

Airspace change process: Information pack

CAP 1465b



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Chapter 1

Introduction

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

Chapter 2

Purpose

- 2.1 This document is designed to provide airspace Change Sponsors with specific guidance on the following aspects of the ACP:
- Legislative Framework, Statutory Duties and Functions (including environmental)
 - Current and Future Airspace Change Process
 - Roles and Responsibilities of those involved
 - Regulatory decision making process
 - Transparency/Website Publication
- 2.2 In particular this guidance is designed to clarify to stakeholders what information is taken into account during the assessment of an airspace change, and how this will be evaluated by the CAA throughout the ACP. This document references the requirements under the current [Civil Aviation Publication \(CAP\) 725: Guidance on the Application of the Airspace Change Process](#), as well as explaining how this is expected to translate into the updated Airspace Change Process which is anticipated to be ready for implementation towards the end of 2017.
- 2.3 The guidance will be treated as a 'live' document and it will evolve as and when changes to its content are required; as such, it will not take the form of a CAP and it is not our intention to store it on the CAA website. The document will routinely be distributed directly to Change Sponsors upon receipt of a DAP 1916 form, but will be shared with any interested party should we feel that there is value in doing so or should they request a copy of it.

Chapter 3

Legislative framework, statutory duties and functions (including environmental)

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

The Civil Aviation Authority (Air Navigation) Directions

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

Section 70 of the Transport Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 4

Current airspace change process

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

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

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

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

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

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

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

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

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

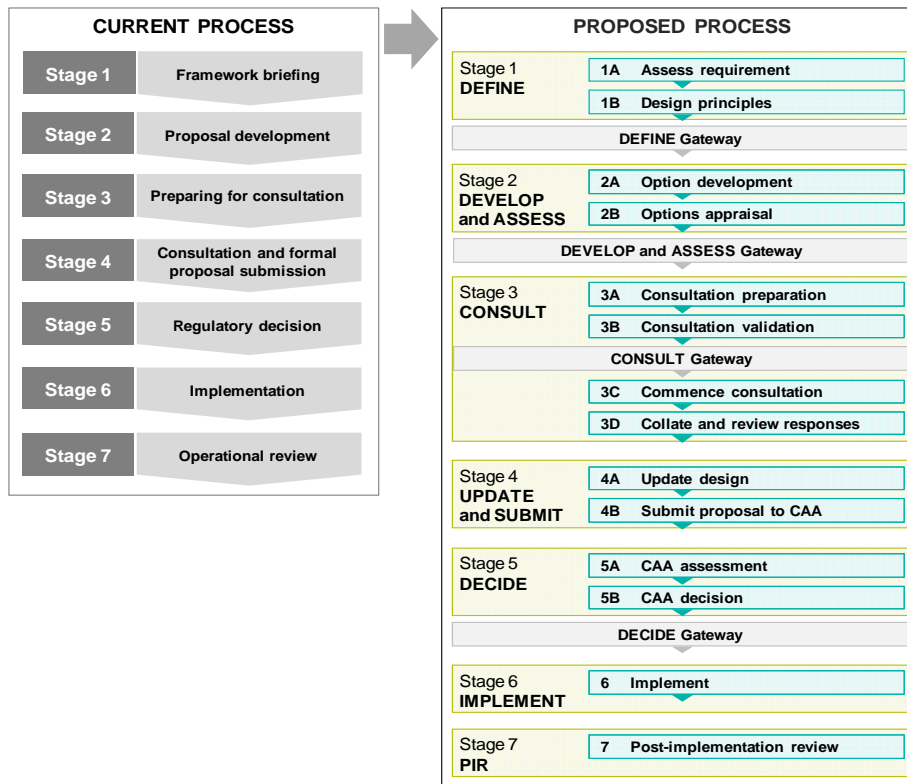
Stage 6 – Implementation: If the proposal(s) are approved at Stage 5, the Change Sponsor will prepare the changes to operational procedures that are required for implementation, and submit the required amendment requests to promulgate the change in the UK AIP and other national regulatory documents.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

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

Chapter 5

Proposals to revise current process

5.1 In 2015, the CAA commissioned management and technology consultants Helios to undertake an independent study of our existing ACP. They concluded that while there was good work by the CAA on how airspace change proposals were managed, the current process was under strain and could be improved. Having taken their recommendations into account, the CAA consulted on proposals to revise the ACP between April and June 2016. [CAP 1389: Consultation on Amendments to the Airspace Change Proposal Process](#) sets out the main principles behind the proposed changes and details the specific amendments that have been proposed at each stage of the process. The following table has been taken from CAP 1389 and provides a comparison of the current and proposed stages of the airspace change process.



Having analysed the feedback received during the initial consultation, we developed detailed guidance ([CAP 1520: Draft Airspace Design](#)

[Guidance](#)) to define what happens in the new ACP, including each stage a sponsor of an airspace change must complete, the stakeholders they must engage at each stage and our expectations of that engagement, and how the CAA assesses the proposed change. We consulted on this guidance between March and July 2017 and we are now in the process of analysing the feedback received.

Gateways

5.2 The reader will note that four ‘gateways’ (Define, Develop and Assess, Consult, Decide) have been built into the revised process that we are proposing to implement. These are to ensure that the process is being followed and that all criteria to enable an informed and independent regulatory decision are being met as the Change Sponsor progresses through the process. Successful transition through a gateway does not in any way predispose the forthcoming decision on the proposed change one way or the other, but indicates that the process is being followed correctly and robustly at each defined point.

5.3 An overview of each of the proposed stages is provided below.

Stage 1A – Assess Requirement: The Change Sponsor prepares a ‘statement of need’ setting out what airspace issue it is seeking to address. Having reviewed the statement of need, the CAA meets with the Change Sponsor to agree whether an airspace change is a relevant option to consider, and to have a first discussion about the appropriate scale of the airspace change process.

Stage 1B – Design Principles: The design principles encompass the safety, environmental and operational criteria and strategic policy objectives that the Change Sponsor aims for in developing the airspace change proposal. They are developed through engagement with stakeholders and form a qualitative structure against which design options can be evaluated. Early engagement with stakeholders, optionally

facilitated by a third part, should help to avoid disagreement later in the process.

Define Gateway: SARG will assess whether or not all of the requirements of Stage 1 have been met by reviewing documentation produced by the Change Sponsor that covers the following points:

- why the airspace change is an appropriate response to a specified problem or opportunity; and
- the design principles that describe the trade-offs that sponsors will have to develop with stakeholders and take into account in the design.

Stage 2A – Option Development: The Change Sponsor develops one or more options that address the statement of need and align with the defined design principles.

Stage 2B – Options Appraisal: 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; the 'initial' appraisal is the first of three appraisal phases.

Develop and Assess Gateway: SARG will expect the Change Sponsor to present a comprehensive appraisal of each viable design option in order for an assessment to be made as to whether or not all of the requirements of Stage 2 have been met.

Stage 3A – Consultation Preparation: The Change Sponsor plans its stakeholder consultation and engagement, and prepares consultation documents, including the second-phase 'Full' options appraisal with more rigorous evidence for its chosen option(s).

Stage 3B – Consultation Validation: The CAA reviews and where appropriate approves the consultation strategy. This is to ensure the strategy is comprehensive, the materials clear and appropriate, and the questions unbiased.

Consult Gateway: SARG will complete an assessment of the Change Sponsor's consultation plan and supporting documentation.

Stage 3C – Commence Consultation: The Change Sponsor implements its consultation strategy and launches the consultation.

Stage 3D – Collate and Review Responses: Consultation responses made through the online portal are collated, reviewed and categorised.

Stage 4A – Update Design: The Change Sponsor considers the consultation responses, identifies any consequent design changes, and updates the options appraisal, submitting these to the CAA for review.

Stage 4B – Submit Airspace Change Proposal to the CAA: The Change Sponsor prepares the formal airspace change proposal using a template and submits it to the CAA.

Stage 5A – CAA Assessment: The CAA reviews and assesses the airspace change proposal, and for Level 1 changes offers a Public Evidence Session⁶. The CAA prepares assessment papers to inform and provide guidance to the airspace change decision-maker.

Stage 5B – CAA Decision: The CAA decides whether to grant or reject the proposal. For Level 1 changes, the CAA will normally seek views on a draft for the decision, or the Secretary of state may 'call-in' the proposal.

Decide Gateway: SARG will publish a document that sets out how the regulatory decision on the airspace change proposal has been reached; templates will be used to ensure that each decision documents how SARG has considered each of the duties placed upon the CAA by Section 70 of the Transport Act.

⁶ The Public Evidence Session will apply to 'greater impact' changes and will give communities face-to-face contact with the CAA decision-maker. They will take place no sooner than 14-days after the publication of the formal airspace change proposal; SARG will expect Change Sponsors to submit an executive summary with their proposal, which clearly defines (in layman's terms) how their proposal differs from what was consulted on (if indeed that is the case) so that stakeholders can easily understand what has changed.

Stage 6 – Implement: The Change Sponsor implements the approved change, working with air navigation service as necessary.

Stage 7 – Post Implementation Review: The CAA reviews how the airspace change has performed, including whether the anticipated impacts and benefits in the original proposal and decision have been delivered.

5.4 More detail and guidance on each of the proposed stages can be found in CAP 1520: Draft Airspace Design Guidance.

5.5 The development of more complex airspace change proposals can last for several years, so there will be some which are in progress when we introduce the new process. We confirmed the following transition arrangements shortly after our original consultation on proposals to revise the ACP:

- any proposal where formal consultation has yet to commence by the time the new process takes effect (and which therefore corresponds to Stage 1, Stage 2 or Steps 3A/3B of Stage 3 in the new process) should adhere to the new process from the date that the new process takes effect, to the extent that this is feasible and reasonable, and
- we will not mandate new elements of the new process for any proposal should formal consultation already have commenced by the time the new process takes effect (and is therefore at Step 3C in the new process or later).

Change sponsors should therefore now be considering what additional action may be required to align any proposals with the new process. We will discuss individual cases with the change sponsor concerned and publish any agreed position.

Where the change 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 who start an airspace change proposal before the new process and associated guidance are adopted should demonstrate to us that they have the new process in mind and have taken it into account, even if we are not requiring rigid adherence to the new process until the revised guidance has been published and come into effect.

Chapter 6

Roles and responsibilities

6.1 The roles and responsibilities detailed below have been extracted from [CAP 725](#) and therefore reflect the current airspace process. Whilst we do not anticipate that there will be a significant change to these following the implementation of the revised process, it should be noted that the list is not exhaustive and therefore other responsibilities/tasks will be taken on by each party throughout the process.

Change Sponsor

- Owns the Change Proposal to modify airspace arrangements and is responsible for developing the Change Proposal and providing all the data necessary for the CAA to consider the proposal in accordance with its duties under Section 70 of the Transport Act;
- Accountable for identifying relevant stakeholders and conducting an effective consultation exercise;
- Designs and carries out consultation on the operational and environmental impacts of the proposed airspace change; and
- In light of the responses to the consultation exercise, a Change Sponsor is accountable for the decisions to modify or not modify its proposed airspace design.

CAA

- Owns, and is fully responsible for, the Airspace Change Process;
- Provides guidance to a Change Sponsor on the application of the Process and fulfilling the operational, environmental and consultation requirements, but not to assist a Change Sponsor in developing the airspace designs of a Formal Proposal for submission to Group Director, SARG;

- Scrutinises and assesses a Change Sponsor's Formal Proposal against the CAA's duties in respect of Section 70 of the Transport Act;
- Approves/Rejects the Change Sponsor's Formal Proposal and refers that decision to the Secretary of State for Transport where it considers that the proposal represents a significant environmental impact (as set out in the 2001 Directions);
- Must be openly and transparently accountable for the regulatory decision-making; and
- Fulfil its statutory duties and meets the Direction from the Secretaries of State for Transport and Defence for the overall interest of airspace users.

CAA Case Officer

- Acts as the Change Sponsor's main point of contact in SARG;
Compiles/coordinates all elements of the regulatory assessment;
and
- Ensures guidance is provided to Change Sponsors regarding any Airspace Change Process queries.

Stakeholders/Consultees

- Contributes to the consultation process by providing relevant opinions/considerations on the effects of a Change Proposal as it affects their particular group to the Change Sponsor in a timely manner;
- Informs a Change Sponsor of other stakeholders that have not been engaged during a consultation exercise; and
- Shares information and research undertaken that is relevant to the Airspace Change Proposal.

Focus Groups

- Provides advice and opinions on the Change Sponsor's airspace design option(s);
- Highlights potential consequences that have been overlooked in the airspace change design option(s); and
- Assists a Change Sponsor with the identification of stakeholders and the formulation of the consultation material.

Chapter 7

Regulatory decision making process

7.1 There are two main phases associated with the regulatory decision stage. First, the Formal Proposal will be checked by the Case Officer to ascertain whether all the specified documentation has been included as part of the formal submission. The second phase is the Case Officer's analysis of the technical merits behind the Formal Proposal against the stipulated requirements.

7.2 At the first phase (documentation check), the Case Officer will initially check to establish if all the necessary sections meet the Formal Proposal submission requirements as detailed in [CAP 725](#) (Para 4.18) Once the Formal Proposal has been assessed for completeness, it will progress on to the second phase (case study) of the regulatory decision. During this phase, all of the information provided within the Change Proposal will be scrutinised and an assessment will be completed on the Operational, Consultation and Environmental elements of the Formal Proposal; these assessments underpin the final regulatory decision and will be incorporated as annexes to the decision document – a summary of each one is provided below:

Operational Assessment – reviews the detail of the proposed change. CAA will assess whether the Change Proposal has sufficient justification and that different airspace options (including a 'do-nothing' option) to address and support the initial justification have been explored. CAA will assess whether the proposal demonstrates compliance with relevant Single European Sky Regulations, ICAO SARPs and ECAC/Eurocontrol requirements as well as any additional UK policy. The anticipated operational impact on all airspace users, airfields and traffic levels as described by the Change Sponsor will be assessed by the Case Officer from a technical perspective with regard to feasibility, balancing stakeholder needs under the overriding requirement of maintaining safe

operations. As part of this assessment the Change Sponsor may also have been requested to provide, where practicable, an economic impact assessment, including all categories of operations, users and those likely to be affected by the change. The safety management of any proposal will be assessed in accordance with the provisions laid down in [CAP 670: ATS Safety Requirements](#) and in the Single European Sky common requirements or military equivalent arrangements.

Consultation Assessment – reviews the way in which the consultation was conducted by the Change Sponsor in order to determine whether or not the required standards were met. SARG will assess the consultation material/methodology applied by the Change Sponsor and review their management of correspondence received from stakeholders during the consultation period to ensure that its contents have been captured and, where appropriate, responded to accordingly. It will also consider any revisions made to the original proposal following the consultation and in any such case, the details of any subsequent consultation undertaken by the Change Sponsor. This assessment will consider whether and how the consultation responses have been factored into the regulatory decision.

Environmental Assessment – reviews the environmental impacts of the Change Proposal to determine whether or not the required regulatory standards have been met. This assessment, which is undertaken by the CAA's Environmental Research and Consultancy Department (ERCD), will review both the consultation material and the formal proposal submission to determine whether or not the Change Sponsor:

- Is presenting consistent information;
- Has considered all of the required environmental impacts (i.e. noise, CO₂ emissions, local air quality, tranquillity, biodiversity);
- Has presented a sound rationale where they believe any of the above possible impacts to be zero (i.e. no impact);
- Has clearly explained the basis and assumptions used for the analysis of any of the environmental impacts;

- Has ensured that their proposal is consistent with Government policy, notably the Air Navigation Guidance from the DfT;
- Has clearly explained any relevant environmental factors relevant to their justification for submitting the proposal;
- Has taken into account any dependencies in terms of other airspace change proposals;
- Has considered alternative options to the preferred proposal and in any such case, considered the environmental impacts of them adequately;
- Has considered the potential noise impact from any changes to traffic up to 7,000 feet; this would include changes to locations overflown, concentration/dispersion patterns, resultant changes in fleet mix or traffic growth, vertical or lateral profiles;
- Has considered any consultation feedback related to the environmental impacts of their proposal and whether or not they have outlined any changes to their proposal as a result.

The assessment will also consider whether the proposal should be submitted to the Secretary of State for a decision in line with the 2001 Directions.

Regulatory decision

- 7.3 At completion of the Case Study phase the CAA will determine whether to:
- Seek supplementary information on the Formal Proposal from the Change Sponsor in order to consider the case study and proposal further; or
 - Decide whether the Formal Proposal be approved, or be rejected providing an explanation of why this should be the case.

- 7.4 Each decision will take the form of a uniquely numbered CAP and will be published on the CAA website.

Chapter 8

Website publication/SkyWise notification

- 8.1 In the interests of transparency, we publish airspace change related documentation (redacted where necessary) on the CAA website, with each Change Proposal having a dedicated webpage with some introductory text summarising the proposal, followed by a table which includes a hyperlink to the key documentation and confirmation of the dates on which they were published. Where the Change Sponsor wishes some material to be redacted from the published version, they should provide two copies of each of the key documents (Framework Briefing Minutes/Notes, consultation material and Formal Airspace Change Proposal). The CAA will decide what (if any) information should be redacted before publication on the CAA website. We will use the CAA's SkyWise website (skywise.caa.co.uk) and app to promulgate news/updates on airspace change developments and where appropriate, our notifications will include links to the [airspace change webpages](#).

Appendix A

Section 70 of the Transport Act

46	c. 38	<i>Transport Act 2000</i>
PART I CHAPTER III General duty.	70.—(1) The CAA must exercise its air navigation functions so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) and (3).	
	(2) The CAA must exercise its air navigation functions in the manner it thinks best calculated—	
	(a) to secure the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic;	
	(b) to satisfy the requirements of operators and owners of all classes of aircraft;	
	(c) to take account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally;	
	(d) to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section;	
	(e) to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services;	
	(f) to take account of the interests of national security;	
	(g) to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification).	
	(3) If in a particular case there is a conflict in the application of the provisions of subsection (2), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.	
	(4) The CAA must exercise its air navigation functions so as to impose on providers of air traffic services the minimum restrictions which are consistent with the exercise of those functions.	
1982 c. 16.	(5) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the performance by the CAA of its air navigation functions.	
Information for purposes of Chapter III.	71.—(1) The CAA may, for any purpose connected with its air navigation functions, serve on a person who provides air traffic services a notice which—	
	(a) requires the person to produce any documents which are specified or described in the notice and are in his custody or under his control, and to produce them at a time and place so specified and to a person so specified, or	
	(b) requires the person to supply information specified or described in the notice, and to supply it at a time and place and in a form and manner so specified and to a person so specified.	
	(2) A requirement may be made under subsection (1)(b) only if the person is carrying on a business.	
	(3) No person may be required under this section—	
	(a) to produce documents which he could not be compelled to produce in civil proceedings in the court;	

Appendix B

Government's Consultation Principles

Consultation Principles 2016

A. **Consultations should be clear and concise**

Use plain English and avoid acronyms. Be clear what questions you are asking and limit the number of questions to those that are necessary. Make them easy to understand and easy to answer. Avoid lengthy documents when possible and consider merging those on related topics.

B. **Consultations should have a purpose**

Do not consult for the sake of it. Ask departmental lawyers whether you have a legal duty to consult. Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do not ask questions about issues on which you already have a final view.

C. **Consultations should be informative**

Give enough information to ensure that those consulted understand the issues and can give informed responses. Include validated assessments of the costs and benefits of the options being considered when possible; this might be required where proposals have an impact on business or the voluntary sector.

D. **Consultations are only part of a process of engagement**

Consider whether informal iterative consultation is appropriate, using new digital tools and open, collaborative approaches. Consultation is not just about formal documents and responses. It is an on-going process.

E. **Consultations should last for a proportionate amount of time**

Judge the length of the consultation on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.

F. Consultations should be targeted

Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist. Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods.

G. Consultations should take account of the groups being consulted

Consult stakeholders in a way that suits them. Charities may need more time to respond than businesses, for example. When the consultation spans all or part of a holiday period, consider how this may affect consultation and take appropriate mitigating action.

H. Consultations should be agreed before publication

Seek collective agreement before publishing a written consultation, particularly when consulting on new policy proposals. Consultations should be published on gov.uk.

I. Consultation should facilitate scrutiny

Publish any response on the same page on gov.uk as the original consultation, and ensure it is clear when the government has responded to the consultation. Explain the responses that have been received from consultees and how these have informed the policy. State how many responses have been received.

J. Government responses to consultations should be published in a timely fashion

Publish responses within 12 weeks of the consultation or provide an explanation why this is not possible. Where consultation concerns a statutory instrument publish responses before or at the same time as the instrument is laid, except in exceptional circumstances. Allow appropriate time between closing the consultation and implementing policy or legislation.

K. Consultation exercises should not generally be launched during local or national election periods

If exceptional circumstances make a consultation absolutely essential (for example, for safeguarding public health), departments should seek advice from the Propriety and Ethics team in the Cabinet Office.

This document does not have legal force and is subject to statutory and other legal requirements.

Appendix C

Regulatory decision template

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[TITLE OF AIRSPACE CHANGE DECISION]

CAP [XXXX]

TEMPLATE

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Civil Aviation Authority,
Aviation House,
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You can copy and use this text but please ensure you always use the most up to date version and use it in context so as not to be misleading, and credit the CAA.

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

Airspace and ATM Aerodromes, Safety and Airspace Regulation Group, CAA House, 45-59 Kingsway, London, WC2B 6TE

The latest version of this document is available in electronic format at www.caa.co.uk, where you may also register for e-mail notification of amendments.

Contents

TEMPLATE

Chapter 1

Executive summary

Objective of the Proposal

Brief statement of organising proposing the change, date and high level overview of proposal

Summary of the decision made

1. The CAA has decided to approve the following changes:

Next steps

2. The CAA's Post Implementation Review (PIR) of the changes approved by the CAA in this decision will commence at least one year after implementation of those changes. It is a condition of the CAA's approval that the sponsor provides data required by the CAA throughout the year following implementation to carry out that PIR. In due course, the sponsor will be advised of the specific data sets and analysis required, and the dates by when this information must be provided. The PIR is the seventh stage of the CAA's airspace change proposal process (set out in [CAP 725](#), the Guidance on the Application of the Airspace Change Process¹) and will consider whether *“the anticipated impacts and benefits, set out in the Airspace Change Proposal, have actually been delivered”*.

¹ www.caa.co.uk/CAP725

Decision Process and Analysis

Aims and Objectives of the Proposed Change

(more detailed summary)

Chronology of Proposal Process

Framework Briefing

3. *A summary to say when it took place and what was agreed*

Consultation

4. *What was published where and when, engagement activities and general brief summary of any applicable consultation process.*

Submission of Airspace Change Proposal [and supporting documents, if applicable]

5. *Include here a description of when the CAA received the ACP and other supporting documents if applicable, and when revised versions were sent if applicable and why.*

CAA Analysis of the Material provided

6. As a record of our analysis of this material the CAA has produced:
 - *Details the applicable assessments for this ACP: (note if environmental and consultation assessments are required case officer to follow complete template not this abridged version)*

The CAA's Operational Assessment will be published on the CAA's website prior to implementation.

CAA assessment and decision in respect of Consultation

7. *Documents considered (could just be limited to Annex C and ACP). If so, explain why no further consultation was required. Explain why the content, style and outreach of the consultation are acceptable.*

CAA Consideration of Factors material to our decision whether to approve the change

Explanation of statutory duties

8. *One line summary in accordance with Section 70 of the Transport Act 2000. Link to frontloaded website for detailed breakdown.*

Conclusions in respect of safety

9. The CAA's primary duty is to maintain a high standard of safety in the provision of air traffic services and this takes priority over all other duties.²
10. In this respect, with due regard to safety in the provision of air traffic services, the CAA is satisfied that the proposals maintain a high standard of safety for the following reasons:
 - a. *describe the positive or neutral affect on safety [see s70 framework for evidential factors to consider]*
 - b.

Conclusions in respect of securing the most efficient use of airspace

11. The CAA is required to secure the most efficient use of the airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic.³
12. The CAA considers that the most efficient use of airspace is defined as 'secures the greatest number of movements of aircraft through a specific

² Transport Act 2000, Section 70(1).

³ Transport Act 2000, Section 70(2)(a).

volume of airspace over a period of time so that the best use is made of the limited resource of UK airspace’.

13. The CAA considers the expeditious flow of air traffic to involve each aircraft taking the shortest amount of time for its flight. It is concerned with individual flights.

14. In this respect.....

Conclusions in respect of taking into account the Secretary of State’s guidance to the CAA on environmental objectives

15. In performing the statutory duties, the CAA is obliged to take account of the extant guidance provided by the Secretary of State,⁴ namely the 2014 Guidance to the CAA on Environmental Objectives.

16. In this respect...

Conclusions in respect of aircraft operators and owners

17. The CAA is required to satisfy the requirements of operators and owners of all classes of aircraft.⁵

18. In this respect....

Conclusions in respect of the interests of any other person

19. The CAA is required to take account of the interests of any person (other than an owner or operator of an aircraft) in relation to the use of any particular airspace or the use of airspace generally.

20. In this respect....

Integrated operation of ATS

21. The CAA is required to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services.⁶

⁴ Transport Act 2000, Section 70(2)(d)

⁵ Transport Act 2000, Section 70(2)(b).

22. In this respect.....

Interests of national security

23. The CAA is required to take into account the impact any airspace change may have upon matters of national security.⁷ There are no impacts for national security.

24. In this respect.....

International obligations

25. The CAA is required to take into account any international obligations entered into by the UK and notified by the Secretary of State.

26. In this respect....

⁶ Transport Act 2000, Section 70(2)(e).

⁷ Transport Act 2000, Section 70(2)(f).

CAA's Regulatory Decision

27. Noting the anticipated impacts on the material factors we are bound to take into account, we have decided to approve [full description of **WHAT the change is**] because [**WHY** – text that describes why you have weighed the factors (as described fully in Chapter 2) as you have and decided to approve the change].

Conditions

28. Detail any associated conditions if applicable or state 'no conditions'

Period Regulatory Decision Remains Valid for Implementation

29. Detail any applicable time limitation for implementation

Implementation

30. The revised airspace will become effective on (date). Any queries are to be directed to the SARG Project Leader (case officer contact details)

Post Implementation Review

31. In accordance with the CAA standard procedures, the implications of the change will be reviewed after one full year of operation, at which point, CAA staff will engage with interested parties to obtain feedback and data to contribute to the analysis.

Civil Aviation Authority

[Date]

Annexes/Glossary to be appended as appropriate

TEMPLATE