

CAA AIRSPACE CHANGE DECISION - DRAFT

CHANGE TO THE EAST ANGLIA MILITARY TRAINING AREA

Executive Summary

Organisation proposing the change: JOINT FUTURE AIRSPACE DEVELOPMENT TEAM (JFADT)

Date of Airspace Change Proposal: 27th October 2017

Objective of the Proposal:

To change the Airspace Management (ASM) process of the East Anglia Military Training Area (EAMTA) to enable increased flight plan availability of Conditional Routes (CDR) P5, P144 and UM185. To maintain an acceptable level of flexibility for military use, the proposal also seeks to split the EAMTA vertically into high and low areas with a divisional flight level of FL285. This is designed to enable the routine activation of the lower area to meet military requirement and align the activation of the upper area with the ASM policy (CAP 740). In addition the proposal increases the upper level of the EAMTA to FL660 and aligns the routine hours of activation of Temporary Reserved Area (TRA) 003 to the routine activation times of the lower portion of the EAMTA.

The CAA has determined that the airspace design is safe and provides satisfactory airspace sharing arrangements between NATS (NERL) and the Ministry of Defence (MoD), whereby the upper portion of the EAMTA will be booked and activated based on requirement rather than routine. The routine activation of the EAMTA low by NOTAM better enables strategic ASM when it is known that the MoD do not require the airspace.

Decision Process and Analysis

1. **Aims and Objectives of the proposed change**
2. On 27 October 2017 the CAA Safety and Airspace Regulation Group (SARG) received a formal Airspace Change Proposal (ACP) from the JFADT seeking to amend the ASM process for the EAMTA to enable increased flight plan availability for CDRs P5, P144 and UM185. The proposal also aims to reduce the complexity of the airspace booking procedure for military units and increases the opportunities for GAT tactical direct routing.
3. The upper level of the EAMTA will be increased from FL550 to FL660 to satisfy military requirements.
4. The EAMTA would be split vertically into two areas with a DFL of FL285. The upper area will be activated by NOTAM on D-1 when requested by the MoD. The lower area will be activated by NOTAM routinely between 0830 to 1800 (0730 to 1700) without specific requests to book the airspace. The EAMTA low area would also be available for booking outside of the agreed times but would be subject to a booking request.
5. The standard activation times of TRA003 will be amended to coincide with the routine activation times of the EAMTA low area; 0830 to 1800 (0730 to 1700). TRA003 will also be available for booking outside of the agreed times but would be subject to a booking request.

6. CDR P5 would be re-categorised as a CDR 1/3 H24 between DIGSU and CUTEL.
7. CDR P144 would be re-categorised as a CDR 1/3 H24 between DIGSU and LARGA.
8. CDR UM185 would be re-categorised as a CDR 1/3 H24 between TIPAN and DIGSU.
9. NATS (NERL) estimated that approximately 1750 flights could have flight planned the CDRs that interact with the EAMTA if they were available when the airspace was not being used by the MoD during 2016. The Change Sponsor highlighted that these figures did not consider the status of the EG D323 complex, which also influence the flight plan availability of CDRs P5, P144 and UM185. Therefore the actual availability figures are likely to be lower than the estimate presented in the ACP.

10. Consultation

Documents considered by the CAA:

- 7.1 Airspace Change Proposal dated 27 October 2017.
- 7.2 CAA Operational Assessment (Annex C).
11. Sponsors must conduct their own consultation exercise in accordance with the criteria set out in the Cabinet Office's Consultation Principles (2013).
12. The change proposal was developed jointly by NATS (NERL) and the MoD through the JFADT, both of whom are the key stakeholders impacted by the proposal. Therefore stakeholder consultation and coordination was conducted throughout the proposal development in 2017. No further consultation was deemed necessary.

CAA assessment and decision in respect of Consultation

13. General Aviation and public consultation was not deemed necessary as the entirety of the airspace change is above FL195 and contained wholly within Class C airspace. The CAA conducted its own assessment of the consultation requirement and is satisfied that the evidence supports the proposal and was conducted in accordance with the requirements of CAPs 724 and 725.

CAA Consideration of factors material to our decision whether to approve the Change

14. Explanation of statutory duties

15. The CAA's statutory duties are set out in Section 70 of the Transport Act 2000 (the Act), the CAA (Air Navigation) Directions 2001, as varied in 2004 (the Directions), and Guidance to the CAA on Environmental Objectives relating to the exercise of its air navigation functions.¹
16. In summary, the CAA's primary duty under section 70(1) of the Act requires that the CAA exercises its air navigation functions so as to maintain a high standard of safety

¹ Revised in 2014 by the DfT (the Guidance).

in the provision of ATS. This duty takes priority over the remaining factors set out in section 70(2). Where an airspace change proposal satisfies all of the factors identified in section 70(2) and where there is no conflict between those factors, the CAA will, subject to exceptional circumstances, approve the airspace change proposal. Where an airspace change proposal satisfies some of the factors in section 70(2) but not others, this is referred to as a conflict within the meaning of section 70(3). In the event of a conflict, the CAA will apply the material considerations in the manner it thinks is reasonable having regard to them as a whole. The CAA will give greater weight to material considerations that require it to “secure” something than to those that require it to “satisfy” or “facilitate”. The CAA regards the term to “take account of” as meaning that the material consideration in question may or may not be applicable in a particular case and the weight the CAA will place on such material considerations will depend heavily on the circumstances of the individual case. The analysis of the statutory duties in this case is set out below.

17. Conclusions in respect of Safety

18. The CAA’s primary duty is to maintain a high standard of safety in the provision of ATS and this takes primacy over all other duties.²
19. In this respect, the CAA is content that the MoD has undertaken a Safety Assessment of the proposed changes to the ASM process and will put into place the recommended mitigation measures before implementation on 24 May 2018.

20. Conclusions in respect of securing the most efficient use of airspace

21. The CAA is required to secure the most efficient use of the airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic.³ The CAA considers that the most efficient use of airspace is defined as:

“Secures the greatest number of movements of aircraft through a specific volume of airspace over a period of time so that the best use is made of the limited resource of UK airspace.”

22. In this respect, the CAA is content that the change to the ASM process and restructuring of the EAMTA aligns the management of the airspace to EC IR 2150/2005 and CAP 740. Thereby improving airspace sharing and the efficient use of airspace.

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

24. In performing the statutory duties, the CAA is obliged to take account of the extant guidance provided by the Secretary of State,⁴ namely the 2014 Guidance to the CAA on Environmental Objectives.
25. The CAA has concluded that the sponsors assessment that an estimated fuel saving of 180 tonnes per annum will have a positive environmental impact. The CAA acknowledges that this estimate did not consider the impact of the activation status of

² Transport Act 2000, Section 70(1).

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

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

the EG D323 complex and therefore actual environmental benefits may not be of the magnitude specified in the ACP.

26. The proposed changes are all above FL195, and the changes designed to increase the flight plan availability of the CDRs associated with the EAMTA are predominately above FL285. Therefore the CAA is satisfied that the environmental impact in terms of aircraft noise is negligible.

27. Conclusions in respect of the requirements of aircraft operators and owners

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

29. In this respect, the CAA is content that revised structure of the EAMTA and the new ASM process will have a positive impact on General Air Traffic (GAT). The airspace booking system will continue to provide access to the airspace for the military when required and therefore the CAA is content that there is no detrimental impact on any other airspace users.

30. The CAA's Operational Assessment will be published on the CAA's website before implementation.

31. Conclusions in respect of interests of any other person

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

33. In this respect, the CAA is content that the proposed changes are all at or above FL195 and wholly within Class C airspace. Therefore the CAA is content that no other persons will be adversely affected by the revised airspace structure and ASM process of the EAMTA and TRA003.

34. Integrated operation of ATS

35. The CAA is required to facilitate the integrated operation of ATS provided by or on behalf of the armed forces of the Crown and other ATS.⁶

36. In this respect, the CAA is content that the revised structure of the EAMTA and the new ASM process is contingent on the operational requirements of the MoD and will provide successful integration of ATS operations in UK airspace.

37. Interests of national security

38. The CAA is required to take into account the impact any airspace change may have upon matters of national security.⁷

39. In this respect the CAA is content that there are no impacts to national security as a result of the revised structure and new ASM process for the EAMTA and TRA003.

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

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

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

40. International obligations

41. The CAA is required to take into account any international obligations entered into by the UK and notified by the Secretary of State.⁸

42. In this respect the CAA is content that there are no international obligations affected by this change.

43. No conflicts

44. In accordance with section 70(3) of the Act and the CAA published policy, the CAA is required to consider whether the airspace change proposal produces any conflicts between the material considerations identified in section 70(2). For the reasons given above, the CAA does not consider that there are any conflicts between pertinent factors as a result of the revised structure of the EATMA or the new ASM process.

45. CAA's Regulatory Decision

46. The CAA is content that the proposed airspace design is safe, which satisfies our primary statutory duty. For the reasons given above, the CAA is also content that the proposed change has a positive or neutral impact on each of the other factors identified in section 70(2) of the Act. In such a case, and in the absence of exceptional circumstances, it is CAA policy to approve the airspace change proposal. There are no exceptional circumstances in this case to justify departing from the CAA's standard practice.

47. We have made this decision and concluded that there are no applicable conditions placed on the JFADT for the implementation of this airspace change.

48. The revised airspace will become effective on 24 May 2018.

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

12 January 2018

Civil Aviation Authority

Appendix A:

Chart showing the EAMTA airspace structure:

⁸ Transport Act 2000, Section 70(2)(g).

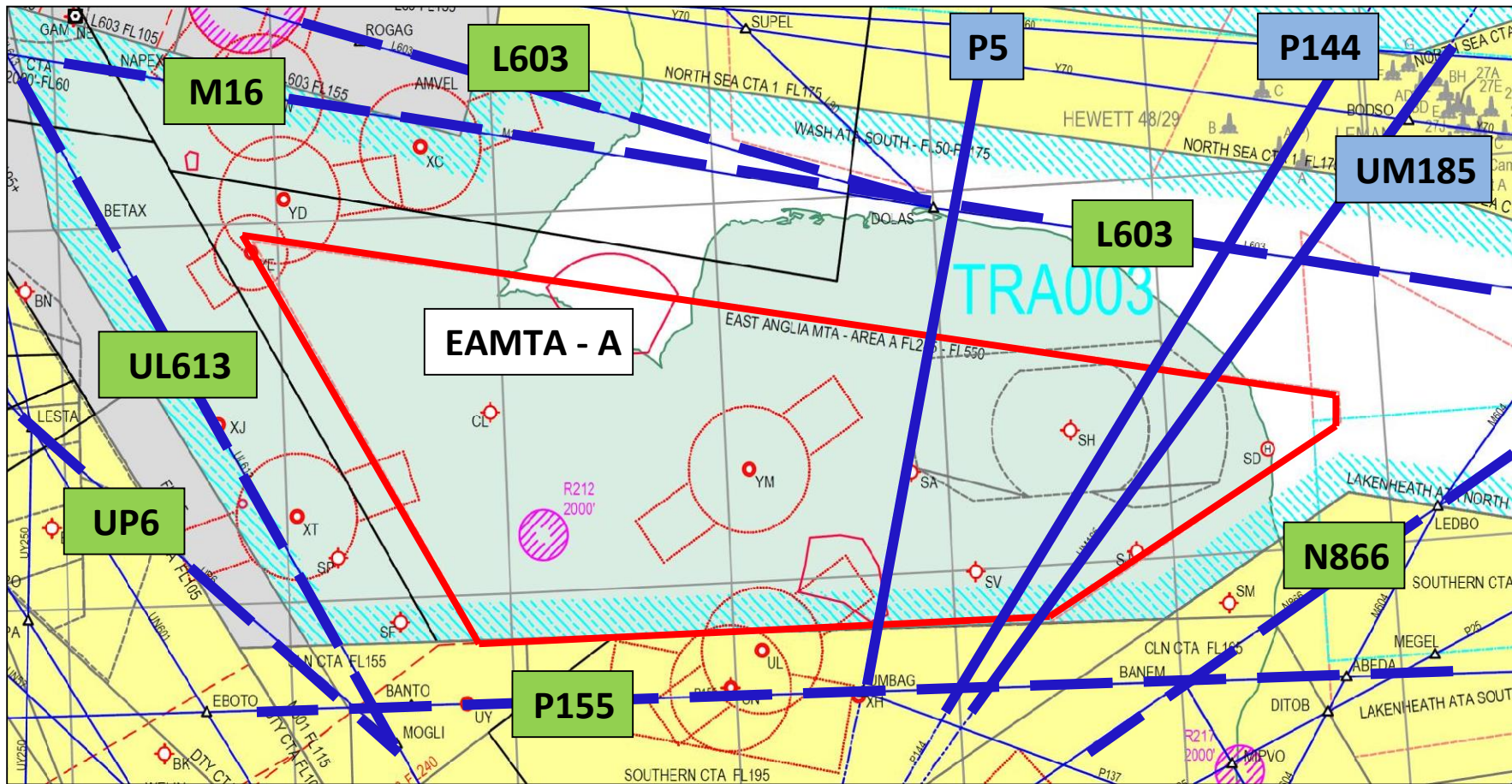


Chart showing the EAMTA airspace structure