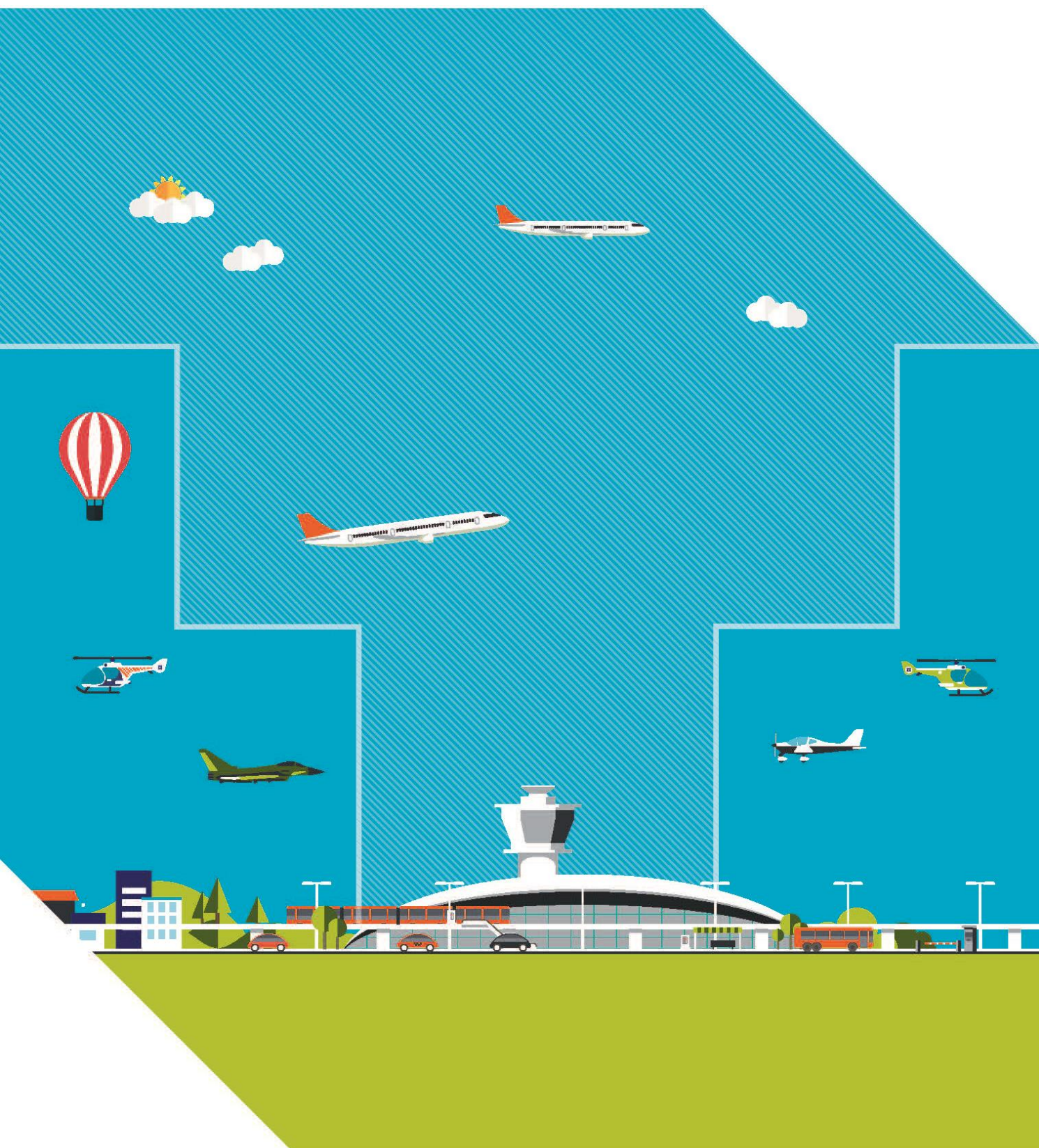


Outcome of the CAA consultation on draft airspace design guidance

CAP 1615



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Chapter 1

The consultation

Introduction

1.1 Between 31 March and 2 July 2017 the CAA carried out a consultation on a draft airspace design guidance document. The purpose of the consultation was for the CAA to learn your views on this new guidance that will support the CAA's revised airspace change decision-making process, which takes effect on 2 January 2018. There were four documents published as part of the consultation.¹

CAP 1520 Draft airspace design guidance

CAP 1521 Draft environmental technical annex

CAP 1522 'Tier 2' airspace changes

CAP 1523 Consultation document and questions.

1.2 The CAA had previously consulted in March 2016 on the principles of the proposed new process. In October 2016 we published our report on that consultation and set out the new process we are now introducing (CAP 1465).

1.3 The supporting draft guidance on which we consulted defines what will happen in the new process, including each stage a sponsor of an airspace change must complete; the stakeholders they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.

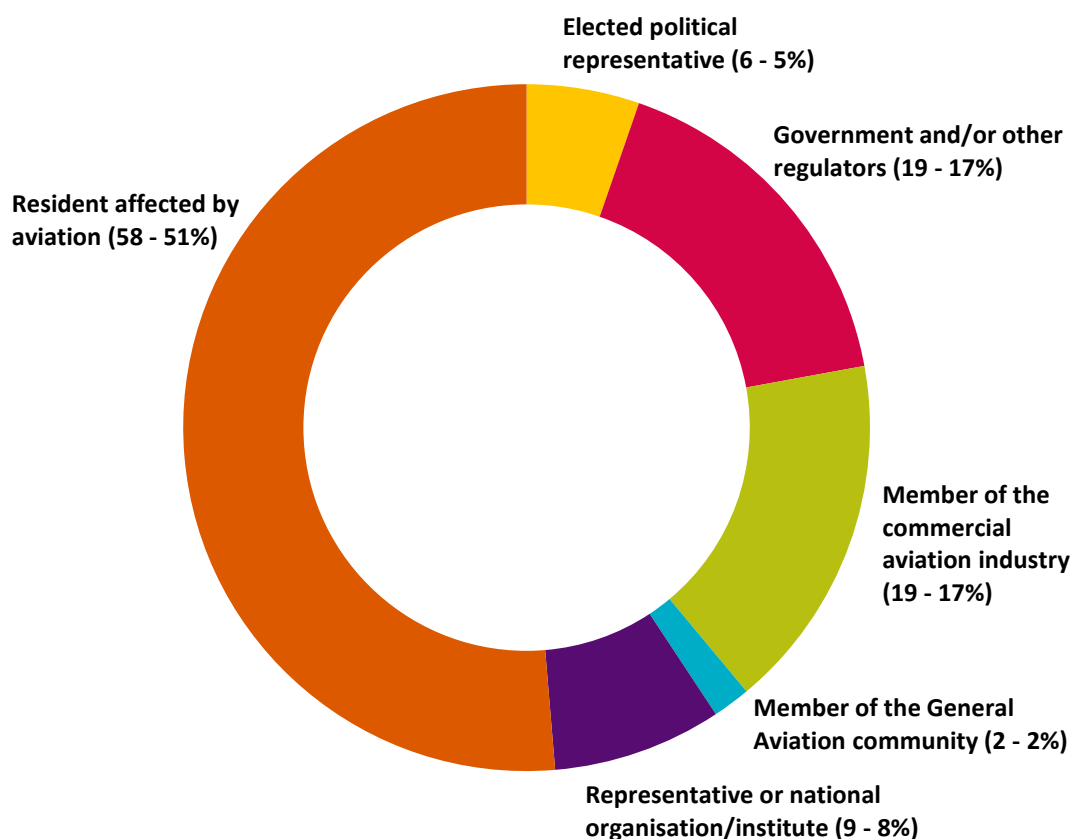
¹ See <https://consultations.caa.co.uk/policy-development/draft-airspace-design-guidance/> where the consultation document and responses can be viewed. In the interests of transparency, we have published all responses unless the respondent specifically asked us not to.

- 1.4 We invited views as to whether the guidance is appropriate – including whether our description of the stages of the process are comprehensible, transparent and proportionate.

Who responded to the consultation?

- 1.5 We had 113 responses in total, counting multiple official responses from the same organisation as one.

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



- 1.6 We asked respondents to self-categorise in one of eight categories. Of the 113 responses:
- The most responses were from residents affected by aviation (58), 21 of which were affiliated with campaign groups and one with a group of parish councils
 - 19 responses were from the commercial aviation industry

- 19 responses were from government and/or other regulators, all except one being from local councils
- 9 responses were from representatives or national organisations/institutes²
- 6 responses were from elected political representatives
- 2 responses were from members of the General Aviation community.

1.7 A full list of respondents appears at the end of this chapter.

Geographic spread of responses

1.8 Of the 113 responses, 79 identified themselves as resident or based in the South East, 18 as East of England and five as North West. The remaining 11 respondents were spread between six other parts of the country, with between one and three responses from each.

Category of respondent by geographic region



² Including one from a parish council and one from the General Aviation Alliance; we respected their self-categorisation and did not recategorise these responses.

Note regarding stakeholder groups

- 1.9 Chapters 4, 5 and 6 explain how we analysed the responses in depth using quantitative and qualitative approaches. Stakeholder groups were not evenly represented in terms of numbers, so where there were differences of opinion we avoided focusing on the overall percentage of respondents favouring or criticising a particular aspect of the draft guidance (i.e. we did not treat the questions as a referendum). Instead we considered how individual stakeholder groups had responded and whether they were split as a group or in disagreement with other groups.

Question types

- 1.10 Of our 24 consultation questions, 19 were comprised of both a 'closed' and an 'open' element, and five were 'open' only (i.e. respondents were invited only to write free text). The 'closed' element took three forms, as explained below.
- 1.11 In 11 of the 19 questions, the 'closed' element was comprised of asking respondents to grade the guidance overall or for each of the airspace change process stages in terms of comprehensibility (it is clear what happens), transparency (the activities are explained well and will take place as publicly as possible), and proportionality (the guidance strikes the right balance between detail as to what should happen, and flexibility to allow for different local circumstances). For each the respondents were offered a choice between 'good' (the guidance is good and meets this criterion), 'mostly' (the guidance mostly meets this criterion), and 'not sufficiently' (the guidance does not sufficiently meet this criterion).
- 1.12 In a further seven of the 19 multiple-choice and free-text box questions, the 'closed' element invited respondents to choose 'yes', 'no' or 'don't know'.
- 1.13 One multiple-choice question asked respondents to choose which of the seven stages of the Tier 1a airspace change process were necessary for a

proposal categorised as a Tier 2 change. The options 'none of these' and 'don't know' were also available.

- 1.14 After each question there was a free-text box (the 'open' element) in which respondents could give reasons for their answers.

Engagement regarding the consultation

- 1.15 We contacted more than 2,000 individuals and organisations directly about the consultation and used our website and social media to raise broader awareness. We also held information sessions and workshops for a cross-section of stakeholders prior to launching the consultation, and during the consultation period we met or presented to a range of aviation and community stakeholders.

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

Member of the commercial aviation industry (19)

Airports (11)

- Cornwall Airport Newquay
- Edinburgh Airport
- Gatwick Airport
- Heathrow Airport
- London Luton Airport Operations
- Manchester Airports Group
- Newcastle International Airport
- Four airports or airport groups which preferred not to be identified

Airlines (2)

- British Airways
- Virgin Atlantic Airways

Consultancies (2)

- Cyrrus
- Skylines UK

Other (4)

- Airport Operators Association (AOA)
- NATS
- Sustainable Aviation
- One group which preferred not to be identified

Member of the General Aviation community* (2)

- Lasham Gliding Society
- A General Aviation organisation which preferred not to be identified

Resident affected by aviation (58)

- Belfast City Airport Watch
- Centre Line Action Group
- Communities Against Gatwick Noise and Emissions (CAGNE)
- Englefield Green Action Group (EGAG)
- Gatwick Area Nightflight Nightmare (GANN)
- Gatwick Area Conservation Campaign (GACC)
- Gatwick Obviously Not (GON)
- Heathrow Association for the Control of Aircraft Noise (HACAN)
- Hever Castle
- Luton And District Association for the Control of Aircraft Noise (LADACAN)
- Nutfield Conservation Society (NCS)
- Parish Council Airport Association (Bristol)
- Plane Justice
- Richmond Heathrow Campaign
- Stop Stansted Expansion
- Teddington Action Group
- 42 individuals

Government and/or other regulators (19)**

- Bletchingley Parish Council
- Bucks and Milton Keynes Association of Local Councils
- Chiltern and South Bucks District Councils
- Hertfordshire County Council
- Kent County Council
- Local Authorities Aircraft Noise Council (LAANC)
- London Boroughs of Hillingdon, Richmond and Wandsworth and Royal Borough of Windsor and Maidenhead
- Mole Valley District Council
- Nutfield Parish Council
- Pitstone Parish Council
- Slinfold Parish Council
- St Albans City & District Council
- Strategic Aviation Special Interest Group of the Local Government Association (SASIG)
- Tunbridge Wells Borough Council
- Uttlesford District Council
- Warnham Parish Council
- Wheathampstead Parish Council
- Two organisations which preferred not to be identified

Elected political representative (6)

- Burstow Parish Council
- Dacorum Borough Council
- Mottram St Andrew Parish Council
- Prestbury Parish Council
- Councillor Judy Sharlow
- One local councillor which preferred not to be identified

Representative or national organisation/institute* (9)

Airport Consultative Committees (4)

- Bristol Airport Consultative Committee (BACC)
- Gatwick Airport Consultative Committee (GATCOM)
- Liaison Group of UK Airports Consultative Committees (UKACCs)
- Stansted Airport Consultative Committee

Other (5)

- Aviation Environment Federation (AEF)
- Campaign to Protect Rural England: Hampshire Branch
- General Aviation Alliance
- The Consultation Institute
- One council which preferred not to be identified

* Note that the General Aviation Alliance declared itself under the 'Representative or national organisation/institute' category. We have not altered this categorisation.

** Note that one group of parish councils declared itself under the 'Resident affected by aviation' category, and one parish council declared itself under the 'Representative or national organisation/institute' category. We have not altered these categorisations.

Chapter 2

Outcome of the consultation – a summary

Changes made to the CAA's guidance to address issues raised by the consultation

2.1 Below is a high-level summary of the changes we are making to the draft guidance to produce the final guidance. In terms of what changes we were asked to make, we published all responses to the consultation unless permission was withheld. More detail of our responses to specific points is given in Chapter 5, which summarises our qualitative analysis of free-text responses, and Chapter 6, which summarises specific recommendations that respondents made to us. However, we cannot practicably list the detail of every change requested and how we addressed each one. Some of the changes to the guidance are of course just tweaks to language or clarifications.

Table 1 Summary of changes made to the CAA airspace process and guidance document

Subject	Change made to CAA process and guidance document
Department for Transport policy framework	
<p>We have made a number of changes as a result of the outcome of the Department for Transport's airspace consultation published on 24 October 2017.</p>	<p>We are no longer categorising types of airspace change as Tier 1a/b/c, Tier 2 and Tier 3, as the Government has dropped this categorisation in the light of its consultation. This also removes confusion with Stages 1 to 7 of the process and Levels 1 and 2 of the scaling. The Government has also temporarily removed what was called Tier 2.</p> <p>The Government has clarified its definition of 'significantly affected by aircraft noise' by specifying that this refers to both the number of people affected and also the extent to which people could be subject to adverse health effects. This is a clarification of existing policy, which builds in an assessment of health impacts. As a result, outputs from the WebTAG model will be used to assess the respective noise impacts of different options within airspace change proposals. Our guidance reflects this change.</p>

Subject	Change made to CAA process and guidance document
Guidance document structure	
New title for guidance document	We consulted using a title of 'Airspace Design Guidance' but in light of feedback, mainly internal, we are renaming it 'Airspace design: guidance on the regulatory process for changing airspace design including community engagement requirements'.
New material for informing non-expert audiences	We will separately produce additional, simplified communications materials to better explain the process to non-experts such as local communities.
New case studies and examples	We will look at the possibility of inviting change sponsors to develop a case study with us and with other stakeholders to show how the new process will work in practice. The case studies would be unrelated to any live airspace change proposal to avoid any conflicts of interest.
New examples of drivers of airspace change	A list of examples of issues or opportunities potentially leading to a proposal to change airspace design, including noise mitigation.
Online portal	
Publication of consultation responses in batches	Consultation responses will be published on the portal while the consultation is taking place. We will do this regularly during the consultation, at intervals that best manage the resources required for moderating those responses. We may allow the change sponsor to see the responses before they are published (normally 24 hours in advance), so that it has an opportunity to prepare 'frequently asked question' responses should it deem this necessary.
Notifications	Our specification for the full portal development includes the ability to provide notifications, for example showing when a proposal passes through a gateway or begins consultation.
Scaling the process	
Greater clarity	We have amended flowcharts to show at which points in the process the CAA considers the appropriate Level. We are adding more clarity on Level 0 (changes to AIP nomenclature or qualifying remarks only) and unusual aerial activities.

Subject	Change made to CAA process and guidance document
Process gateways	
Status of gateway sign-off	We have clarified how the CAA's sign-off of a gateway may or may not affect our final decision.
Consultation and engagement by change sponsors	
Sponsors can go beyond the minimum required by the guidance	We have clarified that sponsors should regard the CAA guidance on consultation and engagement as the minimum required, and may want to go further, without the guidance specifying how.
Sponsor may consider awareness raising or pre-consultation	We see value in industry maintaining ongoing contact with stakeholders, including about changes being considered, prior to the regulatory process commencing.
Clarifying CAA moderation of consultation responses	Guidance and portal text makes clear that consultation responses are moderated for inappropriate language and defamatory comments only, not for factual accuracy.
Categorising consultation responses	<p>We are providing more detail and clarity around what we require of sponsors in assessing and categorising consultation responses. We will require sponsors to:</p> <p>(a) provide a qualitative summary of the consultation and the issues respondents raised. This could take the form of 'We asked; you said; we did', or other written formats.</p> <p>(b) provide a reason for categorising each response. This could take the form of a list of reasons with a tick-box system.</p> <p>When categorising a response as one that 'may impact final proposals' the sponsor will be able to specify which part(s) of the response are deemed relevant and which are not.</p>
Documenting evidence of two-way sponsor/ stakeholder conversations	<p>Sponsors will be required to publish a record of formal engagement activities and outcomes, and may wish to consider publishing minutes of other meetings beyond what is mandated.</p> <p>Sponsors may consider a 'Statement of Community Involvement', a useful tool to detail the consultation and engagement approach intended throughout Stages 1, 2 and 3, similar to the planning process.</p>
Planning authorities, ACCs	We clarified references to sponsors engaging with planning authorities and/or airport consultative committees at appropriate points in the process.

Subject	Change made to CAA process and guidance document
Environmental assessment	
Introduce additional optional metrics	Many people asked us to consider using additional environmental metrics. Subject to consistency with government guidance, where these will clearly add to the evidence base we included them, but, for proportionality reasons, as a recommended best practice.
More guidance on options appraisal and use of WebTAG	We cross-refer to new Government guidance on the key elements of WebTAG (Transport Analysis Guidance) that are useful for conducting an appraisal of noise impacts for an options appraisal of an airspace change proposal.
Options appraisal	
More clarity on the use of a baseline and 'do-nothing' option	We are clearer about the requirement for a baseline and how it should be used. We will expect sponsors to do a baseline to understand the current impacts. This baseline will include any changes that have been agreed but not yet fully implemented. Where 'do nothing' is not an option because a change is unavoidable for regulatory or system-wide reasons, a 'do minimum' assessment is made, i.e. what is the minimum required to comply with the regulatory change. This does not remove the need for sponsors to assess a baseline.
Decision-making process	
Adding more detail on Public Evidence Sessions	We have added more detail on elements of procedure at these sessions, including the role of the Chair and the change sponsor, and who can attend.
Post-implementation review	
More timescale flexibility	Where justified, we are allowing more time for stakeholder submissions.
Temporary airspace changes/airspace trials	
Monitoring complaints	We have developed suitable criteria for monitoring complaints.
Excluding very short-term airspace restrictions from the process	We have included a list of short-term restrictions imposed for safety or national security reasons that do not require the usual process for a temporary airspace change.

Subject	Change made to CAA process and guidance document
CAA acting on unexpected effects	We have clarified that the CAA may urgently investigate any impacts of an airspace trial, not just noise impact.
Permanent and planned redistribution of air traffic (formerly Tier 2)	
Deferred implementation	The Government has for the time being deferred introducing a decision-making role for the CAA for this new category of airspace change (see below).
Airspace information: transparency about airspace use and aircraft movements (formerly Tier 3)	
Clarified definition	The Government has clarified the definition of this category.
Identifying potential noise mitigations	We suggest that airports (a) engage stakeholders about whether information they publish reveals any noise issues for which there could be a potential mitigation, and (b) discuss these as part of the airport's five-yearly noise action plan.

Note: the table above is a summary of the more significant changes we are making, but it is not an exhaustive list, as many changes are points of detail.

Changes made to the CAA's guidance to reflect changes made in government policy

2.2 The CAA's guidance is subject to the underlying policy framework governing airspace and aviation noise impacts set out by the Government. This policy framework takes the form of Air Navigation Directions to the CAA, and Air Navigation Guidance for the CAA on our environmental objectives and on airspace and noise management. The draft guidance that we consulted on (CAP 1520 and CAP 1521) explained that it was based, as far as possible, on the Government's own proposals and draft guidance to the CAA on which the Department for Transport was at that time consulting. It also made clear that should Government directions, policy and guidance change after the consultation, our own guidance document would be updated accordingly. We therefore had to design our draft guidance flexibly to adapt to the outcome of the Government's consultation.

2.3 On 24 October 2017 the Government published the outcome of its own consultation³, comprising:

- Consultation response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace⁴
- Air Navigation Guidance: Guidance to the CAA on its environmental objectives when carrying out its air navigation functions, and to the CAA and wider industry on airspace and noise management.⁵ This also includes a copy of the new Air Navigation Directions issued to the CAA under section 66(1) of the Transport Act 2000⁶
- Consultation on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace. Summary report of consultation feedback.⁷

2.4 The new guidance and directions to the CAA take effect on 1 January 2018. The following changes have a direct impact on the CAA airspace change process:

- Airspace change categories are no longer named Tier 1a/b/c, Tier 2 and Tier 3
 - the category Tier 1 is now referred to as an 'airspace change'
 - the Government will continue to refer to Tier 2 in the near term, but in future the Government will refer to this category as a 'permanent and planned redistribution of air traffic' (see below)
 - the category Tier 3 is now referred to as 'transparency and engagement for operational changes to airspace usage by aircraft'.
- Clarification that, for the purpose of assessing airspace changes, the CAA should interpret the relevant Government environmental

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/653801/consultation-response-on-uk-airspace-policy-web-version.pdf

⁴ <https://www.gov.uk/government/publications/uk-airspace-policy-a-framework-for-the-design-and-use-of-airspace>

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/653978/air-navigation-guidance-2017.pdf

⁶ The Civil Aviation Authority (Air Navigation) Directions 2017.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/653803/summary-of-responses-to-the-consultation-on-uk-airspace-policy.PDF

objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour; and that adverse effects are considered to be those related to health and quality of life

- Clearer drafting of the altitude-based priorities the CAA should use when assessing environmental impact
- Clarifying the criteria for the Secretary of State to ‘call-in’ an airspace change proposal
- New Department for Transport guidance on the key elements of WebTAG (Transport Analysis Guidance) that are useful for conducting an appraisal of noise impacts for an options appraisal of an airspace change proposal
- Confirmation that the Government will by Spring 2018 establish an Independent Commission on Civil Aviation Noise (ICCAN) to provide advice on how best to manage noise in upcoming airspace and infrastructure changes; ICCAN will be an advisory non-departmental public body rather than an independent body within the CAA
- More clarity around the duration and repetition of airspace trials
- Deferring the introduction of a new decision-making role for the CAA on changes in air traffic control procedures governing the use of airspace that give rise to a permanent and planned redistribution of air traffic (formerly known as a Tier 2 airspace change) – the Government wants to undertake further work on this proposal and if further consultation is required to implement the policy the Government aims to undertake this in 2018
- More clarity on the definition of ‘transparency and engagement for operational changes to airspace usage by aircraft’ (formerly known as a Tier 3 change).

Chapter 3

Summary of the responses made

The consultation

- 3.1 The CAA's consultation ran from 31 March 2017 until 2 July 2017. We received 113 responses (counting multiple official responses from the same organisation as one). A list of respondents is shown in Chapter 1.

Our analysis of the responses

- 3.2 Of our 24 consultation questions, 19 had both a multiple-choice and a free-text element. The other five questions were free text only.
- 3.3 Chapters 4, 5 and 6 explain how we analysed the responses in depth using quantitative and qualitative approaches. Stakeholder groups were not evenly represented in terms of numbers, so where there were differences of opinion we avoided focusing on the overall percentage of respondents favouring or criticising a particular aspect of the draft guidance, and instead considered how individual stakeholder groups had responded and whether they were split as a group or in disagreement with other groups. We analysed which themes were raised most often and the views expressed, and we also pulled out specific recommendations made to us. We then considered all this information and whether and how we might improve the guidance to address the findings.
- 3.4 For clarity the analysis in this document refers to the original categorisation of airspace change by 'tiers' that we used in our consultation, and which in turn was based on the categorisation used by the Government's own airspace consultation in February 2017. However, as explained earlier, for the final version of our guidance we will use the new nomenclature adopted by the Government.

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

3.5 The multiple-choice questions we asked provided quantitative feedback about our draft guidance. However, the responses were quite mixed.

Tier 1a process

3.6 Each of the first eight questions asked to what extent (good, mostly, not sufficiently) the draft guidance was comprehensible, transparent and proportionate. The first question considered the draft guidance overall, and the subsequent seven questions considered each of Stages 1 to 7 in the airspace change process. The responses to these eight questions proved quite difficult to interpret, because the results were quite mixed. A full analysis appears in Chapter 4, where we consider each respondent group's views separately, because of the differing numbers of responses from each group (this was not a referendum). There were 13 residents who were clearly unhappy with the way guidance was drafted, because they answered '3: the guidance does not sufficiently meet this criterion' to every multiple-choice question (i.e. 33 times for the 11 questions in this format), but many of them wrote very little to explain these choices.

3.7 That said, for the purpose of this high-level summary, some overall percentages give a flavour of the responses:

- only 20% of respondents said that the draft guidance overall was good and met the 'proportionate' criterion (question 1)
- for all other aspects of questions 1 to 8 (i.e. the 23 other results), between 31% and 48% rated the draft guidance overall and for each of the seven stages as good and meeting each of the criteria (comprehensible, transparent and proportionate).

3.8 If we widen these results to include respondents who said that the draft guidance mostly met the criterion:

- the results for the question 1 'proportionality' criterion become more positive, with 63% of respondents rating the draft guidance as good or mostly meeting the criterion
- for all other aspects of questions 1 to 8 (i.e. the 23 other results), between 57% and 76% of respondents rated the draft guidance overall and for each of the seven stages as good or mostly meeting each of the criteria (comprehensible, transparent and proportionate).

3.9 Over the eight questions:

- between 29% and 43% of respondents rated the guidance as not meeting the proportionality criterion, with the poorest results on Stage 5 (CAA decision-making) and on the process overall
- between 24% and 32% of respondents rated the guidance as not meeting the comprehensibility and transparency criteria, except on Stage 5 (CAA decision-making) where 39% of respondents rated the guidance as not meeting the transparency criterion.

3.10 These results make our qualitative analysis of respondents' sentiments and recommendations all the more important. To understand why our guidance was not deemed good enough, we need to understand what respondents would want to see instead. We have therefore gone into great detail in the later chapters in this report. We have rated every recommendation made to us as green, red, blue or amber – green means a change we have accepted and made to the guidance and red means one that we have not; blue means that we believe that the recommendation is already reflected in our guidance; and amber means either that a slight clarification is need to the guidance to produce the outcome we intended, or that it is a suggestion we will treat flexibly (we have not amended the guidance to mandate it, but believe it is currently a potential option in light of the wording).

Tier 1b temporary airspace changes and Tier 1c airspace trials

3.11 For both Tier 1b and Tier 1c processes, between 35% and 50% of respondents rated the guidance as good and meeting the three criteria

(comprehensible, transparent and proportionate). If we widen these results to consider how many respondents said that the guidance mostly met the three criteria, the percentage of respondents increased to between 59% and 77% for both Tier 1b and Tier 1c processes.

Tier 2

- 3.12 We had not consulted on draft guidance for the Government's proposed new category of Tier 2 airspace change, pending its decision on whether to go ahead with it, but we did seek views on what the process might look like. There was almost unanimous support for all stages of the Tier 1a process to be used for a Tier 2 proposal. Scaling a future Tier 2 process based on potential noise impacts was supported by 49% of respondents, although 42% answered 'don't know'.

Tier 3

- 3.13 Between 39% and 46% of respondents rated the draft best-practice guidance on Tier 3 (other changes that may have a noise impact) as good and meeting the three criteria (comprehensible, transparent and proportionate). If we widen these results to consider how many respondents said that the guidance mostly met the three criteria, the percentage of respondents increased to between 55% and 69%. However, 45% of respondents thought the guidance was not sufficiently proportionate.
- 3.14 We asked whether it was appropriate for the CAA to draw attention publicly to industry not following the guidance on Tier 3 changes, or some breakdown of trust with stakeholders. Overall, 78% of respondents said 'yes', but 90% of industry responses were opposed. We also asked whether the guidance needed to give more detail on mitigating the impacts of Tier 3 changes through two-way dialogue. Overall, more than half of the responses said 'yes', but industry, government and elected political representative responses were divided, with at least half in each group saying 'no' or don't know'.

Other questions

- 3.15 Almost half the responses said that the CAA had not adequately detailed what we would expect to see to know that a **two-way conversation between change sponsor and stakeholders** had taken place.
- 3.16 There was broad support for additional guidance regarding the **use of a third-party facilitator**, but a significant number of responses (mostly from residents) felt unable to answer. Disagreement was mostly from members of the commercial aviation industry.
- 3.17 There were mixed views from all stakeholder groups as to whether the guidance sufficiently explained the sponsor's **categorisation of consultation responses**. There were almost identical results for the following question about flexibility for the CAA to agree **options appraisal methodology** with the change sponsor. We asked whether the guidance struck the right balance between proportionality and consistency. In both cases, there were slightly more 'yes' responses than 'no', and around one-fifth of respondents were unsure.

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

- 3.18 Each of our 24 consultation questions included an 'open' element. This means that in addition to any multiple choice, closed questions, respondents were offered an open box to write free text sharing their reasons and views, and in particular how the draft guidance could be improved. In addition to specific recommendations, we found a number of recurring themes arising in the open-text responses.
- 3.19 Many respondents, mostly residents, commented adversely on the **length and complexity of our guidance**, and some built on this sentiment to call for a more accessible, easy-read version. However, this conflicted with significantly more comments – from every stakeholder group – on the need for more detailed information to be included in most areas of the guidance document about how the process will work. These conflicting

sentiments highlight that the guidance needs to be transparent about a detailed and complex regulatory process while also being as accessible as possible. Some respondents, mainly from industry, suggested that case studies or illustrative examples would be useful, and some said that information provided by industry should also be made less complex and made suggestions about the content and use of the online portal.

- 3.20 Many respondents, particularly residents, commented about **engagement**: the number of statements that the draft guidance would not improve stakeholder engagement considerably outweighed those that it would. It was suggested that engagement needed to be more prescriptive or should be included at additional steps in the process.
- 3.21 The responses were almost wholly supportive of the use of a **third-party facilitator**. Some mentioned other roles that people felt were needed, such as a stronger ICCAN (the Government-proposed Independent Commission on Civil Aviation Noise), an organisation to champion community needs (rather than acting only as moderator), or promoting a stronger role for Airport Consultative Committees. A few respondents suggested that liaison was needed with local planning authorities.
- 3.22 Many respondents raised the **role of the CAA**, varying from suggestions that the CAA is too heavy-handed and the process disproportionate (mainly from industry), to the CAA needing to regulate the industry more firmly (mainly from residents). Respondents also raised concerns about the resource the new process would need (most instances, but not all, raised by industry) and about the increased length or timescales of the process (just under half raised by industry). Many respondents seeking firmer regulation told us of a lack of trust in the CAA, or our process, or the industry.
- 3.23 The Government proposal for a new category of **'Tier 2' airspace changes** did not form part of our consultation, because we would need to consult on a new process for such changes separately once the Government had decided whether to introduce this new category. Tier 2 changes would occur when there is a permanent and planned

redistribution of air traffic, but not a change in the actual airspace design. Although we were not formally consulting, we did ask for views on what such a process might look like. Some respondents said they needed more clarity before they felt able to offer an informed position. Of those offering a view, some said that the definition of Tier 2 will need to be developed through proper engagement, and there were a number of comments supporting the Tier 2 process being the same as that for Tier 1 and for it to be scaled appropriately.

3.24 Many respondents, primarily residents, took the opportunity to share their **frustration about aviation noise** in general, or with the way industry engages (or had engaged) with stakeholders. Where respondents made a specific request or suggestion about the CAA's noise role outside of the airspace change guidance and our role on airspace changes, we will consider this through the Noise Management Review, a separate project we are currently running.⁸

3.25 A number of responses raised **Government policy on airspace and noise** to which the CAA, and our airspace change process, must adhere, and which are not in our gift to change. These policy issues fell broadly into five areas where respondents said change was needed: the policy proposals that the Government recently consulted on; different noise metrics; forcing an airspace change; requiring reductions or caps on aviation noise; and taking better account of health impacts.

Summary of recommendations made by respondents

3.26 As noted above, as well as identifying which themes were raised most often in responses and what views were expressed, we also identified specific recommendations made to the CAA, of which there was a significant number. From the 113 responses we received, we categorised 526 instances where recommendations were made, producing 501 individual recommendations for consideration.

⁸ <https://consultations.caa.co.uk/policy-development/aviation-noise-impacts/>

- 3.27 Of these, the topics that most frequently came up in the form of recommendations about the guidance were:
- options appraisal and environmental metrics
 - consultation and engagement
 - ‘Tier 3’ (airports engaging with communities about changing noise impacts that are not caused by a ‘Tier 1’ or ‘Tier 2’ airspace change)
 - the structure, length and complexity of the draft guidance.
- 3.28 There were many recommendations concerning the actual airspace change process itself (for instance the length of stages, or the process relating to gateways), rather than the draft guidance that supports it. These recommendations are largely out of scope of this consultation, because we have already decided on what is being changed in the new process. We consulted on this in March 2016, and published our decision in October 2016 (as CAP 1465). We then developed and wrote the draft guidance to give effect to this finalised process, and this draft guidance was what we were consulting on. Nevertheless, these recommendations have all been assessed and where appropriate we have adopted those that clarify the process without changing what has already been decided upon.
- 3.29 There were also many recommendations that were completely out of scope of this consultation, although we have still captured these in our summary. These fall into two categories:
- government aviation policy, which is not in the CAA’s gift to change – we have shared these with the Department for Transport
 - areas of work that the CAA should undertake that are separate from the airspace change process – we will consider these as part of the Noise Management Review that we are currently undertaking.⁹

⁹ <https://consultations.caa.co.uk/policy-development/aviation-noise-impacts/>

Chapter 4

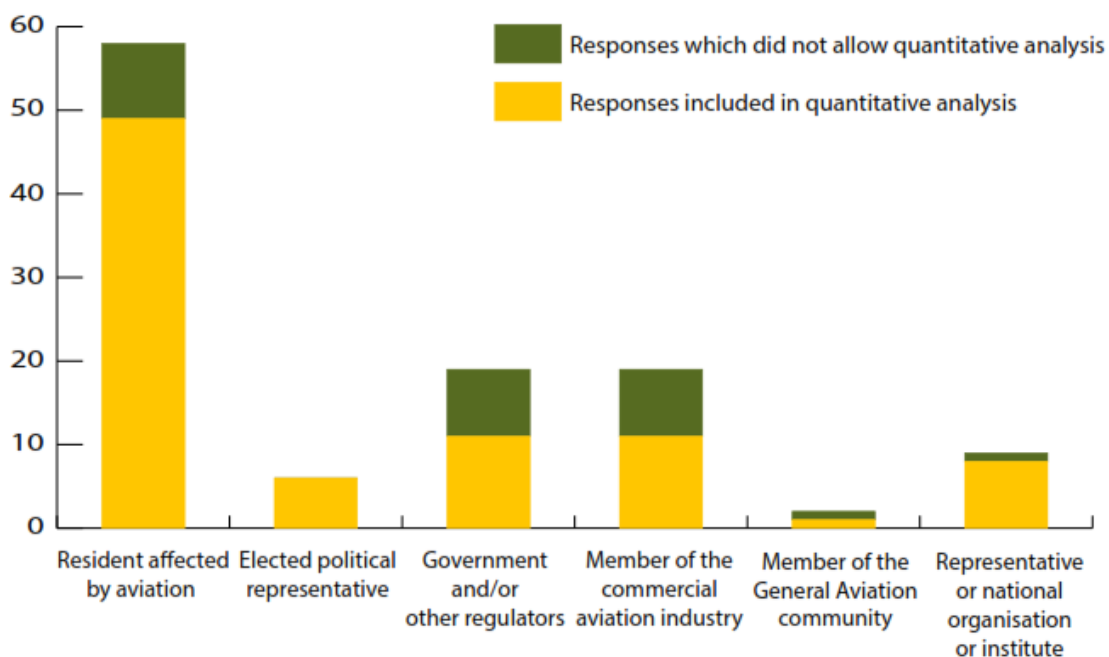
Quantitative analysis of multiple-choice questions

Introduction

4.1 This chapter considers the responses to the multiple-choice questions (radio buttons). It does not consider any accompanying text, which is analysed in Chapters 5 and 6. 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

4.2 Of the 113 responses, 29 were not submitted via the online form, but were instead sent by email. We were therefore unable to include the majority of these 29 offline responses in our quantitative analysis, with the exception of two responses that were arranged in our question format and which the CAA could therefore transfer to the online dataset.



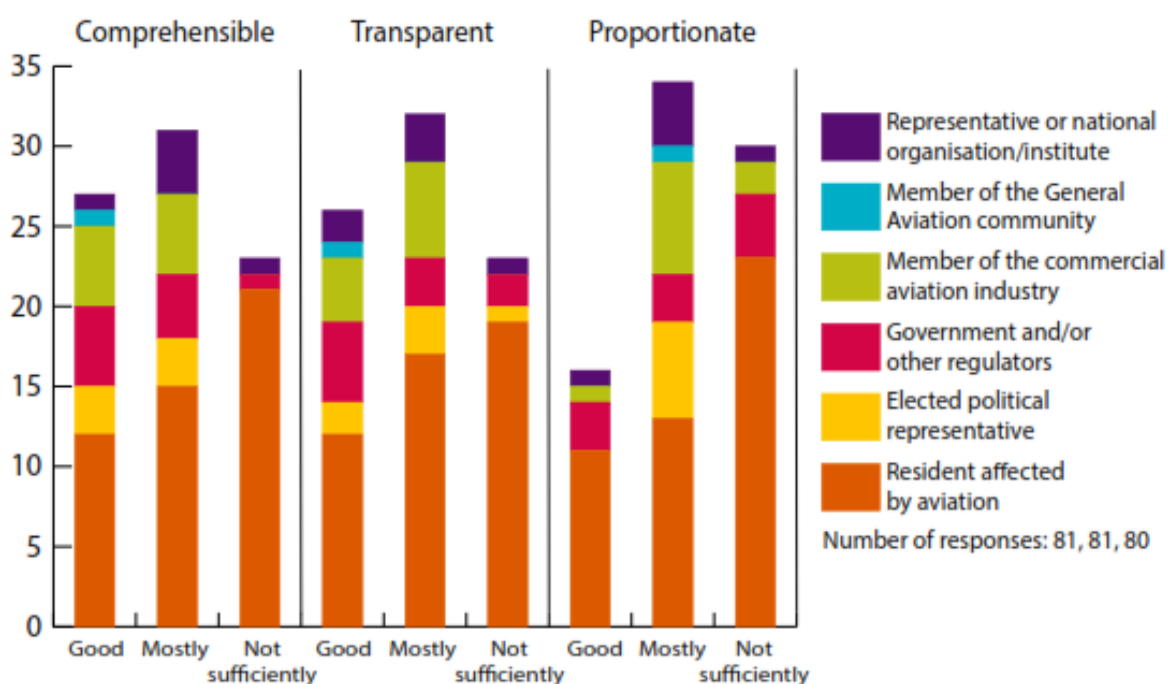
4.3 The analysis in this section is confined to the responses which answered at least one multiple-choice question, giving a response population of 83. The multiple-choice questions were: 1 to 10, 12, 13, 15, 16, 18, 19, 21, 22 and 24. Thirteen respondents answered '3 – the guidance does not sufficiently meet this criterion' to every multiple-choice question. A few of these also engaged with written responses, and others wrote very little. All of these respondents categorised themselves as residents affected by aviation.

4.4 As explained in Chapter 1, one group of parish councils identified themselves in the 'resident' category, and one parish council and one General Aviation group identified themselves as in the 'representative or national organisation/institute' category. We did not deem it appropriate to reallocate these responses between categories.

Views on the proposed guidance overall

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

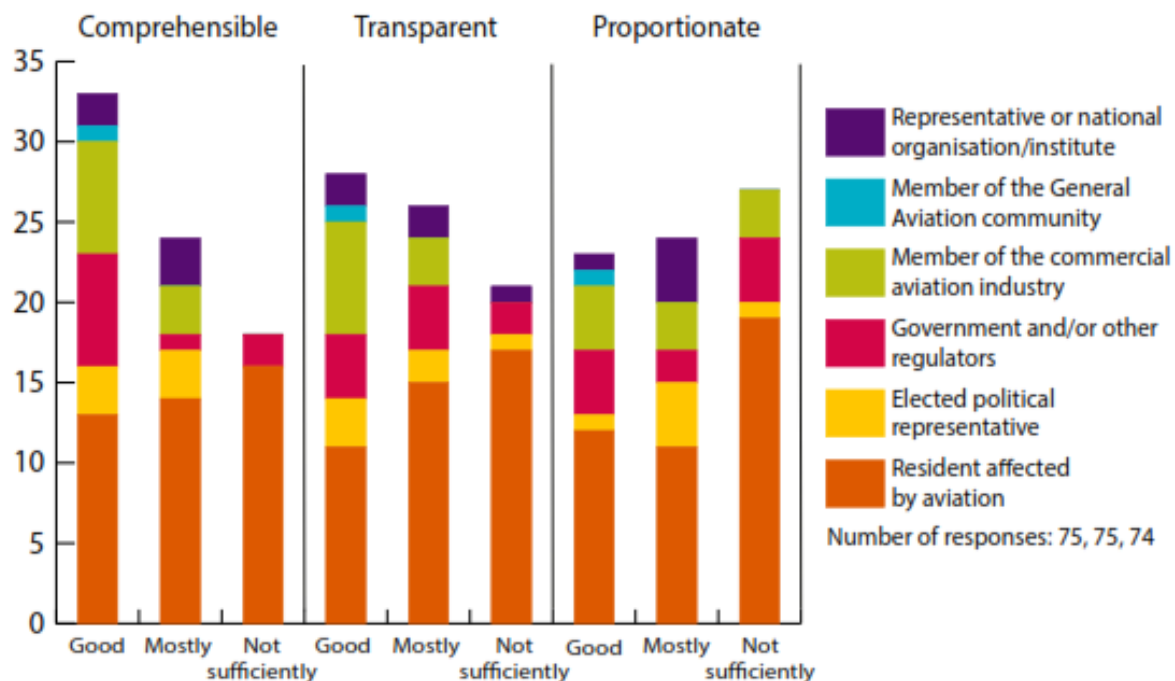
Conclusion: Mixed views, with a narrow relative majority considering that the guidance mostly meets the criteria, but residents' views were split, almost half expressing disapproval ('not sufficiently') with the level of proportionality.



- 4.5 Question 1 was an overarching question at the start of the survey, seeking general views on the comprehensibility, transparency and proportionality of the proposed guidance in its entirety.
- 4.6 In terms of comprehensibility (as in it is clear to the reader what happens), a plurality (relative majority) of respondents (38%, 31 out of 81) considered that the guidance mostly meets this criterion, followed by one third (33%, 27 out of 81) who thought that the guidance is good and meets this criterion. Looking at the different respondent groups, 44% of residents responding considered that the guidance does not sufficiently meet this criterion (21 out of 48), 31% believed that it mostly does so (15 out of 48), and the remaining 25% (12 out of 48) thought that the guidance is good and meets this criterion. One member of government and/or other regulators and one representative or national organisation/institute felt that the guidance is not sufficiently comprehensible.
- 4.7 Regarding transparency (as in the activities are explained well and will take place as publicly as possible), the responses were very similar to those for comprehensibility. A greater number of government bodies (two instead of one) and/or other regulators considered the draft guidance to be insufficiently transparent, and one elected political representative shared this view.
- 4.8 The proportionality of the guidance was deemed mostly satisfactory by the majority of stakeholder groups, with the exception of government and/or other regulators (only 30% of which chose 'mostly') and residents affected by aviation (only 28% of this group). These two groups were primarily dissatisfied ('not sufficiently' 40% and 49%, respectively). Elected political representatives unanimously held the view that 'the guidance mostly meets this criterion'.

Question 2: Considering Stage 1 (Define) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: The guidance on Stage 1 was considered by most respondents to be quite comprehensible and reasonably transparent. Views on proportionality were spread out, with disapproval having a slight edge.

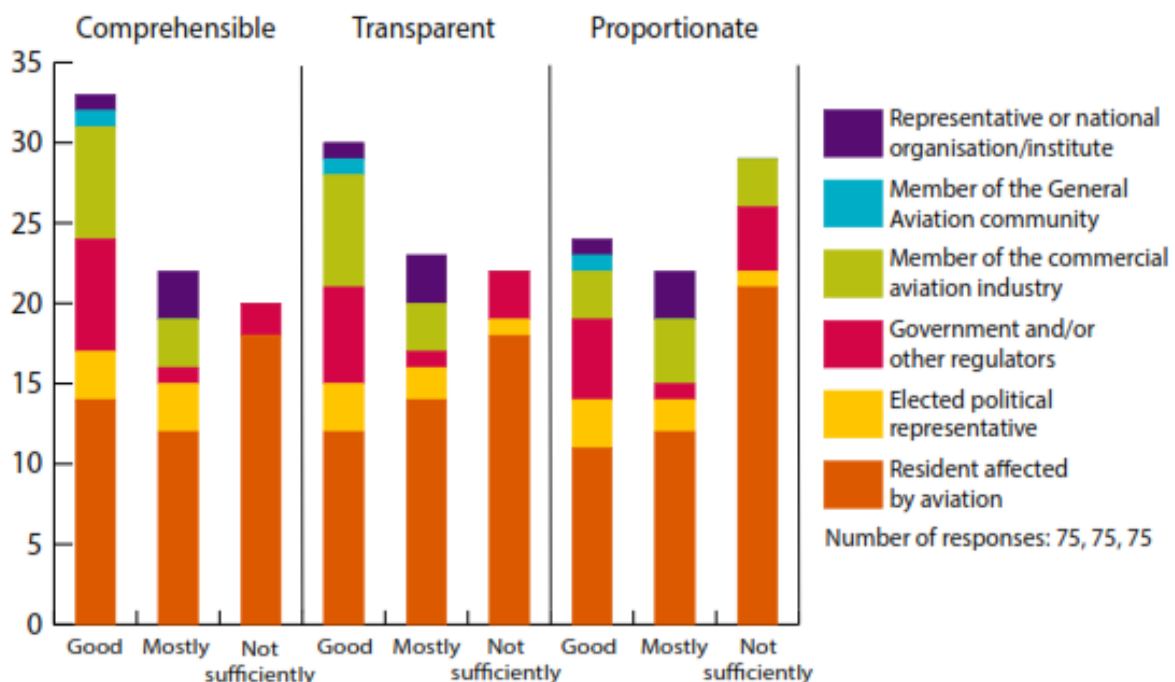


- 4.9 Question 2 focused on the same three criteria, but only for the first stage of the process (Define).
- 4.10 The level of comprehensibility was seen as good by 44% of respondents. The only stakeholder groups to vote 'not sufficiently' were residents, 37% of which did so, and a fifth of regulators and/or government.
- 4.11 The views on transparency followed the same trend as for comprehensibility, but with a tighter margin. A plurality (relative majority) of residents (17 out of 43, 40%) were dissatisfied. The other stakeholder groups primarily chose 'good' or 'mostly'.
- 4.12 The proportionality of Stage 1 was seen as being not sufficient by a plurality (relative majority) of respondents. The responses from the commercial aviation industry members were mixed (40% 'good', 30% 'mostly', and 30% 'not sufficiently'). Elected political representatives were

more inclined towards 'mostly' (two-thirds, 67%). Government and/or other regulators' views tended to cluster around 'good' (40%) and 'not sufficiently' (40%). Residents largely opted for 'not sufficiently' (42%), representatives or national organisations/institutes were drawn towards 'mostly', and members of the General Aviation community claimed that in terms of proportionality, the guidance on Stage 1 was good.

Question 3: Considering Stage 2 (Develop and assess) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: While the guidance on Stage 2 was seen as predominantly good in terms of comprehensibility and transparency, respondents (particularly residents) raised concerns over the proportionality of this section of the guidance.

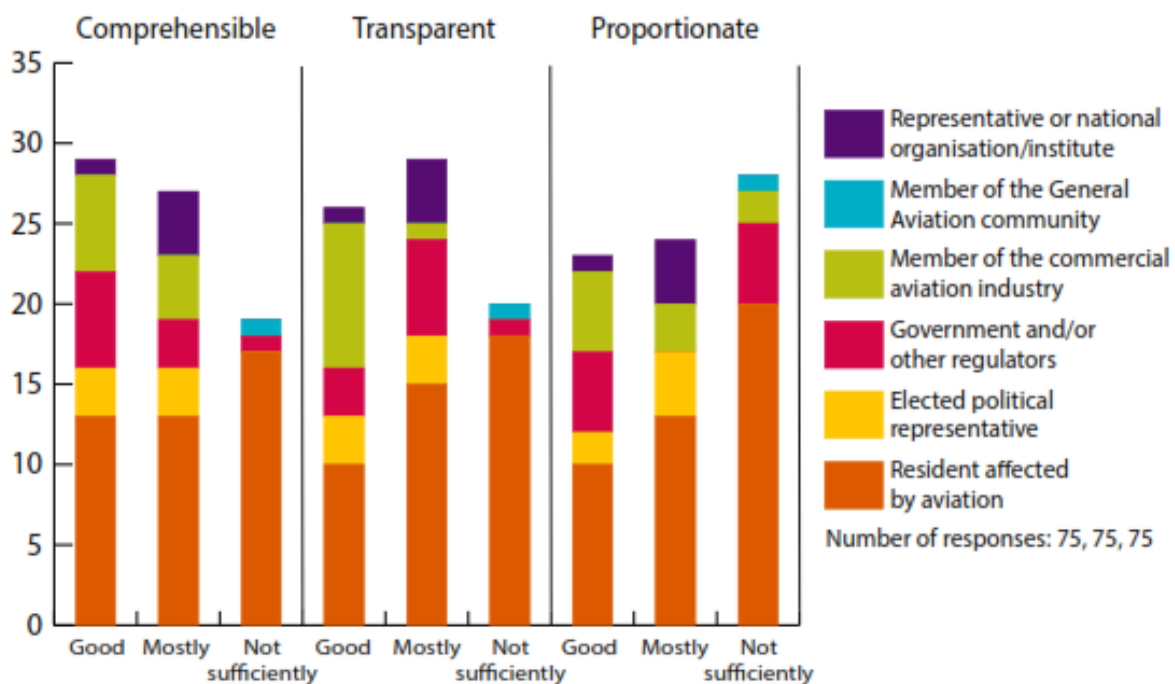


- 4.13 For Stage 2 (Develop and assess) of the process, the guidance was seen as comprehensible ('the guidance is good and meets this criterion') by 44% of all respondents (33 out of 75). However, 18 out of 44 (41%) residents affected by aviation claimed it was 'not sufficiently' comprehensible. Two out of 10 (20%) government bodies and/or other regulators also held this view.

- 4.14 Transparency was deemed 'good' overall, a view supported especially by elected political representatives, government and/or other regulators, members of the commercial aviation industry, and the General Aviation community. Three-quarters of representatives or national organisations/institutes (3 out of 4, 75%) said the guidance was 'mostly' transparent, while a significant number of residents (18 out of 44, 41%) said it was 'not sufficiently' transparent.
- 4.15 The guidance on Stage 2 was perceived as 'not sufficiently' proportionate by a plurality (relative majority) of respondents (29 out of 75, 39%). This was selected by 48% of residents responding (21 out of 44), 40% of government bodies and/or other regulators (4 out of 10), 30% of commercial aviation industry members (3 out of 10), and 17% of elected political representatives (1 out of 6).

Question 4: Considering Stage 3 (Consult) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: Comprehensibility and transparency were generally met mostly or well, but more respondents thought the guidance was insufficiently proportionate.



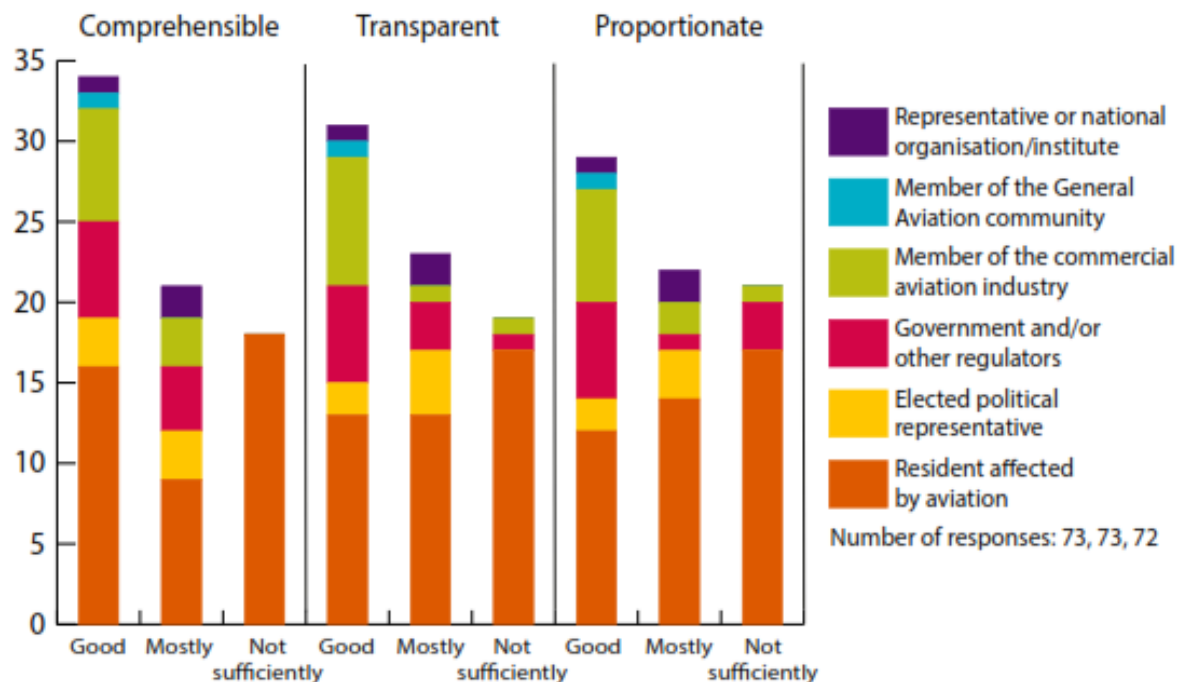
- 4.16 Similar to the answers to the questions 2 and 3, the guidance was considered 'good' for its comprehensibility by 39% of respondents (29 out

of 75), 'mostly' comprehensible by 36% (27 out of 75), and 'not sufficiently' so by 25% (19 out of 75). As opposed to the responses to previous questions, the respondent identified as a member of the General Aviation community showed dissatisfaction ('not sufficiently') with the comprehensibility of the guidance on Stage 3 (Consult).

- 4.17 Thirty-nine per cent of respondents deemed this part of the guidance 'mostly' transparent, (29 out of 75) when it came to transparency, followed by 35% saying the transparency was 'good' (26 out of 75) and 26% saying it was 'not sufficiently' transparent (20 out of 75). The respondent identified as a member of the General Aviation community once again chose 'not sufficiently'. Almost all the members of the commercial aviation community chose 'good' (90%, 9 out of 10).
- 4.18 The proportionality of the guidance on this stage was seen as 'not sufficient' by 37% (28 out of 75) of respondents (including the member of the General Aviation community), 'mostly' good by 32% (24 out of 75), and 'good' by 31% (23 out of 75). Responses from government and/or other regulators were split equally (5 each) between 'good' and 'not sufficiently'. 47% (20 out of 43) of residents felt that the guidance does not sufficiently meet this criterion. This view was shared by the member of the General Aviation community, half (5 out of 10) the government bodies and/or other regulators and 20% (2 out of 10) of the members of the commercial aviation industry.

Question 5: Considering Stage 4 (Update and submit) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: The guidance on Stage 4 was seen as meeting the criteria (predominantly well), but a significant number of residents did not share this view.

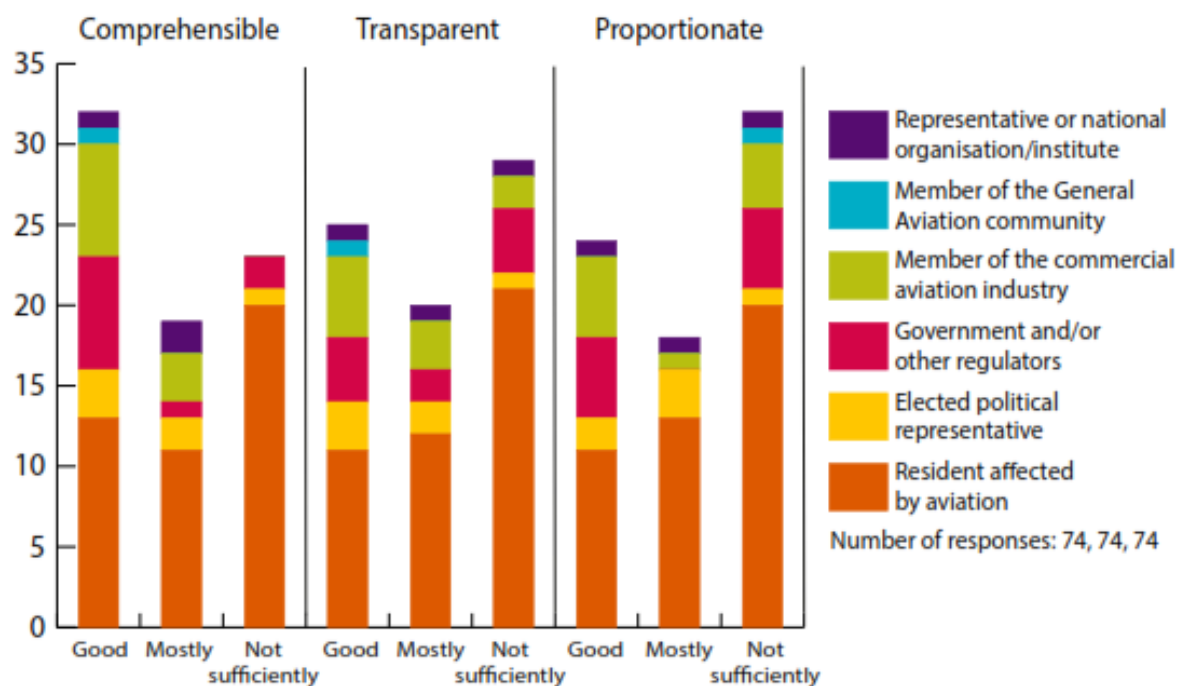


- 4.19 For stage 4 (Update and submit), the guidance was seen as sufficiently comprehensible ('the guidance is good and meets this criterion') by 47% of respondents (34 out of 73), 'mostly' comprehensible by 29% (21 out of 73), and 'not sufficiently' so by 25% (18 out of 73). All respondents choosing 'no sufficiently' were residents affected by aviation – this option was chosen by 42% of that stakeholder group (18 out of the 43 residents responding).
- 4.20 Transparency was seen in a similar light, with 42% (31 out of 73) of respondents choosing 'good', 32% 'mostly', and 26% 'not sufficiently'. Forty per cent (17 out of 43) of residents affected by aviation chose 'not sufficiently' and this view was shared by one member of the commercial aviation industry and one government body and/or other regulators.
- 4.21 Regarding proportionality, the guidance was seen as 'good' by 40% (29 out of 72) of respondents, 'mostly' proportionate by 31% (22 out of 72), and 'not sufficiently' proportionate by 29% (21 out of 72). Three out of 10

government respondents and one member of the commercial aviation industry said the guidance was 'not sufficiently' proportionate, as did 40% (17 out of 43) of residents.

Question 6: Considering Stage 5 (Decide) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: Mixed views, tending to favour 'good' for comprehensibility and 'not sufficiently' for transparency and proportionality. At least one respondent from every stakeholder group was dissatisfied with proportionality.



4.22 For stage 5 (Decide) of the process, the guidance was seen as good, or as sufficiently comprehensible by 43% of respondents (32 out of 74), as 'mostly' comprehensible by 26% (19 out of 74), and 'not sufficiently' so by 31% (23 out of 74, mostly of whom were residents affected by aviation).

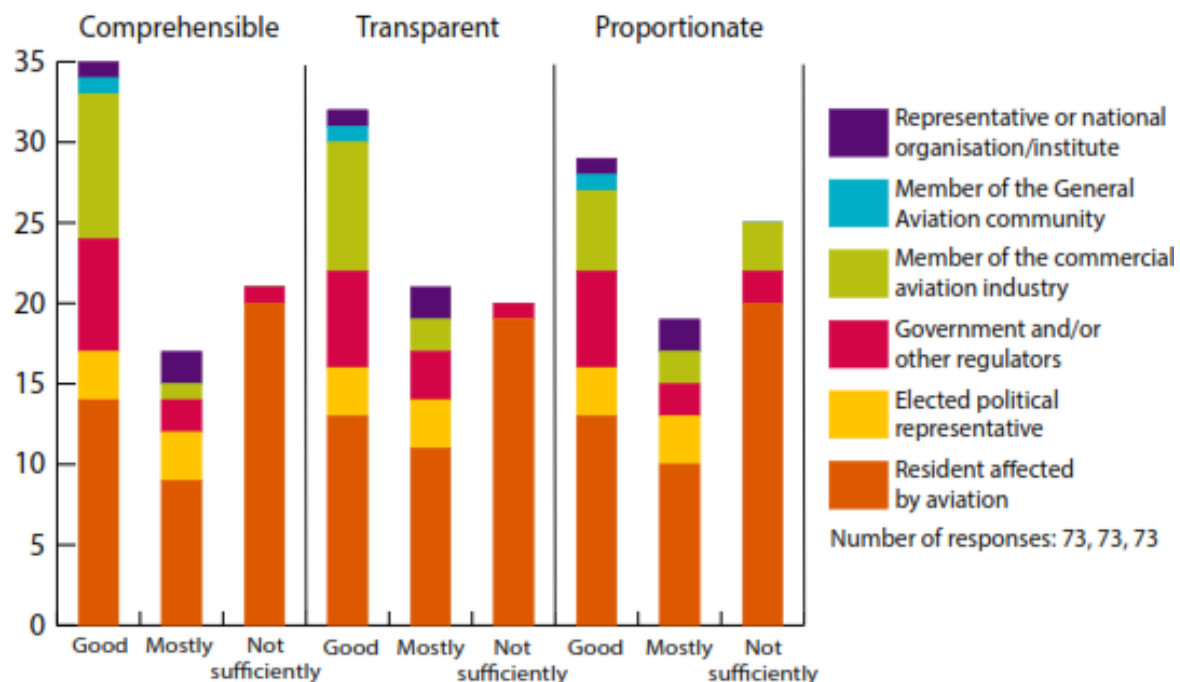
4.23 Views on transparency were not as positive, with only 34% (25 out of 74) of respondents choosing 'good', 27% (20 out of 74) 'mostly' transparent, and 39% (29 out of 74) 'not sufficiently'. Just under half (21 out of 44) of the residents responding said the guidance was 'not sufficiently' transparent. This view was shared by one elected political representative, one representative or national organisation, four government bodies (out

of 10 responding, 40%), and two members of the commercial aviation industry.

4.24 Similarly, the proportionality of the guidance was seen as 'good' by only 32% (24 out of 74) of respondents. The guidance was seen as 'mostly' proportionate by 24% of respondents (18 out of 74), and 'not sufficiently' so by 43% (32 out of 74). Half of the government bodies responding said the guidance was not sufficiently proportionate, as did 40% (4 out of 10) of commercial aviation industry respondents, one (out of 6, 17%) elected political representative, the one member of the General Aviation community, one (out of 3, 33%) representative or national organisation/institute, and 45% (20 out of 44) of residents responding.

Question 7: Considering Stage 6 (Implement) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: Responses were generally positive for all criteria, but with a significant portion dissatisfied with proportionality (most of whom were residents).



4.25 For stage 6 (Implement) of the process, the guidance was seen as sufficiently comprehensible ('the guidance is good and meets this criterion') by 48% of respondents (35 out of 73), 'mostly' comprehensible

by 37% (27 out of 73), and 'not sufficiently' so by 29% (21 out of 73, nearly all of which were residents affected by aviation).

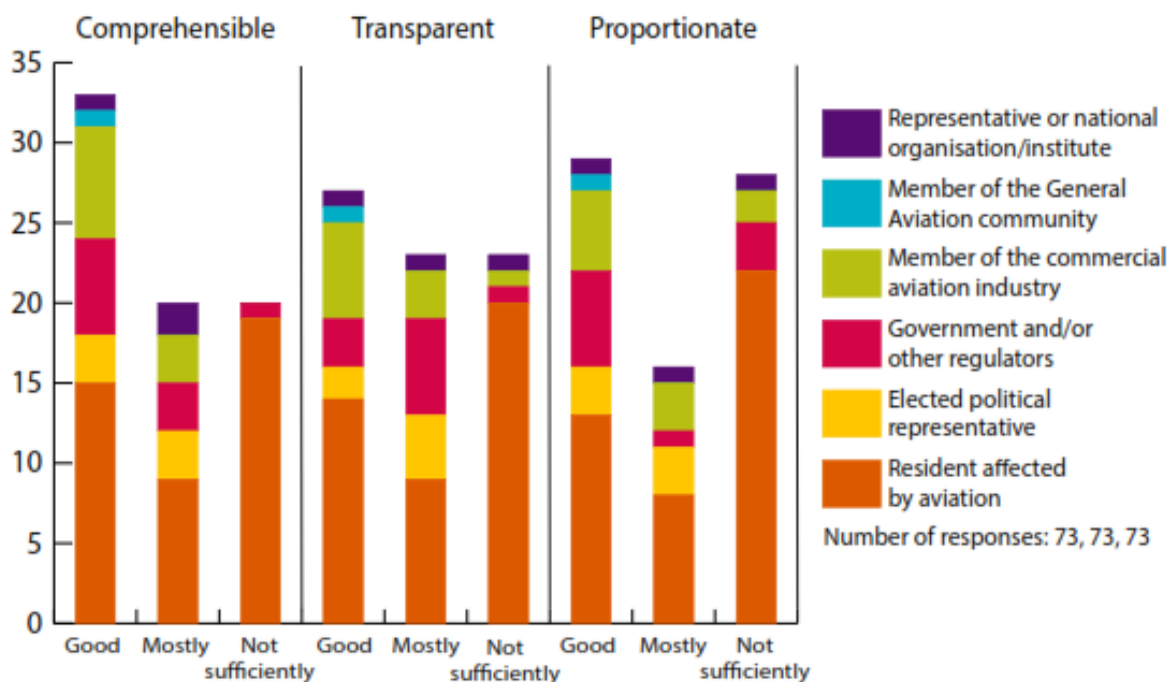
- 4.26 Transparency was seen in a similar light, with 44% of respondents choosing 'good' (32 out of 73), 29% (21 out of 73) 'mostly', and 27% (20 out of 73) 'not sufficiently'. Of the residents responding to this question, 37% (27 out of 73) said the guidance was 'not sufficiently' transparent, a view shared by one government body.
- 4.27 Regarding proportionality, the guidance was seen as 'good' by 40% of respondents (29 out of 73), 'mostly' proportionate by 26% (19 out of 73), and 'not sufficiently' so by 34% (25 out of 73). One fifth of government respondents (2 out of 10), 30% (3 out of 10) of the commercial aviation industry, and 47% (20 out of 43) of residents said the guidance was 'not sufficiently' proportionate. The graphs below show in more detail how two of these stakeholder groups responded:

Views on proportionality



Question 8: Considering Stage 7 (Post-implementation review) of the process, to what extent does the draft guidance on that stage meet the following criteria?

Conclusion: Comprehensibility was seen as good by a clear relative majority. Views on transparency showed support being split almost equally between the three options, with 'good' having a slight edge. Proportionality was seen as either 'good' or 'not sufficiently' (the latter view being held by over half of the residents).



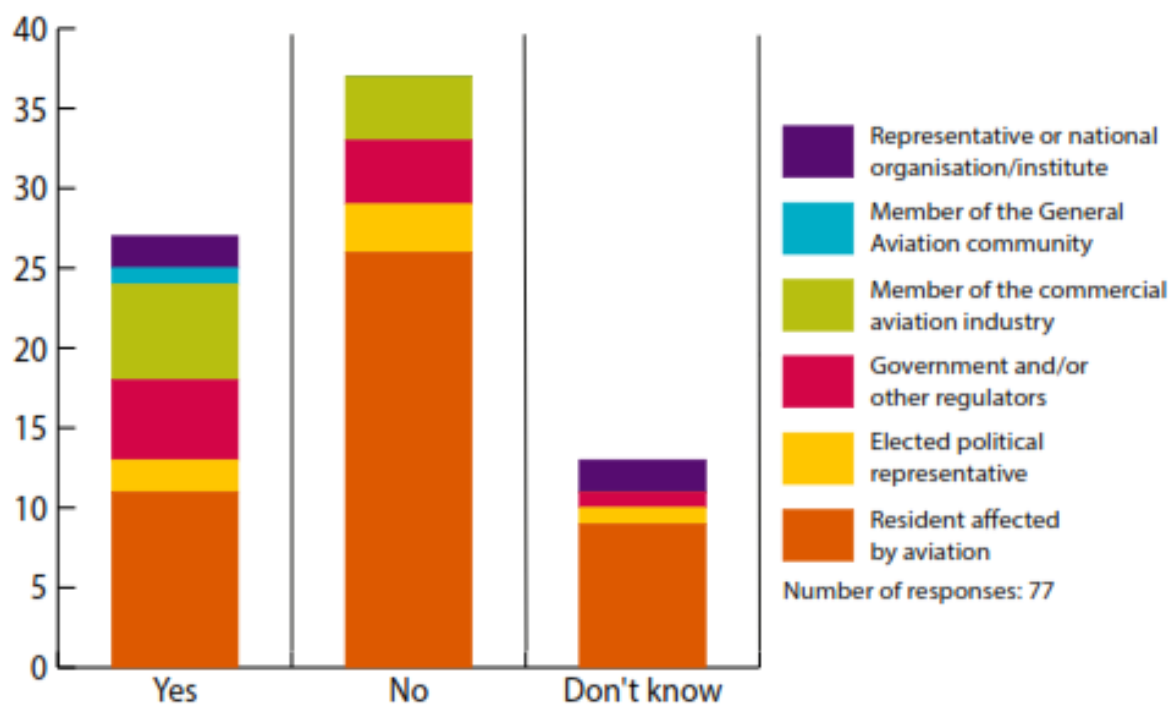
4.28 For stage 7 (Post-implementation review) of the process, the guidance was seen as sufficiently comprehensible ('the guidance is good and meets this criterion') by 45% of respondents (33 out of 73), 'mostly' comprehensible by 27% (20 out of 73), and 'not sufficiently' so by 27% (20 out of 73, most of which were residents affected by aviation).

4.29 Overall, views on transparency were mixed, with 37% (27 out of 73) of respondents choosing 'good', 32% (23 out of 73) saying it was 'mostly' transparent, and 32% (23 out of 73) 'not sufficiently' transparent. Just under half (20 out of 43) of the residents responding said the guidance was 'not sufficiently' transparent, a view shared by one member of the commercial aviation industry, one government body, and one representative or national organisation/institute.

- 4.30 Regarding proportionality, the guidance was seen as 'good' by 40% (29 out of 73) of respondents, 'mostly' proportionate by 22% (16 out of 73), and 'not sufficiently' so by 38% (28 out of 73).

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?

Conclusion: Almost half of responses showed dissatisfaction with the amount of detail provided on this issue.



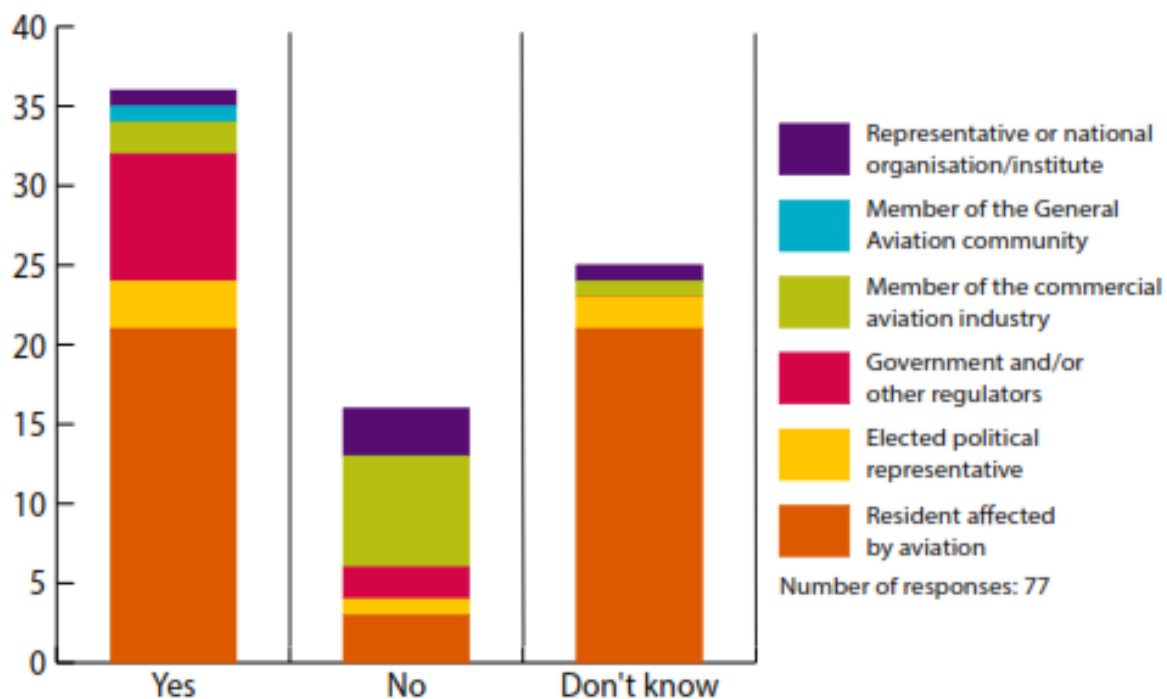
- 4.31 Almost half (48%) of all responses disagreed with the evidence needed to prove adequate engagement. This was split across most stakeholder groups. Over half the residents responding (26 out of 46), felt the guidance would not support adequate engagement, along with 40% of commercial

aviation industry respondents (4 out of 10), 40% of government bodies (4 out of 10), and half the elected political representatives (3 out of 6).

4.32 Only 35% were pleased with the described requirements, but included members of all stakeholder groups.

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?

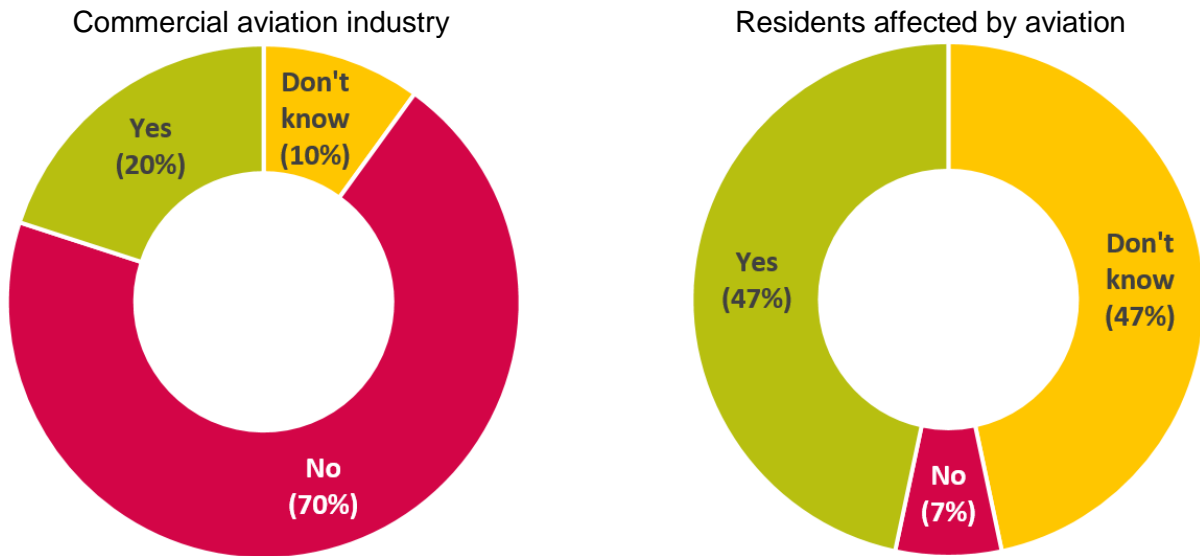
Conclusion: There was broad support for additional guidance regarding the use of a third-party facilitator, but with significant uncertainty (mostly from residents) and opposition from mostly members of the commercial aviation industry.



4.33 Almost half (47%) of all responses were in favour of more prescriptive information regarding use of third-party facilitators. These responses came from all stakeholder groups. Just under half the residents responding wanted more prescriptive guidance (21 out of 45), along with 20% of the commercial aviation industry respondents (2 out of 10), 80% of government bodies (8 out of 10), and half the elected political representatives (3 out of 6).

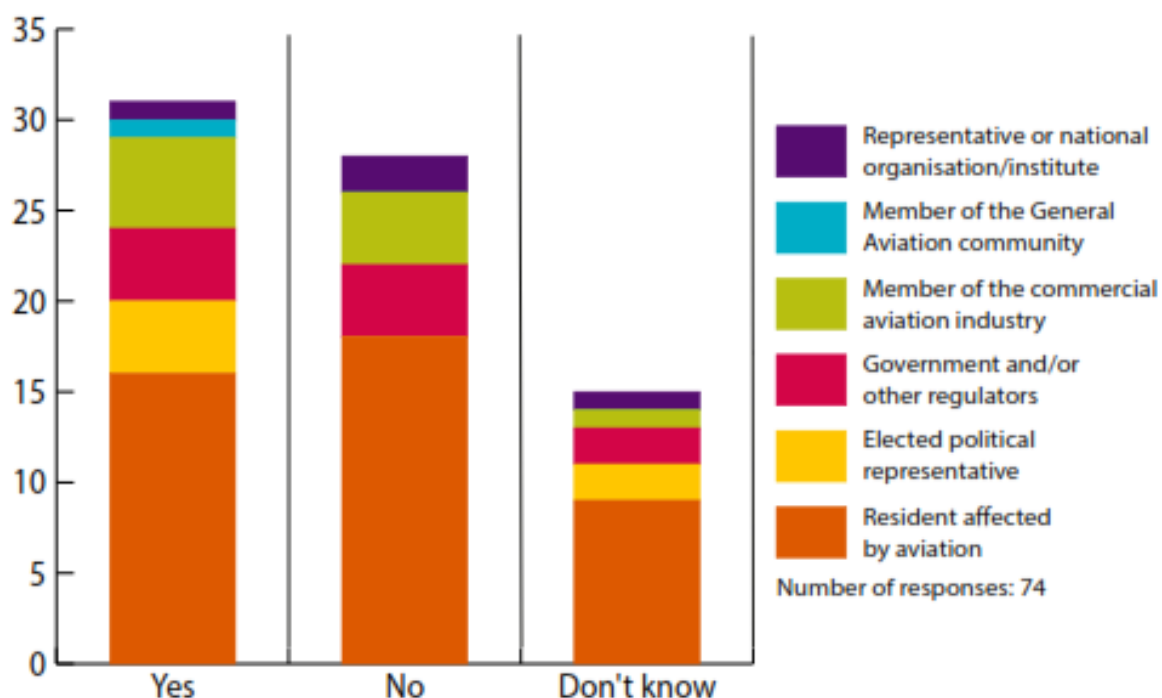
4.34 Opposition came from 21% of responses, the largest share coming from the majority of members of the commercial aviation industry, whose views can be seen separately below:

Views on proportionality



Question 12: In paragraphs 177 and C34–C36, and 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?

Conclusion: Mixed views from all stakeholder groups, with the 'yes' option having slightly more supporters than 'no'. One fifth of respondents were unsure.

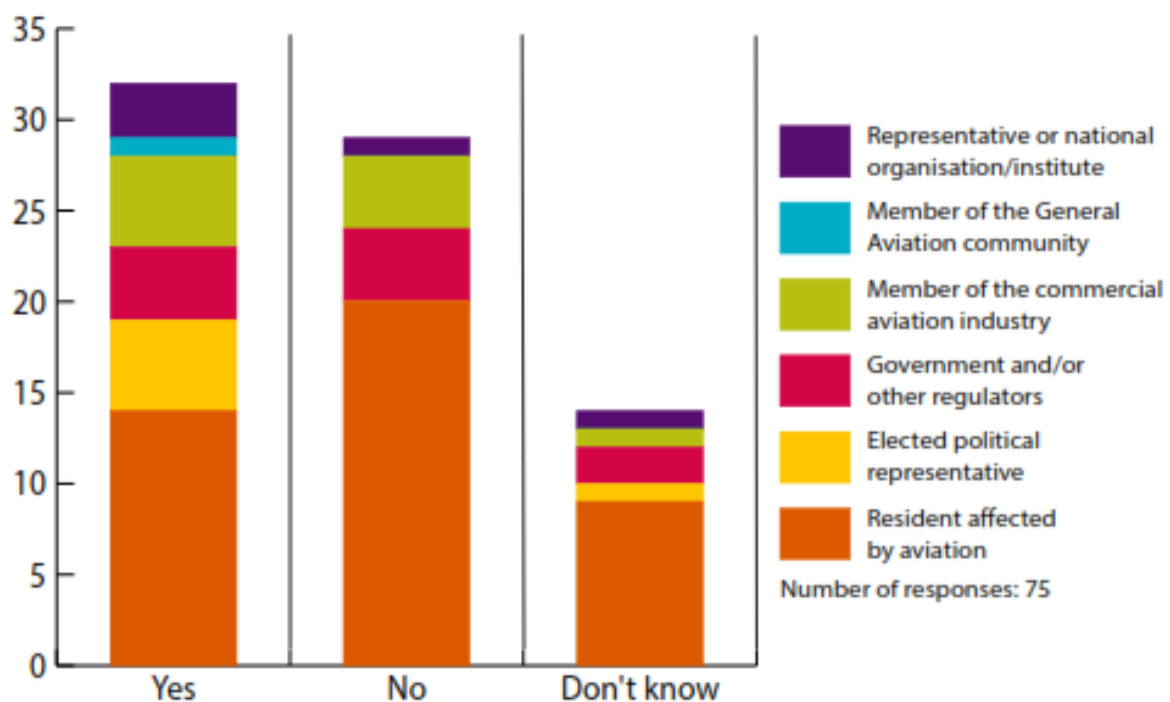


4.35 For question 12, responses were mixed. Forty two per cent of all responses were satisfied with CAA's explanation of the categorisation of consultation responses. These responses came from all stakeholder groups, and included 37% of residents responding (16 out of 43), half the members of the commercial aviation industry (5 out of 10), 40% of government bodies and/or other regulators (4 out of 10), one member of the General Aviation community (only one responded in total), two-thirds of elected political representatives (4 out of 6), and a quarter of representatives or national organisations/institutes (1 out of 4).

- 4.36 Oposing views amounted to 38% of all responses, most of these being from residents (which were 42% of the whole stakeholder group), along with 40% of government bodies and/or other regulators, 40% of members of the commercial aviation industry, and half the representatives or national organisations/institutes.
- 4.37 Uncertainty on the matter was marked by 15 respondents (20% of all responses), many coming from residents, as well as smaller numbers from nearly every stakeholder group.

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?

Conclusion: Mixed views from almost all stakeholder groups, with the 'yes' option having slightly more supporters than 'no'. Almost one fifth of respondents were unsure.



- 4.38 For question 13, views were varied regarding the proposed approach. Responses in favour came from all stakeholder groups, including one third

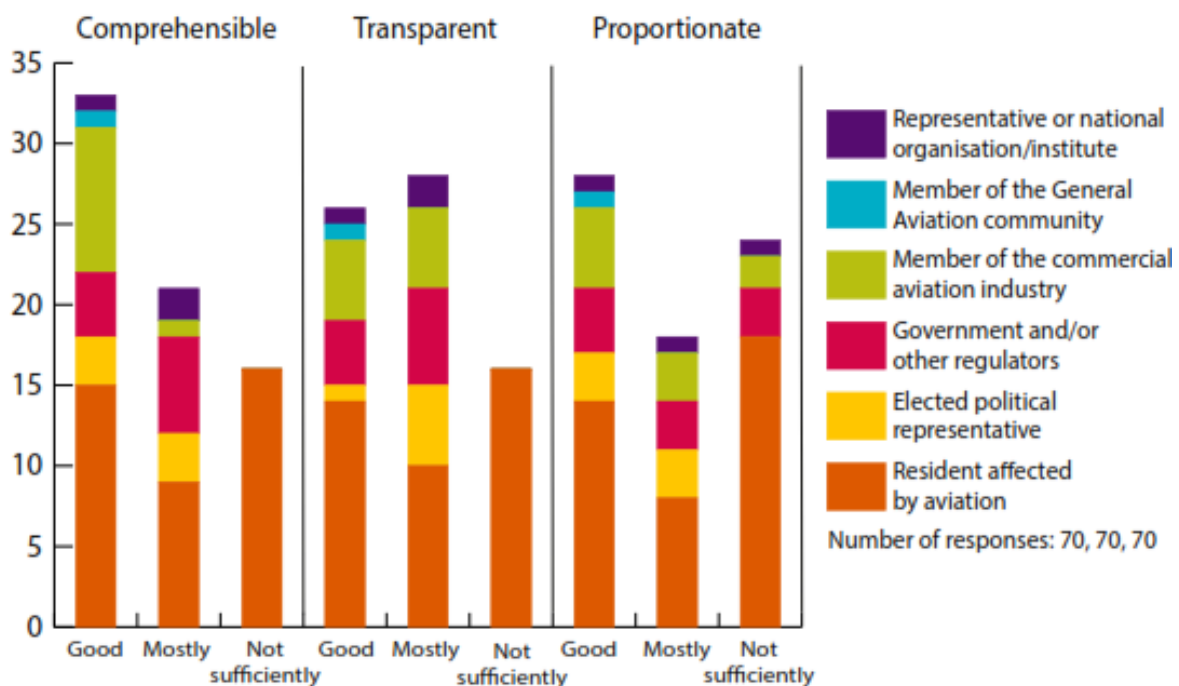
of all residents responding (14 out of 43), half the members of the commercial aviation industry (5 out of 10), 40% of government bodies and/or other regulators (4 out of 10), one member of the General Aviation community (only one responded in total), the majority of elected political representatives responding (5 out of 6), and 60% of representative or national organisations/institutes (3 out of 5).

- 4.39 Opposing views amounted to 39% of all responses, most of these being from residents (which were 47% of the whole stakeholder group), along with 40% of government bodies and/or other regulators, 40% of members of the commercial aviation industry, and one fifth of the representatives or national organisations/institutes.
- 4.40 Uncertainty on the matter was marked by 14 respondents (19% of all responses), many coming from residents, as well as smaller numbers from all the other stakeholder groups, apart from the member of the General Aviation community.
- 4.41 Further detail as to why respondents may or may not support our approach can be found in subsequent chapters of this report, in which we analyse the sentiments expressed and recommendations made by respondents.

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

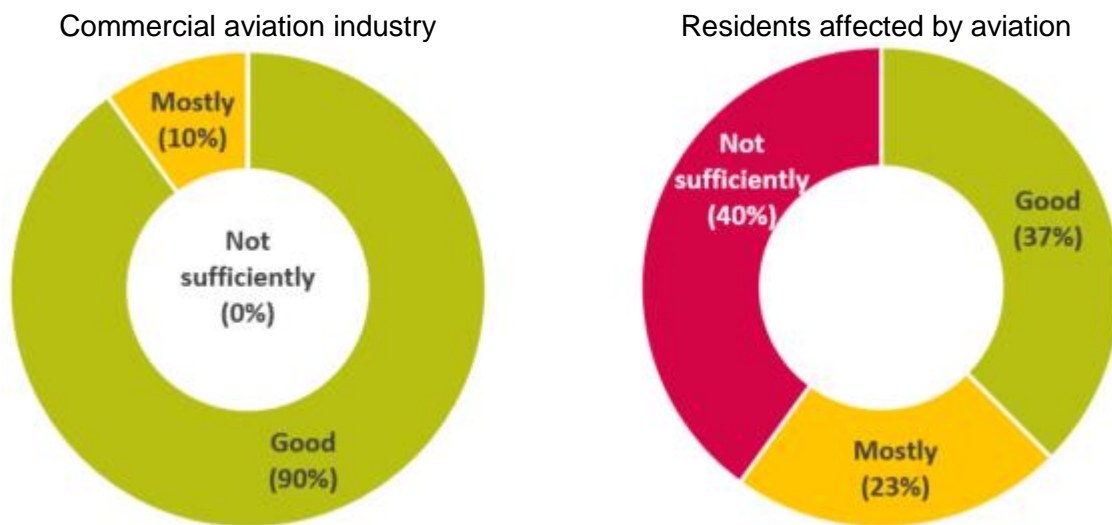
Conclusion: Comprehensibility was seen as good by a clear relative majority, with residents being the only stakeholder group to deem it ‘not sufficiently’ so.

Transparency was ‘mostly’ met, rather than ‘good’, with a significant number of residents claiming the guidance was ‘not sufficiently’ transparent. Proportionality was seen as relatively ‘good’, but a large number of representatives from four stakeholder groups were dissatisfied (i.e. selecting that the guidance was ‘not sufficiently’ proportionate).



4.42 For temporary airspace changes, the guidance was seen as sufficiently comprehensible (“the guidance is good and meets this criterion”) by 47% of respondents (33 out of 70), ‘mostly’ comprehensible by 30% (21 out of 70), and ‘not sufficiently’ so by 23% (16 out of 70, all of which were from residents affected by aviation). Members of the commercial aviation industry were generally content with this criterion and residents had mixed views.

Views on comprehensibility



- 4.43 Transparency received more mixed responses, with 37% (26 out of 70) of respondents choosing 'good', 40% (28 out of 70) 'mostly', and 23% (16 out of 70) 'not sufficiently'. Forty per cent of residents responding said the guidance 'not sufficiently' transparent and no other stakeholder group shared this view. Members of the commercial aviation industry were split evenly between 'mostly' and 'good'.

Views on transparency



- 4.44 Regarding proportionality, the guidance was seen as 'good' by 40% (28 out of 70) of respondents, 'mostly' proportionate by 26% (18 out of 70), and 'not sufficiently' so by 34% (24 out of 70). The 'not sufficiently' responses were split across several stakeholder groups, including three of

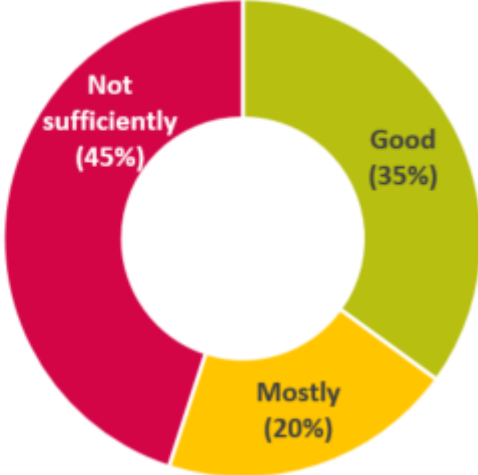
the 10 of government respondents, 20% (2 out of 10) of commercial aviation industry respondents, one third (1 out of 3) of the representative or national organisations and 45% (18 out of 40) of resident respondents. The charts below provide more clarity on the views of the commercial aviation industry and residents affected by aviation.

Views on proportionality

Commercial aviation industry

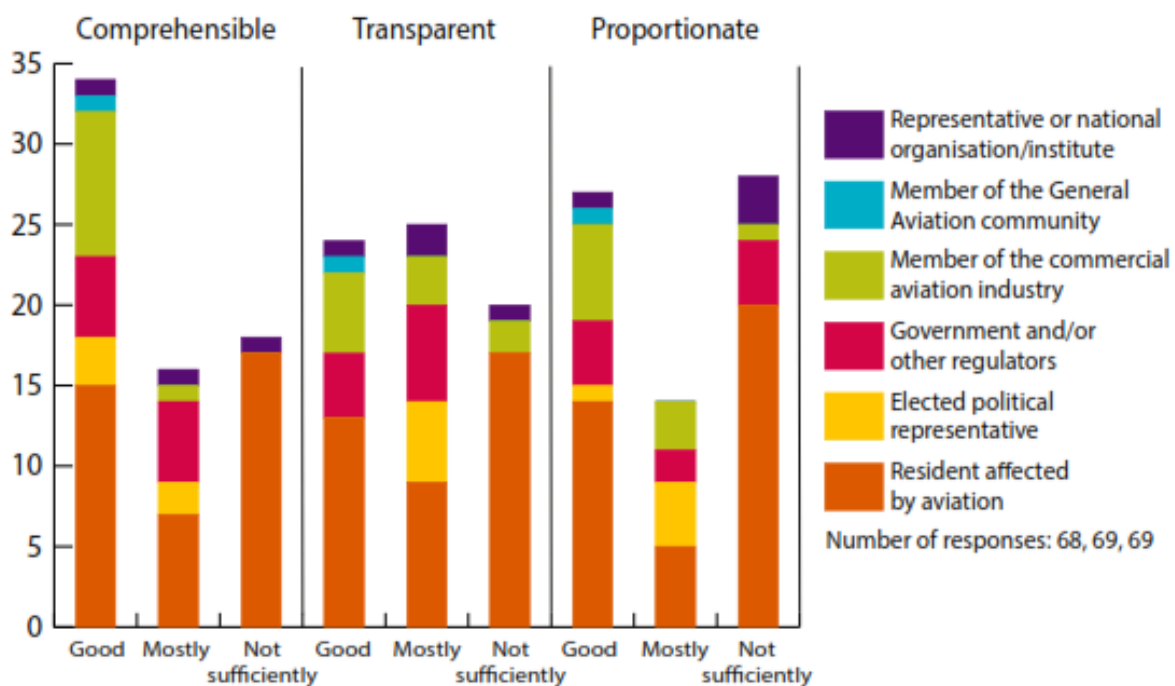


Residents affected by aviation



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

Conclusion: Half of the respondents were of the opinion that the guidance was good and met comprehensibility requirements, although a large number of residents and one representative or national organisation/institute believed that it was not sufficiently comprehensible. Views on transparency were mixed, very slightly in favour of 'mostly'. Respondents were divided when it came to proportionality, a relative majority being dissatisfied (including three-quarters of representatives or national organisations/institutes, just over half of residents and 40% of government bodies and/or other regulators), followed by an almost equal number claiming 'good'.



4.45 For operational airspace trials, the guidance was seen as sufficiently comprehensible (“the guidance is good and meets this criterion”) by 50% of respondents (34 out of 68), ‘mostly’ comprehensible by 24% (16 out of 68), and ‘not sufficiently’ so by 26% (18 out of 68, mostly from residents affected by aviation but also including one representative or national organisation/institute).

4.46 Transparency received mixed responses, with 35% (24 out of 69) of respondents choosing ‘good’, 36% (25 out of 69) saying it was ‘mostly’ transparent, and 29% (20 out of 69) saying it was ‘not sufficiently’ so. Forty

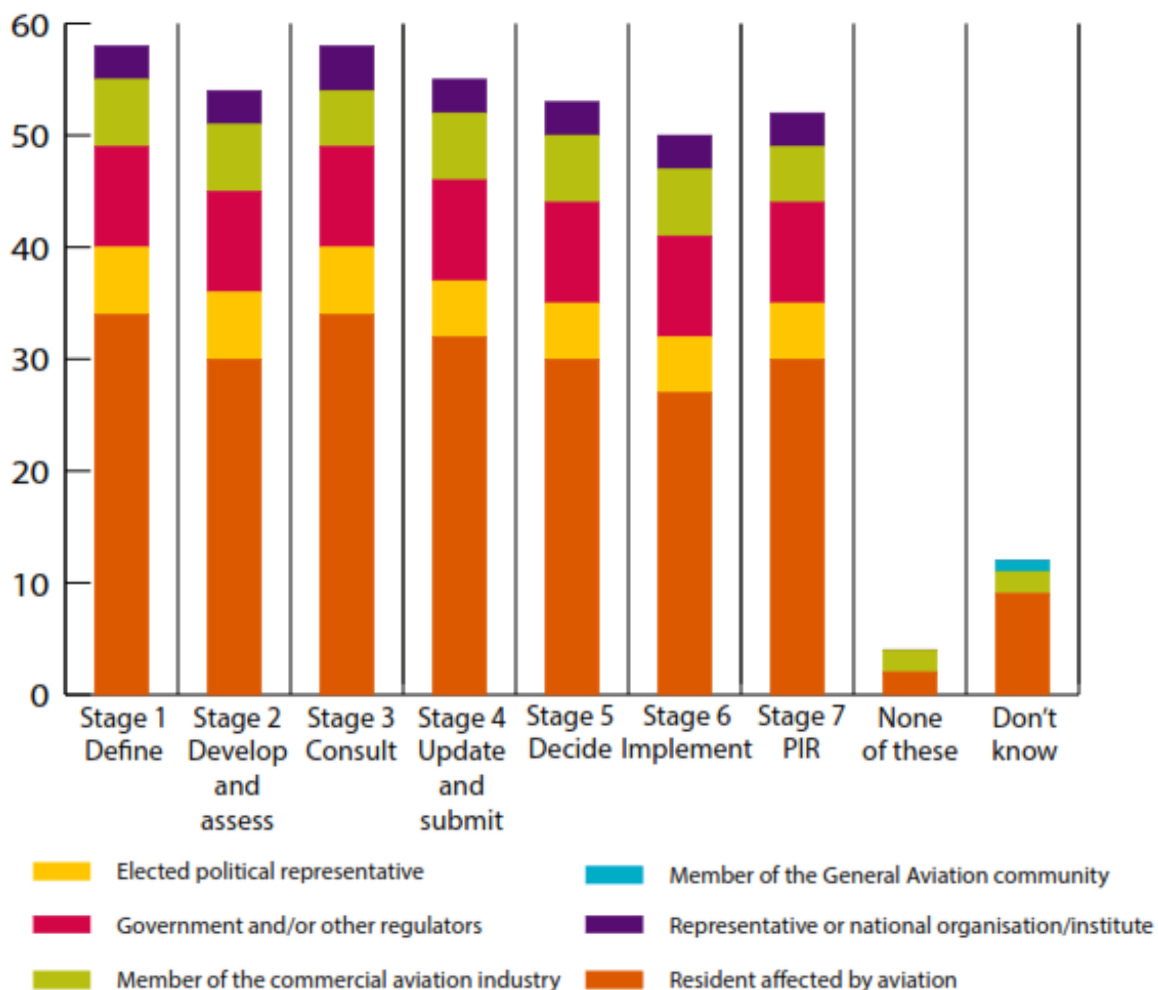
four per cent (17 out of 39) of resident respondents said the guidance was 'not sufficiently' transparent, a view shared by two members of the commercial aviation industry (out of 10 responding) and one representative or national organisation/institute (out of four responding).

- 4.47 Regarding proportionality, the guidance was seen as 'good' by 39% (27 out of 69) of respondents, 'mostly' proportionate by 20% (14 out of 69), and 'not sufficiently' proportionate by 41% (28 out of 69). Just over half the residents responding to this question (20 out of 39) said the guidance was 'not sufficiently' proportionate, as did 40% (4 out of 10) of government respondents, one member of the commercial aviation industry (10%, 1 out of 10), and most representative or national organisations (75%, 3 out of 4).

Question 17 was an open text question about the Spaceflight Bill, hence not analysed quantitatively in this report.

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?

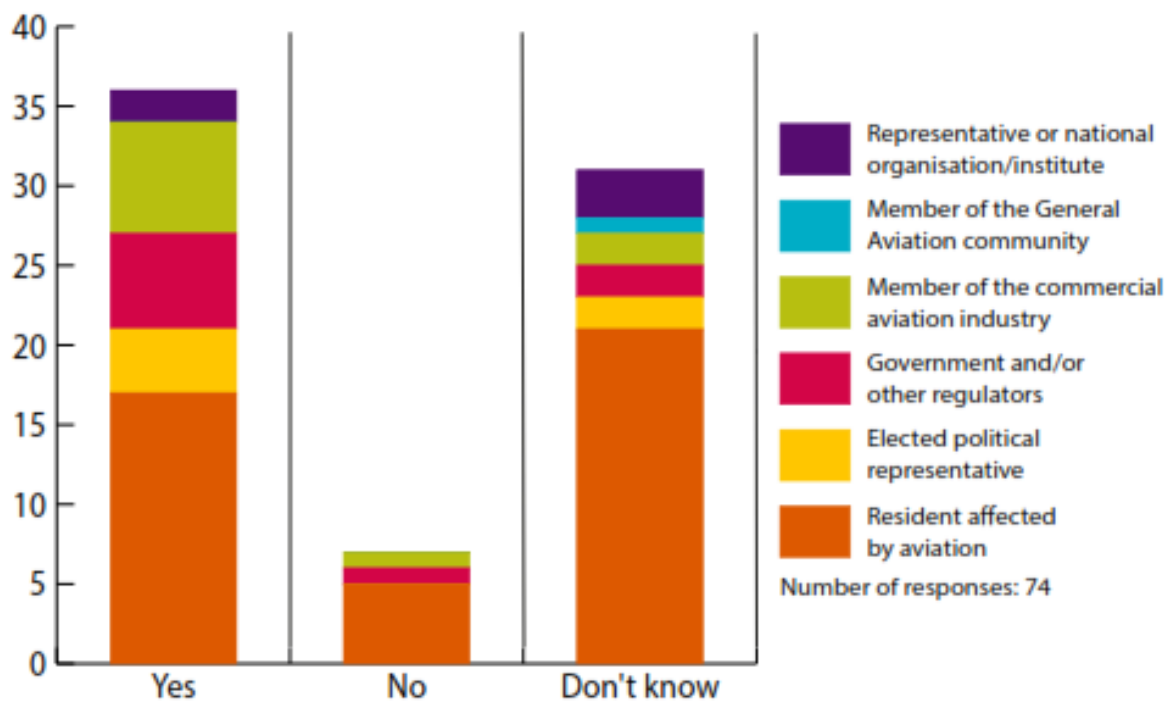
Conclusion: Almost unanimous support for all stages to be included for Tier 2 changes, with some uncertainty (from residents, members of the General Aviation community and the commercial aviation industry), and a small number of respondents (from residents and the commercial aviation industry) of the view that none of the stages are needed.



4.48 The seven stages were supported by all stakeholder groups, except for the single respondent as a member of the General Aviation community who was unsure. A few members of the commercial aviation industry were also unsure or opposed to all the stages. Uncertainty was also the viewpoint of some residents, with a few individuals being opposed to all the stages.

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?

Conclusion: Most responses in favour of scaling, but with a quite significant proportion unsure (comprising responses from all stakeholder groups).



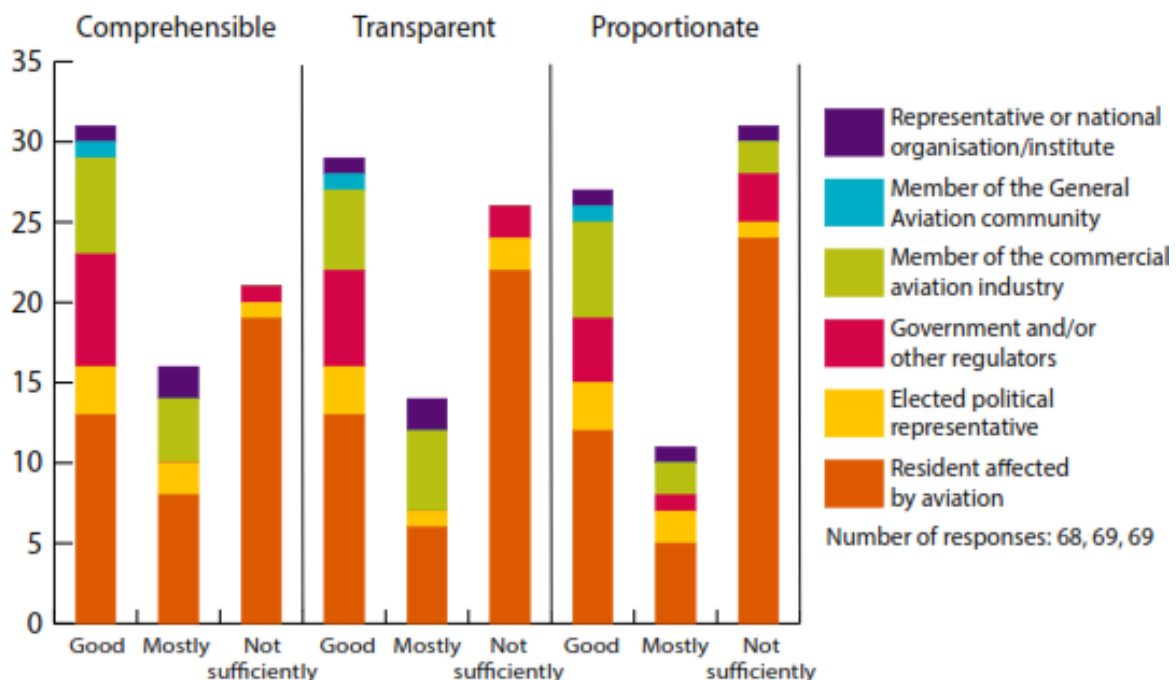
4.49 Regarding the scaling of the Tier 2 process, most respondents expressed either broad support or uncertainty. Those in favour amounted to nearly half (49%) of all responses. These responses came from all stakeholder groups except members of the General Aviation community, and included 40% of residents responses (17 out of 43), 70% of commercial aviation industry (7 out of 10), two-thirds of government bodies (6 out of 9), two-

thirds of elected political representatives (4 out of 6) and 40% of representative or national organisations (2 out of 5).

- 4.50 Opposing views amounted to only 9% of all responses, most of these being from residents (which were 12% of the whole stakeholder group), along with 11% of government bodies responding and 10% of commercial aviation industry respondents.
- 4.51 A high number of respondents (from all stakeholder groups), 31 (42% of all responses), were unsure on the matter. These views were mainly from residents (almost half of all residents responding).

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?

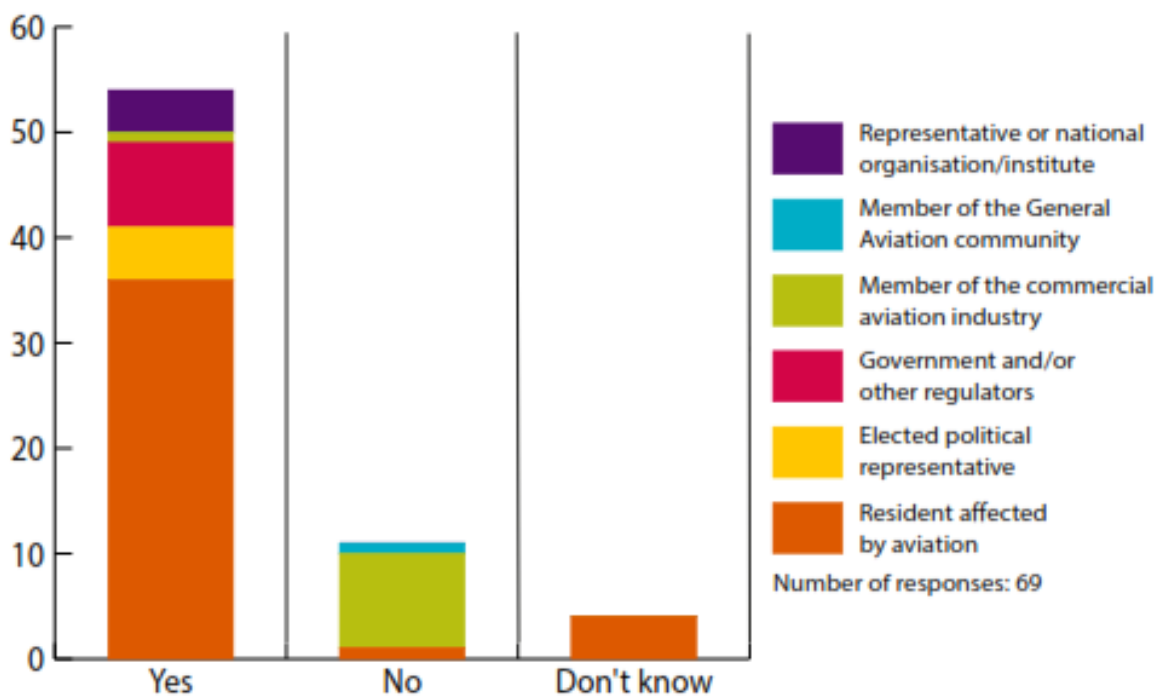
Conclusion: A clear relative majority claimed the guidance was good in terms of comprehensibility. Views on transparency were divided between 'good' and 'not sufficiently', with 'good' having a larger margin. This was also the case with proportionality, but here 'not sufficiently' had more supporters. Over half of residents chose 'not sufficiently' concerning both transparency and proportionality.



- 4.52 For other changes that may have a noise impact, the guidance was seen as “good” and therefore sufficiently comprehensible by 46% of respondents (31 out of 68), ‘mostly’ comprehensible by 24% (16 out of 68), and ‘not sufficiently’ so by 31% (21 out of 68, mostly of which were residents affected by aviation).
- 4.53 Transparency was seen in a similar light, with 42% (29 out of 69) of respondents choosing ‘good’, 20% (14 out of 69) saying it was ‘mostly’ transparent, and 38% (26 out of 69) saying it was ‘not sufficiently’ so. Just over half of the residents responding (22 out of 41) said the guidance was ‘not sufficiently’ transparent and this view was shared by a quarter of government bodies responding (2 out of 8, 25%) and one third of elected political representatives responding (2 out of 6).
- 4.54 Regarding proportionality, the guidance was seen as ‘good’ by 39% (27 out of 69) of respondents, as ‘mostly’ proportionate by 16% (11 out of 69), and ‘not sufficiently’ so by 45% (31 out of 69). Just over a third of government bodies responding to this question said the guidance was ‘not sufficiently’ proportionate (3 out of 8), along with one of the six elected political representatives responding, 20% (2 out of 10) of members of the commercial aviation industry, 33% (1 out of 3) of representative or national organisations, and 59% (24 out of 41) residents who responded.

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?

Conclusion: High level of support from many stakeholder groups for the CAA to publicly draw attention in the given scenario, except for members of General Aviation community and almost all the members of the commercial aviation industry, who were opposed.



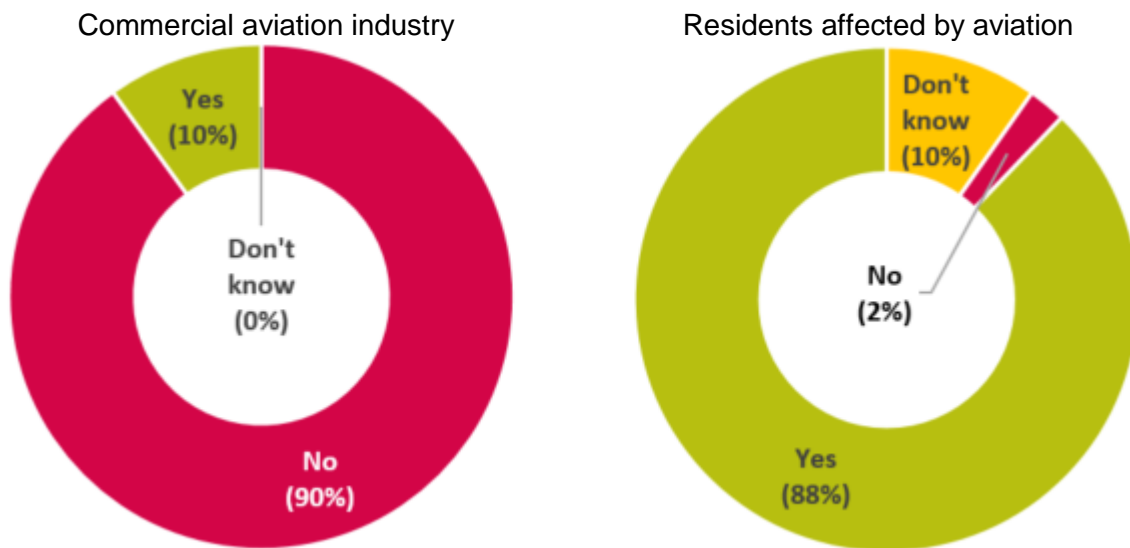
4.55 Overall, responses were overwhelmingly in support (78%) of the CAA publicly signalling a breakdown of trust between an airport and its stakeholders. Eighty-eight per cent all residents responding supported this answer (36 out of 41), but only 10% of the commercial aviation industry respondents (1 out of 10). Those in support also included all the government bodies responding (8), all of the elected political representatives (5), and all the representatives or national organisations/institutes (4).

4.56 Of the 16% of respondents opposed, most were from members of the commercial aviation industry (90% of this stakeholder group were

opposed), along with 11% of residents affected by aviation and one member of the General Aviation community.

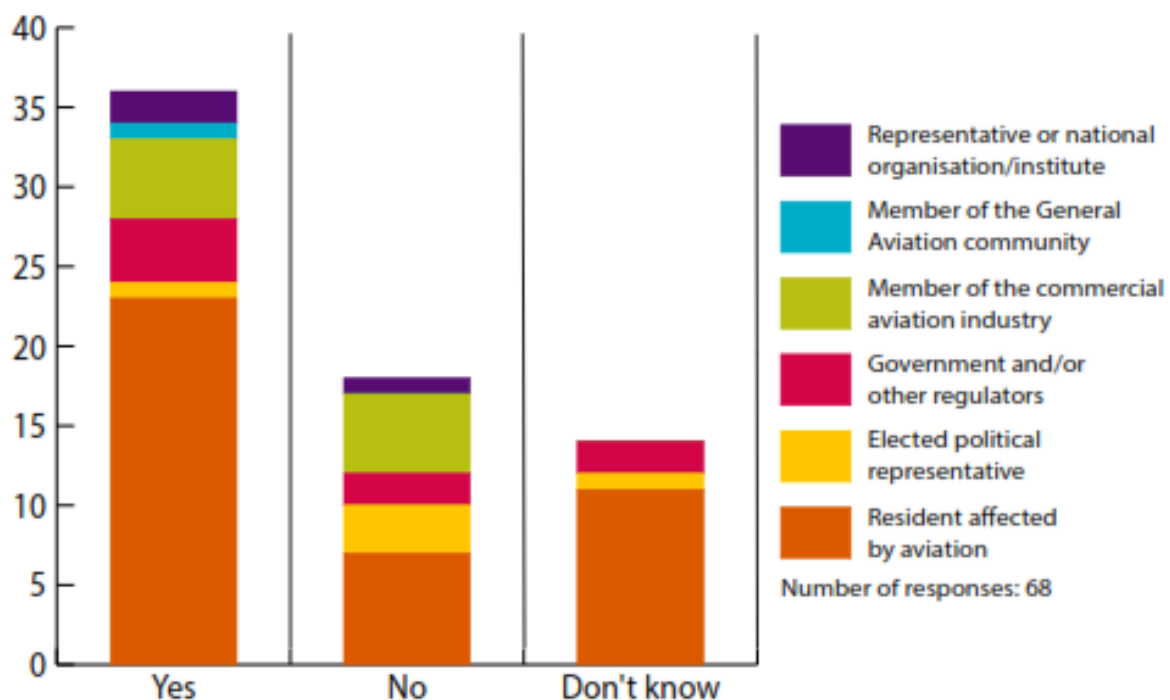
- 4.57 The responses to this question show a clear split in sentiment between stakeholder groups, as these charts show regarding two of those groups:

Views on proportionality



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?

Conclusion: Mixed views, with some uncertainty. Most responses requested more information (with strong support from residents, the General Aviation community, representative or national organisations/institutes and government bodies and/or other regulators). Commercial aviation industry responses were divided equally between 'yes' and 'no'. Most elected political representatives did not see a need for more detail.



4.58 More than half the responses (53%) received for question 24 requested more detail to be provided in the guidance. This included responses from all stakeholder groups, including 56% of all residents responding (23 out of 41), half the members of the commercial aviation industry responding (5 out of 10), half the government bodies (4 out of 8), one fifth of elected political representatives (1 out of 5), and two-thirds of representative or national organisations/institutes (2 out of 3).

- 4.59 Those that felt that the guidance does not need to provide more detail accounted for only 26% of all responses and included the other half of members of the commercial aviation industry, 17% of all residents responding, a quarter of government bodies, one third of representative or national organisations, and 60% of elected political representatives.
- 4.60 The remaining responses (21%) came from (predominantly) residents, government bodies and/or other regulators, and elected political representatives and they were unsure on the matter.

Chapter 5

Qualitative analysis of free-text responses

Qualitative analysis

5.1 This chapter considers the key themes that were raised with us in open-text responses, and who raised them.

Open-text questions

5.2 Each of our 24 consultation questions included an open element. This means that in addition to any multiple-choice, closed questions, respondents were offered an open box to write free text sharing their reasons and views. Often we specifically invited respondents to use the open-text box to elaborate on areas where they believed the guidance to be insufficient, meaning that we asked respondents to focus their feedback on areas they perceived to be weak.

5.3 Most respondents took the opportunity presented by the open-text responses to share their views, evidence or rationale for their answers. In Chapter 6 of this report we list the specific recommendations respondents made in these open-text sections. In addition to the list of recommendations, we found a number of recurring themes arising in the open-text responses. In this part of the report we summarise what those themes were, and who raised them.

Method

5.4 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, five members of CAA staff each read a cross-section of five different responses in full and listed the topics, ideas, concerns and comments that were raised in them. The staff then met and shared those lists, and discussed them until a definitive list of themes was agreed. These five staff members plus one additional colleague then read

all 113 responses from scratch 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:

- every individual response was read from start to finish by a member of CAA staff
- the themes we discuss in this section 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, and of which stakeholder group, raised a particular topic or concern).

5.5 The themes commonly discussed by respondents are identified below.

5.6 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 mentions 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.

Guidance, including appendices and comments on the process

Level of information in the guidance and transparency

5.7 There were conflicting views on the level of detail of the guidance and the resultant length of the document.

- 5.8 Many respondents commented on the length and complexity of our guidance document. This was a common theme, raised 109 times. Of those instances, the majority (73%) were from residents affected by aviation; just under 10% were from the commercial aviation industry and the same from other government bodies (i.e. councils). Some built on this sentiment to call for an easy-read version for some stakeholders, specifically for residents affected by aviation. This was raised 54 times, 36 of which were by residents.
- 5.9 One resident affected by aviation in the south east suggested: “The draft guidance is remarkably long and detailed and challenging even for someone like me used to reading such documents at work. For the average citizen it is going to be daunting and incomprehensible. What is needed is a companion document that graphically illustrates what we need to know in easily understandable terms and doesn't require hours and hours of reading and study to grasp the essentials of what is being proposed.”
- 5.10 Hertfordshire County Council suggested “opportunities should be explored to improve the way in which the guidance can be accessed by those groups – or perhaps more likely the production of a much shorter user-friendly version designed specifically for their particular needs and requirements”.
- 5.11 Many respondents also commented on the need for more information to be included in the guidance document. On 216 occasions respondents requested that the guidance be developed to include more detailed information about how the process will work. This request came from every stakeholder group, as shown below:

More information and clarity on the process is needed	
Elected political representative	11
Government and/or other regulators	42
Member of the commercial aviation industry	58
Member of the General Aviation community	4
Resident affected by aviation	72
Representative or national organisation or institute	29
Total	216

- 5.12 The issues on which more information was requested varied and covered most of the guidance: how the gateways will work; how the levels will be determined; and specific activities in the process such as the options appraisal, the categorisation of consultation responses, the Public Evidence Session and Post-Implementation Review.
- 5.13 A resident in the south east, who is affiliated with St Albans Quieter Skies (a local resident and local councillors group), suggested: “The guidance should be more specific and enforceable. It is not sufficient to fall back on guidance alone as this can be widely interpreted as is the situation now. There is a case for much more rigorous use of intendant experts and a much stricter set of rules. Guidance to date has been interpreted widely for example it pays little attention to environmental factors such as noise and pollution.”
- 5.14 Often the respondents commenting on the problems with the length and complexity of the guidance also asked for additional detail on certain aspects of the process, therefore expressing both views.
- 5.15 For example, one resident affected by aviation said “I understand there is a lot of material you need to cover in this guidance, but at the same time it’s unlikely you’ll get meaningful engagement on your documents until you find a way of communicating more simply” and also requested “more specific and prescriptive” guidance on how sponsors should undertake engagement.

- 5.16 The Aviation Environment Federation (AEF) said “While we appreciate the steps taken to make the guidance accessible in terms of language and a thorough glossary, it is unrealistic in our view to expect community groups to be able to engage thoroughly or effectively with such a long and complex document.” The AEF also said that further information should be included about Post-Implementation Review (PIR): “We would like to see much more detail set out in relation to the parameters that the CAA will use to assess whether or not the impacts accord sufficiently closely to those anticipated at the outset.”
- 5.17 That respondents could express both of these sentiments highlights a challenge the CAA has also faced; namely, the need to be transparent about a detailed and complex regulatory process, while also ensuring that detail is as accessible as possible.
- 5.18 Respondents suggested that case studies or illustrative examples would be useful to help show how the guidance will work in practice. This suggestion was raised 36 times, 21 times by the commercial aviation industry and 13 by residents affected by aviation.
- 5.19 Many respondents expressed sentiments about the transparency of the process and how effective the guidance will be in achieving that transparency.
- 5.20 On 55 occasions respondents suggested the guidance would not improve the transparency of the process and on 19 occasions they suggested it would. Of the suggestions that the guidance would not improve transparency, 44% were attributable to residents affected by aviation and 31% were by government bodies or other regulators. Of the suggestions that the guidance would improve transparency, 47% were by government bodies or other regulators.
- 5.21 In addition, on seven occasions respondents suggested that transparency should be reduced in some places, to keep more information confidential or to share it publicly but at a later point in the process.

- 5.22 One resident in the south east said that to aid transparency, what was needed was “a public e-space where stakeholders can submit feedback and respond to the proposals and where the sponsors can put their collated summary of the feedback. Only if all of this is posted publically can it be considered a transparent process.”
- 5.23 This is indeed the intention of our online portal.
- 5.24 The portal was a topic raised on 33 occasions, usually in the context of a suggestion that it needed additional or amended functionality, and more clarity as to how it would be used. One third of these suggestions were made in response to our question about Stage 3 (the consultation stage) of the process.
- 5.25 Cyrrus Limited, a member of the commercial aviation industry, raised concerns about our plans to publish consultation responses during the consultation period, in case it increased the number of consultation responses or was used by campaign groups: “Portal used for publishing responses during the consultation is inappropriate and could lead to a ‘snowball effect’ or a vexatious campaign.”
- 5.26 In addition to commenting on the CAA’s guidance, some respondents raised the need for airspace change sponsors (i.e. the commercial aviation industry) to improve the information they share publicly. These respondents suggested that the industry released information that was too complex, making it inaccessible. This was raised 47 times, by the following groups of respondents:

Sponsor information needs improving	
Government and/or other regulators	14
Representative or national organisation or institute	15
Resident affected by aviation	18
Total	47

- 5.27 On eight occasions respondents suggested that we revisit the new process in the future, once it has been implemented. Six of these eight suggestions were from national or representative organisations.

5.28 The desire for an appeal in the CAA's process was raised 10 times; four times by residents affected by aviation and six by government bodies.

Conclusions

- The CAA should develop further communications materials to help explain the guidance to audiences without technical expertise.
- It will be difficult for us to reduce the size of the guidance for two reasons: first, because we believe transparency and certainty on how our regulatory process works is necessary; and second, because there were more suggestions for additional detail than suggestions that the guidance be simplified and reduced.
- We have accommodated requests for additional detail in the guidance by considering individual recommendations about the different sections of the guidance, as set out in the next chapter.
- We will retain the style and format of the guidance, for example, the colour coding and keeping detail in the appendices where possible.
- We have included clearer language in our guidance that the materials used by sponsors must be clear and accessible.
- We have committed to reviewing the new process three years after it has been implemented, i.e. in early 2021; we chose three years because we want to allow time for some of the more complex changes, which could affect a great number of people, to have gone through the process from start to finish.
- We will look at the possibility of holding workshops to trial aspects of the guidance with stakeholders; if we are able to arrange this, the outputs of the events will be published to help inform people about how the process will work.
- Having consulted in March 2016 on whether to include an appeal in the process, in October 2016 we published our decision not to do so, as part of our response to that consultation (CAP 1465); we are not reversing this decision.

Engagement and the role of other organisations

- 5.29 On 24 occasions respondents suggested that the guidance would improve stakeholder engagement and on 99 occasions respondents suggested it would not. The stakeholder group most likely to suggest that the guidance would not improve engagement was residents affected by aviation (56% of instances); they also accounted for 50% of instances of the suggestion that guidance would improve engagement.
- 5.30 Some of the reasons respondents gave for this view were that engagement needed to be more prescriptive, or that engagement should be included at additional steps in the process.
- 5.31 For example, one resident affected by aviation said: “For airports, all this guidance mandates is a requirement ‘to engage’. As such, there is a real danger that if you aren’t more specific and prescriptive, nothing will change; airports will continue conducting questionable engagement practices; and local communities will continue to be incensed by the fact they have no real voice on this matter. You need to describe what ‘good’ engagement looks like, because I don’t think local people have assurance that airports have the skills (and possibly the willingness) to develop robust engagement plans without being given this steer by CAA.”
- 5.32 One local government body said: “[we] believe that the draft guidance clearly outlines the evidence that is required to ensure that the airspace change sponsor has engaged with all stakeholders. However, we recommend that as part of the airspace design process, the airspace change sponsor should contain a requirement to complete a ‘Statement of Community Involvement’ which should capture the consultation and stakeholder engagement requirements outlined throughout Stages 1, 2 and 3.”
- 5.33 Some respondents suggested that engagement take place at additional steps in the process. For example, Warnham Parish Council recommended that “Communities should be permitted to participate and object to the sponsor Statement of Need, before the lengthy process is

undertaken and communities are blighted by the process. This would help dismiss any sponsors proposal from the outset, so reducing the need for a full consultation costing the CAA, communities and the sponsor financially.”

- 5.34 The role of a third-party facilitator was raised 132 times, most commonly in response to the two questions that raised this topic (“*Are there any other places in the process at which you feel that a facilitator would be useful?*” – 40 instances, and “*Should the CAA be more prescriptive as to how and when a facilitator could be used?*” – 52 instances). Of these 132 mentions, only 4 were negative (i.e. suggestions that such facilitation would not be of value); 56 were suggestions that it would be of value in the way set out in the guidance, and 72 mentions were suggestions for a developed role for a facilitator.

- 5.35 The positive comments were spread across four stakeholder groups:

Positive comments on the role of a third-party facilitator as set out in the draft guidance	
Elected political representative	8
Government and/or other regulators	20
Member of the commercial aviation industry	8
Resident affected by aviation	20
Total	56

- 5.36 The responses that suggested a developed role for the facilitator also came from nearly every category of respondent. The sentiments and suggestions varied and cannot easily be grouped into themes. Some examples of what we heard are below:
- 5.37 One resident affected by aviation in the South East suggested “It should be compulsory and the facilitators should be assigned by CAA from a pool of assessed and approved independent facilitators.”
- 5.38 Sustainable Aviation, a commercial aviation coalition, said: “a facilitator could be effective in some circumstances – for example, in working through disagreements arising out of ambiguities... While there is some

concern around the additional cost and time which might be involved in the use of a facilitator, the option of the use of a facilitator should be kept open, provided it is only used to work through genuinely contentious issues where a resolution cannot otherwise reasonably be achieved. The use of a facilitator should also be at the discretion of the change sponsor.”

- 5.39 An elected political representative in the south east said: “The airport operator should not be able to choose the facilitator. The third parties should have the option to recommend a knowledgeable facilitator, all parties should agree to using the facilitator. The cost of using an external facilitator should be borne by the airport operator with a budget ceiling to be agreed by the CAA.”
- 5.40 Discussion of the third-party facilitator often touched upon other roles that people felt were needed. Some respondents called for a stronger Independent Commission on Civil Aviation Noise (the new body about which Government was consulting) and others called for an organisation to champion community needs, to act on behalf of communities rather than moderate between communities and other stakeholders. There were 45 instances in which a community champion was raised, 31 of which were by residents affected by aviation and 11 of which were by other Government or regulatory bodies.
- 5.41 One resident affected by aviation, affiliated with a number of bodies including CAGNE (Communities Against Gatwick Noise Emissions), suggested the CAA should be acting as an ombudsman, and also made the point that residents would benefit from having the resources and finances that a sponsor has: “This CAA consultation seems to be facilitating change to avoid Judicial Review, offering communities no hope of impartial rulings by an ombudsman. Communities do not have the resources or finances of the sponsor, the CAA, NATS or the DfT and thus will always be at a disadvantage and these proposals by the CAA do not help this imbalance.”
- 5.42 Bucks and Milton Keynes Association of Local Councils (BMKALC), a membership organisation serving town, parish and community councils

throughout Buckinghamshire and Milton Keynes, said: “the ICCAN should be available to assist and fight for communities at every stage of the process.”

- 5.43 There were 21 instances in which respondents suggested the CAA’s guidance could promote a stronger role for Airport Consultative Committees. Fifteen of these instances (70% of mentions) were by respondents identifying as a representative or national organisation or institute.
- 5.44 Hertfordshire County Council said of Airport Consultative Committees “perhaps there is scope to raise their importance in terms of engagement – not only through the process, but also in terms of expectations that airspace change proposals will have been discussed within the ACC environment considerably in advance of them proceeding to the formal process set out in the Guidance.”
- 5.45 On 11 occasions respondents suggested that liaison will be needed with local planning authorities. This was most often suggested by national or representative organisations.

Conclusions:

- We understand and share the desire for engagement to be improved; in the next chapter we consider specific recommendations about improving our guidance to achieve this.
- In 2016 we consulted on and then confirmed the structure of the new process, so we are not making any changes now (such as requiring engagement at the Statement of Need stage, as we think the current points at which engagement should happen are the right ones, balancing transparency, fairness and proportionality).
- There were mainly positive sentiments expressed about the involvement of a third-party facilitator as set out in the draft guidance.
- There were many comments suggesting a developed role for a facilitator, some of which are collected among the recommendations

in the next chapter and which we have considered individually in developing the final version of the guidance.

- There were calls for a body to champion community interests. The CAA is not such a body (our role, set out in law, states that we must take account of the interests of several stakeholders and not act on behalf of any of them).
- The CAA has reviewed areas in which Airport Consultative Committees can be mentioned in the guidance, to make clear the potential for their involvement in existing engagement steps.
- We will not offer Airport Consultative Committees an enhanced role over and above that of other stakeholders, as we are bound by law to consider all affected parties and all factors set out in Section 70 of the Transport Act 2000. It could introduce bias into our decision-making if we were to accord one representative party more significance than another, even when that party's set up is informed by government guidance.
- We have reviewed our guidance to ensure that it recognises engagement with planning authorities at the right points in the process.

The role of the CAA

5.46 Many respondents raised the role of the CAA and expressed a range of sentiments, varying from the suggestion that the CAA is being too prescriptive and heavy-handed as a regulator, to the suggestion that the CAA is not regulating enough and should be stronger with the industry it regulates. We recorded five different sentiments about the CAA:

CAA is not (sufficiently) independent	Raised 38 times 23 instances (61% of instances) were from residents affected by aviation. It was also raised by representatives from General Aviation, national institutes and government bodies (i.e. local authorities or Parish Councils)
CAA is imposing too much regulation / being disproportionate	Raised 21 times Every instance was raised by the commercial aviation industry.
CAA needs to regulate differently, for example coordinate / address issues where airspace impacts more than one airport	Raised 45 times 26 instances (58% of instances) were from residents affected by aviation.
CAA needs to assess / increase its resource to deliver decisions	Raised 15 times 9 instances (60% of instances) were raised by the commercial aviation industry.
CAA needs to hold industry to account more / be stronger / more involved	Raised 73 times 42 instances (58% of instances) were from residents affected by aviation.

- 5.47 The table above shows the different sentiments of the different stakeholder groups. Residents affected by aviation were more likely to suggest the CAA needs to regulate more and differently, whereas representatives of the commercial aviation industry were more likely to suggest the CAA needs to regulate less and assess its decision-making resource.
- 5.48 Building on the comments about the CAA as over-regulating, there were concerns about the proportionality of the process. Concerns about the cost of the process were raised 18 times, 15 of which were by the commercial aviation industry.
- 5.49 The UKACCs (Liaison Group of UK Airports Consultative Committees), a national organisation, commented: “there are concerns about the cost and resource needed to undertake the process particularly as the scale of the process and the length of time it would take to complete, the Tier 1a

process in particular, may not be appropriate for smaller airports. UKACCs believes that a “one size fits all approach” should not be adopted and steps need to be taken to ensure flexibility can be built into the process so that it can be tailored to suit local circumstances.”

- 5.50 London Luton Airport Operations Limited said “the CAA could be more proactive and innovative in the measures it develops in order to mitigate against the increased regulatory pressures in terms of costs, timescales, resources and reputational risk that the Draft Guidance is likely to introduce.”
- 5.51 Respondents also raised concerns about the resource the new process would need – including finances and expertise that would be needed. This sentiment was expressed 33 times, most often by the commercial aviation industry (25 of those 33 instances) but also by other stakeholders, including General Aviation representatives, residents, and national representative organisations. In addition, concerns about the increased length or timescales of the process was raised 43 times; 21 of which (just under half) were from the commercial aviation industry and 13 (just under a third) from residents.
- 5.52 London Luton Airport Operations Limited said ““we are concerned that the CAA will not have the required resource capacity to conduct the essential aspects of its regulatory role if the Draft Guidance is taken forward in its current form. Referencing the DfT’s Strategic rationale for airspace change and the forecast traffic growth vs delay across the United Kingdom, the length of the current process simply does not fit with the timescales for the required wider airspace modernisation based on the number of airspace changes that will be submitted.”
- 5.53 Cyrrus Limited, a member of the commercial aviation industry, said “Gateway meeting schedule not a flexible means of getting business done. Missing a single deadline may result in 6-week delay to an ACP project. If this happens twice then that is 12-weeks delay and so it goes on.”

- 5.54 Many respondents advocating a need for stronger regulation also raised the theme of trust. On 81 occasions respondents told us that trust is currently lacking in the CAA, or our process, or the industry. Just under half of these instances were from residents affected by aviation, but other stakeholder groups raised it too:

Trust is currently lacking	
Elected political representative	1
Government and/or other regulators	29
Member of the commercial aviation industry	1
Representative or national organisation or institute	10
Resident affected by aviation	40
Total	81

- 5.55 In addition, on two occasions respondents said that the new guidance would not improve trust, and on four occasions respondents said that the new guidance would improve trust.
- 5.56 One resident in the south east said “The [local] airport authority has shown that it cannot be trusted to consult fairly with community stakeholders. Relying on them to represent what they have heard when they want a proposal to go forward is ridiculous. The question is why the process is not conducted by CAA or an independent entity. It's like asking the fox to guard the hen house.”

Conclusions:

- The CAA needs to strike a balance between the views of different stakeholders, which are not aligned on the topic of our regulatory approach to airspace changes.
- The CAA acknowledges the distrust expressed by some stakeholders, and we are increasing the transparency of the airspace change decision-making process so that the evidence we receive and way in which we act is available to the public.
- We acknowledge concerns about the time the process will take; we have introduced measures (such as regular commitments to make

gateway decisions, and agreeing a timeline with sponsors at the start of the process) to try to manage this.

- We also acknowledge concerns from the industry about the cost of the new process, however – despite repeated requests including in our formal consultation in March 2016 – we still have not seen any detailed figures about the anticipated increase in costs. If required we will be putting the evidence we have gathered to the Regulatory Policy Committee.

Tier 2

- 5.57 The Government proposed a new category of ‘Tier 2’ airspace changes, on which they would direct the CAA to have a decision-making role and to devise related policy and process. These types of changes would happen when there is a permanent and planned redistribution of air traffic, but not a change in the actual airspace design as published in the UK Aeronautical Information Publication.
- 5.58 This was treated separately by the CAA and did not form part of our guidance consultation, since the Government could have changed its policy proposals in the light of consultation, and this could have significantly changed the role given to the CAA and how we might then design the associated process. We therefore said that once the outcome of the Government’s consultation was known, we would if required consult formally on draft guidance for a Tier 2 airspace change process. We nevertheless used our guidance consultation as an opportunity to undertake engagement, and to seek views on how the CAA might implement the Government’s Tier 2 proposal should the Government decide to go ahead with it.
- 5.59 The Government has since responded to its consultation. It intends to do further work on its Tier 2 policy proposal and is also changing the names of these policies, so our guidance no longer refers to ‘Tier 2’ changes. We do, however, retain that language in this report, to be faithful to the language used in our consultation.

- 5.60 We therefore asked a series of questions to gauge people's expectations of the potential Tier 2 process. We noted a range of sentiments in response.
- 5.61 On 23 occasions respondents suggested that more clarity on Tier 2 was needed before they felt able to offer an informed position. Just under half these occasions (11 of 23) were attributable to the commercial aviation industry; it was also raised by residents affected by aviation; government bodies and national or representative organisations.
- 5.62 On 10 occasions respondents suggested the definition of Tier 2 will need to be developed through proper engagement, and should set out what it does and does not include. Eight of these 10 occasions are attributable to the commercial aviation industry.
- 5.63 The other sentiments we noted concerned the applicability of the Tier 1 airspace change process for Tier 2 changes. These sentiments can be summarised as follows:

Respondent category*	Tier 2 process should be the same as Tier 1	Scaling is not appropriate for Tier 2	Scaling will be needed for Tier 2
Elected political representative	5	0	2
Government and/or other regulators	16	0	5
Member of the commercial aviation industry	4	4	17
Resident affected by aviation	15	4	10
Representative or national organisation or institute	4	0	2
Total	44	8	36

*No respondents identifying as representatives of the General Aviation community expressed any of these sentiments.

- 5.64 In addition to these sentiments, on two occasions respondents suggested that a traffic forecast needed to form part of the evidence base for Tier 2; both suggestions were made by elected political representatives.

Conclusions:

- This was an engagement exercise; we will formally consult on a new process once the Government has directed us to have a role and we have had time to design an appropriate process. This later consultation will enable respondents who wanted more detail to understand more about the process to learn about it and have a say on the proposals once they are ready.

Other issues

Frustration with noise and past engagement opportunities

- 5.65 While our consultation asked specific questions about the draft guidance, many respondents took the opportunity to share their frustration about aviation noise in general. There were 84 instances in which respondents expressed frustration about aviation noise; this was primarily raised by residents (who accounted for just under 80% of instances) but also by government bodies and elected political representatives. In addition, there were 47 instances in which respondents expressed frustration with the commercial aviation industry's engagement with stakeholders either during past airspace change consultations, or on a general ongoing basis regarding aviation noise. The same respondent groups expressed this sentiment; residents accounted for 77% of instances.
- 5.66 Where respondents made a specific request or suggestion about the CAA's noise role outside of the airspace change guidance and our role on airspace changes, we will consider this through the Noise Management Review, a separate project we are currently running.¹⁰ There were 18 such suggestions.

Conclusions:

- We have noted the frustration expressed with aviation noise; our work on improving the airspace change process, and our ongoing

¹⁰ <https://consultations.caa.co.uk/policy-development/aviation-noise-impacts/>

Noise Management Review are two of our work programmes in which we seek to use our relevant powers to manage noise.

- We also note the frustration expressed with engagement by the commercial aviation industry, and our airspace change process guidance places greater emphasis on engagement by specifying more stages in the process at which it must be undertaken, and by providing additional detail on what we look for in order to know that appropriate engagement has taken place.

Airspace and noise policy

5.67 A number of the issues we identified raised concerns with Government policy decisions, to which the CAA, and our airspace change process, must adhere. It is not in the CAA's gift to address these policy issues but, because respondents raised them in our own consultation, we will report on what those messages were.

5.68 The policy issues fell broadly into five areas:

Noise metrics	There is a need for new or changed noise metrics (including different altitude-based priorities).
Government policy issues	The Department for Transport's existing policy proposals should be changed (including proposals for the ICCAN and on the Secretary of State's role in the process).
New policy needed to enforce airspace changes	New policy mechanisms are needed to enforce airspace changes, i.e. where they are not being brought forward by sponsors but other stakeholders believe they should be.
New policy needed to enforce noise reductions	New policy mechanisms needed to enforce and/or require reduction in aviation noise, including where the introduction of Performance Based Navigation related-concentration has led to a noise increase.
New policy needed to better consider health	New policy mechanisms are needed to better take account of health impacts of aviation.

5.69 The most common suggestions concerned the Department for Transport's recent consultation on airspace and noise policy.¹¹ This was raised 105

¹¹ <https://www.gov.uk/government/consultations/reforming-policy-on-the-design-and-use-of-uk-airspace>

times, by every category of respondent. The table below shows which groups raised this issue and how many times.

	Noise metrics	Government policy issues	New policy needed to enforce airspace changes	New policy needed to enforce noise reductions	New policy needed to better consider health
Elected political representative	2	6	0	1	2
Government and/or other regulators	24	39	11	9	5
Member of the commercial aviation industry	7	13	1	1	0
Member of the General Aviation community	0	1	0	0	0
Representative or national organisation or institute	2	6	3	2	2
Resident affected by aviation	31	40	5	14	9
Total	66	105	20	27	18

- 5.70 There were also calls for new policy areas. The two most popular of these were the call for new policy mechanisms to either force sponsors to carry out an airspace change, or to call for aviation noise to be reduced or have limits set on it.
- 5.71 Gatwick Obviously Not (GON), an aviation-focused community group based in west Kent, suggested: “We believe a mechanism is required that obliges the industry to come forward periodically with change proposals intended to achieve environmental benefits. Ideally this would be part of a set of much wider changes to the regulatory arrangements for the industry.”
- 5.72 The AEF said: “Since local authorities can only impose operational restrictions in the context of planning applications, there is currently very limited opportunity for any authority or regulator to impose restrictions for noise-related reasons. We consider this a significant gap in the system.

While we support the introduction of the concept of a Tier 3 airspace change and the provision of better information for communities about the noise-related impacts of such a change, the fact that neither the CAA nor any other body is able to judge these impacts to be unacceptable and to take action undermines the integrity of the current DfT-CAA approach to noise management.”

- 5.73 Hertfordshire County Council said: “It may well be outside the scope of this consultation, but consideration should be given to introducing a process whereby the CAA can receive a formal request from anybody, not as a sponsor, for an airspace change – perhaps in the form of a Step 1A Statement of Need. This request would instigate a formal process within which the CAA would engage with the airport/ANP on the merits of the request and respond formally with the outcome of that dialogue.”
- 5.74 A council in the south east suggested: “The Council is of the view that the CAA (or another) should be given legal powers to ensure that any noise reduction and mitigation proposed by the Airspace Change Sponsor and agreed with all stakeholders is implemented as approved and not forgotten/ignored especially if the CAA will not be granted any legal enforcement powers to ensure that the Airspace Change Sponsor implements the guidance as required.”
- 5.75 We do not draw any conclusions from these topics as they do not concern the questions on which we were consulting.

Chapter 6

Respondents' recommendations for improving the guidance

Introduction

- 6.1 Consultation respondents made a significant number of specific recommendations to the CAA about how the guidance could be improved. From the 113 responses we received, we categorised 526 instances where recommendations were made, producing 501 individual recommendations for consideration.
- 6.2 Of these, the topics that were most frequently the subject of a recommendation were options appraisal; environmental metrics; consultation and engagement; and the proposals relating to Tier 3. In addition, a large number of recommendations were made concerning the structure, length and complexity of the draft guidance.
- 6.3 There were also many recommendations about improving the airspace change process in general (for instance the length of stages, or the process relating to gateways). Recommendations like these are generally out of scope of this consultation, because the CAA had already consulted in March 2016 ([CAP 1389](#)) on a new process, and we published the outcome in October 2016 ([CAP 1465](#)). These recommendations have nevertheless been assessed and are summarised below, and where we are able to improve how the agreed process will work by making a clarification to the draft guidance, we have done so. However, for the most part, we had already considered these issues last year, and had designed the guidance to give effect to the decisions we published on process last October.
- 6.4 There were also other recommendations we identified that were out of scope of this consultation but which we have nonetheless captured below. Some relate directly to government aviation policy, and we have shared

those with the Department for Transport. Others identify areas of work for the CAA to undertake away from the airspace change process, which we will consider as part of the Noise Management Review that the CAA is undertaking at present.¹²

6.5 Much of the detail of the revised airspace change process is set out in the appendices to the draft guidance, thus avoiding onerous repetition of information in the main document where possible. As a result, many of the recommendations for detailed changes to our draft guidance concerned the appendices rather than the main document.¹³

6.6 We respond to each of the recommendations as we summarise them, below, using the following colour code:

- **GREEN** represents a change we have accepted and made to the guidance
- **BLUE** represents a suggestion that we believe is already covered in our guidance
- **AMBER** represents either a suggestion that results in a slight clarification in the guidance to produce the outcome we intended, or a suggestion that we will treat flexibly (we have not amended the guidance to mandate it, but believe it is currently a potential option in light of the wording)
- **RED** represents a change we have not accepted and not made.

6.7 The recommendations are categorised in the following way:

- recommendations concerning permanent changes to the design of airspace (formerly Tier 1a changes)
 - content, structure and language of the guidance
 - environmental guidance (metrics and other aspects)
 - consultation and engagement (various aspects)
 - third-party facilitators

¹² <https://consultations.caa.co.uk/policy-development/aviation-noise-impacts/>

¹³ Many of the recommendations which did concern the main document were about the process and thus were often out of scope, although they are still summarised towards the end of the chapter.

- Public Evidence Session
- online portal
- options appraisal
- safety assessment
- recommendations concerning process aspects that we had already consulted and decided on in 2016
- temporary airspace changes (formerly Tier 1b) and airspace trials (formerly Tier 1c)
- permanent and planned redistribution of air traffic (formerly Tier 2 changes)
- airspace information: transparency about airspace use and aircraft movements (formerly Tier 3 changes)
- role of the CAA in the process
- miscellaneous
- issues outside the scope of the consultation
 - wider CAA noise roles
 - government policy.

Recommendations concerning permanent changes to the design of airspace (formerly Tier 1a changes)

Content, structure and language of the guidance

- 6.8 Many recommendations concerned the guidance document itself, covering its contents, structure and language.
- 6.9 A significant number of recommendations, from all categories of respondent, suggested that the proposed guidance was **complex and challenging to read**, particularly for those who are not expert in the process. Recommendations to improve this aspect included:

<ul style="list-style-type: none"> • Introducing a shorter executive summary document • Producing an 'easy-read' version of the guidance • Writing a shortened version with key points for communities and individuals who may have a different understanding and viewpoint from those in the aerospace industry • Creating guidance specifically for community groups on their roles within the process and how they can best engage their local airport • Developing an overview of the entire process written in plain English, with a supporting manual containing the detail • Removing or better explaining acronyms 	<p>GREEN: We will develop additional communications materials to better explain the guidance to audiences who do not have specialist expertise in this area, for example members of communities affected by aviation noise.</p>
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6.10 Other recommendations, again from all categories of respondent, suggested **additional content** which they felt would benefit the guidance. While this additional content is set out in many of the areas below as detailed proposals, at a high level, it included:

<p>Change sponsors said that the guidance should provide specific information on how airspace changes that responded to national and international regulatory requirements or safety concerns, or changes proposed 'in the national interest' would be treated.</p>	<p>BLUE: Airspace changes that respond to national and international regulatory requirements will follow the normal process. Our guidance says that we will depart from this scaled process only where there are overriding national security or safety considerations (notes to Table 2 on page 24 of the draft guidance). We have amended this to make clear that this would only be in exceptional circumstances, but because of the nature of such changes it is not possible to be more specific about how we treat such cases.</p>
<p>In addition to the guidance, the CAA should develop a suite of case studies to accompany the guidance to set out how specific types of change would be handled.</p>	<p>GREEN: We will look at the possibility of inviting change sponsors to develop a case study with us and with other stakeholders. The CAA regulates airspace change proposals but does not develop them itself, so we will have to rely on the industry to bring us examples, materials and data with which to work.</p>

There should be a strategic overview or executive summary at the beginning of the document setting out an overview of the process and / or the policy objectives and outcomes.	BLUE: There is already a summary of the process in the guidance (paragraph 16 onwards in the draft guidance); we will retain this.
Changes proposed to how the document colour coding and hyperlinks between sections work in practice	BLUE: Some of these changes appear to mimic the functionality provided by the fully interactive PDF version of the draft guidance, so it is possible that respondents were reading the non-interactive version.

6.11 Across several areas of the guidance, change sponsors requested greater clarity on whether the requirements set out were mandatory or advisory:

The CAA should be clearer in its requirements by using clear terminology in terms of 'must', 'should' or 'may'.	<p>GREEN: We have adapted for the complete guidance the definitions used in the environmental requirements appendix of our previous guidance document (CAP 725, <i>CAA Guidance on the Application of the Airspace Change Process</i>), which define the degree of compliance expected from change sponsors where we use these words:</p> <ul style="list-style-type: none"> • 'will' or 'must' means meeting the requirements in full is mandatory unless there is sufficient reason agreed in advance with the CAA and recorded in the relevant documentation published on the online portal • 'will normally' or 'must normally' means the requirements must be met in full, unless the CAA determines that the facts in this situation require otherwise • 'may' means that there is discretion for the sponsor or relevant party to decide whether the guidance concerned is appropriate to the circumstances of the airspace change or activity. <p>We have reviewed the guidance to ensure these terms are used appropriately.</p>
The guidance should be clearer as to how a decision is taken on which Level of the process is appropriate for each proposal,	GREEN: The decision as to which Level will apply to the change has to be based on evidence. Our draft guidance said that

<p>and which elements of the process are mandatory for the different Levels. A flowchart would indicate this more clearly.</p>	<p>an indication of the Level would be given at the Statement of Need assessment meeting (see paragraph 95 in the draft guidance) and that the Level would be confirmed at Step 2b (see paragraph 110 in the draft guidance). We have made this clearer in the final guidance by adding references to the Stage 1 and Stage 2 flowcharts. The guidance already sets out for each Stage which elements are modified for (or do not apply to) certain Levels. The flowcharts are unaffected (accepting that they do not reflect Level 0), except the Stage 5 flowchart which we have modified to reflect the different decision process for Level 1 proposals.</p>
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Environmental guidance

Environmental metrics

6.12 The annex relating to environmental metrics, and the CAA's proposed suite of metrics, were the subject of a number of recommendations. Many were from residents affected by aviation proposing new or different metrics, use of proposed metrics at different stages in the process, or suggesting the CAA treat the output of metrics differently.

6.13 Both commercial aviation industry and residents proposed that there should be a clear policy that baselines for noise metrics be set. Respondents recommended clarity on the nature of 'do nothing' and 'do minimum' options within the options appraisal. This is considered in the options appraisal section below.

6.14 A variety of new metrics were proposed by all categories of respondent:

<p>Increasing the number and variety of environmental metrics</p>	<p>AMBER: The concern with increasing the number of metrics that a change sponsor must assess and provide is that it makes the consultation on a proposal longer and more complicated without necessarily providing any additional clarity on the impacts. Therefore, where feasible, our</p>
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	<p>preferred approach is to expand the list of possible optional metrics that sponsors might wish to use without making these obligatory. The CAA will, as a result, be looking for evidence of proper engagement between the change sponsor and affected communities to identify and agree the most useful and relevant metrics for the proposal concerned.</p>
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6.15 The new metrics recommended by respondents included:

<p>Proposed numbers of arrivals and departures, per hour, for day and night periods.</p>	<p>AMBER: This is operational rather than environmental information. It was already included in the guidance in part (see the illustrative example of the operational diagram on page 110 of the draft guidance (Figure B1)). In order to avoid an excess of confusing information, we have amended the environmental technical annex to say:</p> <ul style="list-style-type: none"> • that it may be appropriate on occasion for sponsors to provide annual hourly averages for both 100% operation and actual/proposed runaway usage, and • that a need for other operational details may emerge through engagement with communities, i.e. there must be flexibility for communities to ask for a specific breakdown if it aids understanding.
<p>Combining metrics – for example, overflight with other metrics to show trade-offs.</p>	<p>GREEN: We have amended the guidance to explain that the options appraisal enables sponsors to show the trade-offs (if any are being made). The appraisal will show each impact and the change sponsor will need to show how it arrived at its final preferred option.</p>
<p>Introducing a new metric to assess the respite benefits of a proposal.</p>	<p>AMBER: Any benefits from respite (that is, choosing multiple routes rather than single routes) should become evident from the metrics already specified in our guidance. We can see some benefit from developing an evidence-based parameter for a minimum reduction in noise levels that</p>

	needs to be achieved in order for respite to be meaningful. Since ICCAN will develop and maintain best-practice guidance on aviation noise for participants in the airspace change process, this may be something that ICCAN could consider further, in which case it would probably oversee development of the metric by a third party.
Metrics to show the health impacts of a proposal, and use that to propose mitigations to the worst impacted areas.	BLUE: WebTAG is the tool that will be used for this, and it will use an evidence-based threshold (51dB). By default, any health impacts that arise in the population as a whole from noise levels below this value can reasonably be deemed to be not significant and it would be disproportionate to attempt to assess them. We follow government policy by using WebTAG in our options appraisal, to assess total adverse effects.
The CAA should be more mindful of background noise and the local situation where the noise impact is felt – in particular focussing on the differences between noise in urban and rural areas.	RED: Aircraft noise levels generally far exceed background noise levels, and thus background levels are not normally considered relevant. However, we recognise that the local background noise levels may influence attitudes to aircraft noise. It is inaccurate to assume all rural areas are quiet or conversely that all urban areas are noisy, as, for example, urban buildings can heavily shield ground-borne noise source. Thus consideration of background noise is entirely dependent on availability of information. Because background noise levels are made up of noise from a large number of sources, including other transport sources, entertainment and neighbourhood noise, it is difficult to estimate, particularly over the large areas in the vicinity of airports.
One response proposed providing information on fuel burn and carbon at the 'Define' stage.	AMBER: The 'Define' stage is too early in the development of a proposal for a change sponsor to undertake a quantitative assessment of fuel and CO ₂ – there will be no design options at that stage. However, we have amended the guidance to say that this does not preclude sponsors and communities from

	identifying a design principle that the proposal should aim to achieve a defined reduction in fuel and CO ₂ .
One group proposed the addition of four new metrics: Single Event LAeq 90 seconds; Hourly LAeq 1 hour; Daily LAeq 16 hour; and Annual LAeq 16 hour.	RED: To specify new metrics, even as optional, we would need to consider a reasoned case that they would convey additional information that would genuinely aid stakeholders' understanding of the impacts. In other words, that specifying new metrics would offer useful information that is currently missing. Without such a supporting rationale, adding these metrics would add a burden to the process without any obvious benefit. The revised process offers the opportunity for communities to engage with the change sponsor and suggest those particular additional metrics that they find most useful for understanding the anticipated impacts of an airspace change. In addition, the Government states that ICCAN will develop and maintain best-practice guidance on aviation noise for participants in the airspace change process. This suggests that ICCAN will consider the various approaches to portraying noise impacts in due course.
One response proposed developing a metric that would use short-term time averaging to help reflect the impact on sleep disturbance and adverse health impact, as opposed to just using 16-hour (day) and 8-hour (night) noise contours.	RED: The CAA does not have the resource to develop such a new metric, not least one that would need to have an evidence base to support its use. This might, however, be the sort of task that ICCAN could consider.
One response proposed making production of Nx contours mandatory.	BLUE: This is already a mandatory requirement in the draft guidance in accordance with the latest government guidance.

Other aspects of environmental assessment

Several responses raised the definition of 'overflight', and the potential for subjectivity in its perception.	BLUE: An individual's sense of whether or not they are being overflown is subjective and is therefore likely to vary between individuals. The CAA therefore published a report, CAP 1498 <i>Definition of Overflight</i> , in March 2017 (www.caa.co.uk/CAP1498)
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	<p>which seeks to define 'overflight' objectively to ensure consistency. The report explains the CAA's underlying rationale for the definition and the methodology. Our guidance explains how CAP 1498 should be taken into account.</p>
<p>The potential impact of terrain and natural features was raised. It was proposed that the terrain should be factored into options appraisal early in the process, and be considered as part of the design principles.</p>	<p>BLUE: Terrain levels are already covered in the guidance (paragraph B29 of the draft guidance) as well as in the Air Navigation Guidance 2017. The guidance already requires all sponsors to consider terrain for any proposal. If there are specific geographic areas that require special consideration because of their elevation, this should become evident through early engagement and subsequent consultation.</p> <p>Options appraisal will 'test' the options against the design principles. If a specific geographic area has been identified within those design principles (because of elevation, or for any other reason) then it will have to be considered as part of options appraisal. Any noise modelling that is undertaken as part of the options appraisal ('Full' appraisal) must take account of terrain and make any adjustments as necessary.</p>
<p>Several responses from the commercial aviation industry questioned the CAA's policy in relation to the impact local plans could have on proposals. One respondent said that the draft guidance expected sponsors to take account of future developments that were outside their control, and that engaging local authorities would be more appropriate.</p>	<p>GREEN: The draft guidance (paragraph 126) already requires sponsors to take account of planned developments within Local Development Frameworks. We have amended our guidance to suggest that while it may be difficult to take account of all future planned buildings, we expect the sponsor to engage the relevant local authorities and reach an agreement about how to interpret and take account of the Local Development Frameworks.</p>
<p>Some respondents suggested that estate agents should be informed of all airspace change proposals impacting on their areas to ensure that potential buyers are informed about them. One response suggested that this would make sponsors factor in developments which are outside of their</p>	<p>RED: We do not think that insisting on change sponsors informing estate agents would be either practical or proportionate. The onus would normally be on the buyer or their representative to investigate potential airspace changes, which will be</p>

<p>control, and a similar outcome could be achieved by ensuring engagement with local authorities during development of proposals.</p>	<p>visible by region on the online portal.</p> <p>The draft guidance (paragraph 126) already requires sponsors to take account of planned developments within local plans, which would primarily be achieved through engagement with local authorities and local communities.</p>
<p>The proposed policy relating to changes that have an impact on Areas of Outstanding Natural Beauty and National Parks was welcomed by one respondent, who proposed that designated Quiet Areas also be added to the list.</p>	<p>AMBER: The policy in our guidance concerning AONBs and National Parks is unchanged from our previous guidance document (CAP 725, <i>CAA Guidance on the Application of the Airspace Change Process</i>). Both have a specific status that is covered by relevant legislation that seeks to preserve their particular characteristics. Quiet Areas are not offered such status. AONBs and National Parks are specifically cited in the Secretary of State's Air Navigation Guidance to the CAA, whereas Quiet Areas are not.</p> <p>However, that does not preclude either a designated Quiet Area or any other local area that has similar characteristics from being identified via community engagement during the early development of proposals and options. A sponsor could include a design principle that seeks to avoid such an area if local circumstances point to that as a desirable aim. Quiet Areas would thereby be taken account of in the airspace change process.</p>
<p>Use of WebTAG was raised in many responses, most focusing on a lack of clarity on how it would be used to assess aviation noise. One response recommended that an expert review panel be established to determine a best-practice methodology that could be promulgated through WebTAG in a scalable manner to all airspace change proposals. Several responses called for more guidance on how WebTAG should be used.</p>	<p>AMBER: The Department for Transport owns and maintains WebTAG, and we understand that a panel of experts was used to develop it. The Secretary of State's Air Navigation Guidance 2017 includes an Annex C 'Options appraisal of an airspace change'. This Annex draws together and directs the reader to the key elements of WebTAG that are useful for conducting an appraisal of noise impacts for an options appraisal of an airspace change proposal. We have added to our guidance cross-references to this Annex.</p>

<p>One group representing residents stated that assessment of air quality impacts should be quantitative not qualitative, given legal limits on pollutants.</p>	<p>BLUE: The assessment will be quantitative – but only where there is a likelihood that the impact will cause a breach in legal limits, or where the change occurs in proximity to an area already in breach of legal limits. This is a proportionate approach.</p>
<p>One response from the commercial aviation industry suggested that the CAA take a more proportionate approach to the use of environmental metrics to allow flexibility for different local circumstances and proposed design principles and options. This was also proposed as a way to ensure that the guidance remains current despite potential evolutions in best practice in metrics.</p>	<p>RED: Our guidance sets the minimum requirements for establishing clear and comparable evidence. Our view is that the guidance already provides the proportionality requested. Some proposals may not need to be assessed against certain metrics where the sponsor can offer a robust case that shows the metric would be unnecessary (for example, where the proposed change would show no impact using a certain metric). Every proposal is different, not least because local circumstances will differ. We have therefore also set out <i>supplementary</i> metrics that could be of use where local circumstances mean that those additional metrics would be useful in conveying impacts. We will judge each case on its merits based on the characteristics of the proposal. But this flexibility does not extend to us reducing the requirements below the minimum specified to establish a proper evidence base.</p> <p>The key metrics (in terms of noise) are derived from government guidance. Before any change in best practice in the use of those metrics could be adopted by the CAA, it would either have to be reflected in that government guidance, or it would need to be published by the new ICCAN, because the latest government guidance at paragraph 2.3 requires the CAA to take account of (or to ensure that the change sponsor has taken account of) any best-practice guidance which ICCAN may publish on aspects of aviation noise.</p>
<p>A respondent from the commercial aviation industry recommended that difference contours should be used only where noise</p>	<p>GREEN: We have added the clarification about difference contours to the environmental technical annex to our</p>

<p>impacts are found to occur above the Lowest Observed Adverse Effect Level (LOAEL). This would ensure that the guidance is in line with the Noise Policy Statement for England (NPSE). Several other responses from the commercial aviation industry also recommended that the CAA's approach to noise management should be in line with the NPSE and that its aims are properly incorporated into the final guidance.</p>	<p>guidance. Government guidance (paragraph 3.44) recommends that the CAA keep abreast of other relevant policy and guidance issued by the Government and devolved administrations, especially those regarding noise, carbon, and air pollution. The government guidance sets out 12 examples of such policy and guidance with which the CAA should be familiar, one of which is the Noise Policy Statement for England 2010.</p>
<p>Residents proposed that the CAA provide greater clarity on how the guidance will help to achieve the proposed policy intentions set out by the Department for Transport in its airspace and noise policy consultation, specifically the aim of reducing the numbers of people significantly impacted by aviation noise.</p>	<p>BLUE: The method for comparing airspace design options based on data, including noise impacts, is one of the key ways in which we achieve this. Now that the Government has published the outcome of its own consultation on airspace policy, we have been able to clarify these aspects in our guidance (as explained later in Chapter 7).</p>
<p>Respondents in several categories recommended that the CAA provide more detail on what we expect sponsors to produce in terms of maps and charts. Specifically, the required scale of maps should be laid down in the guidance; where difference contours are produced (see above) they should be presented in a manner that is meaningful and effective in communicating the change in noise burden; and maps should provide local landmarks and points of interest to ensure stakeholders can identify the impact on their own properties or areas.</p>	<p>GREEN: We have made the guidance clearer and more consistent on this point. We do not specify the scale of the map, which seems unnecessarily limiting, but rather what level of detail must be shown.</p>
<p>One response from a Government body and / or other regulators stated that the CAA had incorrectly set out the Government's proposed altitude-based priorities. Namely, on page 23 of the guidance, the CAA states that "7,000 feet is the maximum height at which noise is an impact for consideration". In contrast, government's proposed priorities reads: "above 7,000 feet amsl, noise is no longer an environmental priority". They point out that these have different meanings.</p>	<p>BLUE: We have incorporated the altitude-based priorities from the Air Navigation Guidance 2017 in our guidance. We have clarified how we put government policy into practice. The level of noise impacts from aircraft at or above 7,000 feet amsl mean they are very unlikely to be an overriding deciding factor in any airspace change. Therefore to ask sponsors to assess those impacts would be disproportionate. In addition, it is technically difficult to accurately measure and/or model noise from aircraft at such altitudes.</p>

Consultation and engagement

6.16 The consultation and engagement aspects of the guidance were the subject of more recommendations than any other, which was also the case when we consulted in 2016. The way engagement is undertaken and managed has more impact on stakeholders' interaction with the airspace change process than any other element of the draft guidance, so the significant number of recommendations on this subject is very useful. Several respondents wanted the CAA to be more prescriptive on engagement and consultation requirements generally, and to allow less ability to flex requirements depending on local circumstances.

Engagement early in the process

6.17 Some recommendations concerned engagement around the Statement of Need:

<p>One response recommended that proposals should begin with a period of awareness-raising or pre-consultation before the Statement of Need is submitted to the CAA.</p>	<p>AMBER: We do not regulate what happens outside of the process, before it starts, but can see the value in industry bodies maintaining ongoing contact with stakeholders – including notifying them of changes the organisation is considering – and our appendix on engagement reflects this.</p>
<p>The initial meeting between the CAA and sponsor should also include the Airport Consultative Committee or other community representatives to ensure that they get the chance to comment on the Statement of Need.</p>	<p>RED: As noted above, while we would encourage the change sponsor to engage with stakeholders, it would be too early to involve stakeholders in the CAA's assessment meeting with the sponsor to consider the Statement of Need, at which point the CAA is only considering whether an airspace change is a relevant option to investigate. The Statement of Need and assessment meeting minutes are published. The CAA hears stakeholder views later in the process.</p>

Engaging with communities using accessible information

6.18 A series of recommendations from residents and their representatives proposed more effective ways to engage with communities, and in

particular to explain changes for audiences with less knowledge of the technicalities of aviation. These were:

	<p>GREEN: The CAA will run events to invite stakeholders to discuss the new guidance with us. We are also introducing new communications to help explain the process and guidance to audiences who do not have specialist expertise in this area, for example members of communities affected by aviation noise.</p>
<p>Change sponsors should fund consultancy support and/or information and education sessions for communities. There should be ongoing access to sponsors to ask questions, both online and via telephone.</p>	<p>AMBER: Our guidance supports the sponsor making efforts to maintain open communication with stakeholders throughout; we will not be more prescriptive as to the format this should take.</p>
<p>Proposals needed to be set out in very simple language so they could be understood by all. The CAA should employ a journalist to check that the wording of public communications is clear and comprehensible.</p>	<p>BLUE Our draft guidance already states that consultation materials should be clear and that sponsors may consider the Plain English Campaign (see Table C1 in the draft guidance). We are also making efforts to make our own materials clear and easy to understand.</p>
<p>One respondent in the government and/or other regulators category suggested that the CAA should require the change sponsor to develop a 'Statement of Community Involvement' which would capture the consultation and stakeholder engagement requirements outlined throughout Stages 1, 2 and 3. This would be similar to the process required for planning applications.</p>	<p>GREEN: We have updated our guidance to suggest that sponsors consider this a useful tool, but we have not mandated it.</p>
<p>One member of the commercial aviation industry proposed that guidance on consultation and engagement should be viewed as minimum requirements, not target requirements, and that sponsors should be able to go over and above them if required.</p>	<p>GREEN: We agree with this suggestion and we have amended the guidance to make this clear.</p>
<p>One resident recommended that after implementation, and on an ongoing basis, the change sponsor should be expected to continue engagement with impacted communities, to allow them to raise ongoing concerns or issues.</p>	<p>BLUE: Our guidance on ongoing engagement – such as the information an airport must publish regularly – covers this point.</p>

Who and when to consult and for how long

6.19 Many of the recommendations related to how the guidance sets out who is to be consulted, when and for how long:

<p>One residents' group suggested that the CAA should define who is 'impacted' by a change, and ensure they are consulted. Another response suggested that a mandatory list of those who must be consulted in all cases is produced by the CAA; with further responses suggesting that by way of postcode mapping direct communication should be issued to every household in hard copy. Some residents proposed that there should be a long period (six months) for all consultations, and that the audience should be large.</p>	<p>BLUE: Our guidance includes information on how to identify the right audiences (see Appendix C of the draft guidance) and on considering the materials that should be used to contact audiences, including communities impacted (see Table C1 in the draft guidance). We will not prescribe the exact type of materials because different people will prefer different formats, and this is best decided on a local basis by the sponsor, adhering to our guidance. In order to pass the 'Consult' gateway, the CAA must have published a statement approving the change sponsor's consultation documents and supporting material as satisfactory.</p>
<p>One response from a resident suggested that either the CAA or an independent third party should run the consultation to ensure it is undertaken and assessed fairly.</p>	<p>RED: Our process makes clear that the change sponsor runs the consultation, but it can choose to employ a third party.</p>
<p>Several responses contained recommendations that challenged the use of the online portal for all consultation on the grounds that this potentially discriminated against some groups by reducing their ability both to access information about airspace changes and to respond to consultations.</p>	<p>BLUE: Our guidance states that paper responses received by the sponsor must be uploaded to the portal (see paragraphs 175 and C32 of our draft guidance); this means that consultation responses can be received in other formats, but for the process to be transparent, they must be published online.</p>
<p>A group representing residents recommended that the CAA be more hands-on in overseeing consultation; should employ more staff to manage this; and should be on the ground during consultations to ensure they are undertaken correctly.</p>	<p>RED: We do not consider this to be a proportionate regulatory response.</p>
<p>One representative group objected to any details from proposals being redacted for any reason, suggesting full transparency is necessary.</p>	<p>RED: There will be information which is commercially sensitive or sensitive for other reasons, such as safety and national security, which it would not be appropriate to publish.</p>
<p>One resident recommended that there should be more consultation through the</p>	<p>GREEN: While we are not changing the engagement and consultation</p>

<p>process, and that detailed consultation well in advance of any proposed changes must be at the heart of any change process proposals. This was echoed to a degree by one response from the commercial aviation industry which proposed that the proposed consultation in Stage 3 is a minimum and that consultation at an earlier stage on design principles should be accepted if a sponsor considered it necessary.</p>	<p>requirements within our process, we have amended the guidance to make it clear that our requirements are a minimum and change sponsors can carry out additional activities over and above our engagement requirements.</p>
<p>Several residents and their representatives made proposals relating to weighting residents' responses to reflect population density – one suggested that less densely populated areas should have their responses statistically adjusted to represent the same proportion of population as more densely populated areas.</p>	<p>RED: This would not be in accordance with Government policy as set out in the Air Navigation Guidance, which tells us how to assess noise annoyance and health impacts.</p>
<p>Earlier involvement from all potentially impacted stakeholders and not just their representatives was proposed by several residents. However, the impact of early notification and consultation was also raised in terms of the potential to cause unnecessary stress to people who are not impacted by the change but believe themselves to be. It was recommended by one response from the commercial aviation industry that the CAA consider measures to reduce the unnecessary stress on local community stakeholders caused by the length and uncertainty of the airspace change process set out in the draft guidance.</p>	<p>RED: We believe the existing engagement and transparency requirements in our guidance are appropriate, and the length of the process reflects the evidence that must be gathered and scrutiny that must be applied to important decisions.</p>
<p>Representative organisations, the commercial aviation industry and residents all made recommendations that there be a more formal role for district and parish councils, airport consultative committees and residents' associations. In addition, there was a recommendation that the CAA ensure that there was early engagement with General Aviation organisations, and a recommendation from the commercial aviation industry that national as well as local General Aviation organisations be informed of significant changes.</p>	<p>GREEN: Our existing engagement guidance is clear that affected stakeholders should be identified by the sponsor (paragraphs C10–C13 of the draft guidance). We have refined our language to list some of the potential stakeholders, including General Aviation organisations and local councils. We do not suggest a 'more formal role' for any of these because we are not mandating who those stakeholders should be, but we are allowing a local evidence base to inform the change sponsor's decision. We will make the appropriate checks that they are following the process at the process gateways.</p>

Categorisation of consultation responses

6.20 Proposals relating to the categorisation of consultation responses drew many recommendations, including:

<p>A variety of respondents described the guidance on categorisation as overly simplistic. Some suggested that change sponsors should define categories specific to their proposals; others simply asked for more nuance in the guidance.</p> <ul style="list-style-type: none"> • A government and /or other regulator response suggested a 'We asked, you said, we did' style response template. • Some residents proposed independent assessment of responses rather than the sponsor having the role. • One resident suggested that sponsors summarise all responses, rather than categorise them. • Another resident suggested that the CAA should vet all responses categorised as not impacting the final proposal rather than just a sample of them. • It was suggested by commercial aviation industry that the CAA provide scenarios and/or case studies to explain how the proposed categorisation scheme would work in practice. • Several responses questioned whether the CAA's proposal was for the whole response to be categorised, or elements of it; one response suggested that it should be elements of it, to allow greater flexibility. 	<p>GREEN: While some of these suggestions would be too onerous and specific for us to prescribe them in our guidance, we do believe that we can provide more clarity about how consultation responses should be assessed. We have amended our guidance to require sponsors to do the following:</p> <ul style="list-style-type: none"> • When a sponsor categorises a response as one that 'may impact final proposals' they must specify which part(s) of the response are deemed relevant and which are not. • The change sponsor must provide a reason for categorising each response. While we recognise that this could be quite onerous for the sponsor where there are a lot of responses, the fact that there is a lot of interest in the proposal makes categorising the responses properly all the more important. The sponsor can decide how to achieve this; one option would be to compile a list of reasons and use a tick-box approach. • The sponsor will have to provide a qualitative summary of the consultation and the issues respondents raised. This could take the form of 'We asked; you said; we did', or other written formats.
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Effectiveness of consultation

6.21 Some responses recommended how effectiveness could be improved or monitored:

<p>One respondent from commercial aviation suggested that the CAA should produce a template consultation response document.</p>	<p>RED: We describe how the consultation should be analysed (see paragraphs C34–C38 of the draft guidance) but we are not specifying the exact format of the response document.</p>
<p>One resident proposed a minimum number of responses threshold be introduced to judge whether consultation has been effective.</p>	<p>RED: We want to see evidence about how a sponsor has determined the audience for its consultation and how it has made best efforts to reach those people; we cannot hold the sponsor accountable for how many people choose to take the time to respond to the consultation.</p>
<p>One group representing residents was concerned that the CAA stated that consultation responses would not be treated as a referendum on the change, and proposed that if the view from the majority is 'change nothing' then this must be the case whether the sponsor has addressed all points raised in accordance to the CAA or government policy.</p>	<p>RED: It remains our position that the consultation is not a referendum.</p>
<p>One resident suggested that the consultation process should be monitored and verified at each stage by a wholly independent organisation. They should publish a report certifying whether they consider the change sponsor has complied with the consultation requirements. If they cannot so certify then the airspace change process cannot proceed further unless the consultation is re-run. The verifying organisation should also receive, investigate and report on any complaints from the public as to the compliance of the consultation process.</p>	<p>RED: The CAA will independently review the success of the consultation process in accordance with our guidance and the extent to which it has been followed.</p>
<p>Regarding the requirement for the consultation to be re-run where there are significant changes to the sponsor's proposal in the light of consultation responses, there was a general perception from all parties that an endless feedback loop was undesirable. However, several responses requested that the guidance do more to define a significant change.</p>	<p>AMBER: The draft guidance (paragraph 185) already gives specific advice on when the change sponsor should re-consult, although we have made this clearer. That is, when there is a fundamental difference between the proposals consulted on and those which the sponsor intends to apply for.</p>
<p>A role for ICCAN in deciding if reconsultation is necessary was recommended by one respondent, and a</p>	<p>RED: Deciding whether a change sponsor should re-consult is not a role the Government has set for ICCAN (which will</p>

<p>further response proposed a gateway after consultation to show that reconsultation is not required in a formal way.</p>	<p>be a body to develop and maintain best-practice guidance on aviation noise). As for the positioning of gateways, this would be a change to the process on which we have already consulted and published our decisions in 2016; whereas this consultation is considering changes to our draft guidance.</p>
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Two-way conversations

6.22 Question 9 of the consultation asked respondents how the CAA should judge whether two-way conversations have occurred and influenced proposals. The following recommendations were made:

<p>Introduce a requirement for formal record-keeping of all engagement activities as well as the outcomes of those activities.</p>	<p>GREEN: We have amended the guidance to introduce this requirement.</p>
<p>Ensure that full minutes from all meetings and workshops are captured. However, in contrast, one response from the commercial aviation industry recommended that formal minutes for all meetings was not necessary.</p>	<p>AMBER: Certain meetings already have to have notes or transcripts published; all documents that must be published on the online portal are listed throughout the guidance. We will not amend the guidance to introduce a requirement for other meetings to be minuted but neither does our guidance prevent this happening.</p>
<p>One respondent recommended that all parties have the chance to approve minutes of workshops and meetings before publication.</p>	<p>AMBER: For formal meetings and workshops this approach should be taken, but will not always be possible for larger forums, open meetings or town-hall type sessions. We have amended the guidance to set this out.</p>
<p>One response from the commercial aviation industry suggested that the assessment (of a two-way conversation) was a qualitative judgment which would look different from case to case and the guidance should reflect this by being non-prescriptive.</p>	<p>AMBER: The guidance sets out that how a two-way conversation is assessed may differ depending on the circumstances, the type of meeting, the relationship between the stakeholder and sponsor and the change proposal's details. We have reviewed the language to ensure this is clear.</p>
<p>One response suggested that the CAA produce case studies of what a two-way conversation looks like.</p>	<p>GREEN: We aim to invite sponsors to two workshops to develop a case study with us and with other stakeholders to show how the new process will work in practice. The case studies would be unrelated to any</p>

	live airspace change proposal to avoid any conflicts of interest.
One response from the commercial aviation industry suggested that stakeholder feedback given at public meetings should not be used as a formal consultation response, which should only come via the portal.	BLUE: Our guidance sets out that engagement needs to happen and also that consultation responses are distinct representations that are published and treated in a particular way (see Step 3b in the draft guidance, paragraph 174 onwards).

Third-party facilitators

6.23 There were a series of recommendations relating to third-party facilitation during the process, including several suggestions relating to how facilitators are paid. These recommendations came mostly from residents impacted by aviation, and included:

A third-party facilitator should have a role in chairing or managing the Public Evidence Session.	BLUE: The draft guidance (paragraph 208) says that the Public Evidence Session is chaired either by a CAA employee outside the Airspace Regulation team, or by a professional independent facilitator.
A third-party facilitator should be used to oversee the consultation period.	AMBER: The draft guidance (paragraph 100) says that in the case of airspace changes with higher potential impacts, the CAA may recommend the use by the change sponsor of an independent third-party facilitator to make early engagement with stakeholders on design principles more effective, and potentially to assist with the later consultation stage, or with Tier 3 engagement. However, we do not mandate the use of a facilitator and therefore do not specify who should fund them, who they should be or precisely when and how they should be used.
Third-party facilitators should have a role relating to Tier 3 airspace changes.	
A third-party facilitator could have a role in explaining the change as it is implemented, as a trusted third party.	
Third-party facilitators should be drawn from a pre-approved pool of expertise.	
Some residents suggested that the change sponsor should pay for third-party facilitation but with oversight of the CAA; others suggested that sponsors should not pay to ensure independence.	

6.24 A number of communities responded to the question about a third-party facilitator by saying that they would value external input, but in areas which go well beyond the role of facilitation. These include:

Rigorous assessment of the accuracy and adequacy of information provided by a change sponsor as part of the consultation process.	RED: This is the regulator's role, supplemented by best-practice advice from ICCAN.
Arbitration regarding any need for compensation associated with the proposal.	RED: Compensation is outside the scope of the airspace change process and is a matter for government.
Independent expertise, and support for communities (and potentially local authorities) in understanding and interpreting technical data presented by sponsors.	RED: This level of expertise would have to be sought from independent consultants, or possibly from ICCAN.
Research and similar on behalf of communities to enable them to come forward with their own proposals.	

Public Evidence Session (PES)

One group representing residents recommended using a third-party facilitator as an independent chair.	BLUE: The draft guidance (paragraph 208) says that the Public Evidence Session is chaired either by a CAA employee outside the Airspace Regulation team, or by a professional independent facilitator.
Residents or their representatives proposed that the PES is expanded, and that there ought to be greater possibility for questioning both sponsors and the CAA.	RED: The purpose of the PES is for stakeholders to tell the CAA their views on the final airspace change proposal that has been submitted. There are other means for stakeholders to share their views on the proposal before it is submitted. We will not be changing the purpose of the PES.
One national organisation proposed that the PES should happen earlier in the process to influence the proposal while it is developing. This was echoed by some residents.	
One resident stated that all Level 1 proposals should have a PES, and residents must be directly informed about them. A different resident proposed Level 0 and 2 changes should also have a PES as "In airspace management terms the changes might be small, but in terms of impact on the ground, the changes could be significant".	RED: We will offer to convene a PES for all Level 1 changes, but not for other Levels. The key purpose of assigning Levels is to scale the process based on potential impacts. A Level 0 change will not alter traffic patterns at all; while a Level 2 change does not have the potential to affect traffic patterns below 7,000 feet.
Several residents raised issues with the limitations placed around the PES. The limit of only 1,000 words for submissions was thought unfair given sponsors are likely to publish hundreds of pages worth of information. It was also stated that sponsors	BLUE: The opportunity to submit a written statement using a form on the online portal is only for those not attending in person. The purpose of the PES is for stakeholders to tell the CAA their views in person, in five or ten-minute slots, hence

<p>should have to produce a layperson's guide to each proposal to aid understanding before the PES.</p>	<p>the word limit for written submissions in the interests of proportionality. The guidance already notes the requirement for the layperson's guide to a change proposal, to aid the running of a PES (see paragraph 208 of the draft guidance); we will not mandate this in every case, only those where it would be helpful.</p>
<p>One resident suggested that while informality and no legal or expert counsel may help make the session accessible to all, such representation should not be banned if attendees wished to be represented.</p>	<p>RED: It is our intention that attendees at the PES speak for themselves, we will not amend the guidance to invite legal representatives to speak on an attendee's behalf.</p>
<p>One member of commercial aviation questioned if pre-screening of responses could be undertaken to ensure that repetition does not reduce the time for new points to be made, and suggested that a single representative of the same viewpoint could be appointed.</p>	<p>RED: The purpose of the PES is to give an opportunity for stakeholders other than the change sponsor to provide the CAA decision-maker with their views on the airspace change proposal directly, in a public forum and in addition to the opportunities to provide their views at earlier stages in the process through the portal. Anyone is welcome to attend, subject to accommodation constraints. It is not for the CAA to constrain who says what. Indeed, repetition can demonstrate how widely held a particular view is.</p>

Online portal

6.25 There was a series of responses relating to the way the online airspace change portal will facilitate consultation and engagement throughout the process. These are not directly related to the draft guidance, but will inform the development of the portal where appropriate. They included:

<p>Several responses from the commercial aviation industry opposed the idea of publishing consultation responses while the consultation is still underway.</p>	<p>RED: We will publish consultation responses regularly while the consultation is still taking place, at intervals that best manage the resources required for moderation (for example, if a consultation runs for three months, and we deemed it best to publish the batches monthly, responses would be published in three separate batches, each a month apart). We may allow the sponsor of the airspace</p>
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	change to see the responses 24 hours before they are published, so that they have an opportunity to prepare FAQs should they deem it necessary.
It was suggested by several industry organisations that the CAA should fact-check stakeholder responses as well as moderating them for defamatory and explicit content.	RED: The CAA will not fact-check responses but will publish them as they appear – with the exception of moderated content (for example unacceptable content – see paragraph 173 of the draft guidance).
One response suggested a requirement for a full postal address as well as an email address to prevent duplicate responses being submitted. In contrast, some residents and their representatives suggested that the CAA should allow multiple responses to consultations from the same stakeholder; and/or allow amendment of responses after submission.	RED: We will not require a postal address (although sponsors can request a postcode if they want to geolocate responses) and we will not allow more than one response per email address.
Some residents and their representatives suggested that stakeholders should have the ability to respond to the sponsor's responses.	RED: The purpose of the consultation stage is for stakeholders' views to be heard and taken into account by the sponsor, rather than the sponsor and stakeholders entering into an ongoing conversation. The guidance is clear that we do not intend that there should be a never-ending cycle of consult-modify-consult. We are not therefore amending the guidance to enable responses to sponsor's responses.
One resident suggested allowing respondents to submit additional information; further documents; and background data via the portal in responding to consultations and requests for feedback throughout the process.	BLUE: Our specification for the full portal development will allow respondents to attach additional documents to their submissions.
One respondent in the government and/or other regulators category proposed that email responses to a consultation be permitted as well as portal submissions.	RED: We will not amend the guidance to accept email responses (which would add to the change sponsor's and CAA's administrative burden) on the grounds that if people have access to email then they can access an online portal. Therefore only portal or hardcopy responses are to be taken into account by the sponsor.
Ensuring that the portal provides notifications to interested parties was suggested by several respondents.	BLUE: Our specification for the full portal development includes the ability to provide notifications to interested parties.

Options appraisal

6.26 Many of the comments made relating to environmental metrics set out earlier in this chapter also relate to the way that options are weighted and assessed, so this section should be read in conjunction with the section covering environmental metrics and assessment. There were also specific recommendations relating to the detailed options appraisal guidance set out in Appendix E of the draft guidance.

<p>Several airspace change sponsors raised a concern that the language used in Appendix E suggests that options appraisal could be used to compare competing proposals for the same airspace, as opposed to judge between different options from one sponsor to achieve the design principles they have agreed.</p>	<p>GREEN: This was not our intention and we have clarified this in the guidance.</p>
<p>Several responses from residents and their representatives stated that every change proposal (or at least every proposal with potential noise impacts) should feature a 'do nothing' option to allow comparison from a baseline. One response from a group representing residents proposed a mandatory 'do minimum' case which included the current situation plus any previously agreed changes, to ensure that benefits already being achieved were not double-counted in the options appraisal. It also recommended this baseline be continued throughout the process to allow comparison at all stages. In contrast, one sponsor suggested that having such a 'do nothing' option in all cases would not be possible, for instance when a change is necessary to meet changing regulatory requirements or system-wide requirement. The same response challenged the idea of a 'do minimum' case as an appropriate substitute in these circumstances.</p>	<p>GREEN: We have amended the guidance to be clearer about the requirement for a baseline and how it should be used. The change sponsor must do an assessment to understand its current impacts so that a comparison can be made with the impacts of the options – the baseline for the appraisal from which the change is assessed. In most cases this baseline will also be the 'do nothing' option. In certain cases, doing nothing is not a feasible option in reality. For example, airspace may need to be changed to reflect the UK's international obligations. In such cases, in addition to the 'do nothing' baseline, the change sponsor must set out its informed view of the future and the minimum changes required to address the issues identified – a 'do minimum' option. Assessing the 'do minimum' option against a 'do nothing' baseline allows communities to understand the effect of the 'do minimum' in relation to current circumstances.</p>
<p>One resident impacted by aviation also proposed that each Tier 1 change and equivalent Tier 2 changes should develop a fully quantified socio-economic cost benefit</p>	<p>BLUE: Our guidance sets out the need for economic and social impacts, aligned with government policy requirements, for all permanent airspace changes (see</p>

<p>analysis as part of the options appraisal process.</p>	<p>Table E2 in the draft guidance). This means that such data is used for what were called Tier 1a changes, and may form part of a process – when we come to develop it after the Government has given the CAA this new function – for decisions about what were called Tier 2 changes (the Government has since dropped the ‘tier’ nomenclature).</p>
<p>Some residents proposed that the fullest possible details should be made available as early as possible to allow those impacted by proposals to meaningfully input into them. One resident specified that the treatment in terms of options analysis and data provision should be the same for Level 1 changes no matter how many people were impacted by noise, to ensure fairness. However, a commercial aviation industry response raised concern that stipulating too much detail too early in the process could lead to some options being withdrawn from consideration to save the cost of developing them into fully analysed options.</p>	<p>BLUE: Our iterative options appraisal requirements means that the details offered are always the best available ones at the time. Options analysis is required for every permanent airspace change, irrespective of how many people are impacted. However, the detail of that analysis will be in line with our policy on proportionality. We do not anticipate a situation where options are withdrawn from the analysis on the grounds of cost.</p>
<p>Some residents proposed that impact assessments consider ‘knock-on’ impacts on other routes in the same way as environmental assessments.</p>	<p>BLUE: The draft guidance already requires the change sponsor to consider and reflect any indirect effects of their proposals. For example, this could be a potential change in General Aviation traffic patterns. Even where the indirect impact is relatively small and difficult to quantify, we will still require a qualitative statement about the impact to be provided by the sponsor.</p>
<p>In terms of the number of options proposed, one commercial aviation industry response stated that “the guidance should seek to strike an appropriate balance between the depth of the appraisal and consideration that is required and the number of options that will be brought forward for consideration.” The same response thought that mandating the use of WebTAG would reduce the number of options brought forward, particularly for smaller changes, and that it should be used where appropriate in Stage 2.</p>	<p>BLUE: Our iterative options appraisal requirements mean that the evidence required at each stage is the best available and is also proportionate, as more detail is required as the process continues and the number of options reduce. WebTAG (which is required by government policy and which the CAA must therefore follow) should not reduce the number of options. We have amended our guidance to make it clear that a sponsor must present “all possible options”.</p>

<p>In relation to costing options, one group proposed that as well as using real values, nominal values should be mandated as a secondary metric.</p>	<p>RED: Nominal prices have limited value in aiding comparison between or within options. We expect the results of all options appraisals to be presented in real terms so as not to mislead consultees over the values of impacts.</p>
<p>One resident suggested that the sponsor should outsource options analysis to an independent specialist chosen by the CAA, at the sponsor's expense, to ensure the fairness of the assessment.</p>	<p>BLUE: The CAA will not mandate whether the expertise the sponsor uses is in-house or through a consultant, but we will check that we agree with the methodology used (as set out in Table E2 in the draft guidance).</p>

Safety assessment

<p>One recommendation was that the CAA publishes a standard template of safety criteria issues that should be factored into an assessment, to which the sponsor should respond. The response continued that "certainly assessment should be made of any impact on the location and extent of Public Safety Zones, and corresponding locations of schools and hospitals, and this information should be available to stakeholders including local councils." A further response proposed a format similar to a Frequently Asked Questions list.</p>	<p>RED: We cannot provide a standard template. Aviation legislation controls the release of specific safety data and there is no standard list of safety criteria. The change sponsor is responsible for identifying the safety risks and owning the safety case, and it would not be appropriate for the CAA to set the bounds or criteria for this through a template. Best practice (which we encourage) is the use of a systematic approach to management of safety. In this context the guidance provided in CAP 760 <i>Guidance on the Conduct of Hazard Identification, Risk Assessment and the Production of Safety Cases: For Aerodrome Operators and Air Traffic Service Providers</i> may be useful.</p> <p>There are general safety themes that run through most airspace changes. Examples would be route separation, fail-safe design, controller workload and so on. But airspace changes can pose unique and atypical challenges in terms of safety, based on the location of the airspace, density and complexity of use etc.</p> <p>Public Safety Zones are a government responsibility and are related to the level of risk to people on the ground. They are not specifically associated with airspace design. Residual or third-party risks are</p>
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	managed as low as reasonably practical by, among other things, the duties and functions of the CAA, for example regulation of aircraft maintenance, crew proficiency, navigation standards and applying internationally agreed airspace design criteria.
One member of the commercial aviation industry opposed publishing safety assessments in anything but general terms, and ensuring that plain English summaries focussed only on the effects of the proposal.	BLUE: The draft guidance makes clear that only the plain English summary of the safety assessment (and of the CAA's Letter of Acceptance) will be published.
One commercial aviation industry response proposed that the plain English summary could adopt a traffic light system to show which options perform most effectively in safety assessment terms, and sponsors would have to ensure that the assessment could not be inadvertently misleading to ensure trust is maintained. Similarly, one resident proposed a SWOT analysis to perform a similar function. A different resident proposed adding details of how the proposals had been tested, and statistics on how well the different options perform in terms of flight simulation and ability to fly the routes in practice.	RED: A traffic-light system would not correctly or adequately reflect the bespoke nature of all airspace change proposal safety arguments. Safety arguments (cases) are the worldwide recognised standard for aviation. A sponsor will include details of all supporting evidence in the safety argument.
One organisation stated that the summary should exclude any information which it deems as operationally sensitive.	GREEN: The change sponsor is providing the summary and can exclude material which is confidential. We have amended the guidance to reflect this.

Recommendations concerning process aspects that we had already consulted and decided on in 2016

6.27 As stated earlier, this consultation was not concerned with the revised process on which we consulted in 2016. However, many responses from all parties raised issues which we consider to relate to the process as opposed to the guidance which is giving effect to it. We have captured these issues below. Many of them were raised last year in response to our initial consultation, and dealt with in our response to that consultation. Below we note additional issues with the process raised in this

consultation, but we do not respond to them because our decisions about the format and structure of the process were made and published last year (as CAP 1465).

At a macro level, some responses from residents described the entire process as unsatisfactory in the face of significant airspace changes with large impacts anticipated in the coming years.
Several responses raised the issue of the total length of the process, and the complexity of it. These came principally from members of the commercial aviation industry, but some residents were also concerned that changes that could drive benefits to the overflow would be bogged down in the process or not brought forward.
Several responses from residents and their representatives raised the issue of the lack of an appeal within the process.
One commercial aviation industry response suggested greater flexibility around Stages 2 and 3 for larger proposals and recognition that larger, more complex airspace changes may involve multiple phases of options development and consultation. It was proposed that engagement could be iterative and move backwards and forwards between Stages 2 and 3.
In terms of the approval process and gateway sign-off, one commercial aviation industry response recommended implementing a Development Consent Order style process for the largest and most complex changes, whereby the CAA would approve a macro design before consultation is undertaken.
What types of changes should be covered by which elements of process was raised several times. One representative or national organisation or institute proposed that upgrading existing departures routes to meet Precision Based Navigation techniques (so-called 'replication') should not be subject to a full Tier 1 process. In contrast, one resident recommended that "it is important that the CAA ensure that changes to existing routes to 'concentrate' flight paths by use of RNAV are identified as a Tier 1 and not a Tier 3 change as they are a material change to a historical pattern of flights".
One change sponsor asked the CAA to be clear that in saying 'actual implementation could take up to three months', for some changes this could be longer.
Several responses from the commercial aviation industry questioned the arbitrary nature of time periods for different elements of the process. For instance, one response raised the 28-day periods for responses to various elements of the process, and proposed that as airspace change proposals vary greatly in size, impact and complexity, there should be more flexibility in these timescales, to allow more time for more complex elements of the process. This was further emphasised in the case of the Post-Implementation Review where 12 months of data would have to be produced with a 28-day turnaround period. It was proposed that this requirement should be scalable and set out in the CAA's decision letter. Similarly, the two-week window for the publication of meeting minutes was described as unachievable if all parties have to agree the minutes before publication.
Several residents proposed extending the Post-Implementation Review period from one year to two to ensure that residents had time to truly experience the change that was implemented. This was echoed by one sponsor.
One response in the government and/or other regulator category proposed that if, during the Post-Implementation Review, the actual noise levels recorded in terms of any of the metrics assessed at earlier stages were shown to be higher than the threshold that would have seen

the option rejected, then the change should be modified or reversed. This would be a different approach to considering the quantum between the proposed levels and the actual levels, and would see the actual levels re-assessed compared with the baseline or 'do nothing' option.

One resident proposed that each proposal should include options for its reversal if the change is found to not have achieved its objectives and not be modifiable (and therefore need reversing) within the Post-Implementation Review. This was echoed in another response which stated "the sponsor making it clear to the CAA as to the extent of the airspace change once implemented being reversible should also be notified to the public at the time of the consultation." The same response recommended that where a change cannot be modified or reversed, there is a financial penalty for the sponsor, which could be used to compensate impacted parties or mitigate the noise impact of the change.

Temporary airspace changes (formerly Tier 1b) and airspace trials (formerly Tier 1c)

6.28 We asked specific questions concerning temporary airspace changes and trials of a novel airspace design or technology and in response received recommendations about the CAA's approach to regulating them. As with Tier 1a permanent airspace changes, these recommendations related to the process as well as the guidance giving effect to that process, but they are all captured below. A number of residents and their representatives recommended that the CAA should reconsider the more limited procedure for these types of change.

<p>One resident described the proposals in relation to Tier 1c as "completely unacceptable", because the guidance states that once introduced, mandatory new technology may be very difficult or impossible to reverse, which would circumvent the Tier 1a process. Equally, Tier 1c trials should not be allowed while a Tier 1a change process is undertaken, given that the latter is expected to take nearly two years to complete.</p>	<p>RED: Trials are sometimes needed to prove new design criteria, operational concepts and procedures; but a trial is just that. A trial is not a shortcut route to a permanent change; a permanent change must always follow the airspace change process.</p>
<p>Residents recommended that Tier 1c airspace trials should be subject to consultation with all potentially impacted parties, like Tier 1b, and that an environmental assessment should be used to inform that consultation process. One</p>	<p>AMBER: Temporary airspace changes and airspace trials are both defined by government in the Air Navigation Directions to the CAA.</p> <p>We are not changing the process for temporary changes or trials, but we have</p>

<p>group representing residents proposed that only in emergency situations should temporary changes with no consultation be allowed. It also recommended that if the temporary change is regularly repeated, it should be subject to a full Tier 1a procedure. A concern relating to the impact of recurring or extended temporary changes was also raised by one member of the commercial aviation industry. Concerns were also raised about the potential for temporary changes to be extended, and how this would impact on engagement. One group representing residents proposed specific guidance to ensure continuous engagement with stakeholders, and a stricter process relating to timescales. This was echoed by one member of the commercial aviation industry. The same response recommended that the definition of Tier 1c be expanded to include trials of new 'operational concepts'.</p>	<p>clarified in the guidance the circumstances under which a change no longer counts as temporary and should go through the full airspace change process.</p> <p>Temporary airspace changes are those that will last for up to 90 days before the airspace reverts to its previous state. Should a change be required for longer than 90 days, or should we receive a request to repeat a temporary change that has previously been in effect for 90 days, an airspace change proposal will be needed to which the full process will apply. The only exception would be where there are extraordinary circumstances, such as overriding safety reasons or national security considerations.</p>
<p>One member of the commercial aviation industry recommended that the full definition of a Tier 1b change should be set out in the body of the guidance, not a footnote.</p>	<p>GREEN: Temporary changes to the airspace design are defined by government in the Air Navigation Directions to the CAA. We have amended the guidance to make clearer the circumstances in which very short term temporary changes can be made outside the usual process.</p>
<p>Where Tier 1b changes were progressed into full Tier 1a change proposals, one response from the commercial aviation industry proposed that it would be disproportionate to require reconsultation and a full Tier 1a process if none of the impacts had changed from those previously consulted upon.</p>	<p>RED: We do not accept this argument and will continue to require consultation. Previously collected data could be used to inform the permanent airspace change proposal.</p>
<p>One response drew attention to the flow chart relating to Tier 1b changes and the CAA assessment, stating: "The flow chart (on page 79 of the draft Guidance) for 'Implementation' has a closed loop that can go on indefinitely circumventing the ending of the temporary period. The section 'Is justification sufficient for the CAA to reach a decision' answer 'No' just has 'Sponsor</p>	<p>GREEN: If the CAA does not accept a justification, the original timescale still stands. So the loop is broken if the end of the original period is reached and we have not accepted a justification. We have amended the flowchart to reflect this.</p>

<p>submits re-justification'. In theory this could go on indefinitely as there will be a time period for assessing the submission and rejecting it again only to have a further re-justification."</p>	
<p>One resident proposed that a Tier 1b temporary change should not be allowed to follow on after a Tier 1c trial.</p>	<p>GREEN: The respondent is referring to paragraphs 292 and 293 of the draft guidance. We have amended the guidance to make clear that while normally the airspace should revert back to its original state until such time as the full process for a change in airspace design can be completed, where it is not practical or prudent to disestablish a trial procedure, the CAA may consider extending the trial while the airspace change process is being progressed. Such extension will continue to be closely monitored by the CAA.</p>
<p>Greater clarity on which types of temporary change would fall into Tier 1b was also sought by a different respondent from commercial aviation, stating that "it would be useful if a list of exemptions from the requirement to consult are detailed to avoid any later challenge, such as military training airspace."</p>	<p>GREEN: We have added to the guidance the types of very short term changes that are excluded from the process for temporary airspace changes.</p>
<p>A further response from the commercial aviation industry proposed the guidance contain some examples of Tier 1c changes, and stated that some previous trials they had undertaken would not have been covered by the existing definition.</p>	<p>BLUE: The Secretary of State's Air Navigation Directions now define an airspace trial as (a) changes to airspace design, or air traffic control operational procedures, for the purposes of investigating the feasibility of, or validating proposals for, innovative airspace design, technology or air traffic control operational procedures; or (b) a test of an airspace design or an air traffic control operational practice, in order to assess its performance and effect. We believe this deals with this point.</p>
<p>Several residents suggested that engagement with impacted parties should begin in advance of a change to ensure that people are able to make a fair comparison with the before and after states of a change occurring.</p>	<p>AMBER: There is nothing to stop a sponsor engaging earlier and we do expect the aviation industry to engage stakeholders regularly to let them know about temporary airspace changes or airspace trials. However, the data collected on trials is not based on</p>

	complaints but on actual noise levels, so this engagement would not give different results.
<p>One commercial aviation industry response flagged that in relation to assessing the impacts of a Tier 1c change, the current drafting of paragraph 290 focuses on noise impact and not on the other impacts that such a change may be judged upon. The response proposed adding additional bullets to cover other metrics by which the success or otherwise of a trial might be measured.</p>	<p>BLUE: In terms of environmental impacts, the Secretary of State's Air Navigation Guidance 2017 (paragraph 2.23) requires only noise impacts to be considered for trials – no other environmental impact is cited. This seems proportionate and reflects what is likely to be the main concern for residents. The reasons for a trial will vary, and therefore the success criteria by which its effectiveness is judged will also vary (for example, 'flyability', expeditious flow, air traffic controller workload). These criteria are set beforehand. Paragraph 290 is not confined to environmental impacts; it requires the trial sponsor to undertake regular engagement with stakeholders during the trial and to monitor complaints with the CAA investigating urgently where the trial is not resulting in the anticipated outcomes (paragraph 291).</p>
<p>A response in the government and/or other regulators category proposed that different timescales may be necessary for trials depending on whether they were dependent on easterly or westerly operations, given differences in prevalent winds.</p>	<p>BLUE: Our guidance makes clear that a trial should be designed to obtain sufficient data to include variations in weather conditions.</p>
<p>Considering the proposal that the CAA would urgently investigate trials where the nature (and not just the volume) of complaints indicated the trial was resulting in unanticipated outcomes, one response from the commercial aviation industry raised the potential complexity of this. The response recommended the final guidance contain some established complaint criteria to ensure the capture of complaints in a way that can be distilled and shared as part of the regulatory oversight of any trial. They also proposed the guidance be redrafted to highlight that CAA monitoring of all aspects of the trial could lead to this, not just noise impact.</p>	<p>GREEN: We have added to our guidance some criteria for monitoring complaints. The guidance makes clear that feedback that the trial is not resulting in the anticipated outcomes is not confined to noise issues, and the trial sponsor must monitor feedback regularly.</p>

Permanent and planned redistribution of air traffic (formerly Tier 2 changes)

- 6.29 The draft Guidance published for consultation in March 2017 did not contain details of our proposed regulatory process relating to Tier 2 airspace changes (so called permanent and planned redistributions of traffic) because the Government had not confirmed its policy approach to Tier 2. Instead we published a separate annex on Tier 2 and sought observations to help us design a new process for consultation. Helpfully, many respondents answered the two questions relating to Tier 2, and used the free text boxes to expand on their ideas relating to such changes. This included a number of recommendations set out below.
- 6.30 When the Government directs us to have a role on what were previously called Tier 2 changes (they will be named differently in the final policy the Government goes on to introduce) we will develop and consult on guidance. We will take all the responses to this early engagement exercise into account.

On developing the process for Tier 2 changes, one commercial aviation industry response suggested that if the Government's policy approach remains unclear, the CAA should not wait to introduce the Tier 1 process changes, but should stagger implementation of Tier 2. The same response offered the view that such changes would not only apply to Air Navigation Service Providers (ANSPs) in practice.

Further information on the definition of a Tier 2 change to give clarity on which types of change would be covered by such a process was sought from many respondents, with proposals made to define the scope.

As is set out below in Tier 3, there was also confusion about the distinction between Tier 2 and Tier 3 from several respondents.

One response from commercial aviation called for scalability within any regulatory process for Tier 2 changes, reflecting the impact the change may have on stakeholders, and reducing the amount of process required for least impactful changes. A further response suggested that population density and number of aircraft movements impacted could be used to scale the impact of Tier 2.

One airport pointed out that if ANSPs are the sponsors of Tier 2 changes, then the airport concerned, or other local airports, should be both consultees and important stakeholders in implementing the change, and the guidance should recognise this.

Several responses from commercial aviation industry challenged the idea that Tier 2 changes are 'airspace changes' and suggested they should not therefore follow the Tier 1 process. One stated: "where changes are made above a certain level within controlled airspace that the ANSP has responsibility for, no consultation or notification should be

required other than notification of a change. Within Class G uncontrolled airspace, other airspace users should be notified through NATMAC.”
Another response from commercial aviation industry suggested that Tier 2 and Tier 3 be treated wholly differently from Tier 1, that it was confusing to refer to anything other than changes to the notified airspace structure as airspace changes, and proposed a separate guidance document for each ‘tier’. In contrast, the categorisation of changes into categories based on aviation industry definitions as opposed to their impact on the ground was challenged by one group representing residents.
Several residents proposed that changes that alter traffic patterns above 7,000 feet could still have noise impacts on the ground and thus should be covered by any new process for Tier 2.
Responses from residents and their representatives made clear their view that residents must be involved in the process relating to Tier 2, and that consultation was necessary where impacts were potentially equivalent to a Tier 1 change. One group representing residents stated “at least some Tier 2 changes require a more thorough process of assessment than is current proposed in the guidance”.
One resident challenged the proposal to limit Tier 2 changes to airports with over 50,000 movements per year – highlighting the noise impact of a local airport with fewer movements but a noise impact given its proximity to a city. A response from the commercial aviation industry also challenged this proposal, in order to ensure a proportionate process was created.
The reference in the consultation’s question 19 to a 7,000 feet limit to Tier 2 changes raised issues relating to the Government’s wider altitude-based priorities, which are captured in the government policy section below.

Airspace information: transparency about airspace use and aircraft movements (formerly Tier 3 changes)

6.31 Unlike with Tier 2, the draft guidance contained more information about the CAA’s proposed approach to meet the Government’s proposed policy on Tier 3 changes. However, there were still questions raised in relation to the definition of Tier 3, and there was evidence of a lack of clarity between Tiers 2 and 3, and a need to ensure crisp definitions of each. These types of comment and recommendation came from all parties responding to the consultation. Some mentioned that they had responded to the Government’s own consultation saying similar things.

Several responses from the commercial aviation industry emphasised that referring to Tier 3 changes in the same form of language as typical airspace changes could raise expectations that there is a decision-	GREEN: The Secretary of State’s revised Air Navigation Guidance and accompanying directions to the CAA set out changes to government policy on what was previously referred to as Tier 3
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<p>making role, a similar process for such changes, and that mitigations may be more achievable than is likely. One response proposed ensuring the guidance is clearer in reflecting Tier 3 as an information and engagement process rather than as part of a consultation process leading to decision-making. The same response also recommended including some examples.</p>	<p>changes. We have reflected this language in our guidance on information provision in the section 'Airspace information: transparency about airspace use and aircraft movements'. We have also incorporated examples in the guidance.</p>
<p>One response from a member of the commercial aviation industry raised concerns in relation to the cost in terms of resource and equipment to meet the information requirements, and proposed that the requirements should only cover operational changes (such as runway resurfacing) in advance – and that all other data should be retrospective.</p>	<p>BLUE: This is the intention of the guidance, and follows the CAA's role as set by the Government.</p>
<p>Residents and their representatives called into question the options for redress for communities when incremental changes are made with no say from stakeholders (and no decision taken by any regulatory authority in relation to the change). Specifically, several residents and their representatives challenged the lack of any proposed compensation for Tier 3 changes.</p>	<p>RED: This relates to the Government's policy decision defining the CAA's role in respect of Tier 3 changes, which is not in the CAA's gift to change.</p>
<p>One representative body suggested that such changes should be minimised, and consideration of mitigations given when they do occur. Similarly one commercial aviation industry response suggested the guidance give more detail on what potential mitigations could be possible. One government and/or other regulator response recommended two-way dialogue as the most effective way to agree next steps where residents desire mitigations, highlighting a local example of an effective forum.</p>	<p>GREEN: We have amended the guidance to say that airports should engage their stakeholders, including communities, regularly to discuss the information they publish and whether it reveals any noise issues for which there could be a potential mitigation. We have also suggested that in addition to this engagement, mitigations are discussed and considered as part of the airport's Noise Action Plan, which is updated every five years.</p>
<p>Several residents and their representatives suggested that Tier 3 changes should follow the same regulatory process as Tier 1 changes do. One resident proposed joint approval by the CAA and local authorities for increases in movements. Two different responses from residents' representatives</p>	<p>RED: This relates to the Government's policy decision defining the CAA's role in respect of Tier 3 changes, which is not in the CAA's gift to change. Our draft guidance (paragraph 6) explained that subject to operational constraints (including safety), the design of airspace</p>

suggested limiting percentage increases on movements.	and the airspace change process do not specify, or limit future increases in, the volume of air traffic using a piece of airspace at any given point in time. The volume of air traffic using an airport may however be addressed by land-use planning conditions, where relevant.
One representative organisation questioned the lack of a mechanism for communities to challenge information provided by airports – questioning “If, for example, an individual feels that they are being overflowed for the first time or suddenly much more intensively overflowed, but are told by the airport that nothing has changed, is there any opportunity to ask the CAA to confirm whether or not this is the case?”. A response from a residents’ representative suggested that if the guidance is not followed, then a Tier 3 change should be treated as a Tier 2 change and follow the same process as such a change.	RED: This relates to the Government’s policy decision defining the CAA’s role in respect of Tier 3 changes, which is not in the CAA’s gift to change.

6.32 In relation to Question 22, which asked whether the CAA should publicly draw attention to examples of industry failing to follow the CAA’s Tier 3 guidance, there was general support for the idea from residents and their representatives.

One government and/or other regulator response stated: “Whilst we appreciate that the CAA has no direct regulatory role in respect of Tier 3 (paragraph 305), we do believe that the CAA should publicly challenge airports and air navigation service providers to ensure that clear and useful information is being provided to local communities that are being impacted by Tier 3 changes.” One resident suggested a regular report on compliance from the CAA. A government and/or other regulator response suggested reporting on mitigation action as well as compliance with best practice.	AMBER: The Secretary of State’s Air Navigation Guidance 2017 sets out that in respect of information that the CAA believes that an airport or sponsor is withholding, the CAA should consider exercising its powers to obtain information from providers of air traffic services. This is reflected in our final guidance. Beyond that, the Government does not give the CAA a role in enforcing adoption of our transparency best-practice guidance.
One response from commercial aviation suggested the best practice should not be a	BLUE: The best-practice guidance is guidance rather than regulatory

<p>requirement if the airport is already undertaking such work via other forums, and thought that drawing attention to failures to follow the guidance could deepen divisions between airport and community. A different response from the commercial aviation industry suggested that direct discussion with representative groups may be more effective than provision of blanket information.</p>	<p>requirement – whether and how airports and ANSPs choose to follow it is a decision for them. Where it is clear that an airport is withholding information, we may exercise our powers to obtain information and make it available publicly.</p>
<p>The position for establishing whether organisations are following the guidance and if not establishing why was also raised by a member of the commercial aviation industry, which proposed developing a defined process (as opposed to a direct 'naming and shaming' approach). A separate response from the commercial aviation industry proposed extending the guidance on Tier 3 to aircraft operators as they will have more immediate access to data on certain aspects of their operation, such as route network and aircraft types. Another commercial aviation industry response suggested an oversight role for ICCAN in such situations. Similarly one government and/or other regulators response proposed a role for a third-party facilitator.</p>	<p>AMBER: The Secretary of State's Air Navigation Guidance 2017 sets out that in respect of information that the CAA believes that an airport or sponsor is withholding, the CAA should consider exercising its powers to obtain information from providers of air traffic services. This is reflected in our final guidance. Beyond that, the Government does not give the CAA a role in enforcing adoption of our transparency best-practice guidance.</p> <p>The transparency expectations set out by government apply to airports and ANSPs as opposed to airlines. However, if airlines wished to adopt elements of the best-practice guidance on information publication, the CAA would strongly welcome such transparency.</p> <p>A role for ICCAN is one potential way to manage adoption or otherwise of best-practice guidance given the proposed role for them in this respect. The CAA will engage ICCAN to gauge their view but this does not need a change to our guidance.</p>
<p>Linking Tier 3 with the implementation of Tier 1 (and potentially Tier 2) airspace changes, one resident proposed implementation of a monitoring regime with agreed key metrics and automatic notifications if pre-agreed limits are exceeded. It was proposed that this could be undertaken via an online dashboard.</p>	<p>RED: The Post-Implementation Review offers an opportunity to review metrics relating to how the change has operated in practice compared with expectations. Further information metrics can be adopted by airports as they see fit for their local situations based on CAA best-practice guidance. But beyond completion of the Post-Implementation Review, a further proposal to change the airspace design will go through the change process afresh.</p>

<p>A commercial aviation industry response noted that flight tracking technology would only be available where airspace required carriage of transponders, and that in uncontrolled airspace, the volume of non-participating aircraft would render the information unrealistic or open to challenge.</p>	<p>RED: While this is the case, commercial aircraft operating in controlled airspace lead to a significant proportion of the complaints and requests for information received and as such, best practice relating to such traffic may go some way to improving the situation.</p>
<p>A different commercial aviation industry response highlighted that as recreational aviation activity can also cause annoyance, smaller aerodromes should be covered by similar Tier 3 requirements.</p>	<p>AMBER: It is true that smaller aerodromes can lead to annoyance and complaints, and as the best-practice guidance is not a regulatory requirement, there is no reason that smaller aerodromes shouldn't adopt any elements of it they believe suits their local situation, in exactly the same way larger aerodromes should.</p>

6.33 Several responses proposed additional information which could be provided in relation to assessing Tier 3 changes.

<p>Some residents suggested that such information should be made available via local media, and should be accompanied by meetings and events.</p>	<p>AMBER: We support the idea of airports regularly meeting with and engaging their communities. This could be undertaken via the Airport Consultative Committee or other existing forums. When published, information should be made available to the local media, who may choose to cover it, but the CAA does not intend to mandate that airports have to either pay for or otherwise achieve local media coverage of data made freely available online to all.</p>
<p>A recommendation from the commercial aviation industry proposed making the data available on the basis of summer and winter seasons to allow fair comparison.</p>	<p>GREEN: We have updated the guidance to include this.</p>
<p>Respondents from various categories recommended a role for ICCAN in enhancing the guidance and the information list.</p>	<p>AMBER: ICCAN's creation and functions are determined by the Government. The Department for Transport set out in its consultation response document that it intends to proceed with creation of ICCAN by spring 2018, and that ICCAN will have a role developing best practice on transparency relating to aircraft movements and operational changes, in line with this proposal. The CAA will act on this guidance when it is available.</p>

6.34 Specific additional Tier 3 information which respondents recommended included:

Existing constraints on aircraft movements such as quotas and noise caps.	GREEN: We have included this.
The pattern and frequency of runway alternation.	GREEN: We have included this.
Change in airline Standard Operating Procedures for aircraft at a specific airport.	AMBER: This may not be practical for all airports, but we will consider how the guidance reflects the potential utility of such information for stakeholders. We have added this type of information to the guidance as potentially useful.
Selling of slots and change in type and route.	GREEN: We have included this.
General shifts in traffic as a result of Tier 1 and Tier 2 airspace changes and changes in international airspace projects, fuel prices, weather patterns and markets.	BLUE: Much of this data is implicit in the draft guidance already, but we have made it clearer.
Planned SID re-routing to manage disruption.	GREEN: We have included this.
The introduction of new aircraft types.	GREEN: We have included this.
Forecasts in relation to winter and summer schedule changes before they start.	GREEN: We have included this.
Forecast impact on airport performance if foreseen network issues are anticipated to impact the performance of the airport and result in changes in traffic performance i.e. late running flights.	GREEN: We have included this.
Information relating to airport opening times and when and why they have been breached.	AMBER: This may not be possible on a case-by-case basis, but at a high level and for periods of significant disruption airports should consider making it available.
Noise envelopes for each area surrounding the airport.	AMBER: Such noise envelopes may not exist for all airports or all areas, but where they do exist they should be made available.
Future projections of anticipated changes / 'leading' and as well as 'lagging' data.	GREEN: Airports and ANSPs are encouraged to consider whether it would be useful for information to provided about future plans where available.
An annual Tier 3 changes report, in plain English.	AMBER: Change sponsors may choose to adopt an annual reporting basis for such changes, but may find more regular or automated information provision more appropriate, so we do not wish to mandate solely annual reporting.

Standard Instrument Departure (SID) Truncations	GREEN: We have included this.
Ground Based Augmentation System (GBAS) procedures that mirror current charts with no changes that are planned and permanent.	GREEN: We have included this.
Enhanced Time-based Separation (eTBS)	GREEN: We have included this.

Role of the CAA in the process

6.35 Several responses from residents and their representatives proposed that the CAA should take a stronger approach in regulating airspace change.

There was a recommendation that the process should not represent 'guidance' and that each stage and the contents within it ought to be mandatory requirements. As already noted among the recommendations on the draft guidance document itself, there was also a recommendation that in many places the guidance should be more specific in its requirements, and that it is currently too general (for instance saying sponsors 'could consider', 'should generally' or 'should be mindful of' rather than stating explicitly what they must do).	GREEN: The earlier publication CAP 724 <i>Airspace Charter</i> made clear that the airspace change process is a requirement. CAP 724 then cross-referred to additional information and guidance in CAP 725 <i>CAA Guidance on the Application of the Airspace Change Process</i> . We agree therefore that the new document should be given a more appropriate name that reflects its content of both mandatory requirements, guidance material and general information. As noted earlier, we have also sought to tighten up the language, defining our expectations where we use terms such as 'must', 'will', 'should' or 'may'.
There were strong representations that all elements of the process should be transparent and the CAA should ensure that all dialogue and interaction with the sponsor happens in the public domain.	BLUE: Transparency is indeed our intention and the guidance lists all the documents that will be published online to achieve this.
In terms of how the CAA acts when judging whether a change request should proceed, one group representing residents set out its belief that the CAA should use the factors laid down in Section 70 of the Transport Act 2000 to ensure that environmental benefits are driven through airspace changes. They made a series of recommendations as to how the CAA could use its existing powers to achieve the Government's policy objectives in relation to balancing the interests of aviation and those overflown.	AMBER: Section 70 of the Transport Act 2000 requires the CAA to take account of the Secretary of State's Air Navigation Guidance 2017 when making airspace change decisions. The Air Navigation Guidance published in October 2017 repeats the Government's policy in the 2013 Aviation Policy Framework that there must be a fair balance between the economic benefits derived from the aviation industry and the negative impacts of noise for affected communities. When

	making airspace change decisions, we will continue to give effect to the environmental guidance from the Secretary of State. We will demonstrate how we have done so in our decision document.
One resident proposed ongoing monitoring and investigation by the CAA to ensure that changes do not lead to unintended consequences.	BLUE: The Post-Implementation Review will consider whether the anticipated impacts and benefits in the original proposal and decision have been delivered. Beyond that, other changes to air operations affecting noise impacts (formerly known as a Tier 3 change) are subject to the CAA's role in relation to information provision to residents by the airport.
Several responses from commercial aviation called on the CAA to clarify in the guidance that where a gateway was passed, a future decision could not be negative on the basis of information that had previously been agreed, only if new information became available. One resident called for a presumption that gateway sign-off is provisional and if new information were to emerge the gateway could be revised.	GREEN: We have amended our guidance to clarify how a gateway assessment may and may not affect our final decision.

Miscellaneous

6.36 Some recommendations did not readily fit into any of the sections above. They are captured here.

Several members of the commercial aviation industry asked for the guidance to contain more information on the freedom of information requirements with which the CAA must comply in relation to the airspace change process.	AMBER: Information held by the CAA is subject to legislation that requires us to consider disclosing it on request – the Freedom of Information Act 2000 and Environmental Information Regulations 2004. The references in the guidance are simply a reminder that in the exceptional cases where material is redacted from a published version, this legislation still applies and exceptions are limited. We have added a reference to our website guidance, but we cannot reasonably anticipate what cases may arise that
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		warrant any more specific guidance beyond what is already available on our website and that of the Information Commissioner.
	It was recommended that the process be used to separate out matters of safety and technical aviation requirements (described as unavoidable) and those related to the environment (described as negotiable), communicating the latter category in a more meaningful way.	BLUE: The design principles stage of the process is intended to create a qualitative description of what the change could ideally deliver, and it also includes the need to state the technical design parameters (see Appendix D, in particular paragraphs D9 and D10, in the draft guidance).
	A group representing residents recommended that there be more detail within the guidance about how the CAA (and government) deals with conflict of interest. For example, the CAA's role prioritising the environment as airspace regulator was suggested as potentially in conflict both with the CAA's role as consumer champion, and with the CAA's funding model of levying charges on industry.	BLUE: We believe that the increased transparency in the process will demonstrate that we act objectively. Modernisation is in the consumer interest, but the CAA also has statutory responsibilities requiring us to satisfy the requirements of aircraft operators/owners, to take account of the interests of any other person in relation to the use of any particular airspace or the use of airspace generally, and to take account of government environmental guidance. Our process relies on an appropriate evidence base and stakeholder consultation and engagement in order to achieve this. Our decision documents will explain how we have given effect to all these functions.
	One response from the commercial aviation industry flagged the potential for mitigation of noise to be a reason for bringing forward an airspace change (see the section below on wider CAA noise roles for a similar suggestion from a resident group).	GREEN: We will amend paragraph 8 of the draft guidance to include the suggestion that airspace changes could be brought forward as a way of managing noise.
	One response from the commercial aviation industry questioned use of the term 'design' in the document and its title – recommending airspace usage as a more accurate term.	AMBER: We have changed the title of the guidance document to more accurately describe what the guidance is for. We have retained the term 'airspace design' which is an internationally recognised term meaning the airspace structure and flight procedures, whereas 'usage' implies a change to the way the existing airspace design is used.
	A recommendation from the commercial aviation industry was to use the Statement of Need form to agree how to promulgate	RED: NATMAC has its own processes for notification of changes. The Statement of Need form is part of a separate process.

information about airspace changes across the aviation industry – specifically which members of the NATMAC should be informed of the change.	
One sponsor proposed re-introducing to the Statement of Need section the word 'opportunity' where explaining why a sponsor may bring forward a change to detail, so as not to imply that the reason for a change is solely to address a problem.	GREEN: We have added this to the Statement of Need section of the guidance.
One airspace change sponsor identified that one potential outcome of a Post-Implementation Review is the possibility that while the change may be found to have achieved the objectives expected within the tolerances proposed, there may be further mitigation or engagement activity to address issues which have emerged during the course of the airspace change.	GREEN: We have amended Stage 7 and Appendix H to reflect this possibility.
We identified a series of specific textual changes proposed to the detail of the guidance.	AMBER: These changes are relatively minor edits, and have been enacted where they enhance the comprehensibility of the guidance.
Several responses recommended that the CAA keep the guidance under review.	BLUE: This is our intention. The draft guidance commits us to reviewing it after three years of operation.

Issues outside the scope of the consultation

6.37 As stated at the beginning of this chapter, there were a series of recommendations made during our consultation which do not have a direct bearing on the draft guidance. These can broadly be categorised under two headings, those related to how the CAA could or should manage aviation noise outside of the airspace change process and those relating to government policy. They are both captured below, along with an explanation of how we intend to deal with them.

Wider CAA noise roles

6.38 While the above recommendations tend to deal directly with the airspace change process generally, and specifically the way in which the CAA decides whether or not to approve a proposed change that is put to it by a sponsor, we also received recommendations relating to aviation noise

more generally. Some of these proposed expanding the airspace change process to do more (beyond even what is covered in the process section above) while others relate to entirely different areas of the CAA's regulatory activities.

- 6.39 Following consultation on the 2016–2021 CAA Strategic Plan in summer 2016, the CAA announced a Noise Management Review¹⁴ to conduct an internal review of opportunities to influence noise management that are within existing powers and activities. The following recommendations will be considered as part of that piece of work, albeit on the basis that the work is scoped to consider how the CAA's existing powers can be used rather than developing new powers.

Several responses also called on the CAA to become more active in engaging and lobby government to change policy or the law to allow the CAA to be more active on managing aviation noise, or consider aviation noise differently in deciding airspace changes. This included lobbying government:

- to change Section 70 of the Transport Act 2000 to make “clear that environmental matters rank at least equally with the efficient use of airspace in all cases”.
- to enhance compensation for residents impacted negatively by airspace changes.

Another suggestion relating to airspace changes, but not the airspace change process, was that the CAA should develop a form of incentive for sponsors to bring forward changes that improve noise impacts. Introduction of a noise levy was suggested as one possible incentive.

One response proposed that the CAA introduce a requirement for all sponsors to develop an action plan on a five-yearly basis looking at what changes they could introduce over the course of the following five years to improve noise impact.

One response proposed introducing a ‘Section 106 undertaking’-like requirement¹⁵ on airspace change approvals to require airport operators to reduce noise generally.

One recommendation from a resident was that each airport be set clear objectives to make demonstrable progress towards reducing noise. These objectives would be codified within a noise envelope – the recommendation being that initially this could be agreed via the CAA leading industry to improve performance, but that additional powers for the regulator to enforce such envelopes would be preferable.

A suggestion relating to both airspace changes and the broader strategic picture was made by a resident, who proposed that the CAA undertake a review of the overall airspace system's capacity to handle increased flight numbers. A local example of apparently increasing numbers of so-called go-arounds at one south-east airport was cited as one reason to consider the broader airspace system's capacity.

¹⁴ <https://consultations.caa.co.uk/policy-development/aviation-noise-impacts/>

¹⁵ A reference to Section 106 of the Town and Country Planning Act 1990 which stipulates how conditions may be imposed upon planning consents.

Government policy

- 6.40 The CAA's role in the airspace change process is detailed by legislation, directions and guidance from the Government on how we should exercise the duties we have been provided. Understandably, many responses referenced these legislative duties, directions and guidance in making recommendations. This is especially the case as the Government was consulting on changes to its own airspace and noise policy at the same time as our consultation.
- 6.41 For example, one group representing residents expressed concern because airspace change decisions do not limit the amount of traffic on a route, and airlines are not involved in the process. They were concerned that a proposal could be approved based on low traffic forecasts, which could then increase substantially with no oversight. It was suggested to us that the CAA should set limits on the number of aircraft movements once a change has been approved.
- 6.42 Our guidance (paragraph 6) explains that subject to operational constraints (including safety), our decisions about the design of airspace do not specify, or limit future increases in, the volume of air traffic using a piece of airspace at any given point in time. The volume of air traffic using an airport may however be addressed by land-use planning conditions, where relevant.
- 6.43 Airlines are involved in the process – they are usually included as consultees and are key stakeholders when considering the feasibility of proposed designs. Indeed any stakeholder that regards the forecasts being used as unrealistically low has the opportunity to query them with the sponsor. Underlying this is the new options appraisal process, where traffic forecasts in proposals will need to be justified by the change sponsor and will come under greater scrutiny, including oversight by an economic assessor in the CAA. The new airspace information (formerly Tier 3) process will nevertheless involve the airport providing information about changes in the use of airspace as a result of increasing traffic levels.

6.44 Other recommendations made by respondents which solely concern matters of government policy are summarised below. We have shared this information with the Department for Transport.

Many residents affected by aviation and their representatives proposed that approval of all Tier 1 changes should hinge on a requirement to monitor (and mitigate) health impacts; reduce noise; and pay compensation for any increases in noise.

Many residents and their representatives proposed that either through a reconsideration of the Government's altitude-based priorities, through some wider change in government policy, or through the CAA's own agency, more weight be given to the noise impacts of changes in our decision-making. Conversely, responses from the commercial aviation industry suggested that the "draft guidance places an unhelpfully large emphasis on minimising the exposure to aircraft noise as a result of airspace changes at lower altitudes, rather than a broader consideration of the overall impacts on health and quality of life".

The issue set out above under the heading 'Wider CAA noise roles' relating to how the airspace change process approves routes but not the amount of traffic on said routes was also raised in relation to government policy directly. Several responses suggested that the airspace change process would always be lacking without a change to policy in this area. One representative of residents expanded on this point, saying that given the CAA's legal duties (both regarding airspace and our wider role – including the growth duty held by all regulators) it "will tend to prioritise the option that allows for an increase in aircraft numbers." The response continued: "for as long as this is the case, it is impossible, in our view, for the CAA to be seen as an independent arbiter between communities and the industry when it comes to noise management, however rigorous the process is in terms of community engagement and transparency."

Similarly, some responses proposed that within the Government's conception of Tier 3 airspace changes, there is a limit on how much change is acceptable (perhaps based on noise impact), beyond which such a change would require approval under a Tier 2 change proposal.

One response from a representative organisation suggested that the CAA impose some 'general design principles'. This was proposed as being based on the CAA interpreting Section 70 factors. Two approaches were suggested: first that no change can result in an increase in the impact of noise and that all changes will be required to reduce the impact of noise. The same response proposed establishing an upper limit that would define the maximum noise exposure for any community, above which no change could be approved.

Our draft guidance document sets out that the CAA does not have enforcement powers relating to the imposition of conditions on airspace change sponsors, nor is it able to review historic airspace changes for compliance with predicted usage following the Post-Implementation Review. One government and/or other regulator response made the specific recommendation that government should give the CAA, or another regulator, powers to "ensure that any noise reduction and mitigation proposed by the Airspace Change Sponsor and agreed with all stakeholders is implemented as approved".

<p>As flagged under the heading 'Environmental metrics' earlier in this chapter, the Government's altitude-based priorities were raised by several respondents. These were described as out of date by one resident, and several others suggested that consideration of noise should extend to 10,000 feet, or further, in particular when concentration of flightpaths was a consequence of the change.</p>
<p>From a different perspective, several members of the commercial aviation industry raised the issue that only designated airports are required to produce noise contours, and that without such information, baselining the impact of changes would be challenging. They also suggested that best-practice recommendations (from ICCAN) would be more effective if based on such baselines.</p>
<p>A different response from the commercial aviation industry suggested a role for ICCAN in future in providing guidance on the use of WebTAG specifically for airspace change proposal options appraisal. They also stated the CAA should provide this guidance prior to ICCAN's existence.</p>
<p>One resident proposed that ICCAN (as an independent body) should be given the power to ensure that each step of the process has been complied with and communities who are impacted have had their voices heard. Other responses proposed similar roles for ICCAN, in particular in relation to consultation and the Post-Implementation Review. Where ICCAN guidance is not followed, one response suggested that in all but exceptional circumstances the proposal should be rejected, and in such instances, should be subject to Secretary of State approval.</p>
<p>One resident proposed an 'ombudsman function' which could call-in proposals to independently assure that the best option has been selected.</p>
<p>Regarding the Secretary of State call-in, one resident stated that the Government's current proposals relating to call-in prioritise growth over the environment, and should not be subject to caveat relating to another Secretary of State having opined on the same project previously.</p>
<p>One sponsor requested the Government use its aviation strategy to provide more clarity on thresholds for escalation, presumably a reference to the Government's proposed approach to handling call-in of a proposal.</p>

Chapter 7

Changes to CAA process and guidance as a result of Government policy

Introduction

- 7.1 The draft guidance that we consulted on (CAP 1520 and CAP 1521) explained that it was based, as far as possible, on the Government's own proposals and draft guidance to the CAA on which the Department for Transport was at that time consulting. It also made clear that should government directions, policy and guidance change after the consultation, our own guidance document would be updated accordingly. We therefore had to design our draft guidance flexibly to adapt to the outcome of the Government's consultation.
- 7.2 This chapter sets out a summary of how we have amended our guidance in response to the Government's policy changes. **This is necessarily only a short summary of the Government's policy changes, provided for context only. It is therefore most important that this section be read alongside the full text of what the Government has published (see below).**

The Government's consultation on UK airspace policy

- 7.3 On 24 October 2017 the Government published the outcome of its own consultation¹⁶, comprising:
- Consultation response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace¹⁷

¹⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/653801/consultation-response-on-uk-airspace-policy-web-version.pdf

¹⁷ <https://www.gov.uk/government/publications/uk-airspace-policy-a-framework-for-the-design-and-use-of-airspace>

- Air Navigation Guidance: Guidance to the CAA on its environmental objectives when carrying out its air navigation functions, and to the CAA and wider industry on airspace and noise management.¹⁸ This also includes a copy of the new Air Navigation Directions issued to the CAA under section 66(1) of the Transport Act 2000¹⁹
- Consultation on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace. Summary report of consultation feedback.²⁰

7.4 The new government guidance and directions take effect from 1 January 2018.

Changes to the CAA guidance arising from proposals which the Government has dropped

Categorisation of airspace change by ‘tier’

7.5 The Government’s consultation document suggested a three-category approach to describe airspace-related changes. We therefore used these categories in our draft guidance.

7.6 These were:

- Tier 1: Changes to the permanent structure of UK airspace, including temporary changes and airspace trials
- Tier 2: Permanent and planned changes to air traffic control’s day-to-day operational procedures (for example, vectoring practices)
- Tier 3: Changes to aircraft operations – for example significant shifts in the distribution of flights on particular routes. These may not be planned decisions to change the use of airspace, but shifts over time and in response to changes in demand.

¹⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/653978/air-navigation-guidance-2017.pdf

¹⁹ The Civil Aviation Authority (Air Navigation) Directions 2017.

²⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/653803/summary-of-responses-to-the-consultation-on-uk-airspace-policy.PDF

- 7.7 The Government has decided not to proceed with the 'tier' categorisation proposal. The categories have instead been renamed in the Air Navigation Guidance as follows:
- The category Tier 1 is now known as an 'airspace change'
 - The category Tier 3 is now known as 'aircraft operational changes to airspace usage'.
- 7.8 The category Tier 2 has been removed from the Air Navigation Guidance to allow the Government to carry out further policy development on a new process governing significant changes in air traffic control procedures. The Government says that it intends to retain the phrase 'permanent and planned redistribution of air traffic' given that these are the events it is trying to identify.

Changes to the CAA guidance arising from proposals which the Government has deferred

Permanent and planned redistribution of air traffic (formerly known as Tier 2)

- 7.9 Whereas changes to airspace design are subject to the airspace change process, and need to be consulted on, air traffic control procedural changes can be implemented without consultation, even where the noise impacts are similar. In other words, because changes to procedures alone take place within an existing, unchanged airspace design, they are currently outside the airspace change process.
- 7.10 The Government's response to its consultation states (paragraphs 2.15 and 2.16):
- “In the consultation the government proposed that Air Navigation Service Providers (ANSP) should assess whether a proposal to amend their operational practices might lead to a permanent and planned redistribution of aircraft (PPR), which shifts the distribution of aircraft sufficiently for it to

lead to a reasonable level of noise disturbance. The proposal also included an approval role for the CAA.

“The government also set out that clarity was needed for ANSPs and the CAA in determining when a PPR may create an impact that would mean it should be subject to consultation and when this would be disproportionate. More detail on the criteria for determining this was set out in draft guidance published alongside the consultation.”

7.11 The Government’s response also states (paragraphs 2.23 to 2.25) that this proposal requires more specificity and clarity to ensure it will work effectively in practice, and that it will undertake further work on the proposal. Consequently, this category of airspace change has been removed from the Air Navigation Guidance to allow for further policy development. The policy will be implemented as soon as possible and if further consultation is required to implement the policy the Government aims to undertake this in 2018.

7.12 As a result, the Government has not yet given the CAA a new role to regulate such changes. Our consultation did not include any process or guidance for this new role pending the outcome of the Department for Transport consultation, although we did seek views, in a separate document (CAP 1522), on what a process might look like. We will therefore continue to leave a placeholder in our guidance document.

Changes to the CAA guidance arising from proposals that the Government is proceeding with

Noise assessment

7.13 The Government has reaffirmed in the Secretary of State’s Air Navigation Guidance (paragraphs 3.4 and 3.5) that “one of the government’s three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aviation noise. For the purpose of assessing airspace changes, the government wishes the CAA to interpret this objective to mean that the

total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour. Adverse effects are considered to be those related to health and quality of life.” The guidance goes on to say how the CAA should assess the impacts using a risk-based approach based on a comparison of the noise level with the lowest-observed adverse-effect level, using the Department for Transport's transport appraisal guidance WebTAG.

- 7.14 As a result we have amended the environmental assessment criteria in our own guidance.

Altitude-based priorities

- 7.15 The Government has retained in the Air Navigation Guidance 2017 the wording of the 2014 Air Navigation Guidance relating to altitude-based priorities. This has required some clarification in the text of our own guidance compared with the draft on which we consulted.

Independent Commission on Civil Aviation Noise

- 7.16 The Government has confirmed its proposal to establish an Independent Commission on Civil Aviation Noise (ICCAN) to provide advice on how best to manage noise in upcoming airspace and infrastructure changes. The Government intends to set ICCAN up by Spring 2018, but has decided not to establish ICCAN as an independent body within the CAA, but rather that instead it should be an advisory non-departmental public body.

Options appraisal

- 7.17 The Government has confirmed its support for the use of options analysis in the CAA's airspace change decision-making process. This does not result in any changes to our guidance other than updating references to WebTAG.

Call-in function for the Secretary of State

- 7.18 The Government has decided to proceed with this proposal in the form set out in its consultation. The draft CAA guidance already incorporated this, and we have modified it as needed.
- 7.19 The new Air Navigation Guidance provides more clarity about how the interdependencies between the planning process and call-in function operate. The Government has made clear that the Secretary of State is required to act impartially in call-in decisions and that only a Minister without a direct link to the area underneath the proposed flightpath (below 7,000 feet) will make the final decision. The Secretary of State will not call-in a proposal by the Ministry of Defence.

Airspace trials

- 7.20 The Government has clarified text around the definition, duration and repetition of airspace trials.

Airspace information: transparency about aircraft movements and airspace use (formerly known as Tier 3)

- 7.21 The Government proposed that the CAA should put in place a suitable but light-touch policy for industry to follow in respect of changes in airspace usage which are not linked to air traffic control procedural changes or amendments to the UK airspace design.
- 7.22 Following work by the CAA with the Government, the Government has clarified its expectations on airports' transparency and engagement with communities, and updated the Air Navigation Guidance. We have as a result defined more clearly in our own guidance what data airports are expected to produce. The Government suggests that we could use our powers of information should we become aware that an airport is withholding information which might be useful for communities to understand changes in airspace usage. The Government also envisages a role for the new Independent Commission on Civil Aviation Noise in advising on best practice.

Appendix A

Themes used to assess free-text responses qualitatively

Increased or better defined role for airport consultative committees
Concern that there is no appeal on a decision
CAA is not (sufficiently) independent
CAA is imposing too much regulation / being disproportionate
CAA needs to regulate differently, for example coordinate / address issues where airspace impacts more than one airport
CAA needs to assess / increase its resource to deliver decisions
CAA needs to hold industry to account more / be stronger / more involved
Examples, scenarios or case studies needed for illustration of likely process for a given type of change
Communities need a champion to aid comprehension and/or so their voice is heard
The guidance document is too detailed and/or complex and/or too long
Complexity : short version of guidance needed for layperson
Concerns about cost of process
Engagement is not improved / needs further improvement, including ways of facilitating
Engagement is improved (including stakeholders giving feedback and opportunities for)
Frustration with engagement: not being consulted or informed
Frustration with noise and its impacts, generally
Information by sponsor needs further improvement (for example too complex, needs simplifying)
More information or clarity about how the process will work, for example on definition of Tiers, gateways, levels, exactly which process will be followed, changes mandated by law or safety, another specific activity (like WebTAG, options appraisal, categorising responses, Public Evidence Session, Post-Implementation Review, Freedom of Information obligations, third-party facilitation)
This response relates to a specific local issue and makes no reference to the draft guidance
Noise metrics : need for, or need to be changed (inc altitude-based priorities) or take account of health impacts
For CAA to consider suggestion in our noise review
Liaison with planning departments needed
Department for Transport existing policy proposals need changing, for example ICCAN, call-in, etc

New policy mechanisms needed to enforce airspace changes
New policy mechanisms needed to enforce/require noise reduction, including where PBN concentration has led to a noise increase
New policy mechanisms needed to take account of health impacts
Online portal needs additional/amended functions, more clarity
Recommendation for improving an aspect of the guidance document
Recommendation for improving an aspect of the process, although these may be out of scope
Concerns about increase in resource needed, burden, risk, time, money experience needed or disproportional impacts of process
Review needed of the new process after bedding in
third-party facilitator : new role suggested / new aspect of process / how to fund
third-party facilitator : does not see value
third-party facilitator : sees value
Tier 2 process should be the same as Tier 1
Clarity needed on Tier 2 process to be followed
Proper engagement will be essential on Tier 2 definition / list of examples needed (what is in / out)
Tier 2 scaling not appropriate
Tier 2 scaling needed / no one size fits all
Tier 2 traffic forecast is needed too
Concerns about increased length of timescales of process
Transparency of process is NOT improved / is lacking
Transparency of process is improved
Transparency of process should be reduced in some places (for example preserve commercial confidentiality, live publication of responses)
Trust in process, CAA or industry will be improved
Trust in process, CAA or industry <u>currently</u> lacking
Trust in process, CAA or industry will NOT be improved