

Draft airspace design guidance **CAA consultation**

31 March to 30 June 2017



Civil Aviation Authority
airspace.policy@caa.co.uk



We are asking for responses to this consultation through our dedicated consultation website at

<https://consultations.caa.co.uk/policy-development/draft-airspace-design-guidance>

This document is a summary of the online consultation, in case you want to print it out or read it offline.



Purpose of this consultation

The purpose of this consultation is for the CAA to learn your views on new guidance that we have drafted to support our new airspace change decision-making process.

In March 2016 the CAA consulted on the principles of a new process that we were proposing. In October 2016 we published our report on that consultation and set out the new process we are now introducing (CAP 1465, available online at www.caa.co.uk/cap1465).

The guidance that we have drafted defines what will happen in the new process, 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 are inviting your views as to whether the guidance is appropriate – including your views on whether our description of the stages of the process is comprehensible, transparent and proportionate.



Airspace and its design

Airspace is the volume of space above ground level and extends as far as aircraft can fly. Airspace has to be managed so that it is used safely and efficiently. In the UK, airspace is either considered to be ‘controlled’ or ‘uncontrolled’. In controlled airspace, there is a system of structured routes and aircraft are managed by air traffic control services.

The design of controlled airspace is set out in the UK’s Aeronautical Information Publication (AIP). The CAA makes decisions about whether that published design can change, and we make those decisions in accordance with the legal and policy framework set by Government. We have designed a process that anyone proposing (or ‘sponsoring’) a change must go through, to ensure that we get all the evidence we need to make our decision. The process includes public engagement as part of the design process, as well as options appraisals to produce comparable evidence about the design options.



Airspace and its design (contd)

In addition to the CAA's decision-making role on the published design of airspace (in the AIP), the Government is currently consulting on policy proposals that would give the CAA a role on other types of changes to airspace.

(Reforming policy on the design and use of UK airspace, available at <https://www.gov.uk/government/consultations/reforming-policy-on-the-design-and-use-of-uk-airspace>).

The Government's policy consultation proposes a three-tiered structure for categorising changes to the design of airspace or the way airspace is used. This is summarised in the table on the following pages, which sets out those Tiers and the types of changes they refer to, which will be covered in the CAA's guidance.



Types of airspace change covered by the CAA's draft guidance (DfT's proposed Tiers)

Category of change	CAA role and process applied
Tier 1: changes to the 'notified' airspace design	
<p>Tier 1a: A permanent change to the 'notified' airspace design as published in the UK's Aeronautical Information Publication (AIP).</p>	<p>The CAA makes decisions about whether that published design can change, and we make those decisions in accordance with the legal and policy framework set by Government. We have designed a process that anyone proposing a change must go through, the seven-stage airspace change process set out in this guidance and on which the CAA is consulting.</p>
<p>Tier 1b: A temporary change to the 'notified' airspace design (usually less than 90 days, unless the sponsor convinces the CAA of the need for an extended period without the proposal being progressed through the full process)</p>	<p>The CAA makes decisions about whether the temporary change can take place. Before implementation: Stages 1, 3, 4 and 5 of the airspace change process During operation: engagement, monitoring and feedback to the CAA</p>
<p>Tier 1c: A temporary operational trial of potential innovative airspace design or new technology</p>	<p>The CAA makes decisions about whether the trial can take place. Before implementation: Stage 1 and information provision. During trial: engagement, monitoring and feedback to the CAA.</p>



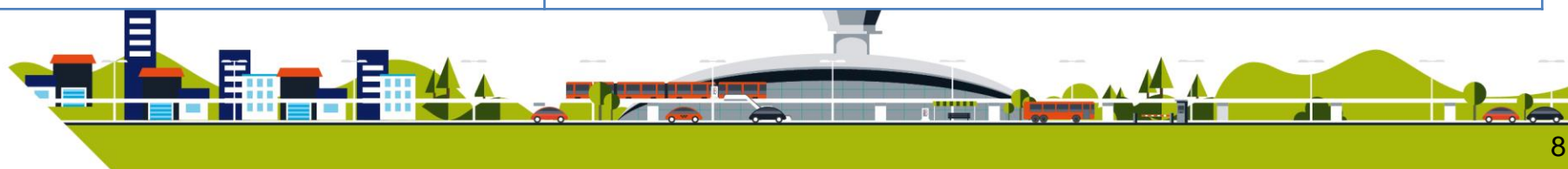
Types of airspace change covered by the CAA's draft guidance (contd)

Category of change	CAA role and process applied
Tier 2: no change to the 'notified' airspace design	
<p>A change to air traffic control operational procedures by an air navigation service provider causing a permanent and planned redistribution of air traffic, without changing the 'notified' airspace design</p>	<p>The Government policy proposals state:</p> <p><i>The CAA should assess the proposal in terms of the factors set out at s70 of the Transport Act 2000, and in terms of sufficient engagement activity having been conducted. The CAA should give its approval for the procedural change before it is implemented; and</i></p> <p><i>The CAA should establish a policy on an appropriate change process for tier 2 airspace changes in line with their duties under the Transport Act 2000, and to be consistent with better regulation principles and practices. This will include the level of engagement which is considered suitable, including where consultation is appropriate.</i></p> <p>The CAA will introduce a suitable process for Tier 2 changes once the outcome of the Government airspace consultation is known. Our early thinking is covered in a document separate from the draft guidance and on which the CAA is inviting views.</p>



Types of airspace change covered by the CAA's draft guidance (contd)

Category of change	CAA role and process applied
Tier 3: other changes to air operations	
<p>A change in airline or airport operations as a result of weather, commercial decisions (such as routes flown or aircraft type), changing traffic volumes or magnetic variation, causing a noticeable shift in the distribution of flights over a period of time</p>	<p>The Government policy proposals state:</p> <p><i>The CAA should put in place a suitable policy for industry to follow in respect of tier 3 airspace changes. This should include setting out expectations on transparency and engagement with communities, including on potential ways to mitigate adverse impacts. We wish to see the CAA take a light-touch approach here, working in conjunction with the new Independent Commission on Civil Aviation Noise to disseminate best practice and improve transparency where necessary.</i></p> <p>The CAA will therefore issue best-practice guidance about how the industry should engage with and/or inform communities about these types of changes, but the CAA has no powers to make decisions about these changes or to force the industry to apply the guidance. This draft guidance includes new best-practice guidance on Tier 3 changes on which the CAA is consulting.</p>



Types of airspace change covered by the CAA's draft guidance (contd)

The following table sets out the decision makers for each Tier and is taken from the Government's airspace and noise policy consultation:

Tier	Decision-makers	Process
1	CAA in the majority of cases Secretary of State can call-in proposals if they meet the criteria	Change process established by the CAA under Government's framework. Call-in process established by the Government
2	Where there is a PPR, CAA	Change process established by the CAA under Government's framework
3	Airports, where decisions are taken	Policy on appropriate engagement established by the CAA, under Government's framework and in conjunction with ICCAN



Structure of the draft guidance

The draft guidance on which we are consulting is divided into categories of airspace change – Tiers 1, 2 and 3, with three elements to Tier 1 (1a, 1b and 1c).

The main part of the draft guidance concerns Tier 1a, the seven-stage airspace change process used for permanent changes to the published airspace design. The document guides you through each stage and describes what will happen at each stage of it, and why.

There are other ways that the airspace design or the way it is used can change, and the impacts of such changes can also vary greatly. Therefore this guidance also has shorter sections on the processes that apply to the other tier categories. These are Tiers 1b and 1c covering temporary changes and trials respectively, and Tier 3 covering changes other than to the formal airspace design.



Structure of the draft guidance (contd)

The guidance will, eventually, cover Tier 2 changes also. At present, we are not in a position to set a new process for Tier 2 changes. Instead, we are asking for early views on how we should consider meeting the Government's proposal.

The appendices to the draft guidance go into more detail about how those involved undertake or engage in various tasks associated with these processes. The appendices cover activities such as how to consult and engage with stakeholders, how to develop design principles, and how the CAA will undertake a post-implementation review. This list is not exhaustive; please see the draft guidance for the full list.



How to respond to this consultation

You will find this document on a dedicated consultation website, Citizen Space, at consultations.caa.co.uk, along with the questions below. We are asking for comments before 30 June 2017. We cannot commit to taking into account comments received after this date.

The questions below include some multiple-choice answers and the opportunity to submit your comments by completing text boxes. Please note that if you prefer not to give a multiple-choice answer, the questionnaire will still allow you to complete the text box. We understand that some stakeholders may prefer not to be constrained by the questions alone. We have therefore also included a text box for general observations not covered by the questions. While we will not refuse a self-contained, separate response sent by email, we will not be able to analyse such responses in the same way that we analyse the online responses. **Our strong preference is therefore that you complete the online version.**

If you would like to discuss anything about how to respond, please email airspace.policy@caa.co.uk or telephone Trevor Metson on 020 7453 6230.



How to respond to this consultation (contd)

We will assume that all responses can be published on our website.

When you complete the online form there will be an option for you:

- to hide your identity including personal details (which will anonymise your response completely), or
- to refuse publication altogether; in the interests of transparency, we hope people will not refuse publication.

Please note that any submissions not submitted through the online consultation website will be published in their entirety unless you also submit a redacted version with any material that you do not want us to publish, whether this be your identity and/or personal details, or actual content.

This consultation is not a referendum: we will need to take account of all views and balance different and often competing interests. This means that we will not automatically implement every idea or solution that gets the highest proportion of support, particularly if that support comes from only one of the many stakeholder groups we need to take into account.



Consultation questions

The questions are transcribed below for information only.

Please complete the consultation online at
consultations.caa.co.uk



Consultation questions

General

Question 1: Considering the draft guidance overall, to what extent does it meet the following criteria?

1: the guidance is good and meets this criterion 2: the guidance mostly meets this criterion 3: the guidance does not sufficiently meet this criterion	1	2	3
Comprehensible – it is clear to me what happens			
Transparent – the activities are explained well and will take place as publicly as possible			
Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances			

If you answered 2 or 3, how would you improve the draft guidance? Are there any other general observations you would like to make?

(If your point relates to one of the later questions, we would be grateful if you could raise it in response to that question instead as it will make our analysis easier.)



Consultation questions

Tier 1a: Stages 1–7

Questions 2–8: Considering each stage of the process, to what extent does the draft guidance on that stage meet the following criteria?

1: the guidance is good and meets this criterion 2: the guidance mostly meets this criterion 3: the guidance does not sufficiently meet this criterion	1	2	3
Comprehensible – it is clear to me what happens			
Transparent – the activities are explained well and will take place as publicly as possible			
Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances			

If you answered 2 or 3, how would you improve the draft guidance?



Consultation questions

Tier 1a: Evidence of engagement

Question 9: At certain stages in the process (starting with the development of design principles at Step 1b) the CAA will look for evidence of a two-way conversation to see that the sponsor has adequately engaged stakeholders. In paragraph C9 the CAA describes the evidence that we will look for as "detail of what sponsors have been told by their audiences; how they responded to this feedback; and how it has affected the proposals they are bringing forward".

Has the CAA adequately detailed what we would expect to see to know that a two-way conversation has taken place?

Yes

No

Don't know

If not, what else should the CAA request? Please be specific, as we will have to list specific documents in our guidance, so that the sponsor can provide them and we can assess them at the correct gateway.



Consultation questions

Tier 1a: Third-party facilitation

Question 10: At various points in the process (starting with the development of design principles at Step 1b) the CAA suggests that voluntary use of a third-party facilitator could be useful.

Should the CAA be more prescriptive as to how and when a facilitator could be used?

Yes

No

Don't know

If yes, what further detail should the CAA set out in the guidance?

Question 11: Are there any other places in the process at which you feel that a facilitator would be useful?



Consultation questions

Tier 1a: Categorisation of responses

Question 12: In paragraphs 177 and C34-C36, and in Table C2, we discuss the categorisation of consultation responses. The sponsor is required to sort consultation responses into two categories: i) those responses that have the potential to impact on the proposal because they include new information or ideas that the sponsor believes could lead to an adaptation in a lead design option or a new design option, and ii) those that do not.

Is the CAA's explanation of the categorisation exercise and description of the categories sufficient?

Yes

No

Don't know

If not, what additional detail should the CAA add to describe what should happen during this exercise?



Consultation questions

Tier 1a: Options appraisal

Question 13: In paragraphs E25 and E34 the CAA states that methodologies for the various aspects of the options appraisal should be agreed between the CAA and the sponsor at an early stage in the process, on a case-by-case basis. This provides flexibility for different local circumstances.

Does this approach strike the right balance between proportionality and consistency?

Yes

No

Don't know

Please provide an explanation as to your response (optional).



Consultation questions

Tier 1a: Safety information

Question 14: At each stage in the airspace change process that an options appraisal takes place, the sponsor will be required to submit a safety assessment. The sponsor will be required to provide a plain English summary of the safety assessment and the CAA will provide a plain English summary of its review (i.e. of the Letter of Acceptance, which forms the CAA's review of the safety assessment) when it makes a decision. These documents will be available on the portal.

Do you have any views on specific information that should be included and/or excluded from the plain English summary of the sponsor's safety assessment and the CAA's review?



Consultation questions

Tier 1b: Temporary airspace changes

Question 15: Considering Tier 1b changes, to what extent does the draft guidance on temporary airspace changes meet the following criteria?

1: the guidance is good and meets this criterion 2: the guidance mostly meets this criterion 3: the guidance does not sufficiently meet this criterion	1	2	3
Comprehensible – it is clear to me what happens			
Transparent – the activities are explained well and will take place as publicly as possible			
Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances			

If you answered 2 or 3, how would you improve the draft guidance?



Consultation questions

Tier 1c: Operational airspace trials

Question 16: Considering Tier 1c changes, to what extent does the draft guidance on operational airspace trials meet the following criteria?

1: the guidance is good and meets this criterion	1	2	3
2: the guidance mostly meets this criterion			
3: the guidance does not sufficiently meet this criterion			
Comprehensible – it is clear to me what happens			
Transparent – the activities are explained well and will take place as publicly as possible			
Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances			

If you answered 2 or 3, how would you improve the draft guidance?



Consultation questions

Tier 1: Spaceflights

Question 17: On 21 February 2017 the Government published the Draft Spaceflight Bill, which is available here:

<https://www.gov.uk/government/publications/draft-spaceflight-bill>.

As the foreword to the draft Bill sets out,

“This legislation will see the Department for Transport and the Department for Business, Energy and Industrial Strategy, the UK Space Agency, the Civil Aviation Authority and the Health and Safety Executive working together to regulate and oversee commercial spaceflight operations in the UK.”

Do you have any views on whether this process could be used or adapted to suit future airspace change proposals to enable spaceflights, as anticipated in the Draft Spaceflight Bill?



Consultation questions

Tier 2: Permanent and planned redistribution

Question 18: The Government proposals talk about a Tier 2 change as one which is likely to alter traffic patterns below 7,000 feet over a populated area and which therefore could have a potential noise impact for those on the ground. The key requirement is that the air navigation service provider must demonstrate that it has assessed the noise impact of the proposed change and engaged with affected communities as appropriate.

Which stages of the Tier 1a airspace change process do you think are necessary for a proposal categorised as a Tier 2 change? Please select all those which apply:

Stage 1 Define	Stage 4 Update and submit	Stage 7 Post-implementation review
Stage 2 Develop and assess	Stage 5 Decide	None of these
Stage 3 Consult	Stage 6 Implement	Don't know

If you wish, please give reasons for your answer.



Consultation questions

Tier 2: Permanent and planned redistribution



Question 19: The CAA's process for Tier 1a changes is scaled into 'Levels', based on the altitude-based priorities in the Government's Air Navigation Guidance (i.e. where noise impacts are to be prioritised or considered alongside carbon emissions, a more demanding consultation is required).

Could the future Tier 2 process also be scaled?

Yes

No

Don't know

If yes, please explain how?

Question 20: Are there any other comments that you would like to make about the CAA's potential Tier 2 process?



Consultation questions

Tier 3: Other changes to air operations affecting noise impacts

The Government's policy proposals would task the CAA as follows:

“The CAA should put in place a suitable policy for industry to follow in respect of tier 3 airspace changes. This should include setting out expectations on transparency and engagement with communities, including on potential ways to mitigate adverse impacts. We wish to see the CAA take a light-touch approach here, working in conjunction with the new Independent Commission on Civil Aviation Noise to disseminate best practice and improve transparency where necessary.”

The CAA would not have a role in approving Tier 3 changes.



Consultation questions

Tier 3: Other changes to air operations affecting noise impacts

Question 21: To what extent does the draft best practice guidance on Tier 3 changes (other changes that may have a noise impact) meet the following criteria?

1: the guidance is good and meets this criterion 2: the guidance mostly meets this criterion 3: the guidance does not sufficiently meet this criterion	1	2	3
Comprehensible – it is clear to me what happens			
Transparent – the activities are explained well and will take place as publicly as possible			
Proportionate – the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances			

If you answered 2 or 3, how would you improve the draft guidance?



Consultation questions

Tier 3: Other changes to air operations affecting noise impacts

Question 22: Where industry does not follow the CAA's guidance in respect of Tier 3 changes, or where there is a clear breakdown of trust between an airport and its stakeholders, is it appropriate for the CAA to publicly draw attention to this?

Yes

No

Don't know

If yes, what further detail should the CAA set out in the guidance to reflect this?

Question 23: Considering the list of potential information proposed, would you suggest any additions which would help stakeholders, including communities, understand the impacts of Tier 3 changes and enhance transparency?



Consultation questions

Tier 3: Other changes to air operations affecting noise impacts

Question 24: In relation to mitigating the impacts of Tier 3 changes, our draft guidance says that the focus should be on exploring the options for mitigating the change through two-way dialogue, because of the local and often incremental nature of Tier 3 changes. Does the guidance need to give more detail?

Yes

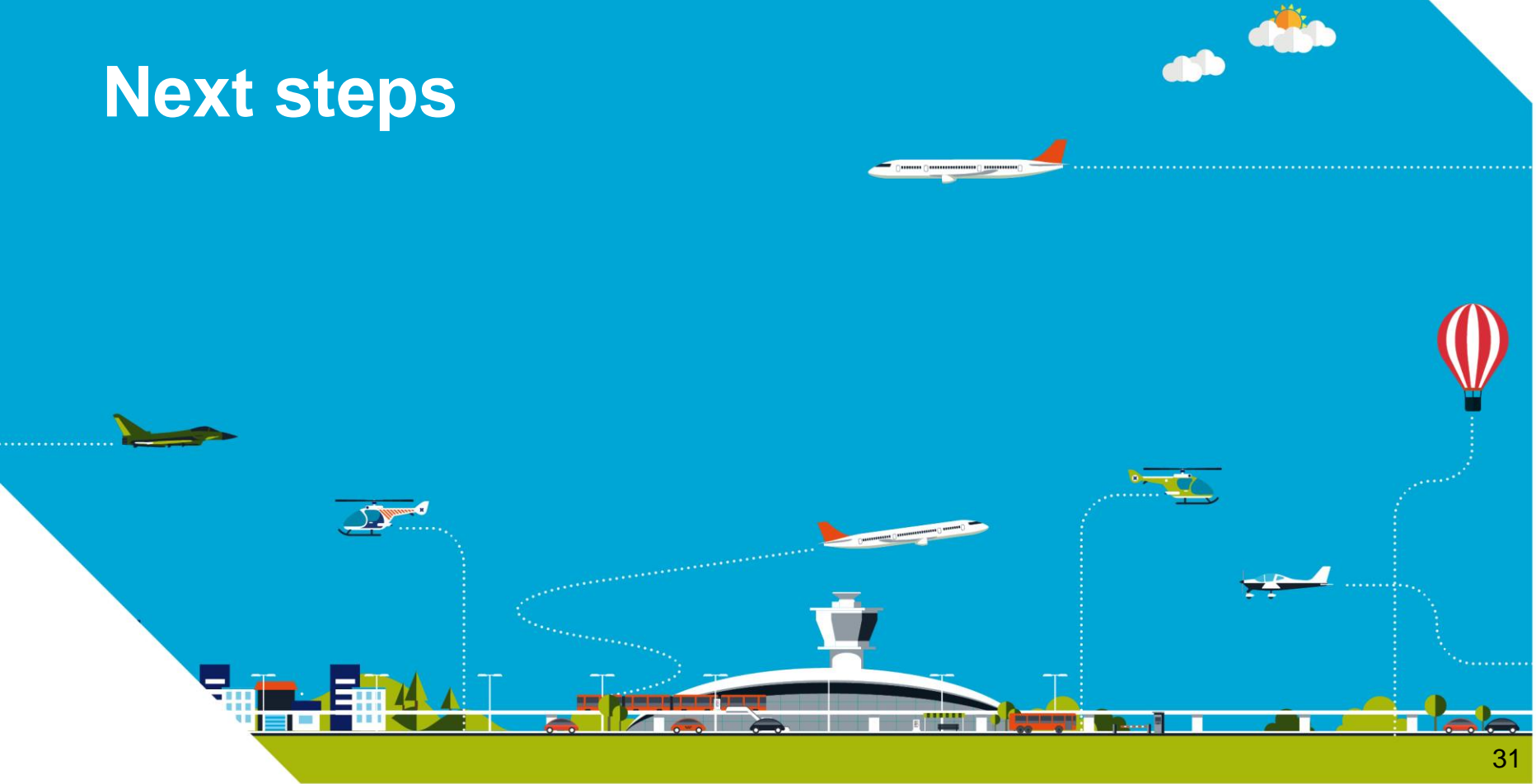
No

Don't know

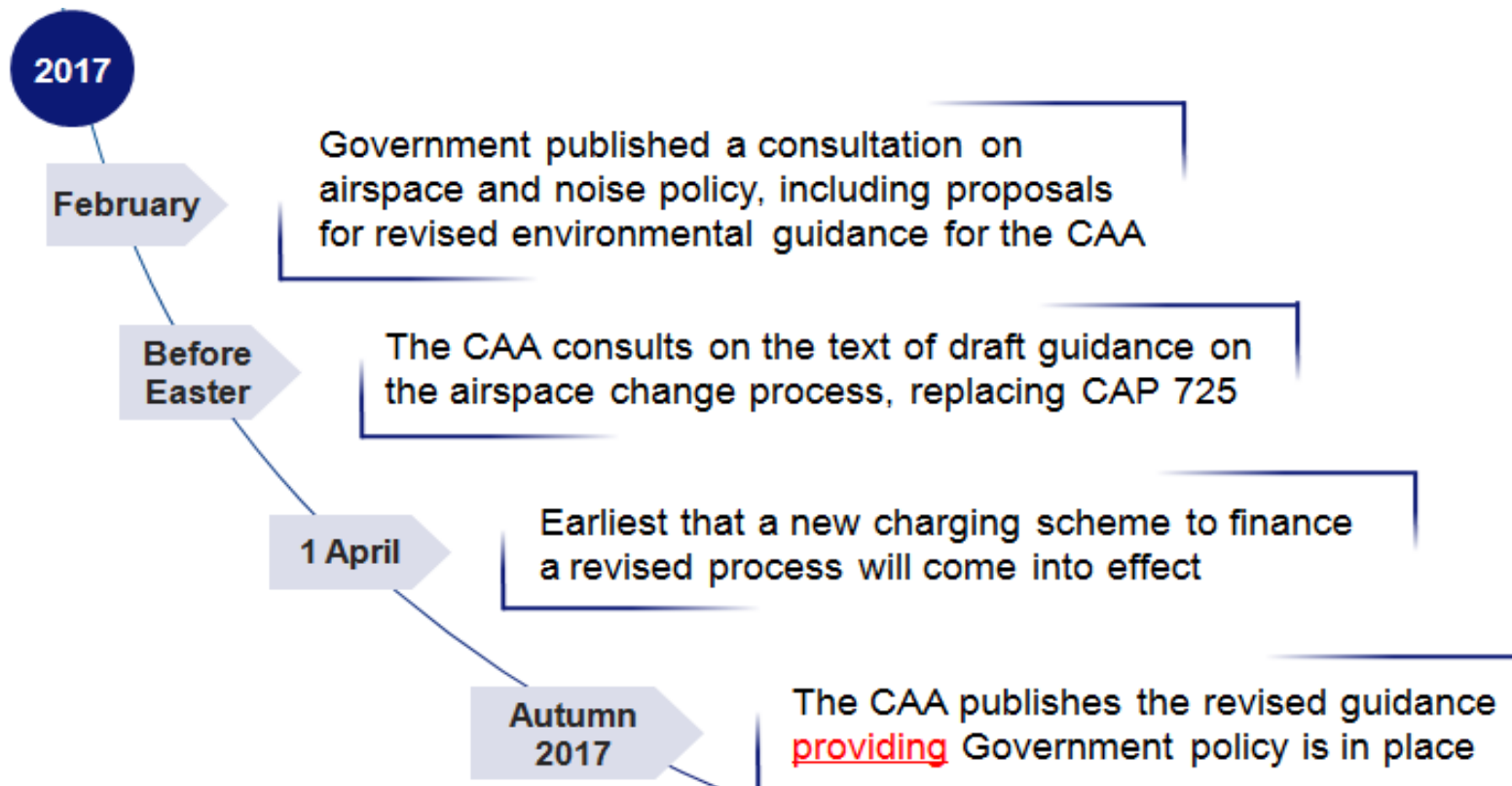
Please give reasons for your answer.



Next steps



Next steps



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