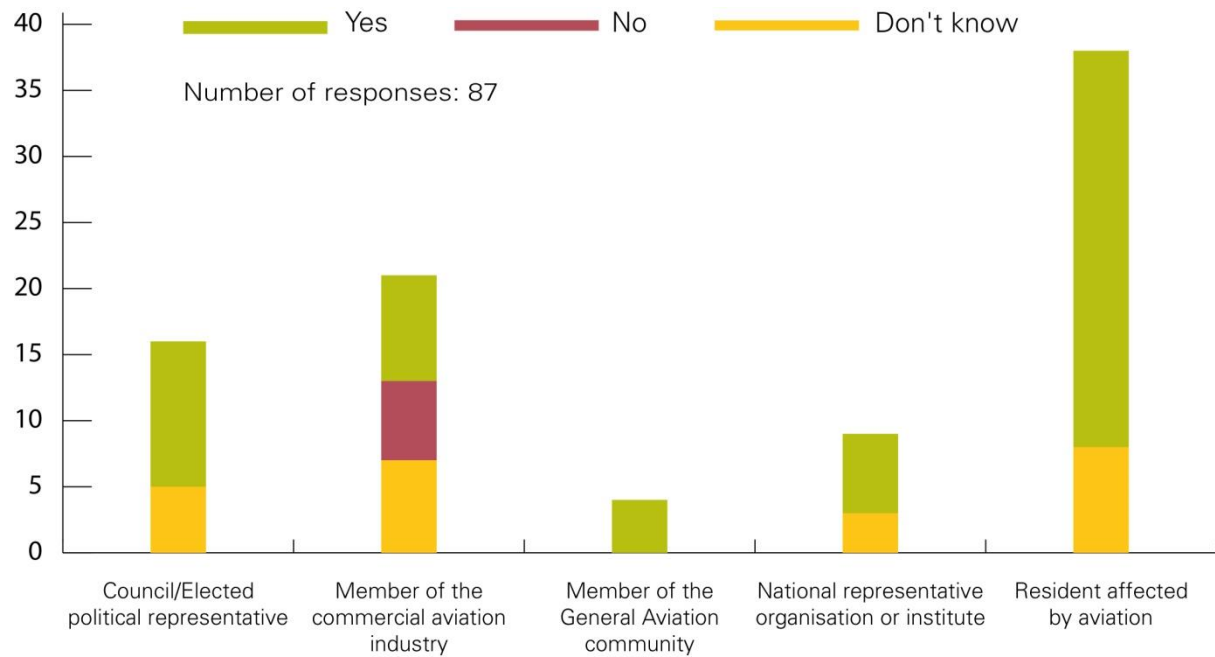
Member of the commercial aviation industry (21 responses)
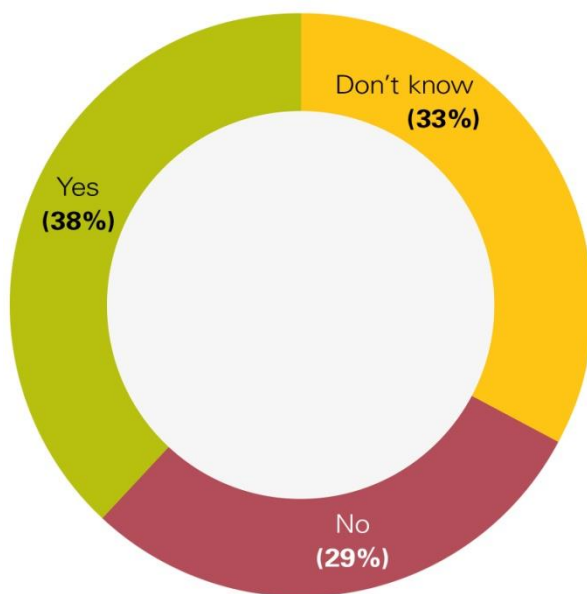
Resident affected by aviation (37 responses)
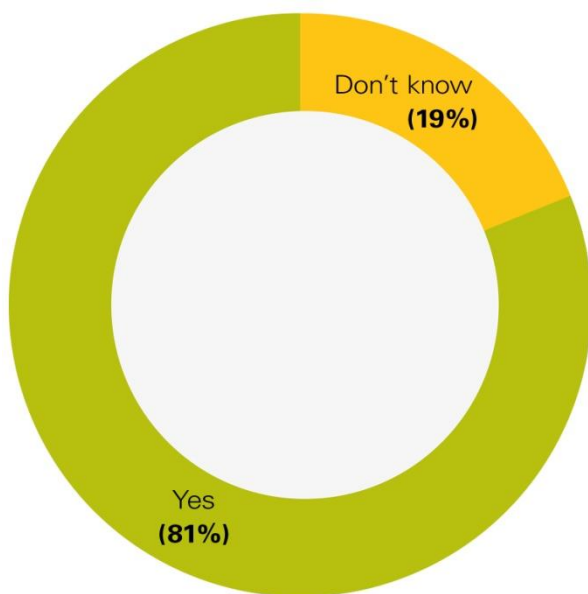
2.23   59 responses thought that a Public Evidence Session would improve the process. There were six responses that disagreed, all from commercial industry. Of the other 15 industry responses, eight were supportive and seven were 'don't knows'. Compare this with the strong support of residents – see the pie charts above. All four General Aviation responses were in favour. Among the three other categories, alongside the supportive responses there were a significant number of 'don't knows', totalling 15.

Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?

Conclusion: Broad support but with some opposition and uncertainty from commercial industry and residents.
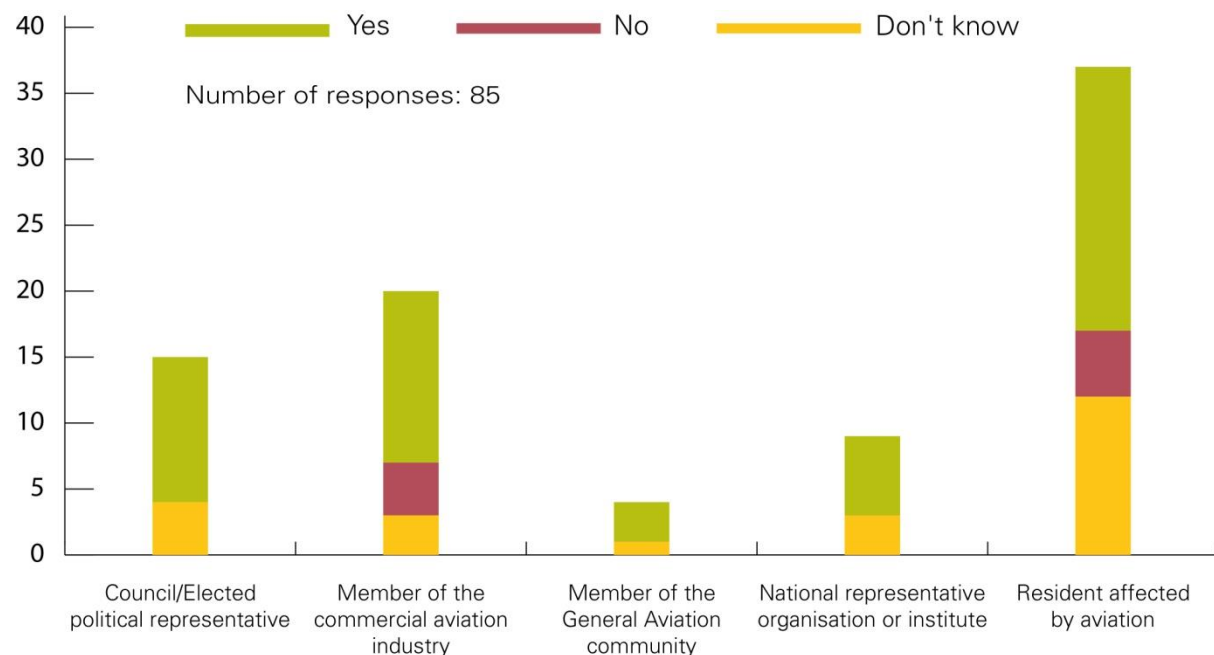
2.24   There was general agreement that the CAA decision step 5B was clear and transparent, with 53 'yes' responses of 85 in total, proportionately spread between categories of respondent. There were nine 'no' responses, four from commercial industry and 5 from residents. There were a significant number of 'don't knows' (23), of which just over half were from residents.

Question 19: Overall, will Stage 5 improve the airspace change process?

Conclusion: Broad support but with significant opposition and uncertainty from commercial industry and residents.
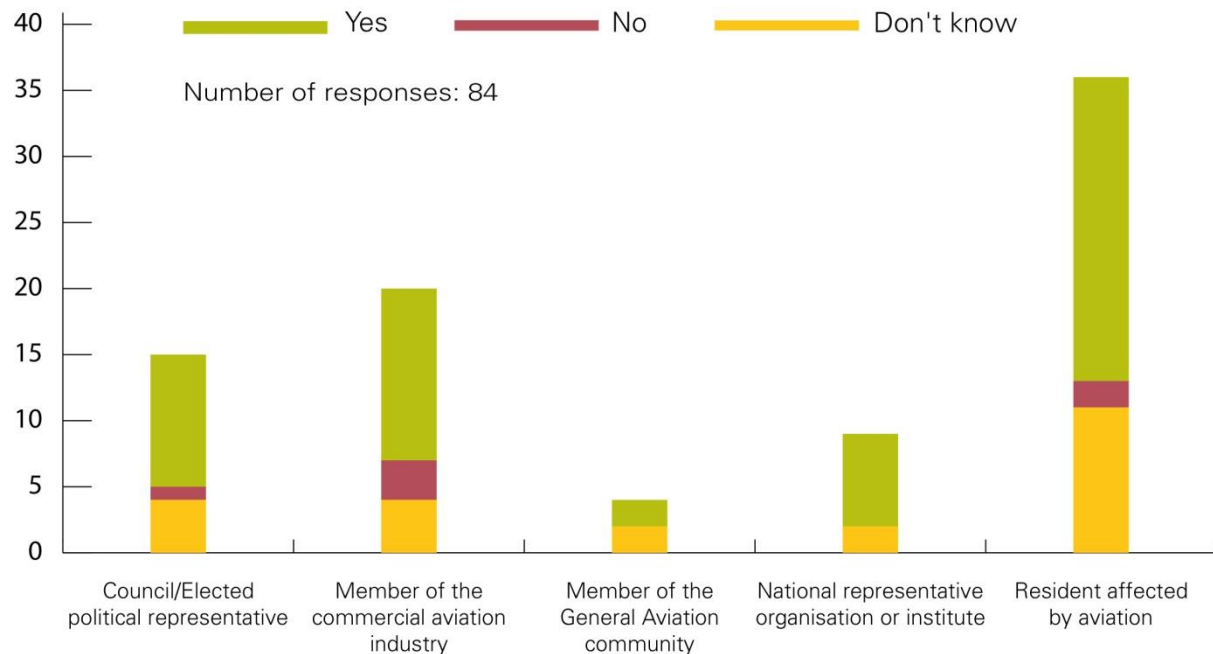
2.25   A similar result to the previous question, with general agreement that Stage 5 would improve the process. There were 55 'yes' responses of 84 in total, proportionately spread between categories of respondent. There were fewer 'no' responses, six, with three from commercial industry, two from residents and one from a council. Again there were a significant number of 'don't knows' (23), of which just under half were from residents.

Views on Stage 7: Post-implementation review

Question 22: Overall, will Stage 7 improve the airspace change process?

Conclusion: General support, but significant opposition and uncertainty from residents and some uncertainty from others
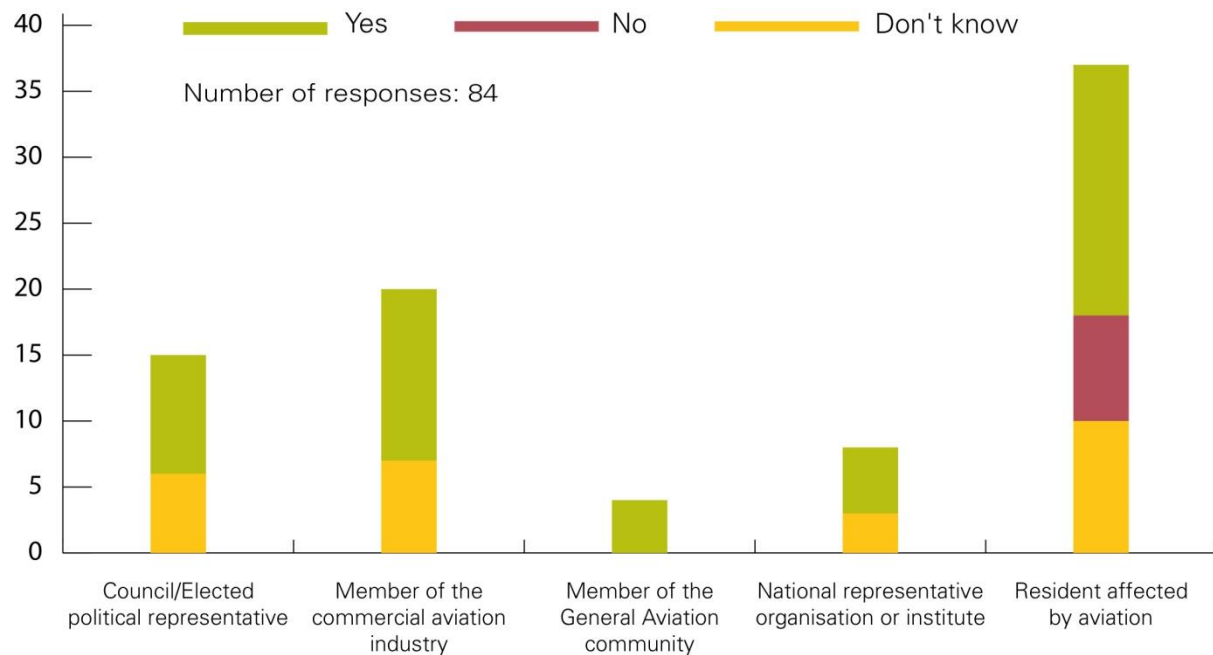
2.26   Mixed response from residents to the PIR proposals improving the process, with 19 in agreement, eight disagreeing and 10 'don't knows'. Among the other respondents there was broad agreement from 31 across all categories, with General Aviation unanimous in agreeing. None of these other four categories had any responses disagreeing, but there were a significant number (16) of 'don't knows' among the 47 responses.

Views on Oversight Committee

Question 24: Should the CAA set up an Oversight Committee?

Conclusion: Commercial industry completely opposed, some limited support from other categories of respondent
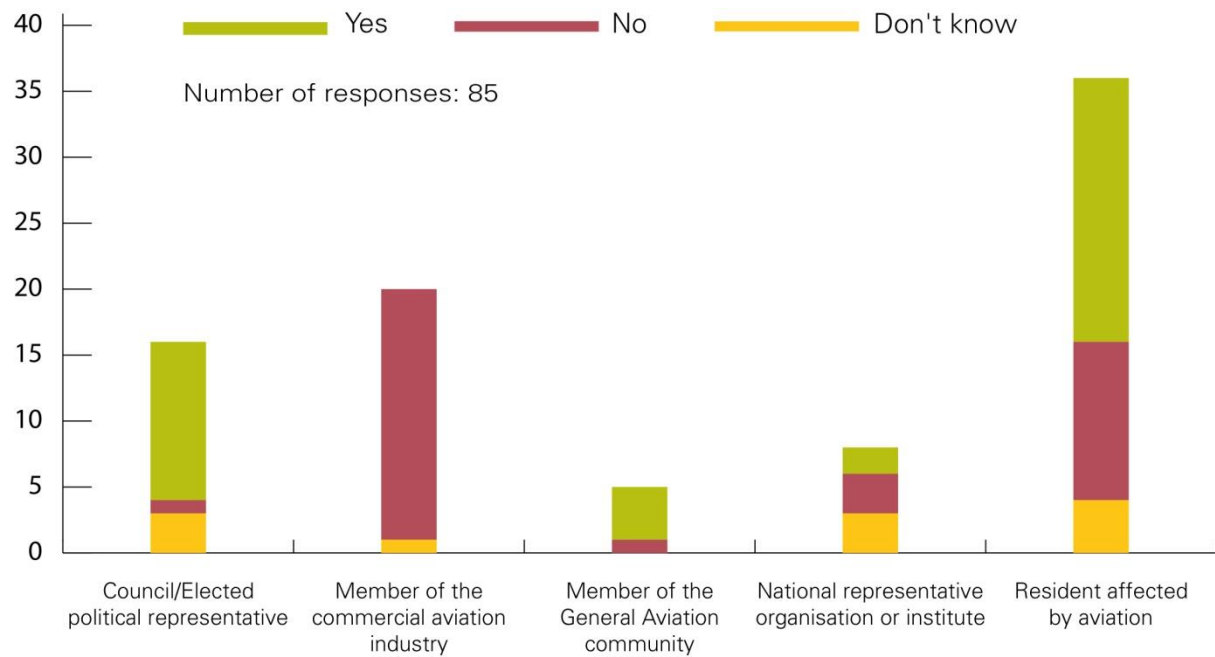
Council/Elected political representative (16 responses)
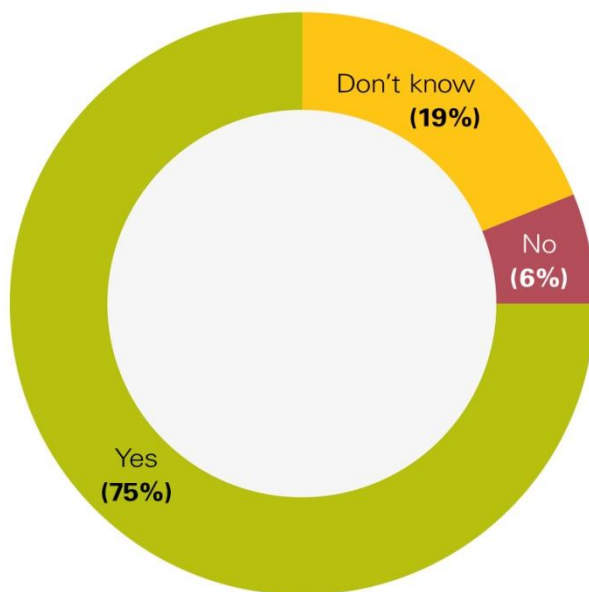
Resident affected by aviation (36 responses)
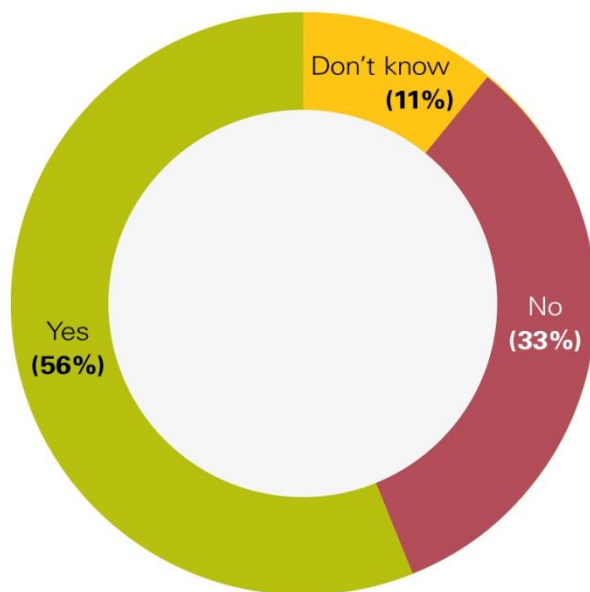
2.27   There were quite different views between respondent category. 19 of 20 commercial industry responses were opposed to an Oversight Committee. Councils/elected political representatives and General Aviation responses were generally in favour (16 to two 'yes' vs 'no', with three 'don't knows'). National representative organisations were divided (three to two against with three 'don't knows'). Residents were 20 to 12 in favour with four 'don't knows'. The pie charts above show examples.

Views on CAA guidance and scaling the process

Question 25: Are there any other areas where the CAA should provide guidance?

Conclusion: Not applicable, as question seeks to elicit qualitative contributions

2.28   49 respondents suggested other areas where the CAA should provide guidance, and 15 saw no need for additional guidance.

Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?

Conclusion: Broad support, but with a significant proportion disagreeing or unsure
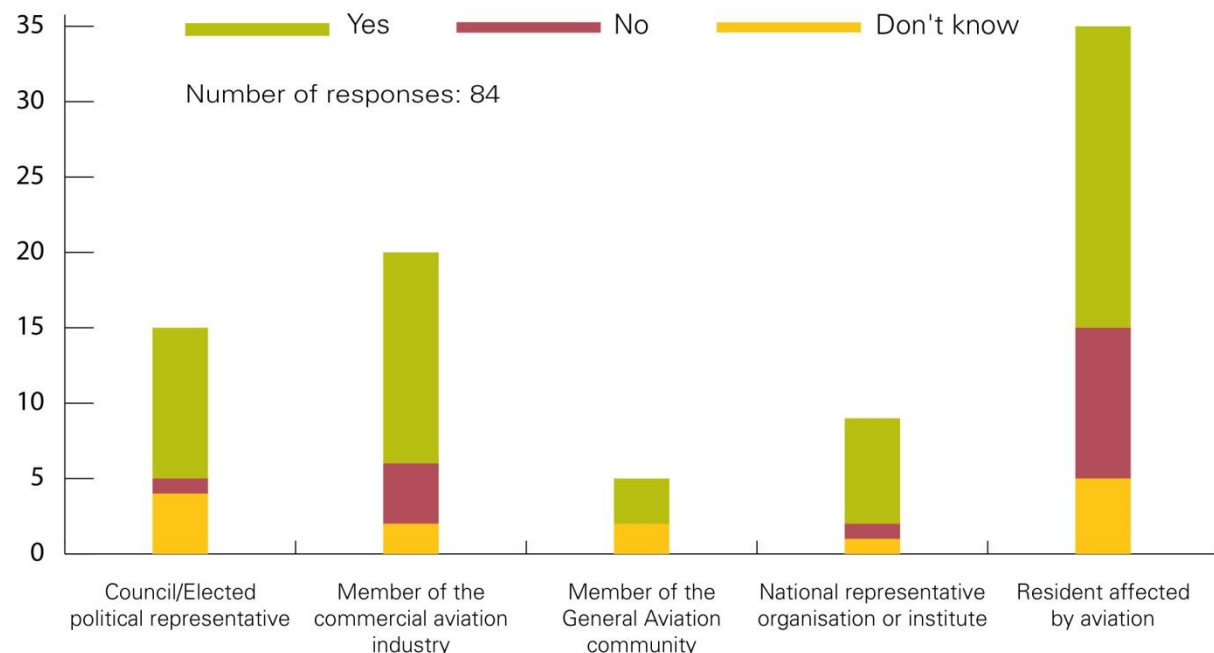
2.29   54 of 84 respondents (nearly two-thirds) said that the 'scaleability' table gave sufficient guidance, including 70% of industry respondents and 67%

of residents. But 36% of respondents either said no (16, mainly commercial industry and residents) or 'don't know' (14).

Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?

Conclusion: Broad agreement
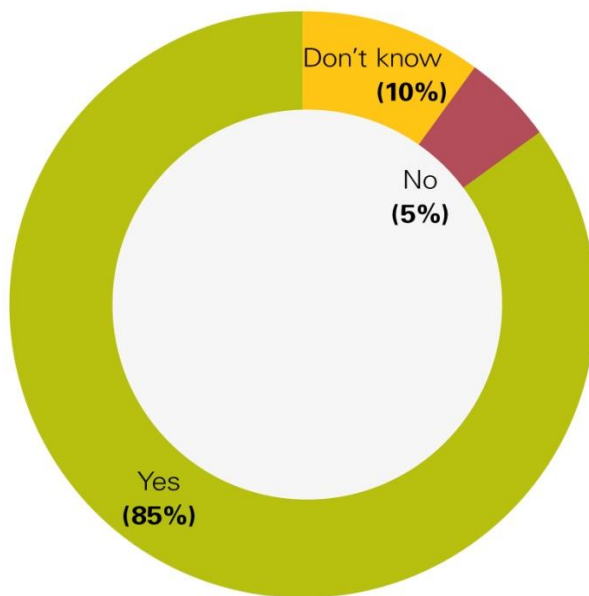
**Member of commercial aviation industry
(20 responses)**   **National representative organisation
(9 responses)**
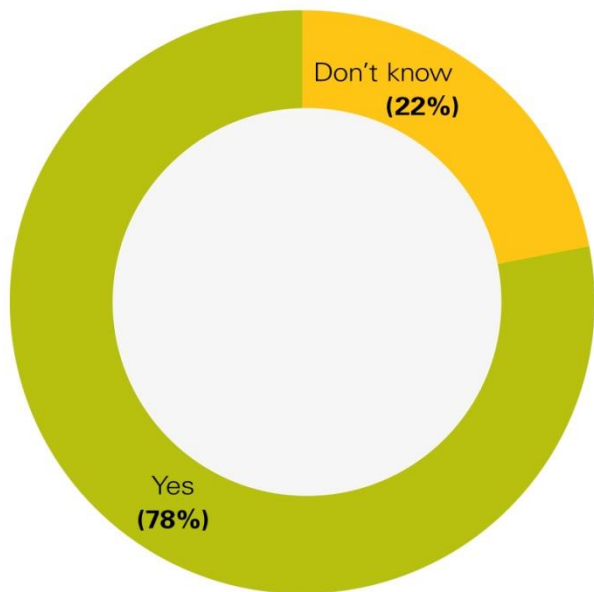
2.30   59 of 84 respondents agreed, with only three disagreeing, and 22 'don't knows'. The pie charts show two examples of response categories.

Views on CAA cost recovery

Question 30: Do you have a preference for either of the long-term options for recovering the CAA's airspace change costs that are set out in Chapter 7?

Conclusion: Mixed views with much uncertainty, but broad industry support for the UK en route unit rate, residents more favourable to a new statutory charge, and General Aviation responses and national representative organisations divided in opinion
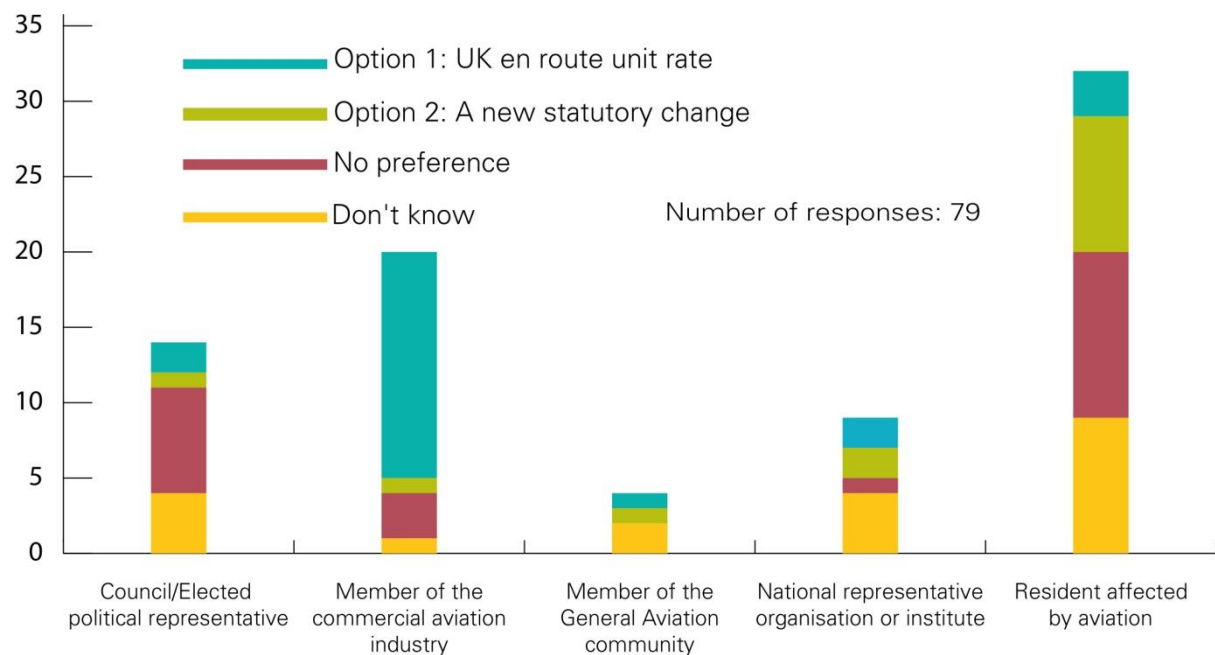
Member of commercial aviation industry (20 responses)
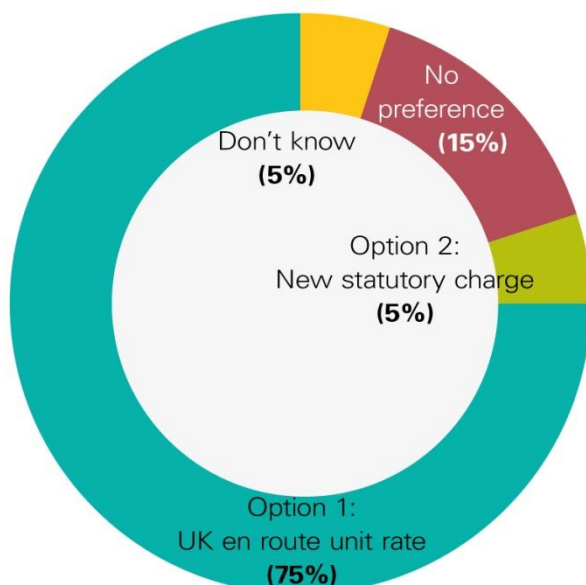
National representative organisation or institute (9 responses)
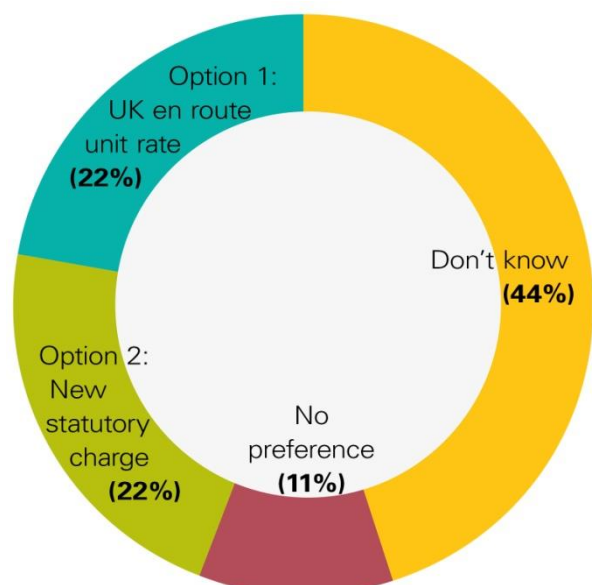
2.31   23 respondents chose Option 1, 14 chose Option 2 and 22 had no preference. The remaining 20 didn't know. However, there were marked differences between commercial industry, where 15 respondents chose Option 1 but only one chose Option 2, and other respondent categories where the choice was more evenly balanced or, in the case of residents, favoured Option 2 over Option 1 by nine to three. The four respondent categories other than commercial industry were much more non-committal, with only 21 of 59 (36%) responses choosing an option.

2.32   The pie charts compare the views of commercial industry with those of national representative organisations.

Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge?

Conclusion: No clear picture
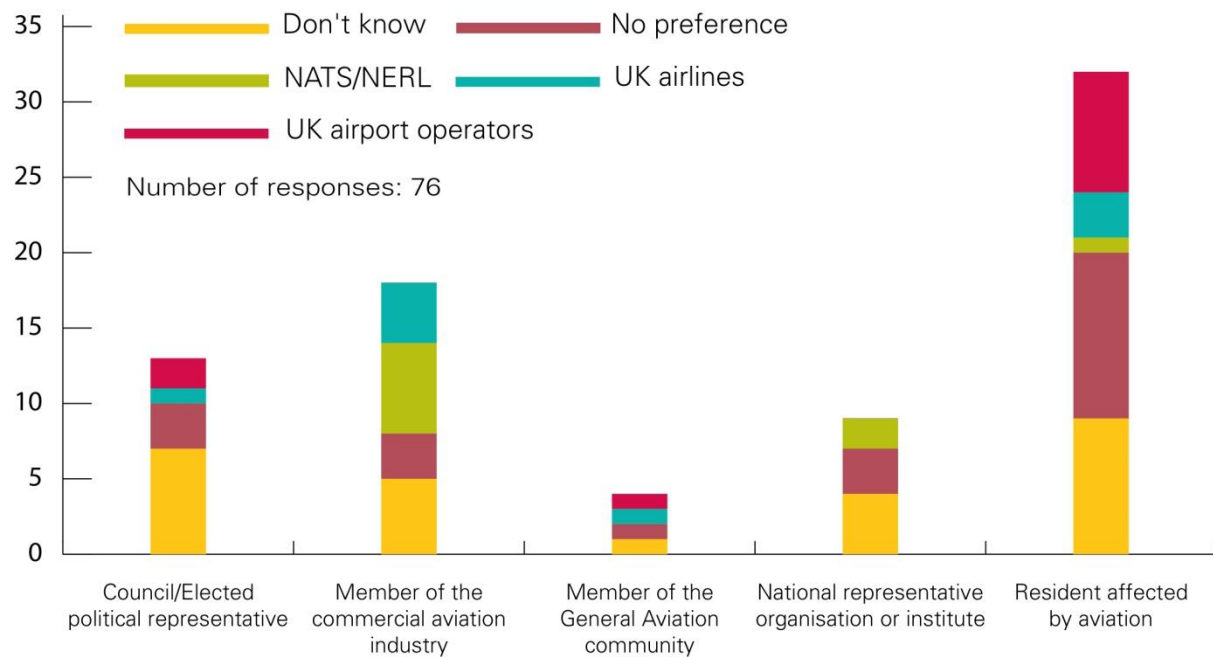
**Member of commercial aviation industry
(18 responses)**
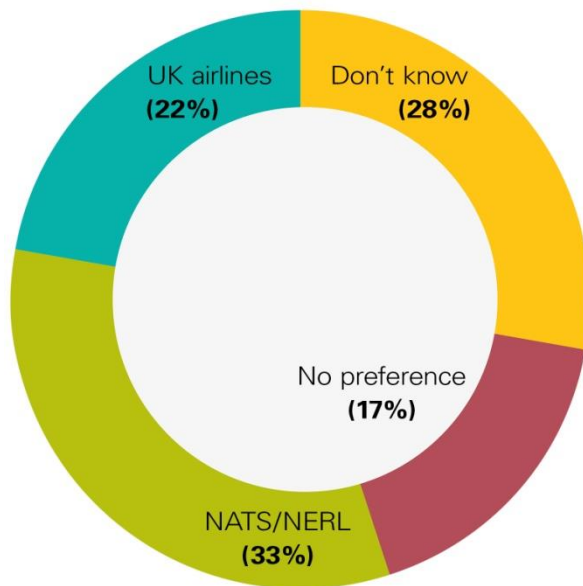
**Member of General Aviation community
(4 responses)**

UK airlines **(22%)**

Don't know **(28%)**

No preference **(17%)**

NATS/NERL **(33%)**

UK airport operators **(25%)**

Don't know **(25%)**

UK airlines **(25%)**

No preference **(25%)**
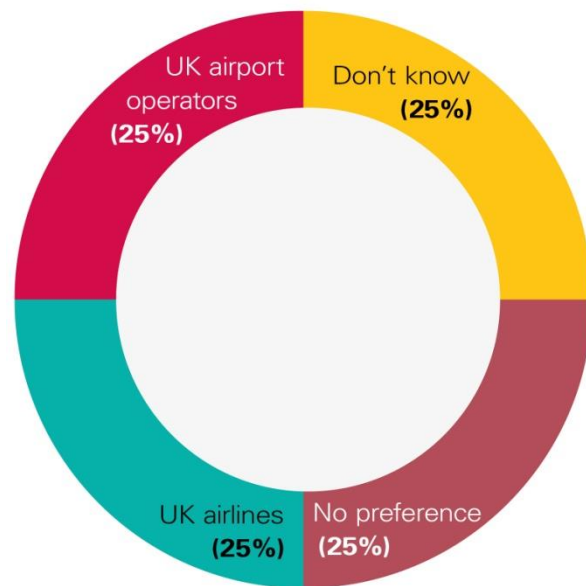
2.33   The results for choosing a short-term funding option were quite mixed. There were roughly equal responses for the three options (11 for airport operators and nine for each of UK airlines and NATS/NERL) but 47 (62%) did not choose one of these options or were non-committal (21 had no preference and 26 didn't know), including as many as eight of the 18 industry responses. No industry response chose UK airports; most of those came from residents. The pie charts show commercial industry and General Aviation examples.

Views on transition to the new process and timescales for its introduction

Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?

Conclusion: General support, but with some opposition from commercial industry and some opposition and uncertainty from residents
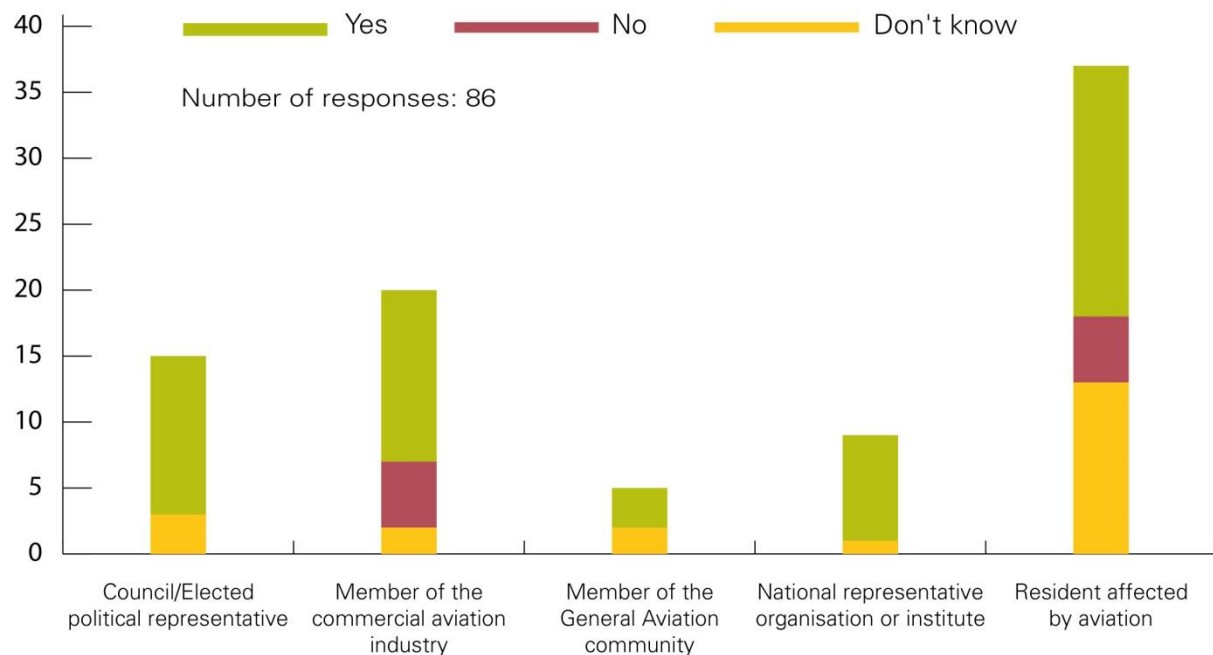
2.34   Nearly two-thirds of 86 respondents (55) thought our proposed transition arrangements reasonable, broadly spread across all categories of respondent, compared with only 10 (five from industry and five residents) who did not, and 21 'don't knows' (many of those residents).

Question 33: Are our timescales for introducing the new process reasonable?

Conclusion: General support, but with some opposition from commercial industry and some opposition and uncertainty from residents
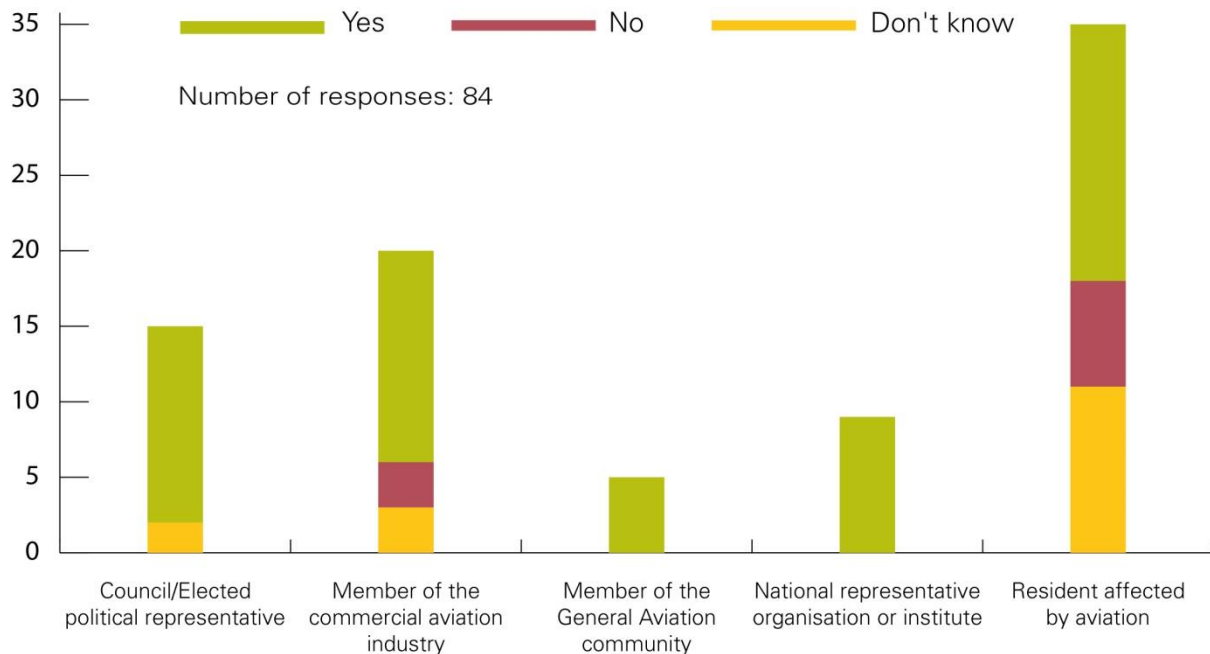
2.35   In respect of the timescales we proposed for introducing a new process, there was a similar picture to the previous question – 58 in agreement (including unanimous responses from General Aviation and national representative organisations), 10 not in agreement split between commercial industry and residents, and 16 'don't knows', particularly among residents. Of the 10 responses not in agreement, one airline and two residents thought the timescales should be shorter; one airport, one airspace consultant and one resident thought the timescales too optimistic; and four residents thought the CAA should await the outcome of the DfT's airspace policy review.

Views on online portal

Question 34: Do you agree with the concept of an online portal?

Conclusion: Widespread support
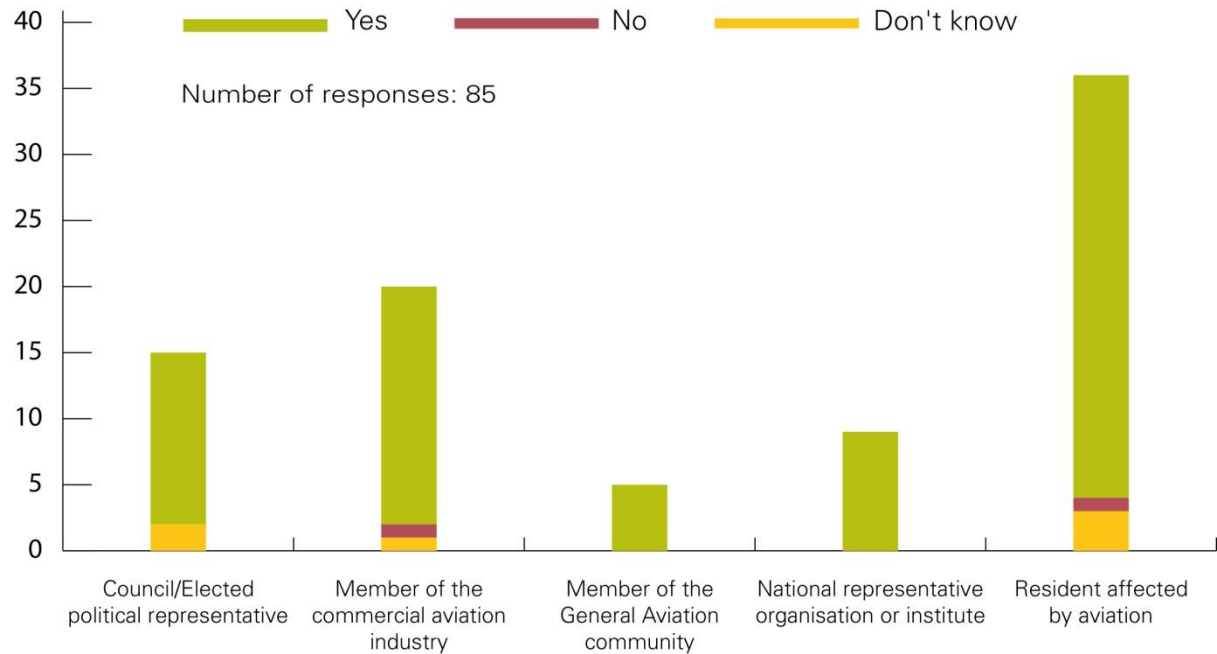
All categories (85 responses)
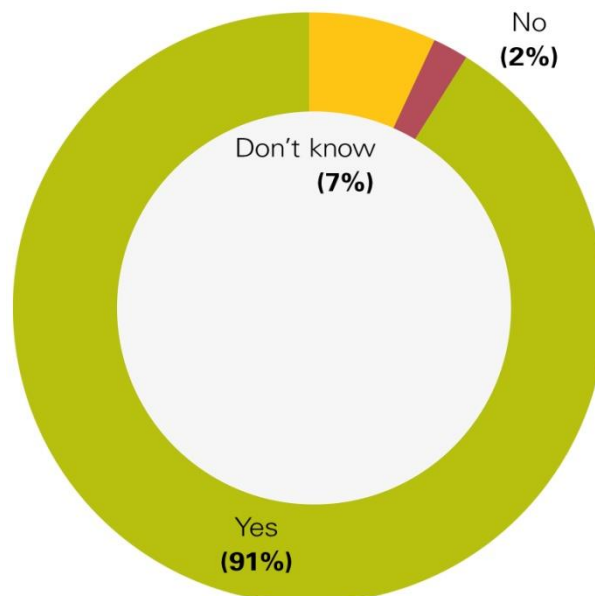
2.36   There was widespread support for the concept of an online portal. 77 respondents agreed with only two disagreeing and six answering 'don't know', as shown in the pie chart.

Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?

Conclusion: Widespread support for a single website, with a few respondents favouring multiple websites
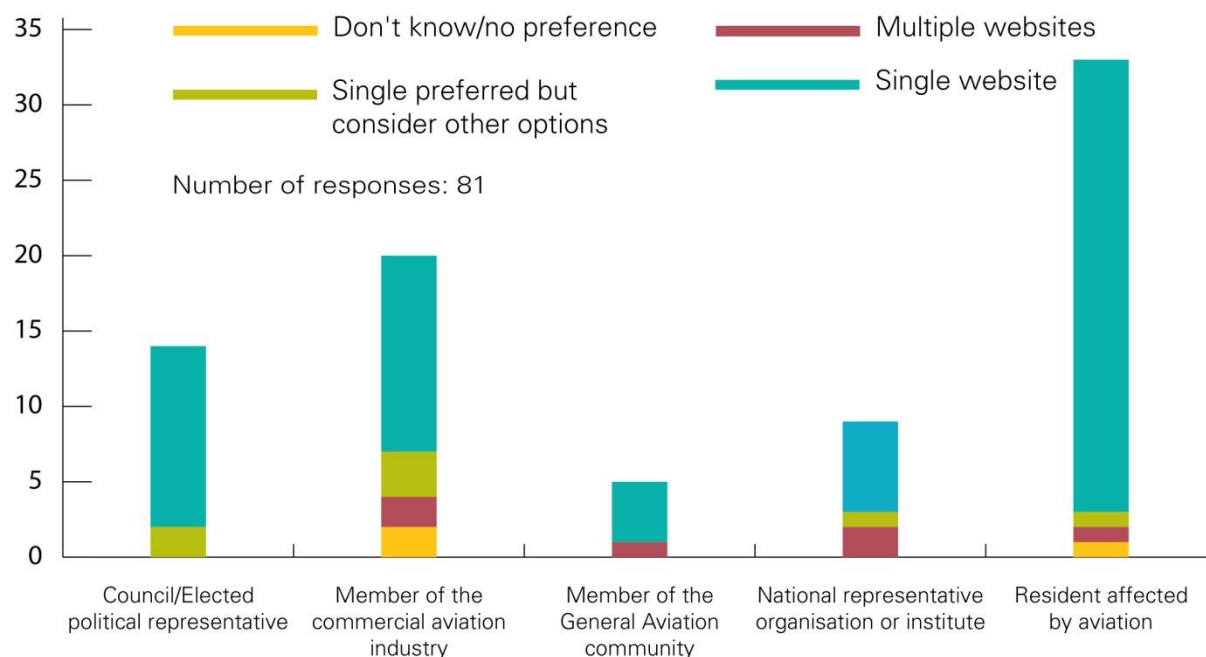
2.37   The qualitative responses revealed a weakness in our question in that we asked for a closed yes/no answer but posited more than one option. On comparing the yes/no answers with the free-text responses it was apparent that the yes/no answers were unreliable, as respondents had interpreted the question differently. We therefore analysed the open text answers to produce the results in the chart above and the pie chart under Question 38.

2.38   65 of 81 respondents wanted a single website, across all categories of respondent (included in the 65 were three respondents who asked that material should also be available or able to be submitted offline). An additional seven respondents preferred a single website but could accept a multiple-website solution if there were good reasons (such as simplicity or cost) and the websites were suitably linked. A further six respondents supported using multiple websites, although four of these envisaged an initial landings page with suitable links to other websites.

Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?

Conclusion: Most responses were non-committal, but where a choice was made, residents and councils preferred a bespoke solution and commercial industry preferred an off-the-shelf solution
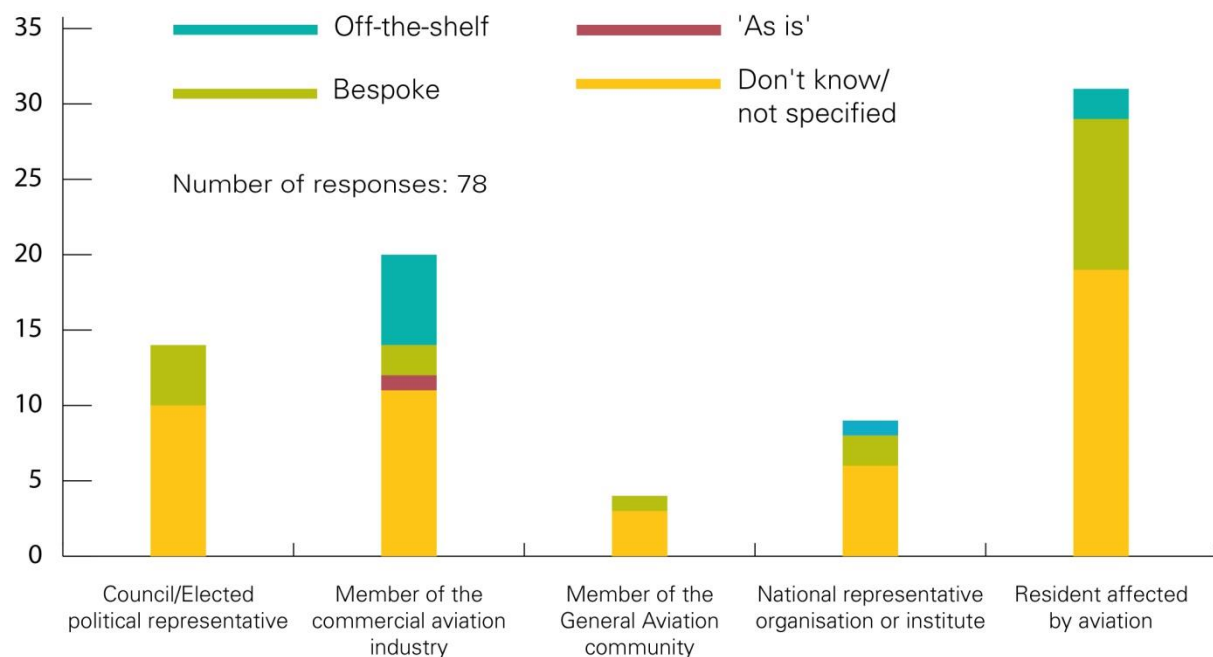
2.39   Given our 'closed' question only offered yes/no/don't know options, we analysed the open text answers to produce the results in the chart. Of the 78 respondents, 49 (63%) did not favour one particular option over another. Of the remainder, residents and councils expressed a preference for a bespoke solution, while commercial industry tended to favour an off-the-shelf solution. Only one respondent favoured the use of the 'as is' CAA website.

2.40   A number of respondents were content to let the CAA make an appropriate choice, but made a number of points. These included ensuring that the portal was independent, had reasonable functionality (including being compatible with future software updates), was clear and user-friendly, and deliverable at a reasonable cost, acceptable risk and within reasonable timescales. Several respondents, particularly from commercial industry, stressed that minimising costs should be a high priority.

2.41   The two pie charts below illustrate the responses to Questions 37 and 38
         on the proposed portal.

All categories, online portal options (Q37)
(81 responses)

Don't know/no preference
(4%)

Multiple websites
(7%)

Single preferred but
consider other options
(9%)

Single website
(80%)
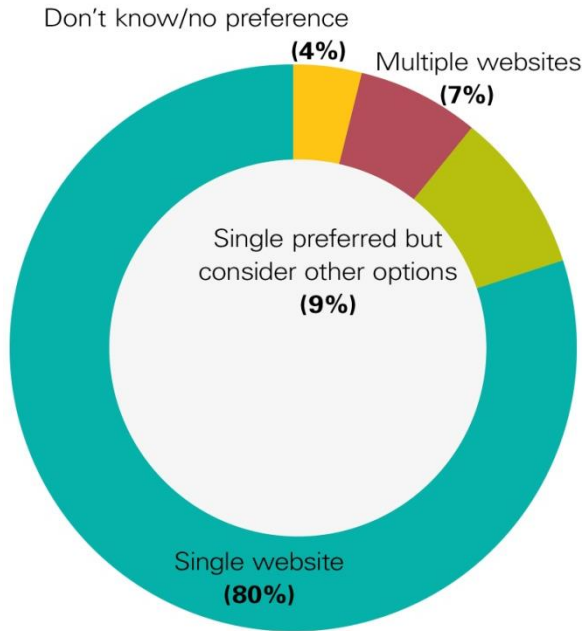
All categories, online portal options (Q38)
(78 responses)

Off-the-shelf
(12%)

Don't know/
not specified
(63%)

Bespoke
(24%)

'As is'
(1%)
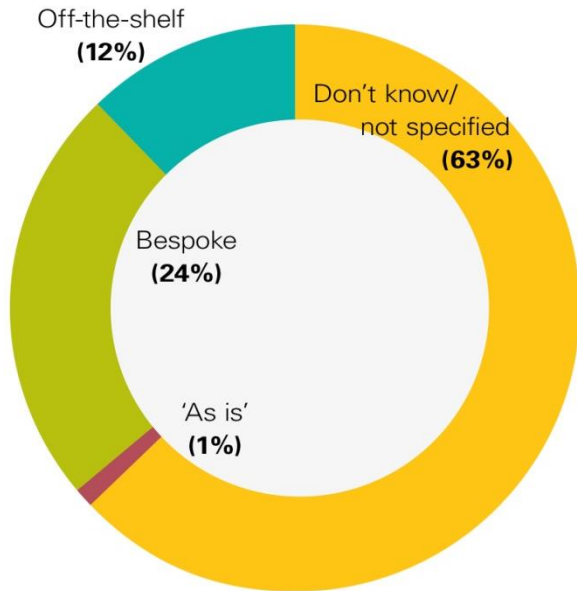
Views on impact of CAA proposals

Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?

Conclusion: Some limited agreement, but most respondents were unable to answer, and a few disagreed
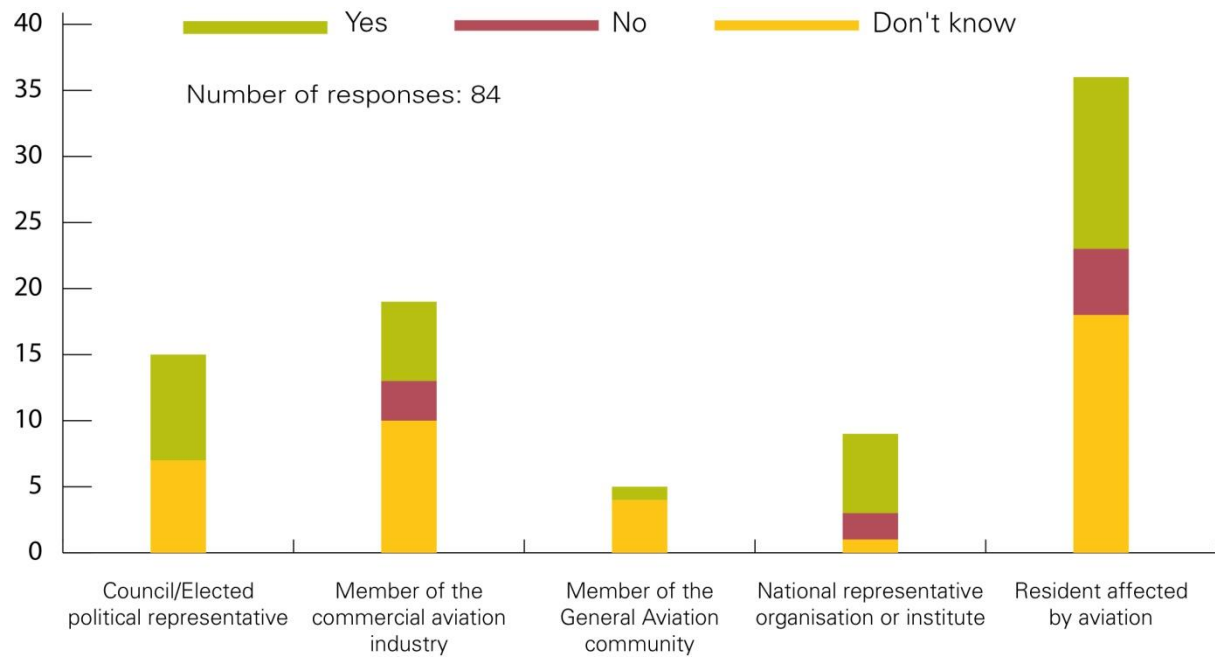
All categories (85 responses)
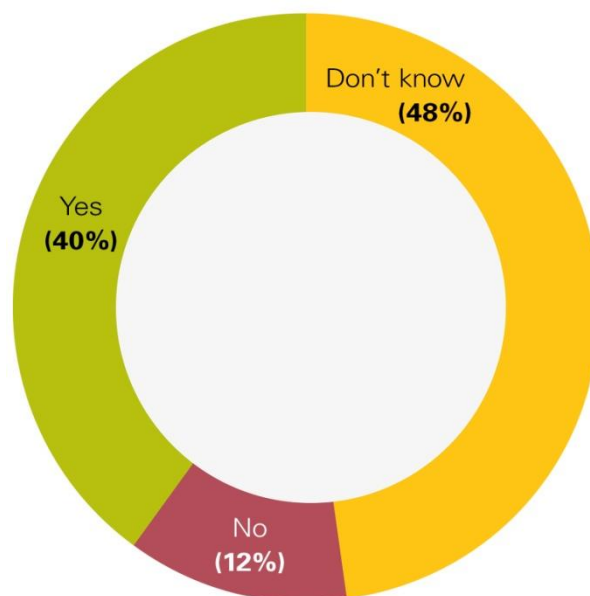
2.42   Of 84 responses, only 34 (40%) thought the CAA's assessment of the effects of the new process was reasonable (see pie chart above), with some agreement in all categories. 40 responses (nearly half) answered 'don't know', again spread across all categories. 10 answered 'no', split between commercial industry (three), national representative organisations (two) and residents (five).

Chapter 3

Qualitative analysis of free-text responses

3.1   In this section we identify the key themes that were raised with us in open text responses, and who raised them.

Open text questions

3.2   Of our 40 consultation questions, 31 were comprised of both a 'closed' and an 'open' element. So on these 31 questions, respondents were invited to choose 'yes', 'no' or 'don't know' (the 'closed' element), as well as being offered a free-text box to share their reasons and views (the 'open' element). On three of these 31 questions there were specific options to choose rather than (or in addition to) 'yes', 'no' or 'don't know'. The remaining nine questions were 'open' only (i.e. respondents were invited only to write free text).

3.3   Most respondents took the opportunity presented by the open text responses to share their views, evidence or rationale for their answers. In Chapter 4 of this report we summarise the recommendations respondents made in these open text sections. In addition to those recommendations, we found a number of recurring themes arising in the open text responses. In this chapter we summarise what those themes were, and who raised them.

Method

3.4   We used a basic qualitative research method to analyse the open text responses which involved identifying, and then applying, a list of themes. To create a list of themes, six members of CAA staff read a selected cross-section of four to ten responses in full and listed the different topics, ideas, concerns and comments that were raised in them.[7] The staff then met and shared those lists, and discussed them until a definitive list of themes was agreed. The same staff then read all 110 responses between them from scratch, each reading between 10 and 25, and noted (or, using the software built into the consultation hub we used, 'tagged') the themes that arose in each and every answer. This method ensured that:

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[7]   See Appendix A for a list of themes used to assess responses qualitatively.

- every individual response was read from start to finish by a member of CAA staff
- the themes we discuss in this chapter were generated by the respondents in their free-text responses – they were not pre-identified by the CAA but are the key points raised directly by the respondents themselves, and
- key themes emerging in each response were noted so that, where possible, they were analysed quantitatively (i.e. so that we know how many respondents raised a particular topic or concern, and in which stakeholder group we had categorised them).

3.5   The themes commonly discussed by respondents are identified below.

3.6   When we say that a topic was raised a certain number of times, or refer to instances of that topic being discussed, the numbers refer to one respondent's answer to one question. This is because we could only analyse the consultation responses by analysing each individual response to each question and noting the themes and views raised within it once. For example: if a respondent mentioned transparency once in response to a particular question, that counts as one instance; if they mentioned it seven times in response to that same question, it still only counts as one instance; if they mentioned it in response to seven separate questions that counts as seven instances.

3.7   More of our responses to the consultation came from the South East of England than any other region, presumably because more businesses are based in that area, and because the greater number of busy airports and relatively dense population means more communities are affected by aviation there than in other regions.

Themes

Fairness

3.8   Throughout our consultation document we explained how we designed our proposed process to be as fair, transparent and proportionate as possible. Some of the questions addressed these topics specifically, for example, question 12 asked "Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?"

3.9   As well as answering 'yes', 'no' or 'don't know' to this and similar questions, respondents often used the open text section of the question to explain their thinking, and whether they thought the balance was right or

could be improved. Beyond these questions, respondents often commented on whether proposals were achieving these stated objectives.

3.10   Across all consultation responses to all questions, there was a range of views as to whether the overall proposed process would improve fairness, transparency and proportionality.

3.11   Fairness was mentioned in a positive way 78 times (as in, the respondent felt that fairness would be improved) and in a negative way 17 times (as in, the respondent felt that fairness would not be improved). When commercial aviation representatives raised the topic of fairness, 82% of their comments were positive. 65% of resident comments on fairness were positive, and all comments on fairness from elected political representatives were positive. Members of the General Aviation community raised fairness only 10 times, of which eight were positive. In the consultation we specifically asked whether Stage 3, and (in a later question) the process overall, achieved the right balance between fairness, transparency and proportionality. When fairness was raised in response to these questions, in 83% of instances it was mentioned positively.

3.12   For example, Heathrow Airport outlined why it believe the proposed consultation process was an improvement:

> "CAA oversees the consultation process to ensure fairness and respond to future queries about transparency and trust, monitoring the dialogue between stakeholders and change sponsor. CAA may intervene during consultation if confusion or errors occur."

3.13   However, the South East based campaign group Plane Wrong, representing residents affected by aviation, outlined why it didn't know whether the proposed consultation process would achieve the right balance:

> "The change to the approach is very welcome but its success will depend on the quality of the consultation plan developed by the sponsor and on the effectiveness of the CAA's involvement in ensuring that consultation is carried out in accordance with best practice... In addition to observations that the consultation process should be clear, transparent and use different forms of engagement, it will be especially important for the sponsor to indicate how consultation responses will

> be taken into account in the design of air space changes. There can be a lack of trust if a sponsor is perceived to be going through the motions of consultation and so the approach must be authentic."

Conclusion: We conclude that although there are differing views, most respondents made positive statements about fairness.

Transparency

3.14   Transparency was one of the most frequently raised topics, mentioned 449 times in total. The sentiment was positive, with 97% of instances in which transparency was raised being a positive comment that our proposals will improve transparency. This view was shared across all categories of respondent:

Category of respondent	Transparency mentioned positively	Transparency mentioned negatively
	(% of total mentions by each category of respondent)	
Elected political representative	98%	2%
Government and/or other regulators	98%	2%
Member of the commercial aviation industry	98%	2%
Member of the General Aviation community	100%	0
National representative organisation or institute	100%	0
Resident affected by aviation	94%	6%

3.15   Transparency was raised by at least one respondent on most questions. It was most often raised in response to questions about whether the CAA should publish all consultation responses in full (66 instances, all of which were positive); about process gateways (38 instances, all positive); and about whether specific stages would on balance improve the process.

Conclusion: We take this to signal that overall, all different stakeholder groups

believe our proposed process should improve transparency.

Engagement

3.16   There were a number of issues which relate to transparency. One of these is engagement, as it is through the act of engaging stakeholders that information becomes clear and accessible to them. Respondents felt broadly positive about how the proposed process could improve stakeholder engagement. Engagement was discussed positively 219 times compared with only four negative mentions, meaning that at a broad level respondents felt that the proposed process would improve engagement.

Sentiments discussing engagement – number of instances by consultation category

	Elected political representative	Government and/or other regulators	Member of the commercial aviation industry	Member of the General Aviation community	Military	National representative organisation or institute	Resident affected by aviation
Sum of engagement -neg	1	0	1	1	0	0	1
Sum of engagement concerns	5	3	33	8	5	3	49
Sum of engagement +pos	38	25	52	18	0	20	66

3.17   The belief that engagement would be improved by our proposals was raised most often in response to questions about whether sponsors should engage stakeholders to prepare design principles (50 instances); whether the gateways will improve the process (24 instances); and whether the new proposals for Stage 1 will overall improve the process (21 instances).

Conclusion: We take this to mean that each of these proposals is likely to improve

engagement.

3.18   However, many respondents also raised concerns about how the proposals would treat engagement; concerns were discussed 106 times, most often by commercial industry representatives (33 instances) and residents affected by aviation (49 instances). The content of these concerns varied.

3.19   Concerns about engagement were most often raised in response to questions about whether sponsors should engage stakeholders to prepare design principles (16 instances) and whether the gateways will improve the process (10 instances). These are the same as those that received positive feedback about our engagement proposals, as noted above.

3.20   For example, Plane Wrong gave positive examples about how early engagement on design principles could be helpful. However, they went on to express concerns about how engagement is defined and evidenced:

> "We support the engagement of local stakeholders in agreeing the design principles. However, greater clarity is needed regarding 'engaging with local stakeholders'. […] Further, it is very important that engagement with communities is more than a tick box exercise. Previously, public meetings have been held in local parishes. We know of one occasion where no member of the public attended the public meeting because the opportunity and importance of the meeting was inadequately communicated to local residents. Yet, this was still recorded by the sponsor as a public meeting and used as an example of consultation and implied support for the proposed change."

3.21   Another common theme was the importance of engagement taking place earlier in the process or more widely, to encompass a range of views and stakeholders. This was chiefly a concern for residents (10 of the 12 instances where this arose were responses from residents).

Conclusion: While we note a positive overall view on both the design principles step and the introduction of gateways, we also note concerns that stakeholder engagement at all points of the process is meaningful and effective. We will consider whether we can address some of the specific concerns raised – in particular the need for both early and wide engagement – when we write guidance for the airspace change process setting out how sponsors of airspace changes should undertake and evidence engagement.

Lack of trust

3.22   Englefield Green Action Group, another group representing residents in the South East, also expressed concerns about the behaviour of sponsors in the engagement phase that enables the creation of design principles:

> "This process should be commenced ASAP. However the sponsors should not be allowed to either shut down or reconstitute the Stakeholder group if they find that their views do not accord with the sponsor. Technical support for communities may be required in order to engage effectively."

3.23   This relates to another theme, distrust, that we observed in relation to engagement and transparency. Distrust was raised 187 times. Some respondents, usually residents affected by aviation, reported that they do not trust the aviation industry (more specifically, an industry body acting as the sponsor of an airspace change), and/or the CAA, and/or (less frequently) the Government. Other respondents said that distrust was a problem, having observed it in others, but without expressing distrust themselves.

3.24   Residents affected by aviation raised distrust of the CAA 49 times and of sponsors of airspace changes 89 times. Distrust was most often raised in response to questions about the proposed process gateways and whether an independent third-party facilitator could have a role in the process.

3.25   Some of the sentiments were strongly expressed: one resident in the South East suggested they could never trust the CAA, whether we review our decision-making process or not:

> "We need a decent independent body; until then, whatever process the CAA comes up with is worthless from a residents' point of view as it merely provides more smoke and mirrors whilst sanctioning the wishes of the airports and airlines."

3.26   Another resident in the South East expressed distrust of their local airport:

> "I have no confidence that [our local airport] will produce anything remotely helpful to local residents unless they are kicked hard."

3.27   Respondents from the South East raised the topic of distrust more than others, although as mentioned above, there were more responses to the consultation generally from the South East:

Instances of sentiments relating to trust by geographic region
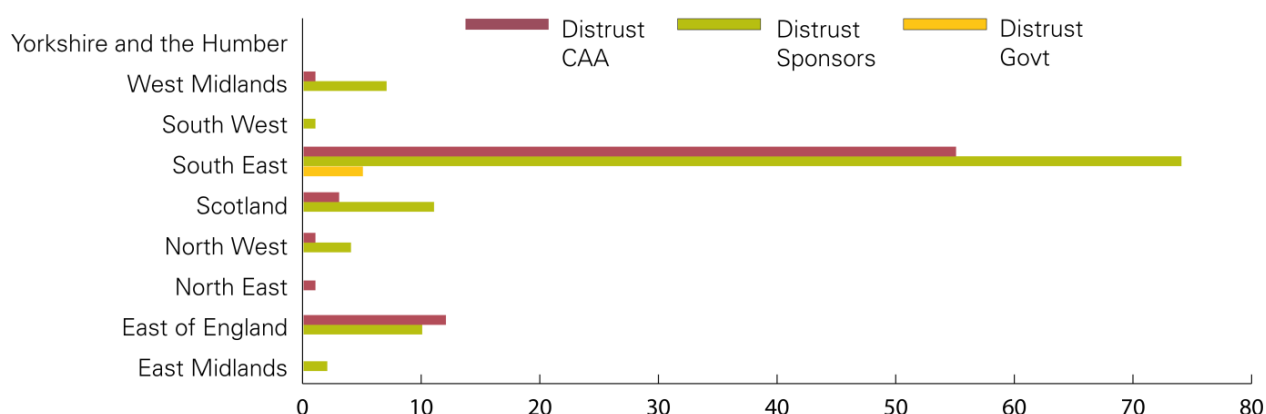
Conclusion: We are aware of the lack of trust. Many of our proposals are based upon improving transparency: if everyone can see what is happening on airspace change proposals, in simple language and in an accessible format, we hope that trust will be improved. The positive sentiments about improvements to transparency and (as we will discuss below) the CAA's role, appear to support this view.

Comprehensibility

3.28   Another topic related to transparency was that of comprehensibility, which was raised 110 times; 44 of these instances were suggestions that the proposals would improve comprehension of airspace changes and the information about them, and the remaining 66 were suggestions that comprehensibility was important. The latter was often an expression of concern that a given aspect of the process would only work if it was executed in plain language and that materials were not misleading. This was a common sentiment in response to our question about the type of data that should be provided during the process.

3.29   For example, Nutfield Parish Council highlighted the importance of comprehensible data and format:

> "Any data presented should be clear and in diagram and written form. Presented in a manner that a layman can understand."

3.30   Respondents from commercial industry were also aware of the need for comprehensible information. Discussing the data that should support the development of design principles, Manchester Airports Group made the following point:

> "In our experience we believe that local stakeholders would benefit from the sponsor making available materials which illustrate the generic routing options that are available and in so far as it is possible at this early stage in the process to set out how the generic design principles can be interpreted and applied in practice."

3.31   Sustainable Aviation also supported the need for comprehensible materials:

> "SA agrees with the CAA that it is important for the Sponsor to ensure that data presented is clear and easy to understand. SA would expect its members to demonstrate the opportunities that modernising airspace offers to stakeholders in terms of reducing carbon emissions and mitigating noise impacts."

3.32   We did not record any suggestions that our proposals would worsen comprehensibility.

Conclusion: We take this feedback to mean that respondents believe our proposals will improve comprehensibility, providing we highlight the importance of comprehensible materials in our guidance and when we oversee the process.

Certainty

3.33   Certainty was also a theme raised by respondents, 70 instances in total and again often in response to our question about gateways (22 instances). Of those 70 instances, 69% were positive (suggesting that the aspect of our proposals referred to in a given question would improve certainty) and the remaining 31% were negative (suggesting that that aspect of our proposals would not improve certainty). Certainty was principally raised by commercial industry, which accounted for 76% of all mentions of the theme.

Conclusion: All mentions of certainty in response to our question about the proposed gateways were positive, from which we understand that respondents believe the gateways will improve certainty. Negative mentions were not concentrated on any particular aspect of the process (with no more than two mentions in response to any given question).

Proportionality

3.34   Proportionality was raised less often (70 times in total), and principally by commercial industry respondents (exactly half of all instances). Of the instances in which proportionality was raised, 51% of comments suggested our proposals were proportionate and 10% of comments suggested our proposals were not proportionate. A further 39% of comments on proportionality raised the necessity of it, often suggesting an aspect of our process needed to be improved to become more proportionate.

3.35   Further themes that emerged in our analysis build upon these concerns around proportionality. These include comments about the length of time the process will take, suggestions about the higher costs it will incur, and the topic of flexibility.

Length of time for process

3.36   On the length of time the process is anticipated to take, there were 90 instances in which respondents expressed concern. In a further 32 instances, respondents highlighted that (as we predicted in our consultation) the time would be lengthened, and a further four instances suggested that we have underestimated that length of time. These concerns were primarily raised by commercial industry representatives (accounting for 71% of the 126 instances listed in the preceding sentence). These concerns were spread across the content of the consultation, with no stages attracting particular concern.

3.37   Commenting on the proposed gateways in the process, one member of the General Aviation community from the Yorkshire and Humber region suggested that the proposals were making the process onerous:

> "There is merit in the Sponsor getting feedback (on the record) at earlier stages in the process but fail to see how making an already complex and slow process even more complex will work in practice against the backdrop of a (CAA acknowledged) need to do many more

> airspace changes over the coming years. It does not seem logical to
> make an already complicated and lengthy process even more so when
> it is expected many more applications are likely to come forward
> (unless there is an intent to make the process so difficult that it serves
> to choke off demand)."

3.38   Also responding to our question on proposed gateways, Manchester
        Airports Group suggested that in order to be proportionate the gateways
        should be time-bound and subject to appeal:

> "We are also mindful that the revised process gateways are intended
> to give greater certainty. We believe that part of this revised process
> should therefore require that the CAA plays its part in taking decisions
> in a timely manner. To ensure that this aspect of the process is
> transparent and understood by all stakeholders, particularly change
> sponsors who may have made substantial investments and have a
> pressing business imperative, we believe that the decision making
> window should be formalised and that any stakeholder to a change
> should have a right of appeal in the event that the CAA fails to make a
> decision within clearly defined time limits."

3.39   Other sentiments expressed included the suggestion that certain aspects
        of our proposals would save time, and, separately, that they would
        increase time but that this increase was worthwhile for the benefits of the
        proposed process.

*Conclusion: We acknowledge the concerns expressed about the time and burden of
our proposed process, while balancing these against the need to improve and
necessarily increase the activities in the process. A key aim of the more rigorous
process is that all parties should feel that the process has been fair and has been
followed correctly. Our proposals are subject to validation by the Regulatory Policy
Committee and the CAA is submitting a Business Impact Target assessment based
on evidence received in our consultation.*

Higher cost process

3.40   It was suggested that higher costs will be incurred as a result of our proposals, with this topic being raised 184 times. Of these, the sentiment was split across four slightly different views as follows:

- that the process will incur higher costs (34% of mentions, of which more than three quarters were attributed to commercial industry)
- that higher costs should be avoided (31%, of which nine in ten mentions were attributed to commercial industry)
- that higher costs were worthwhile for the benefits offered by the proposals (18%, of which two-thirds were attributed to residents)
- that higher costs should be borne by the sponsor of the airspace change (16%).

Conclusion: This shows a clear split in sentiment, with residents affected by aviation often suggesting that higher costs are worthwhile and the commercial aviation industry often suggesting that higher costs should be avoided.

Flexibility

3.41   There were also concerns expressed about flexibility, again most often by commercial industry. Flexibility was raised 88 times, of which only 10% were comments suggesting our proposed process would improve flexibility. The majority of the comments about flexibility were:

- warning that our proposals would reduce flexibility and increase burden or complexity (42% of instances, of which nine out of ten were attributable to commercial industry), and
- urging that a particular aspect of the process needed more flexibility to be incorporated (48% of instances, of which more than half were attributed to commercial industry and just over a quarter to residents affected by aviation).

3.42   We asked a question about introducing a standard template for airspace changes. Often the comments responding to it urged that this approach was not flexible enough (10 of 11 mentions of flexibility in response to this question were critical of the lack of flexibility) – which is in direct contradiction to the answers we received to the closed aspect of this question. Of the 88 individual respondents who answered the closed (i.e. yes/no/don't know) aspect of this question, 76% were in favour of a standard template (8% said no and 16% didn't know).

3.43   Other comments about flexibility were spread throughout the consultation and therefore covered various aspects of the proposed process, with no

special areas of consensus. The views from other stakeholders who mentioned flexibility (elected political representatives, national representative organisations and members of the General Aviation community) were broadly split in sentiment, with as many suggesting flexibility was improved as suggesting it was not improved.

3.44   Scalability (of the process) was mentioned 60 times in total. Just over a third of these were from members of commercial industry, and about a quarter were from residents affected by aviation; the remainder were spread quite evenly across every other stakeholder group. It was most often raised in response to our questions in Chapter 5 of the consultation document, which set out the two 'Levels' of airspace change we intended to introduce and how the process would be scaled according to them. Table 5.1 in our consultation document proposed how the Levels would be defined. This comment from a member of commercial industry in the east of England (an airspace design and management consultancy company) outlines the concern some members of the industry raised regarding flexibility:

> "As a starting point Table 5.1 provides a good consolidated base-line view of the proposed Process. However, there will still need to be flexibility within the "Level 1 & Level 2" system to take account of the unique aspects of individual airspace changes. There will be, for example, "Level 1" airspace changes where not all of the "Box 1" requirements would need to be applied. The Process must not become too prescriptive."

Conclusion: The consultation revealed that flexibility was a core concern for the commercial aviation industry, and was sometimes raised by residents as a concern too, but few respondents actively suggested the proposals improved flexibility. Given this feedback from a range of respondents, we need to consider how to introduce the necessary rigour and consistency into the process without constraining the flexibility that will keep it proportionate.

The role of the CAA

3.45   The role of the CAA was commented on by many different stakeholder groups. We found that the 320 comments on this theme could broadly be grouped into the following topics:

- the CAA role will be improved by the proposal in question (12% of instances of this theme being raised, of which 34% were raised by commercial industry and 47% by residents affected by aviation)
- the CAA role will not be improved by the proposal in question (1% of instances)
- the respondent has concerns about the CAA's role, either suggesting that it is unclear in the proposal in question, or that it should be something other than what the CAA is suggesting (19% of instances, of which 23% were raised by commercial industry and 57% by residents)
- the CAA should consider, or represent, communities better than it does under the proposal in question (14% of instances, nearly always raised by residents or their representatives)
- the CAA should require more of the sponsor, hold them to account or be more hands on, than is set out in the proposal in question (19% of instances, nearly always raised by residents)
- the CAA is not independent enough (15% of instances, nearly always raised by residents)
- the CAA is incapable of fulfilling its role, for example it lacks the expertise or capability (15% of instances, of which 40% were raised by commercial industry and 52% by residents)
- the CAA should manage stakeholder expectations better (5% of instances, nearly always raised by commercial industry).

3.46   Suggestions that the proposals would improve the CAA's role were common in response to the question about the gateways in the process, as were suggestions that the CAA should require more of the sponsor. Other comments tended to be spread out throughout the various questions of the consultation.

3.47   A common example of the sentiment that the CAA is incapable of fulfilling its role is the suggestion that the CAA does not enforce environmental protection adequately. For example, a resident affected by aviation in Scotland gave the following response to the question about whether gateways would improve the process:

> "Having read the material and from what I know I believe there are fundamental inadequacies in the CAA's current role in providing

> Environmental Protection; in my view it is too hands-ff and lacks a clear focus, a purpose and an intent. Additional I am not convinced that the CAA has any real mechanism to police the rouge use of airspace, a problem which with drones and the changing and more flexible use of airspace by commercial entities which will get worse. NATS/NERL have part of the technology but as a privatised entity closely coupled to the airspace users they have a serious conflict of interest. For these two significant reasons amongst others, I receive judgement."

3.48   Another resident, this time in the South East, answering the same question suggested that the CAA's role would be improved by the gateways:

> "Transparency is all important in this process and this is something that has been sadly lacking previously. I believe the process you are putting in place should give me the belief that CAA are getting the full picture from the Sponsor including the responses from all the Stakeholders and especially the affected public. I believe our views have not been adequately reported to you in the past and this should go a long way in restoring confidence in any future change process."

3.49   Again answering the same question, this resident in the South East, representing Nutfield Conservation Society, suggested the gateways would move the CAA from a passive role to a management role:

> "The current role of the CAA in airspace change is passive ensuring only compliance. The role is centred on the industry with little or no account of the impacts of change on communities. The proposals appear to produce a "management of the change role" for the CAA. The management role will be enhanced by the extension of the stages involved in the process, publication of all material and the addition of guidance. The involvement of all stakeholders particularly communities and the opportunity to comment at each stage is an essential element. Overall the proposals introduce obligations for the proposer and moves responsibility of the process management to the CAA."

Overall sentiment on the proposed process

3.50   At a broad level, many respondents expressed views on whether or not our proposed process would be better or worse. This included suggestions as to whether improvement was needed in the first place, whether the proposals went far enough in delivering that improvement, and urging caution that the proposals will only deliver the desired improvements if they are implemented effectively.

3.51   We recorded 595 positive sentiments about the process (as in, comments suggesting our proposals would improve the process) and 107 negative sentiments (suggestions that our proposals would not deliver improvements).

Conclusion: This is, on balance, a positive response which we take to mean that at a broad level our proposals will improve the process – but we note the remaining concerns among respondents.

3.52   In addition to those broadly positive and negative sentiments on the proposed process, we also found a number of related themes as set out below:

3.53   The suggestion that our proposals would need to be implemented carefully if they are to deliver the intended benefits and outcomes was made 374 times, making this a key theme and one that was raised by every category of respondent:

Category of respondent	Instances of sentiment that process should be implemented carefully
Elected political representative	30
Government and/or other regulators	26
Member of the commercial aviation industry	142
Member of the General Aviation community	30
Military	9
National representative organisation or institute	31
Resident affected by aviation	106
Total	**374**

3.54   There was also a theme that improvements to the process were needed (19 instances) or that our proposals did not go far enough (65 instances, of which the majority were attributed to residents).

3.55   For example, Cllr Pearman, Deputy Cabinet Member for Environment and Transport at Kent County Council, explained why the proposed process would be an improvement but would need careful implementation:

> "Overall the new process will increase transparency and therefore make the process clearer. It will be fairer for local communities as they will be more explicitly involved in the process. However, the CAA must make it clear how a decision is made that balances up the interests of all parties so that expectations are realistic. This is particularly relevant to the proposed Public Evidence Sessions where individuals and representative bodies will verbally present their consultation responses. This is a significant undertaking and so it should be adding value to the process, and influencing the decision, over and above the consultation Stage."

3.56   The Aviation Environment Federation, however, expressed some concern that the proposals did not go far enough to deliver all the improvements they would like to see – such as the potential to reverse the airspace change at a later stage:

> "The process as outlined will, we believe, make significant improvements in relation to transparency. We don't consider the process to be fair in every respect, particularly in relation to the post-implementation review phase, which offers minimal stakeholder engagement and appears to give CAA powers to make significant modifications unilaterally. The lack of any option for the CAA to reverse the change if the impacts are not as were described in the submission and/or consultation phase could in fact create a perverse incentive for the change sponsor to play down the impacts at the start, in the hope that once they get through the early 'gateways' they can do as they wish."

3.57   To help deliver the anticipated benefits, respondents often stated that the CAA's guidance supporting a new process would have to be clear, and many suggested that we prepare this guidance through collaboration and engagement to help get it right. This response from a local elected political representative is one such example, referring to the proposed gateways in the process:

> "Kent County Council agrees that the gateways will give a level of sign-off that the sponsor has completed the necessary work to the required standard before progressing the airspace change proposal further. However, the criteria required to enable sign-off will need to be clear and transparent, particularly around consultation with affected parties to ensure that local communities are clear that their views are being considered in the process. The CAA should consult on and publish these criteria before the new process is implemented."

Conclusion: We will hold workshops on key aspects of the process as we develop guidance for consultation, to engage stakeholders and gauge different perspectives as to what would work best. We will aim to invite as many as possible of those stakeholders who expressed strongest sentiments or made recommendations relating to the subject concerned to attend the workshops, ensuring we have a good split of stakeholders from different categories.

Common suggestions on the proposed process

3.58   In addition to the specific recommendations listed in Chapter 4, there were a few recurring themes that took the form of suggestions made or concerns raised regarding our proposed process.

3.59   The main recurring themes are below:

- the need for standardisation of a given aspect of the process was raised 50 times, most often (43 times) in response to our question about whether standard templates should be used (discussed above in relation to flexibility); it was also mentioned in relation to the need to standardise data that is used to examine and/or communicate the need for or impact of an airspace change
- time-bound stages: the suggestion was made on 20 occasions – mostly (17 of the 20) by commercial industry – that the CAA set

deadlines for itself for the gateways and decision-making aspects of the process

▪ the importance of safety above all else was recognised by respondents from nearly every stakeholder group, and was raised 23 times in total

▪ replication: the suggestion was made six times that the replication of existing routes (which means their transferral into Performance Based Navigation technology and procedures, which counts as an airspace change in the Aeronautical Information Publication (AIP) but should not change where aircraft are expected to fly) should be treated separately with its own 'Level' and a scaled version of the process

▪ there were also 14 suggestions, principally by residents (nine of the 14) that the scope of the airspace change process should be widened to include other types of change in addition to those captured in the AIP; an example of the issues raised by one resident in the South East was:

"The scope of the consultation is limited by the CAA interpretation of what should be excluded. Many airspace changes are being introduced by new systematised procedures which are not publicly published and do not affect the boundaries of designated airspace areas. These often take place at relatively low altitude where impacts are considerable. Increased early vectoring procedures and the [local aviation route] fiasco come in this category. If the CAA is briefed on documented changes for their safety aspects, they should also be subjected to an airspace change process to assess their other impacts. The CAA may choose to argue that this requires a change in Government policy (although I doubt it) but without a wider consideration of the scope of airspace change many of the issues that the change process is seeking to address will remain."

Third-party involvement

3.60   We asked whether an independent third-party facilitator would make a sponsor's consultation more effective and, if so, whether it should be mandatory. Respondents could offer a closed (yes or no) response to this question, and could illustrate their thinking – which they also did in response to other questions throughout the consultation, sometimes

raising areas where they could see a third party being a help or a
hindrance.

3.61   The discussion of independent third party involvement tended to fall into
        one of four sentiments:

    ▪   the involvement of a third party in the process stage in question has
         advantages or, further still, is necessary (154 instances, 60% of
         which were raised by residents affected by aviation and a further
         20% by elected political representatives or local government bodies)
    ▪   the involvement of a third party in the process stage in question
         would have drawbacks and/or is unnecessary (63 instances, of
         which 60% were raised by members of commercial industry)
    ▪   third-party involvement should be decided by the CAA (16 instances)
    ▪   the Independent Aviation Noise Authority recommended by the
         Airports Commission should perform some role in the process stage
         in question (33 instances, two-thirds of which were from residents).

3.62   This shows that, on balance, residents affected by aviation and their
        political representatives are more likely to see the benefit of an
        independent third party being involved, and commercial industry is more
        likely to see such involvement as potentially problematic.

3.63   One member of commercial industry in the North East who agreed that
        there could be a role for an independent third party explained that it
        should not be made mandatory but could be helpful in translating
        technical knowledge:

> "Where changes are relatively simple and non-contentious most
> airports and ANSPs have the necessary skill and knowledge to deal
> with the process. Indeed, given that they are the guardians of the
> airspace and have safety accountability for the operations conducted
> within the area of responsibility, their local knowledge and relationship
> with airspace users is of benefit. However, often lacking is the
> technical knowledge needed to provide proper design and to guide
> stakeholders through the design principles which are often not
> understood even by professionals. Third-party facilitators should not be
> made mandatory, but sponsors should be warned about the potential
> pitfalls of not using such persons where technical knowledge, training

and experience would provide more assurance of a smoother and, I believe, better-informed process.

"The CAA should provide the independence based on the relevant regulations, government policy and guidance in this area (there is nothing to prevent the CAA seeking assistance from a third-party facilitator but it is the CAA that should be accountable). There is no point having the CAA involved if it seeks to hand over accountability to a third-party. Additionally, the third-party facilitator would add another layer of cost, potential delay, and uncertainty to the process. Also, how would 'independence' be judged? The third-party facilitator would need to understand the whole process, including applicable regulations, policies and guidance; such a person would be difficult to find unless he/she already working in the industry – at which point the 'independence' could be challenged.

"An Independent Third Party Facilitator would be effective for communities that have an elderly population with very little computer skills. Large towns or villages that have poor channels of communication and poor relationships with local councils. Communities that are mostly non-english speaking. It may remove allegations of bias from stakeholders."

3.64   A resident affected by aviation in the East of England weighed up the role of the Secretary of State in the process, and suggested that a third party could be beneficial if the involvement of other official individuals or bodies was not sufficient:

"A major delinquency of the current process is the lack of trust between local communities and the aviation industry, NATS and the CAA. If the proposed new process can fully repair this delinquency and become more open and transparent, it is thought that an independent third party facilitator might not be necessary. particularly for small airspace changes. However for significant airspace changes, there is clearly a case for an independent third party to act as a neutral facilitator and to moderate interaction with local communities. Furthermore, it is of

> concern that the possibility of removing the Secretary of State's role in airspace changes is being informally consulted upon. It is essential that some form of democratic control over airspace changes through the Secretary of State is retained. Additionally CAA is proposing not to implement the Helios recommendation for an appeal function… This would further strengthen the case for the appointment of an independent third-party facilitator. If either the Secretary of State's role were to be removed or an appeal function not introduced, then an independent third party facilitator should be a mandatory requirement."

Conclusion: It is clear that on the topic of a third party, communities and the aviation industry are generally not in agreement. The potential for a third party to help improve trust and communications around airspace change needs to be weighed up against the cost and burden this would put on the industry. It is also clear that the role of a third party facilitator is linked to other checks and balances within the process, such as improved transparency and oversight from the CAA, and the involvement of others such as the Secretary of State or the Independent Aviation Noise Authority recommended by the Airports Commission.

Appeal function

3.65   In our consultation document we set out the reasons we did not believe an appeal should be introduced as part of the airspace change process. Instead we set out why we believe judicial review remains the appropriate vehicle for challenge. Question 20 asked whether people agreed with our proposal.

3.66   The potential for an appeal function was raised by respondents a total of 185 times, mostly in response to our direct question on the appeal (82 instances) but also in response to questions about whether Stage 3 of the process, and the process overall, achieve the right balance between fairness, transparency and proportionality (18 instances each). The discussion of an appeal tended to fall into one of three broad categories:

- that an appeal function should be included in the process
- that an appeal function should be included in the process but in a different form to the options discussed in the CAA's consultation
- that there should not be an appeal function included within the process.

3.67   Views were split, with residents most often suggesting an appeal <u>should</u> be included (69% of instances wherein it was raised by residents affected by aviation) and commercial industry most often suggesting one <u>should not</u> (85% of instances wherein it was raised by commercial industry representatives). Broadly, members of the General Aviation community and elected political representatives also favoured the introduction of an appeal in some format, although these groups raised it less often.
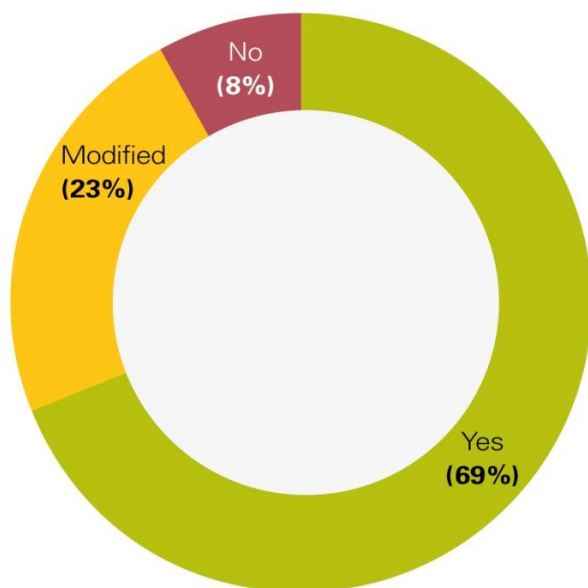
Resident affected by aviation   **Member of the commercial aviation industry**
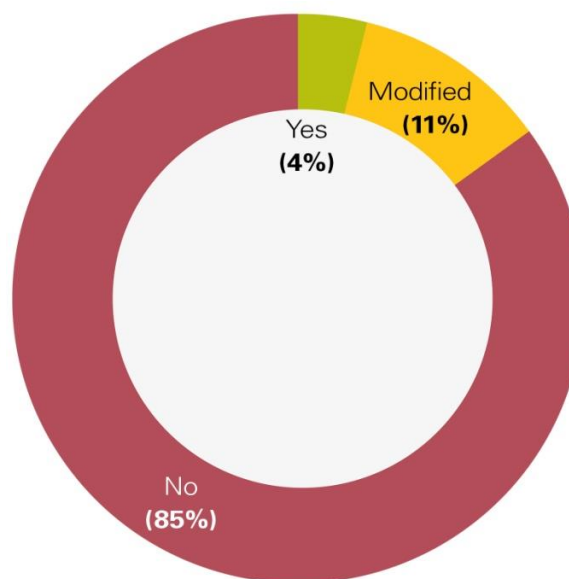
3.68   A member of commercial industry based in Yorkshire and the Humber agreed with our suggestion that we should not introduce an appeal for these reasons:

> "This is a sensible proposal – the CAA should be the final decision making body and are considered to be the experts – it is not clear who would be qualified to overturn a decision on technical grounds – process issue appeal are already accommodate in the Judicial Review process and has been demonstrated to work effectively."

3.69   An elected political representative in the North West gave the following response in favour of an appeal:

> "For a small parish like ours, a judicial review is out of the question so we need to have a mechanism to be able to challenge the conclusions

> if we feel that the way that they were arrived at was flawed. This point is strongly held by all our parish councillors."

3.70   A similar point was made by a resident in the South East:

> "There cannot be a lawful and fair decision by the CAA unless there has first been a lawful and fair process. For the CAA to suggest that because a process has been transparent somehow means that the process and subsequent decision will be lawful and fair is nonsense. The suggestion that an appeal would increase the burden on the sponsor and the CAA is flawed. Instead of considering only its own self-interest and that of its sponsor the CAA should instead consider the importance of meeting the legitimate expectations of stakeholders who, without an appeal process, will have no means of challenge a lack of process or a perverse decision. Judicial review is simply not going to be a practical option for many stakeholders. There is no reason why the CAA could not establish a quick and cost effective appeal process. For example an independent QC appointed by the CAA could easily assess whether the CAA had followed its own procedures, pre-decided the matter or had come to a perverse decision."

3.71   A resident affected by aviation in the North West offered mixed views on an appeal:

> "There is no point in the CAA carrying out a review of its own process. However, there is an absolute need to allow for appeal by one or both parties in a dispute, when commercial interest, whether private or public, eg [an airport versus a residents society], conflicts with public concerns"

3.72   Another resident in the South East, representing Englefield Green Action Group, suggested the involvement of the Secretary of State as an alternative decision-maker would deliver similar opportunities to an appeal:

"Our view is that the Secretary of State has responsibility for agreeing airspace change… The same appeals procedure as with major planning applications should be in place. The CAA judgments should be able to be overruled by the Sec of State and clear guidelines on what grounds this can occur should be laid down."

Conclusion: We acknowledge that many respondents feel that the courts are not an affordable option for them and therefore are not accessible to all communities or other stakeholders wishing to challenge one of our decisions, but it remains the case that once the CAA has made its final decision the most appropriate body to carry out the review is the court through the judicial review process. However, we will consider whether a mechanism could be introduced to enable stakeholders to challenge our conclusions for errors or misunderstandings.

Section 70

3.73   In the consultation document we publicly set out, for the first time, how we interpret section 70 of the Transport Act 2000 in discharging our airspace duties. Our interpretation of legislation is not something on which we would consult, as it is based on legal opinion. We were, however, interested in any concerns people may have about our interpretation. We therefore asked whether people had any views they wanted to share.

3.74   Seventy-nine of 100 respondents answered this question, and some of those raised no comments or views, or referred us to other answers they had given to other questions. Our interpretation of section 70 was raised 50 times in total, in response to questions throughout the consultation. Of those 50 instances, we consider 17 to be broadly supportive of our definition and 33 to raise concerns with it. Of those 33, the majority of concerns (70%) were raised by residents affected by aviation. Two-thirds of national representative organisations discussing section 70 agreed with our interpretation, and the majority (eight out of 11) of commercial industry representatives discussing section 70 also agreed with our interpretation. Of other stakeholder groups only a small number raised the topic (two instances each for members of the General Aviation community and elected political representatives, in each instance of which one broadly agreed and one did not).

3.75   Often the concerns raised were not based upon a legal interpretation of section 70, but on concern about the implications – as in, respondents did not necessarily disagree with our interpretation of the legal wording but warned us of what they believed to be undesirable consequences of that wording and/or our interpretation of it. Examples of this type of response are below.

3.76   One resident affected by aviation in Scotland raised concerns about the environment:

> "The approach to environmental impact is far too weak; the airspace sector is by far the weakest regulated transport sector area for CO_2, NO_x, particulates and nose emissions per passenger mile. In my view it is like the honeymoon expansion period of diesel engines in the automotive fleet in the late 90's; apparently it is doing well but producing an impact disproportionate to other systems simply because regulation is not yet up to a sensible standard. Failure to address this is will area now will have profound detrimental long-term consequences and likely will leave the UK sector uncompetitive in the long term."

3.77   This comment urges us to improve regulation from an environmental perspective, but does not directly address how section 70 would influence doing so. The respondent is concerned about environmental impacts in the round and is urging that they are regulated more strongly at a system level, but the CAA only acts upon statute and policy.

3.78   Another common perspective was that our interpretation of the phrase 'take account of' was either unclear or wrong, as is demonstrated by this comment from Teddington Action Group, a local group of residents affected by aviation in the South East:

> "The meaning of "take account of" given by the CAA is wrong. It means what it says, so the CAA will always have to consider and take account of the matter. In some cases, some matters may be almost immediately excluded as irrelevant. How it influences the decision will depend on the result of the taking into account. It is not up to the CAA to decide whether it takes something into account or not – it is obliged

> to do so as the directions are for the CAA to do so. What the result is will depend on the consideration of the basket of factors"

Conclusion: Having reviewed all responses to the consultation, we have not been persuaded that our interpretation of legislation and policy is incorrect. However, we do note the concern, from residents in particular, that the environment is important and that how we interpret 'take account of' could be made clearer. We intend to address each of these issues separately.

In our Strategic Plan for 2016–2021, we set out our intention to review how we carry out our duties concerning noise policy and regulation.[8] We will continue with this work and use relevant responses to this airspace change process consultation as an evidence base about environmental concerns and the topics or issues stakeholders would like us to investigate. We will consider whether we have the powers and justification to take a stronger, although still proportionate, response to these issues.

In the guidance we intend to write to support a new airspace change decision-making process, we will further clarify our interpretation of the law to specifically consider whether we can be clearer about how we interpret 'take account of'. This will be supplemented by setting out the evidence we expect airspace change sponsors to produce at each stage of the process and how we will consider it, including environmental assessments. We want to emphasise, however, that securing the most efficient use of airspace does not mean that it always ranks above those things we take account of – we balance the different factors on a case-by-case basis while still taking a view of all the material factors in section 70. However, when we make decisions, we will be clearer in our written documentation when one factor has taken a higher priority than others and why.

Government policy

3.79   Although this consultation was about the regulatory process, rather than the government policy informing that process – which of course is not in the CAA's gift – the interrelation between policy and process meant that it was understandably a topic raised by respondents. While we must be

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8   The CAA's Strategic Plan 2016–2021 www.caa.co.uk/CAP1360.

absolutely clear that this is not something upon which the CAA can act, it would be remiss of us not to report here on the policy issues respondents raised.

3.80   We found 113 comments which, in our view, related to government policy rather than our regulatory process, and an additional 49 comments relating to noise metrics. All the stakeholder groups responding to our consultation raised policy issues, and the majority were raised by residents affected by aviation. Noise metrics are set by the Government as national policy, but the research to deliver data on the metrics is undertaken by the CAA's analysis team. This means that some of the suggestions about noise can be addressed by the CAA but others are policy-related. The balanced approach to noise was also raised, but only on five occasions. The need to have regard to international dependencies was also raised, 12 times in total, 11 of which were from commercial industry.

Conclusion: Comments respondents made about policy have been shared with the Department for Transport for their consideration.

Chapter 4

Recommendations made in response to our consultation

4.1   Our consultation produced a significant volume of recommendations, with at least one from almost every one of the 110 respondents, and often many more than that. In total we categorised 363 recommendations across the 40 questions – with around 20 of those duplicated by very similar or in some cases identical recommendations (where responses had been shared prior to submission).

4.2   A relatively small number of these concerned issues outside of the CAA's control. For example, seven were aimed at the Government about policy matters within their purview, and one or two proposed a total overhaul of the entire system that the CAA could not solely action. Nonetheless, there were many which propose constructive and value-adding changes to the process.

4.3   The majority of recommendations concerned engagement, transparency and the portal (112 in total). This is useful feedback, as these are the elements of the work that relate to how stakeholders are engaged with the process – so hearing from these stakeholders directly on how they would wish to be approached and how our proposals can improved is helpful.

4.4   We also received some recommendations from organisations who did not consent to have their responses made public in any way. We are considering those recommendations as we develop our guidance, but they are not listed below.

Recommendations on data and guidance

4.5   Some questions specifically asked what data should form part of the evidence base collected through the process, and what the CAA's guidance should cover. Such recommendations made by respondents are not covered in the body of this report, but they will inform the drafting of our new guidance to support the process, on which we will consult separately in 2017.

CAA role

4.6   One respondent proposed we adopt an approach of continuous improvement to our regulation of airspace changes. Several questioned when our updated guidance would be reviewed.

4.7   Respondents differed in their view of how the CAA should approach its role as regulator and decision-maker in relation to airspace change proposals. Plane Wrong suggested that the CAA should show how it acts in the best interests of local stakeholders, not just the aviation industry, and drew attention to the Financial Services Authority acting as a consumer champion. They challenged us to place the burden of emphasis on industry to show why change is required.

4.8   Several members of commercial industry suggested in some form that the CAA should do more to highlight where responses to consultations and more generally stakeholder comments in relation to changes contain incorrect information. In essence, their aim is to hold other stakeholders to the same standard as sponsors to ensure clarity.

Sponsors' rationale for airspace change

4.9   Stakeholders other than commercial industry urged the CAA to be proactive in ensuring that early in the process sponsors disclose all their plans (for instance suggesting this should be a legal prerequisite), and release all the data that supports their reason for seeking change. One resident suggested a requirement to compare the current situation with that envisioned, and another proposed the inclusion of a 'do nothing' option in all appraisals.

4.10   Sustainable Aviation similarly stated that airspace change proposals must be set within a broader context that explains what would happen if the change does not occur or is delayed. They proposed that sponsors should use case studies to illustrate similar changes which have proved positive.

4.11   Another resident suggested that early in the process, the definition of what constitutes an airspace change should be defined clearly and agreed with stakeholders.

Engagement

4.12   Within the wide area of engagement, there were several broad themes.

Facilitation and third party involvement, including the Oversight Committee

4.13   Communities may need technical support (and financial help too, suggested by Gatwick Obviously Not) to be fully involved. Several parties proposed a facilitator could help with this. This could take the form of simply helping some respondents access the portal to test consultation material, to providing explanations and helping them to understand technical detail. This was supported by some in industry (Virgin Atlantic for instance). Runnymede Borough Council suggested the facilitator (appointed by the CAA and charged to industry) should run and write up the consultation.

4.14   Some respondents proposed a mandatory facilitator for all Level 1 changes, while others suggested it should be up to local communities to decide. The Royal Aeronautical Society (RAeS) suggested that it should be for the sponsor to decide.

4.15   One resident suggested that the CAA could instruct sponsors to contract expert third parties to consider specific aspects of a change proposal.

4.16   One council suggested a role for an independent noise body (with regulatory powers) to oversee the CAA and government role in relation to noise.

4.17   The CAA's view that an Oversight Committee as proposed by Helios was not appropriate led to several recommendations around how such a committee could add value. One response suggested that any committee must balance technical expertise and input from all key stakeholders, including those that represent the views of communities. It was also suggested that the committee should not base decisions on voting, to ensure fairness. easyJet suggested that while they recognise our arguments against an Oversight Committee, an external facilitator could act as a critical friend or to moderate discussions, in the same way the CAA and others have used third parties to help address controversial or intractable issues.

4.18   One airport suggested that were an Oversight Committee to be formed, the CAA's costs should fall correspondingly, as we would no longer be carrying out independent oversight.

The portal

4.19   Many respondents from the commercial industry were very keen to be involved in the process of developing and testing the portal, and proposed working groups.

4.20   Stakeholders of all types were clear on the importance of presenting comprehensive, accessible and simple information for all parties. It was proposed that the portal should allow the facility for two-way dialogue, and also for FAQs, though some residents noted that solely relying on FAQs could allow contentious topics to be masked by generic information provision.

4.21   Several respondents proposed geo-locating responses or comment and complaints on the portal to allow a visual record of where interest lies.

4.22   Many suggested the portal needs to flexible enough to allow effective display of information, and to allow stakeholders to respond in the same detail – there was concern from residents around asymmetry of information and complaint that online-only responses limit stakeholders' ability to respond in full.

4.23   A log of publicity for the consultation (mainstream and social media) was proposed by one sponsor.

4.24   NATS suggested that all data should be able to be exported from the portal to allow future proofing and analysis. Similarly, one community group proposed that documents be retained in an archive that can be accessed in future. One resident proposed that the portal house a repository of relevant legislation, guidance and other key resources.

Consultation

4.25   There was a split between residents or their representatives and industry as to whether consultation responses should be published while the consultation was still open, with residents generally in favour and industry opposed. Some residents also proposed allowing several responses to be made or responses to be open for editing after submission. Several commercial industry respondents suggested they should have immediate access to responses once submitted to allow them to analyse them swiftly.

4.26   On redacting information – both within consultations and responses – there was broad agreement that if information must be redacted, it must be subject to clear CAA policy guidelines setting out what should be redacted and why. A process to review our 'edits' and also noting where responses and consultations had had information removed was suggested.

4.27   One member of commercial industry suggested the CAA should be able to step in during consultation to halt the process if one or several responses indicate an issue with the consultation documentation.

4.28   One member of the General Aviation community suggested that as proposals may change between consultation and submission, stakeholders should be able to review the final submission and decide if they wish to submit a further response.

4.29   Flexibility in the types of event and publicity was recommended in order to ensure broad reach of relevant parties.

4.30   Local authorities and airport consultative committees suggested making their organisations statutory consultees (or the equivalent within CAA guidance).

4.31   Some residents or their representatives suggested that consultation should be more iterative than we proposed – particularly for complex or controversial changes – with several stages of formal consultation on initial and updated plans.

4.32   One respondent raised a concern that online-only responses could allow malicious respondents to pretend their response was from another party.

4.33   One member of the General Aviation community challenged the CAA's proposal for sponsors to respond to comments in relation to their consultations, and suggested the CAA should monitor responses to ensure they are fair.

Design principles and options appraisal

4.34   Design principles (at Stage 1B) and the options appraisal (at Stage 2B) are two new, important activities in the proposed process. They were subject to a relatively small number of recommendations, but many of those which were made were substantive.

Design principles

4.35   One airport raised the risk of spiralling costs if design work for multiple routes becomes iterative, suggesting that there will come a point where sponsors must commission final design work. They stated that once design principles are agreed there will be a stage where only a limited number of routes are submitted for a formal design process with limited capacity to repeat this process.

4.36   One member of commercial industry stated that the stage should be solely informative, rather than based on engagement to agree design principles, as these principles should be based on standard ICAO airspace design methodology.

4.37   On the subject of trade-offs, one resident suggested that they should be considered later in the process when more information is available. Several respondents questioned whether, in practice, agreeing design principles is feasible. Another resident proposed that where they are not agreed, sponsors should proceed at their own risk, publishing their reasons in full.

4.38   A London council recommended that design principles should take into account Local Development Frameworks so as to ensure that where local authorities are proposing new developments, the impact changes would have on them should be considered as part of changes.

4.39   An airport suggested that a smaller group of technically involved stakeholders have a role in developing design principles prior to wider stakeholder engagement. As envisioned, the proposed process would not preclude this type of two-stage approach, so long as all relevant stakeholders are involved as appropriate. Also on engagement, a borough council recommended that the sponsor be required to document clearly that all local stakeholders have been engaged on all the potential impacts of a proposal, given that there is not a formal consultation at this stage, and they may not be consulted later in the process depending on the level of the change.

4.40   A member of the General Aviation community suggested that design objectives should be given greater priority than design principles to bring clarity on what the sponsor is aiming to achieve.

Options development and appraisal

4.41   Moving on to the Develop and Assess stage of the process, recommendations in the main came from sponsors of airspace changes, and those closer to the commercial industry, requesting more detail or suggesting how it might be best offered.

4.42   Virgin Atlantic, in welcoming the idea of a full options appraisal, proposed that it should be on the basis of clear, unequivocal guidance on what factors will be considered against which metrics. One airport also suggested that in CAA guidance we set out the requirements for an indicative review against the different Levels of change. On a similar point, the Local Authorities Aircraft Noise Council suggested the CAA needs to do more in guidance to set out what is required from sponsors, proposing a model similar to that adopted by legislation such as the Environmental Impact Assessment Directive. Plane Wrong also suggested more needed to be done to clarify what is meant when we refer to options appraisals.

4.43   One member of commercial industry suggested limiting the options development process to the CAA and industry with the aim of ensuring compliance with international regulation and safety standards.

4.44   One resident proposed that the options should include a range of variants from a base case to ensure that sponsors are not able to simply present their preferred option without information on other options.

4.45   Where sponsors state in their submissions that impacts will be minimal, Teddington Action Group proposed that such certification should carry substantial penalties if it were proved to be false. Without such certification, then comprehensive evidence on impacts should be provided or the change would be unable to proceed.

Process

4.46   The revised process as proposed, including its scope, our suggested timescales, gateways, decision and appeal approaches were subject to recommendations from all groups of stakeholders.

Timescales

4.47   Several respondents from industry (including Manchester Airports Group and Sustainable Aviation) challenged the CAA's rationale for not providing a deadline to present a final decision, rather suggesting it would take 'at least 16 weeks'. Some of the responses cited the planning system in calling for tighter deadlines for each stage of the process, especially the final decision. In contrast, one residents' representative suggested increasing the 16-week minimum to 24 weeks.

4.48   Heathrow Airport highlighted what they called conservative assumptions around the time each stage would take – in particular suggesting that Stage 2 and Stage 4 could both take double our estimated time. Heathrow also questioned the consultation's failure to account for the time required for Hazard Identification, flyability checks, developing Instrument Flight Procedures, or trials.

4.49   Sustainable Aviation and another member of commercial industry also questioned the consultation's assumptions around timings, and challenged us to review our assumptions with a focus on how timings could be improved.

Gateways

4.50   There were several questions, particularly from industry, seeking clarity on how passing a gateway impacted on our decision at the end of the

process. It was also proposed that gateways be used to stop change proposals earlier in the process if it is clear they will not be successful.

4.51   A member of commercial industry called on the CAA to provide sponsors with greater certainty around the outcome of decisions, or if that is not possible, to reduce the level of obligations placed on sponsors to develop a successful proposal.

4.52   Gatwick Airport suggested that we should develop an executive summary to more effectively explain the scaling and gateway processes, and what would cause the CAA to depart from them.

4.53   Newcastle Airport suggested that there could be the potential to combine some elements of Stages 1 and 2 so long as all the required outputs are provided.

4.54   Residents also raised issues with 'pre-judging decisions', with one stating that the CAA should not be prevented from revisiting issues if new information comes to light.

4.55   One member of commercial industry suggested that if a proposal were changed mid-way through the process, the sponsor should be required to return to the point where there were changes that could have altered the CAA's decision in relation to a gateway.

4.56   A Borough Council suggested that there must be a clear way of representing on the online portal what stage of the process a proposal is at, and which gateways it has passed, via a type of certification. Other respondents suggested a timeline for each proposal.

4.57   One airport suggested that our flow diagram of the revised process is not clear on what happens should a gateway not be passed. We will clarify this in the relevant guidance.

Public Evidence Session

4.58   Several residents were of the view that the Public Evidence Session should allow longer presentations from interested parties – one suggested 30 minute slots, while others just said sessions may need to be extended. Residents and their representatives also said that they would need longer to prepare for the Public Evidence Session after the final proposal has been published. Notification was also raised, in particular the importance of ensuring that those impacted were aware of the session, and that merely using the portal to advertise the timings was too passive (email notifications, and using parish and ward councils to promulgate invites was proposed, as was householder notification).

4.59   Several respondents proposed making the sessions two-way and the CAA acting as moderator, or them taking the form of a Select Committee style hearing with the CAA chairing. Some residents suggested that the Public Evidence Session should cover some Level 2 proposals.

4.60   A member of commercial industry suggested the CAA's decision should be announced at the Public Evidence Session. Another suggested the session as a tool for Stage 4 consultation. While public meetings and workshops may well be appropriate within the consultation and wider engagement process, we would not wish them to be confused with formal Public Evidence Sessions within the assessment stage of the process.

4.61   One resident proposed introducing Public Evidence Sessions at the Post-Implementation Review in Stage 7 as well as earlier in the process.

4.62   A member of the General Aviation community proposed that 'evidence' offered at the sessions be given under oath, to ensure honesty.

CAA decision

4.63   Two residents' groups (Teddington Action Group and Residents Action Group Elmbridge) proposed that given the scale of the impact of Level 1 changes, the decision should be signed off by the CAA's Chief Executive or Board.

4.64   The Aircraft Owners and Pilots' Association proposed that our decision should be a two-step process, with our initial assessment published first, followed by an opportunity for final comments, and then the final decision's publication.

Appeal

4.65   While the appeal was subject to considerable focus and mixed opinion, there were very few concrete recommendations from respondents on how to manage the issue. The Royal Aeronautical Society (RAeS) proposed allowing an appeal on both the substance of the issue and the handling of the process, but suggested that rather than being managed by the CAA, due to conflict of interest issues, it could be run by the Secretary of State. RAeS also suggested allowing a period after each gateway was passed to allow for appeals on administrative grounds. This was echoed by Uttlesford Council. Another council suggested that an appeal should cover 'was the right decision made', 'whether the decision was reasonable' and 'was the right process followed'. They proposed the appeal be heard by independent experts from within the aviation industry commissioned by the CAA.

Scaling the process

4.66   We proposed to scale the process into two broad Levels dependent on whether the airspace change would affect the distribution of traffic above or below a threshold of 7,000ft above mean sea level, each with differing requirements on sponsors. This was subject to a significant number of recommendations from both industry and stakeholders.

4.67   Many residents and their representatives challenged our proposed height-based threshold being set at 7,000ft above mean sea level. They suggested that as the impact on the ground and particularly on communities overflown was critical in deciding the environmental impact of changes, the boundary should be measured above ground level as opposed to above sea level.

4.68   Others challenged our view that 7,000ft is an appropriate level to draw a distinction. HACAN for instance suggest some changes above 7,000ft should be categorised as Level 1.

4.69   Plane Wrong suggested that communities should be consulted on changes at both levels, at least at early stages in the process, as there may be impacts on local communities even with Level 2 changes. This was echoed by Teddington Action Group who highlighted that rural areas may perceive impacts differently to urban ones.

4.70   Residents and their representatives suggested that our Levels should be directly based on impacts on the ground and environmental impacts rather than being height-based.

4.71   In addition, Sustainable Aviation questioned how the CAA would deal with changes above 7,000ft that lead to community annoyance and generate complaints. They urged us to explore options for this with the aviation industry and community stakeholder groups and to develop clear guidance material (they suggested reconsidering the scalability table's drafting to make it more accessible).

4.72   It was suggested by both a political representative and an airport that since Level 1 covers a range of different types of change, the process may benefit from splitting it into several sub-categories. Two other airports suggested that evidenced replication of existing routes should represent a new Level 3.

4.73   Heathrow questioned what the approach would be where the initial change proposed only affects aircraft operating above 7,000ft, but consequential impacts affect those operating below 7,000ft.

Template for final proposal

4.74   There were several recommendations related to our proposed scaling approach proposing enhanced flexibility within the process more generally. The proposed airspace change template was an area that generated interest.

4.75   Two councils both proposed that the template simply sets out each section that must be covered in a logical order, with flexibility on how sponsors complete the sections.

4.76   One member of commercial industry proposed having different standard templates for different types of airspace change, but also cautioned that some types of change may have too unique elements to standardise. Similarly, an aiport and RAeS suggested templates for each Level of change.

4.77   Residents suggested the template should feature space dedicated to relevant local information. Sustainable Aviation also proposed space for additional change-specific details. They also propose the CAA having the ability to disapply some sections at Stage 1.

4.78   One member of commercial industry suggested that a standard process or template that takes account of population could be applied to ensure that proposals such as controlled airspace and instrument approaches would provide safety and certainty.

CAA analysis, data and noise metrics

4.79   This section covers recommendations related to the CAA's proposals for how we will assess airspace change proposals, and on the information we would use to do so. It also covers the information stakeholders feel would be helpful to help them judge proposals.

4.80   As referenced above, full responses to the specific questions relating to data will be considered separately and will inform the detailed guidance we will write and publish for consultation. Below are those recommendations concerning data from other questions or which are more generic.

Stakeholder data

4.81   On data for stakeholders, Manchester Airport Consultative Committee suggested that a template for data required would be helpful. They suggested that it could cover for example environmental impacts; reasons for proposed airspace changes; existing route patterns and the history of

any previous changes; air traffic forecasts over the next 10–15 years; technological feasibility and constraints; and possible change proposals and options.

4.82   From an industry perspective, Manchester Airports Group also suggested that common information desires from stakeholders should be identified in guidance. They also suggested that the work of the CAA's Future Airspace Strategy (FAS) Noise Taskforce should be further developed to set out the range of routing options that can be supported with current technology and their relative merits.

4.83   Heathrow highlighted the importance of providing videos and visualisation aids. Heathrow also recommended that the CAA engage with sponsors to offer them enough flexibility to ensure that the data provided for each change is the best available.

4.84   One member of commercial industry proposed that sponsors simply provide standard planning guidance for airspace based on ICAO methodology. Building on this, as background information they proposed setting out details of past, current and proposed operations and setting out the range of routing options that can be supported with current technology, and their relative merits.

4.85   Setting out environmental impacts was important for residents, as well as assurance on how this would be certified.

Noise metrics and modelling

4.86   In terms of the data the CAA uses to assess proposals, residents and their representatives made a series of recommendations relating to noise assessment and modelling.

4.87   One resident suggested that the CAA should 'issue' an independent and accredited noise model that sponsors should be required to use.

4.88   Plane Wrong challenged the traditional mechanism of assessing noise impacts on residents, and suggested first of all that a new approach should be introduced, and secondly that an absolute limit be set, above which no change would be supported. This relates to matters of government policy as well as our own approach to noise analysis, and should be considered in the context of the section on policy below.

4.89   Other residents questioned the suite of metrics that are adopted and proposed others, suggesting background noise should be included in our assessments, and challenging the degree to which noise is given prominence in our decision-making.

Analysis

4.90   In terms of the CAA's analysis of airspace change proposals, respondents recommended the following steps.

4.91   Manchester Airports Group suggested adopting an environmental assessment approach similar to the land use planning system, whereby sponsors would submit a screening report to the CAA setting out which criteria are likely significant and will be taken forward for detailed assessment, and which are unlikely to prove significant and will not therefore be subject to detailed study.

4.92   One local council challenged the lack of research on public attitudes to noise and dose/response surveys on noise impact – stating that this is of particular relevance where considerations into respite vs concentration are considered, and whether respite or mitigation strategies should be in place.

4.93   Plane Wrong challenged the approach of monetising impacts in absolute terms, claiming such analysis can be manipulated to support a preferred outcome.

4.94   Similarly, Heathrow and Sustainable Aviation suggested enforcing a prescribed methodology for not just monetisation but also the factors that should be assessed to reduce the risk of subsequent challenge of methodology.

4.95   The UK Flight Safety Committee highlighted that there may be duplicate views from particular interest groups which could be clustered as representing a similar view. (This is often the case with wide-ranging consultations; our guidance will be clear how this should be managed in reports, and it is important to remember that consultations are not referenda.)

4.96   One resident and two members of the General Aviation community challenged sponsors being charged with assessing and categorising responses. To avoid risk of conflict of interest, they each suggested that the CAA should be charged with this role.

4.97   In contrast, one member of commercial industry strongly challenged the necessity to categorise responses at Stage 3 at all.

Section 70

4.98   Our detailing of our consideration of the duties laid out in section 70 of the Transport Act 2000 was subject to several comments and

recommendations. Heathrow questioned our text suggesting that section 70(2) has a lower hierarchy and is superseded by 70(3) when the CAA deems reasonable, suggesting it may devalue the CAA's duties and may strengthen the political element. They proposed that there should be clear priorities and the weighting and prioritisation of 70(2) should be given greater focus.

4.99   An airport asked for more detail on what happens when there is an intractable conflict between the factors listed in section 70(2), and when the CAA would provide guidance in the process to a sponsor assessing two routes with equal numbers of supporters.

4.100   On a similar note, the Local Authorities Aircraft Noise Council requested that the CAA develop a clear policy statement on our approach to the factors listed in section 70(2), to provide assurance that safety is not used to drive through changes which adversely impact those overflown. One borough council also requested such a statement, for similar reasons.

4.101   Respondents from commercial industry also proposed that the CAA's judgement around efficient use of airspace should factor in both the size of the aircraft concerned, and efficiency in its broadest sense – across the UK system and wider economy. Gatwick Airport proposed that the CAA develop a definition of efficiency that includes initiatives in support of greater efficiency, for example: continuous climb operations; reduced aircraft holding; respite routes and continuous descent operations.

4.102   One member of commercial industry went further on efficiency and proposed the CAA undertake consideration of the overall efficiency of the airspace structure in support of a hierarchical overarching review, as opposed to a simple monetising, environmental or similar measurement. They also proposed a mechanism to enforce changes in other airspace structures or procedures if required to support a change where appropriate discussion between competing sponsors cannot be resolved through discussion.

4.103   One council recommended the CAA place little weight on the efficiency element of the factors, first because efficiency shouldn't be solely defined as increasing numbers of aircraft, and secondly because issues such as environmental impacts or other impacts on local communities may rank above efficiency. Teddington Action Group challenged our interpretation of section 70 and offered to share their own legal opinion with us.

Post-Implementation Review

4.104   The final Stage of the airspace change process, the Post-Implementation Review (PIR), received a significant number of comments from residents, their representatives, and commercial and General Aviation.

4.105   In terms of the data provided by sponsors at this stage, Teddington Action Group proposed that the choice of information should not be down to the sponsor to determine, and that standard review criteria should be set. (For Level 1 changes, this is the CAA's intention.)

4.106   HACAN also suggested that the PIR should consider not just whether the change was working as planned, but also should reassess the impact on communities to judge whether it should be amended or if necessary dropped.

4.107   The Richings Park Residents Association challenged what would happen where impacts were greater than expected, to the point of the airspace change needing to be reconsidered to bring impacts back into tolerance. In particular, they raised the issue of the length of time a subsequent airspace change proposal would take and what would happen to residents impacted by the existing change during this period. They recommend the CAA reverse the change at this stage to reduce the impact on residents. Two others also proposed the power to roll back changes to their pre-change state, and challenged the time it takes to modify badly implemented changes. Similarly, Gatwick Obviously Not suggested the CAA have the power to issue enforceable decisions for compensation for residents unexpectedly harshly impacted by changes.

4.108   One resident proposed introducing Public Evidence Sessions at the Post-Implementation Review in Stage 7 as well as earlier in the process.

4.109   From the commercial industry, several responses requested greater information on the stage. One questioned the frequency of assessing the implemented change, how the information derived would be communicated / made available, and what would happen if the change was judged not to have met its initial objectives. Another suggested the CAA produce case studies using recent changes as examples to show how PIRs would differ from what currently occurs.

4.110   Similarly to community responses, Sustainable Aviation sought greater clarity on what would happen if a change was judged to have not met its objectives and how modifications would occur. One consultancy suggested that where a change fails to perform as expected, a sponsor be identified by the CAA to carry out a new change beginning at Stage 3.

4.111   Gatwick Obviously Not proposed that when a sponsor has underestimated the impact of their change, this should be taken into account when it proposes future changes.

4.112   Residents and members of the General Aviation community all questioned the timeline of 12 to 18 months after a change is implemented. For instance, one member of the General Aviation community said that there is no reason to wait as long as 18 months, as 12 is sufficient, and Teddington Action Group suggested the PIR should be completed within six months.

Costs

4.113   The costs of the CAA's proposals and the total process attracted among the greatest number of recommendations and comments.

4.114   Commercial industry understandably focussed on the additional costs they will incur in carrying out the new activities in the process and also the increasing CAA charges to pay for the CAA's own additional work. Several respondents from commercial industry suggested that they would wish to see further detail and further consultation on the exact nature of the CAA's additional costs.

4.115   Sustainable Aviation stated that the CAA should focus on driving efficiencies and reducing costs to support the implementation of changes. Other members of commercial industry echoed this, suggesting that short term efficiencies should cover the additional costs until the costs can be covered as part of the UK en route rate during NATS' RP3 price control period. Sustainable Aviation, and others also questioned whether the CAA could finance the increases through borrowing, and one airline stated that the CAA should fund short term costs. More specifically, one member of commercial industry proposed that the CAA use its reserves to pay for short-term costs, or borrow money and seek to cover the borrowing costs via the Small Gaps FAS Facilitation Fund, before those costs could be charged as part of the UK en route rate in RP3. Skylines UK and another member of commercial industry proposed delaying implementation until the charges could be covered by the UK en route rate if no other source of funding was available. One member of commercial industry suggested charges to the military, NATS, airports, airlines and General Aviation (to varying degrees) could be a way of covering the shortfall in the interim.

4.116   A member of commercial industry proposed that developing case studies would be appropriate to identify how costs would rise in practice.

4.117   Manchester Airports Group requested further consultation, particularly around the scale of additional recruitment for the CAA, and an opportunity to challenge our assumptions. Another member of commercial industry welcomed the CAA's proposals to increase resourcing in managing airspace change requests.

4.118   One airport suggested that were an Oversight Committee to be formed, the CAA's costs should fall correspondingly as we would no longer be carrying out independent oversight.

4.119   Several residents, one member of the General Aviation community and AOPA all suggested that as passengers benefit from changes to airspace, a small per passenger levy could fund the changes. A further residents' group proposed that change sponsors pay a fee per proposal to meet our costs, with the fee waived where the proposal is solely for environmental benefits. Residents Action Group Elmbridge suggested a combination of these funding streams.

4.120   One respondent from commercial industry suggested that as the proposals are enhancing transparency and benefitting stakeholders, there should be a mechanism to charge third parties. Another proposed a charge on General Aviation for similar reasons.

4.121   One member of the General Aviation community said that as well as increasing transparency and trust the new process should be less costly for all parties.

4.122   One respondent proposed approaching the Government for funding on the basis of national benefits.

Portal costs

4.123   As with costs generally, commercial industry were keen to ensure costs were minimised in developing the portal and that there was an opportunity for further engagement on them. Two respondents directly highlighted the need to ensure the portal's costs were kept to a manageable minimum. Another suggested that given costs would be too high for a bespoke portal, if no off-the-shelf solution exists, the CAA should change its policy to allow stakeholders to access limited parts of its own website. A member of commercial industry stated that additional costs should not be borne by sponsors. This contrasted with some residents, who proposed an access fee when sponsors wish to undertake airspace changes to fund the portal.

Implementation

4.124   Implementing the changes and the transition from the existing process to the new one was the focus of recommendations from all stakeholder groups.

4.125   Several stakeholders from both commercial industry (for instance Heathrow and Manchester Airports Group) and other sectors (for instance Nutfield Conservation Society and a member of the General Aviation community) questioned how the CAA would treat existing airspace change proposals that are brought forward during the period between our consultation and the new process being implemented. Heathrow and Sustainable Aviation encouraged the CAA to work with sponsors of existing changes to see if there are any elements of the new process that could be delivered and communicated with stakeholders. Manchester Airports Group questioned how the CAA would treat proposals which adopted some elements of the new process, and challenged whether or not we would have the resources to manage the increased information and requirements on us before increasing headcount to manage the new process. A member of commercial industry proposed an agreed cut-off time, whereby if a change is active it completes under the old process, and also said the CAA should be clear as to the date on which the new process will be introduced.

4.126   On the same theme, the UK Flight Safety Committee considered there should be a process to ensure that sponsors do not push through many changes prior to the deadline to avoid additional scrutiny.

4.127   Sustainable Aviation proposed that the whole new process should be trialled initially then, if it proves effective, formally implemented. Similarly the Local Authorities Aircraft Noise Council suggested that the first changes undertaken under the new process be subject to external review, and a more generic review was proposed by Virgin Atlantic. HACAN proposed a two-yearly review of the decision-making process.

4.128   Newcastle Airport recommended that implementation of the new process is delayed by six months to a year. In contrast, one council stated that the process should be introduced when our draft guidance is published and fine-tuned thereafter.

4.129   Several respondents drew attention to the UK Government's proposed forthcoming consultation on airspace policy, and forthcoming changes to airspace change policy at a European level from the European Aviation Safety Agency. Respondents stated that the CAA should ensure that our process is in line with both of those, and challenged whether we should

delay introducing changes until there is clarity on what those policies will be.

4.130   One council drew attention to the need to ensure that current airspace change proposals are sustainable should environmental policy change at either a UK or European level.

4.131   Sustainable Aviation proposed that before the new process is implemented, the CAA undertakes work to ensure that non-industry stakeholders are appropriately aware and comfortable with the decision-making process, to reduce the risk of legal challenge.

Miscellaneous recommendations

4.132   There were a number of recommendations which do not obviously fit into any of the above sections, and relate to distinct issues or area of the process. These are all captured below.

4.133   Newcastle Airport proposed that through FAS groups and joint initiatives, there should be more joint applications for airspace changes to reduce conflicts between Air Navigation Service Providers.

4.134   Sustainable Aviation proposed the CAA consider how it can change its approach to allow commercial industry to undertake more of the work around procedure design to allow the CAA to focus on the quality approval of the procedure design organisation rather than approval of individual designs.

4.135   Two residents proposed that no flight path should be changed if it places an unbearable burden on the overflown.

4.136   One parish council suggested that the new process will create a long-term framework that would only need alteration following exceptional circumstances, reducing the numbers of airspace change proposals in future.

4.137   It was suggested by an air traffic controller that the CAA audit existing arrangements to ensure the correct airspace classification is in place, as one of the reasons that General Aviation pilots oppose controlled airspace is that they are denied access owing to the rules of instrument and visual flight rules not being applied as intended.

4.138   Gatwick Obviously Not proposed the CAA ensure that overflown communities are represented on its Board and in all of its committees and other bodies.

4.139   One residents' representative suggested that to avoid conflicts of interest, no-one who has worked for an airport or airline in the last five years should be employed by the CAA, and there should be an absolute ban on CAA staff working for, or providing consultancy to, airports and airlines for at least five years after leaving CAA employment.

4.140   One member of the General Aviation community stated they considered it would be better if the CAA had published its review following the Farnborough airspace change proposal decision.

Issues outside the CAA's control

4.141   Several respondents raised issues which are outside of the CAA's control. These are listed here for completeness.

4.142   On the scope of the process, it was suggested by a resident that the process should be applied at an appropriate level to all changes, including those associated with vectoring. Another resident proposed that trials should only be held after public consultation. Similarly, the Local Authorities Aircraft Noise Council stated that for airports surrounded by densely populated areas, such as Heathrow, all airspace changes, including trials and tactical changes, should be subject to the new process and a consistent robust environmental assessment process including full public consultation. Gatwick Obviously Not stated that no temporary airspace changes should be allowed if they have a significant impact on any community.

4.143   Sustainable Aviation raised the issue of flights at more than 7,000ft above mean sea level, and challenged how stakeholder concerns relating to such flights would be managed – they proposed the CAA raise this issue with government.

4.144   Relating to proposals from the Airports Commission for an Independent Aviation Noise Authority, one council stated that the introduction of a new independent regulator/moderator charged with a wider remit than the current CAA functions, and with responsibility for reviewing evidence submitted as part of airspace change proposals, would be welcomed. On a related note, a separate council said that in relation to weighting section 70 factors, government needs to provide more explicit guidance, the CAA must make its own judgements in each case, or a new independent regulator should be involved. Teddington Action Group stated that a new independent committee should be established to oversee the aviation industry, including the economic, health, education and environmental impacts of aviation.

4.145   In contrast, Skylines UK raised their concerns about a new authority and stated that safety and established design criteria must continue to be considered in advance of environmental factors.

4.146   Englefield Green Action Group stated that the Government should provide more guidance to resolve the conflicts in the context of section 70.

4.147   Teddington Action Group questioned the lack of any comment on compensation, and stated that it is important that communities are provided information from the outset about what compensation will be due in exchange for increases in noise.

Appendix A

Themes used to assess responses qualitatively

Appeal…	Should be included
	Should be included but in different form
	Should not be included
Balanced approach…	To noise management raised
CAA role…	Will be improved
	Will not be improved
	Is of concern: role unclear, should be different from what is proposed
	Should change regarding communities: the CAA should represent/consider communities better/more
	Should change regarding the sponsor: the CAA should require more of sponsor, hold to account, be more hands on etc
	Regarding independence: the CAA's independence challenged
	Regarding capability: the CAA is incapable of fulfilling / not expert enough
	Regarding stakeholder expectations: the CAA should manage stakeholder expectations
Certainty (risk)	There will be greater certainty (of outcome – less risk)
	There will be increased risk (for outcome – more risk)

Comprehensibility…	Of proposals will be improved
	Of proposals will not be improved
	Concerns: need to be in layman's language, agreed with stakeholders, correct/not misleading etc
Data recommendation	A specific recommendation about data that should be provided, collected etc
Distrust…	Of sponsors and/or industry generally
	Of the CAA
	Of government
Engagement	(Current engagement/consultation process) will be improved
	(Current engagement/consultation process) will not be improved
	Engagement needs to happen earlier/with right stakeholders/possibly to obviate need for an ACP)
	Concerns about engagement/consultation proposals
Fairness…	Will be improved
	Will not be improved
Flexibility (burden)	There will be greater flexibility (less burden/complexity)
	There will be greater burden/complexity (less flexibility)
	Flexibility is needed
Government policy	Raised as a topic
Guidance/need more detail	Insufficient detail or guidance to judge
Guidance recommendation	A specific recommendation about CAA guidance that should be provided (except data qv)

Higher cost	Additional costs are likely / will be incurred
	Additional cost to be avoided
	Additional cost is worth it
	The sponsor should pick up impacted stakeholder costs, facilitator etc
International dependencies	Dependencies on EC, EASA, ICAO etc raised
Noise metrics	Raised as unsatisfactory, not well understood, etc
Not deemed relevant	No relevant information in response
	Potential misunderstanding by respondent of question/proposal
	Repetition of earlier answers
Portal	The portal should be a one-stop shop and/or like LA planning portals
	Offline options needed for submission/informing
Process	(Current process) will be improved
	(Current process) will not be improved
	(Current process) needs to improve
	Proposals need to go further
	Needs to be implemented with caution
Process time	Process timescale will be lengthened
	Process timescale will be shortened
	Process timescale will be longer than CAA predicted
	Is a worthwhile trade off
	Concern about proposed increase/is too long

Proportionality…	Will be improved
	Will not be improved
	Is needed
Rationale	Rationale provided for view expressed (and could be quoted as evidence in our report)
Replication of routes	Raised as something that should be expressly considered in the new process
Safety	Raised as important
Scalability	Scalability of proposals raised
Scope	Scope of process should be widened, e.g. to include changes outside the CAA's airspace change process, i.e. vectoring and/or trials
Section 70	CAA interpreting correctly
	CAA not interpreting correctly
Standardisation	Standardisation, consistency of proposals is important
Third Party Involvement…	is necessary or has advantages
	is unnecessary or has drawbacks
	should be decided by CAA or in line with guidance
	IANA/ICAN could perform some role
Timebound stages	Gateways, decision-making or PIR need to be timebound
Transparency…	Will be improved
	Will not be improved

Appendix B

Glossary

Although we have avoided the use of abbreviations where possible in this and our earlier consultation document, in the interests of completeness we have included below some common abbreviations – as well as other terms – that relate to airspace change.

Abbreviation or term	Description
Airport Consultative Committee	An advisory body set up by an airport which provides a forum for representatives of airport users, local authorities and other relevant bodies to discuss matters concerning the development or operation of the airport that may affect users and people living and working locally. See section 35 of the Civil Aviation Act 1982 (as amended by the Airports Act 1986).
Airspace change process	The staged process an airspace change sponsor follows to submit an airspace change to the CAA for a decision. The process includes actions associated with implementation and post-implementation review, beyond the CAA decision.
Airspace change proposal	A request (usually from an airport or air traffic control provider) for a permanent change to the UK airspace structure.
AIP	UK Aeronautical Information Publication – long-term information essential to air navigation, including the detailed structure of UK airspace, which forms part of the UK Integrated Aeronautical Information Package. Sometimes informally known as the Air Pilot. www.ais.org.uk
AIRAC	Aeronautical Information Regulation and Control – for operationally significant changes, the AIRAC cycle is used where revisions are produced every 56 days (double AIRAC cycle) or 28 days (single AIRAC cycle). These changes are received well in advance so that users of the aeronautical data can update their flight management systems that are used to guide aircraft along their flightplans.

Air Navigation Directions	The Civil Aviation Authority (Air Navigation) Directions 2001 (incorporating variation Direction 2004). These Directions set out the CAA's air navigation duties and were jointly issued by the Secretary of State for Transport and the Secretary of State for Defence.
Air Navigation Guidance	Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions, January 2014, DfT. Government guidance which the CAA is required to take account of when considering airspace change proposals. https://www.gov.uk/government/publications/air-navigation-guidance
Airway	A corridor of controlled airspace of defined width with a defined lower base, extending to Flight Level 245 (a nominal altitude of 24,500 feet) unless otherwise denoted.
ANSP	Air navigation service provider – an organisation which operates the technical system, infrastructure, procedures and rules of an air navigation service system, which may include air traffic control. (In this document, for ease of comprehension we generally use the term air traffic control provider.)
Area of Outstanding Natural Beauty	An area of countryside which has been designated for conservation because of its significant landscape value, recognising its national importance.
ATC	Air traffic control.
ATM	Air traffic management – the combined processes of air traffic control, air traffic flow management, and aeronautical information services. ATM can also mean air transport movement.
ATS	Air traffic service – a broad term encompassing air traffic control and other air traffic advisory, information and alerting services.
ATZ	Aerodrome traffic zone – normally, circular zones around an aerodrome where pilots and ATS providers must follow specific requirements.
Business Impact Target	The Business Impact Target (BIT) provides an incentive across government to reduce unnecessary regulatory burdens on business and ensures that regulatory decisions are made in the light of high quality, robust evidence about the likely impact on business.

CAP 724	CAP 724 Airspace Charter. www.caa.co.uk/cap724
CAP 725	CAP 725 CAA Guidance on the Application of the Airspace Change Process. www.caa.co.uk/cap725
CAP 1356	CAP 1356 Helios report: Independent review of the Civil Aviation Authority's Airspace Change Process. www.caa.co.uk/cap1356
CAP 1360	CAP 1360 The CAA's Strategic Plan 2016–2021. www.caa.co.uk/CAP1360
CAP 1389	CAP 1389 Consultation on proposals for a revised airspace change process. www.caa.co.uk/cap1389
Classes of airspace	Airspace is broken down into different classes, defined by ICAO. In the UK, Classes A, C, D and E are controlled airspace and Class G is uncontrolled airspace (Classes B and F are currently unused in the UK).
Controlled airspace	Airspace in which air traffic control needs to have positive control over aircraft flying in that airspace to maintain safe separation between them.
CO_2	Carbon dioxide.
DCT	Direct – in relation to flight plan clearances and type of approach.
DEFRA	Department for the Environment, Food and Rural Affairs.
DfT	Department for Transport.
EASA	European Aviation Safety Agency – the European Union authority for aviation safety.
En-route phase	That part of the flight from the end of the take-off and initial climb phase to the commencement of the approach and landing phase.
ERCD	Environmental Research and Consultancy Department (of the CAA, part of the CAA's Policy Programmes Team).
FAS	Future Airspace Strategy – a collaborative initiative between a range of stakeholders for modernising the UK's airspace (which sets the direction, but does not include details or recommendations about specific structures or flightpaths). www.caa.co.uk/fas.
FASIIG	Future Airspace Strategy Industry Implementation Group – representing largely commercial aviation industry interests in FAS.

FASVIG	Future Airspace Strategy Visual Flight Rules Implementation Group – representing VFR community interests (including General Aviation) in FAS.
GDP	Gross Domestic Product.
General Aviation	Essentially all civil flying other than commercial airline operations, which therefore encompasses a wide range of aviation activity from powered parachutes, gliding and ballooning to corporate business jets, and includes all sport and recreational flying.
Helios	A management and technology consultancy focusing on air traffic management, airports and space.
IANA	Independent Aviation Noise Authority – a proposed body recommended by the Airports Commission. www.gov.uk/government/organisations/airports-commission
ICAO	International Civil Aviation Organization – the agency of the United Nations responsible for international standards for civil aviation.
IFR, VFR, SVFR	Flight Rules – aircraft can operate under Visual Flight Rules or Instrument Flight Rules. There is also an intermediate form, Special Visual Flight Rules.
Judicial review	A type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. A judicial review is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. The court will not substitute what it thinks is the 'correct' decision.
LAMP	London Airspace Management Programme, one part of FAS.
Leq, Lmax	Equivalent continuous sound level, maximum sound level. www.caa.co.uk/Environment/Environmental-information/Information-by-environmental-impact/Noise/
MoD	Ministry of Defence.
NATMAC	National Air Traffic Management Advisory Committee – an advisory body chaired by the CAA with representation across the UK aviation community, consulted for advice and views on airspace management and strategy matters.

NATS, NERL, NSL	NATS (formerly National Air Traffic Services), the biggest air navigation service provider in the UK, parent company of NERL (NATS En Route plc) and NSL (NATS Services Limited). www.nats.co.uk
Non-governmental organisation	An organisation that is neither a part of a government nor a conventional for-profit business.
NOx	Term used to describe nitric oxide (NO), nitrogen dioxide (NO_2) and other oxides of nitrogen.
NPR	Noise Preferential Route – aircraft departing from certain airports follow set departure routes agreed by Government or Local Authority, with the aim of minimising noise impacts on the ground; the NPR followed usually depends on the destination of the flight.
Oversight Committee	An independent committee proposed by Helios to advise the CAA on airspace change proposals.
PBN	Performance-based navigation – the broad range of technologies that reflect the replacement of a navigation system based on ground-based navigation aids with one that relies more on the performance and capabilities of equipment on board the aircraft, including satellite-based navigation aids and area navigation procedures capability.
PIR	Post-implementation review (of a CAA airspace change decision).
Public Evidence Session	Based on a Helios recommendation, this proposal would give stakeholders other than the sponsor the opportunity to provide the CAA with views on an airspace change proposal directly.
Regulatory Policy Committee	An independent advisory non-departmental public body which provides the government with external, independent scrutiny of new regulatory and deregulatory proposals.
RMZ, TMZ	Radio mandatory zone, transponder mandatory zone – defined airspace in which the carriage and operation of radio or transponder equipment is mandatory unless previously agreed.
RNAV, RNP	Area navigation, required navigation performance – types of performance-based navigation.

RP2 / RP3	Reference Period – the fixed periods around which the CAA's economic regulation of NERL is based. RP2 runs from 2015 to 2019 and RP3 runs from 2020 to 2024.
SARG	Safety and Airspace Regulation Group of the CAA.
SEL	Sound exposure level, a metric for the duration and intensity of noise generated by a single aircraft at the measurement point.
SES	Single European Sky, European legislation that supports a programme of modernisation and harmonisation of airspace structures and air traffic control methods for a more systemised and efficient European air traffic management system.
SESAR	The Single European Sky Air Traffic Management Research (SESAR) project, which concerns the roll-out new technology across the European Union.
SID	Standard Instrument Departure – published flight procedures followed by aircraft on an Instrument Flight Rules flightplan immediately after take-off. More specifically, a SID is a designated IFR departure route linking the aerodrome or a specified runway of the aerodrome with a specified significant point, normally on a designated ATS route, at which the en-route phase of a flight commences.
Sponsor	An organisation that proposes, or sponsors, an airspace change in accordance with the CAA's airspace change process.
STAR	Standard Arrival Route – published flight procedures followed by aircraft on an Instrument Flight Rules flightplan just before reaching a destination airport. More specifically, a STAR is a designated IFR arrival route linking a significant point, normally on an ATS route, with a point from which a published Instrument Approach Procedure can be commenced.
TMA	Terminal Manoeuvring Area – a designated area of controlled airspace surrounding a major airport where there is a high volume of traffic.

Uncontrolled airspace	Airspace in which aircraft are able to fly freely through the airspace without being constrained by instructions in routeing or by air traffic control, unless they require a service.
Upper airspace	Controlled airspace above Flight Level 245 (a nominal altitude of 24,500 feet).
VFR	See IFR.