

October 2020

Policy Statement

Guidance for Sponsors currently progressing through the CAP 1616 process: Restarting a 'paused' Airspace Change Proposal (ACP)

1. Introduction

Since March 2020, the unprecedented COVID-19 pandemic has caused a significant change to the work being undertaken by airspace change sponsors. Given the uncertainty in the aviation industry at present many sponsors have decided to pause their Airspace Change Proposals (ACPs) and associated timelines.

The DfT and CAA, as co-sponsors of airspace modernisation released a statement¹ in July 2020 confirming a continued commitment to airspace modernisation stating that “*airspace modernisation is vital to the future of aviation, delivering net zero and now to supporting the aviation sector’s recovery from the impact of the Covid 19 pandemic*”. Additionally, the co-sponsors confirmed the need to consider how individual organisations may progress airspace change in these new circumstances being faced by the industry in response to the Airspace Change Organising Group’s (ACOG’s) report on ‘*Remobilising the Airspace Change Programme*’.

This document sets out a process and guidance for an airspace change sponsor to follow when they have elected to restart a paused CAP 1616 ACP.² It provides a guide for sponsors to consider any potential changes in overall background context and what elements of previous submissions, if any, may need to be adjusted or updated since being paused. This guidance applies to any ACP restarting the CAP1616 process, whether part of the FASI (S) and FASI (N) programmes or not. A summary is provided in section 5.

The aim is to avoid requiring sponsors to repeat work previously conducted where possible. However, there may be circumstances where work will need to be revisited or further information provided for the reasons discussed below. Reviews will need to be made on a case by case basis. It is important to restart work on the right information to mitigate the risk that sponsors proceed only to find their ACP fails at a later stage due to changes that occurred during a paused period.

2. Paused ACPs

The term “paused” is used by a sponsor where due to whatever reason, the previously agreed timeline cannot be achieved, and a new proposed timeline cannot, for an indeterminate period of time, be submitted to the CAA for consideration. In such situations,

¹ <https://www.gov.uk/government/publications/update-on-airspace-modernisation/update-on-airspace-modernisation>

² Similar principles will apply to paused CAP 725 proposals

the sponsor should provide a reason for the ACP being paused which will be visible as the status on the CAA Airspace Change Portal.

When a change sponsor has paused an ACP, the CAA will require assurance and evidence regarding any changes during the intervening period to the context within which the ACP is being prepared .

3. Contextual Considerations

Before an ACP restarts the CAA will need to understand whether there have been changes to a number of contextual considerations, including;

- any changes to the issue or opportunity in the Statement of Need, the operating environment³ or geographical area in which the ACP is being developed;
- changes to law, government policy or CAA requirements that would affect the development of an ACP, or parts of an ACP;
- changes to identified stakeholders.

In order to assist sponsors' understanding of two key contextual considerations, the following is (1) the CAA's current (October 2020) understanding of the government's position on relevant policy and (2) our approach to actual and forecast traffic during, and as a result of, the COVID-19 period.

(1) Policy changes during the COVID-19 period

Shortly before the COVID-19 pandemic resulted in a UK lockdown, the Appeal Court ruled Parliament's Airports National Policy Statement (ANPS) had no legal effect unless and until the Secretary of State has undertaken a review of it. This ruling has been appealed to the Supreme Court by Heathrow Airport Ltd and judgement awaited. The Appeal Court did not decide that there is no need for additional capacity, nor did it find that the ANPS is necessarily incompatible with the United Kingdom's commitment to reducing carbon emissions and mitigating climate change. As such, Parliament's decision that aviation capacity will need to increase in the long term has not been affected by the Appeal Court decision.

The point at which additional capacity in airspace becomes crucial has no doubt been delayed due to the impact the pandemic has had on the aviation sector. The exact recovery path for the aviation industry following the COVID-19 pandemic remains uncertain. Several international forecasts currently predict that air traffic could return to 2019 levels in the period 2023-2025, although this is dependent on virus containment measures, consumer confidence, and economic conditions. However, the policy position remains that airspace capacity, additional to that achieved in 2019, will be required during the term of the CAA's Airspace Modernisation Strategy (AMS) as traffic levels rise again in some of the most complex and congested airspace in the world. The current AMS contains detailed initiatives up to 2024 and will eventually be updated to cover the period to 2040.

Our continued commitment to airspace modernisation includes an intention to focus on the environmental benefits of modernisation. Section 70 of the Transport Act 2000 sets out the CAA's duties in relation to air navigation. These include taking into account environmental

³ Such as changes to procedures, developments in adjacent ACPs or demographic changes on the ground

objectives given to the CAA by the Secretary of State. Such Air Navigation Guidance on our environmental objectives the current issue of which is dated October 2017.

We will therefore continue to make our airspace decisions in accordance with the CAA's Airspace Modernisation Strategy, following the CAP1616 process which both reflect the factors set out in s70 and the Air Navigation Guidance on our environmental duties made under it. Therefore, as of October 2020, we do not believe there are any policy changes in the last 12 months that by themselves would require an airspace change sponsor to revisit materials submitted as part of an airspace change.

As stated in our airspace modernisation update July 2020⁴ the CAA will review the AMS in 2021. We will keep government policy and the AMS under review and will update this statement if and when applicable.

(2) Actual and forecast traffic during the COVID-19 period

Actual traffic levels have changed significantly in 2020 and the exact recovery path for the aviation industry following the COVID-19 pandemic remains uncertain. For the time being, the CAA does not expect a sponsor restarting an ACP to immediately revisit the need for their proposal based on current unprecedented traffic levels. An example might be a change intending to address a safety issue which may have temporarily subsided, but is likely to resurface as traffic levels increase again. We also do not expect a sponsor to be able to immediately produce an updated forecast at the present time given the levels of industry uncertainty.

The timing of when to consider introducing updated traffic levels/forecasts will need to be judged by the sponsor and will be influenced by where in the CAP1616 process they currently are. Should an ACP progress following a restart and be submitted to the CAA for a decision based on pre-COVID traffic levels/forecasts, the CAA will need to consider if the proposal is still justified and may, if approved, apply conditions on the subsequent implementation. An example might be an airport reaching a certain traffic level within a certain period of time before the change can be implemented.

4. Impact of Contextual Changes

If there have been no relevant changes in context, the sponsor should submit a short confirmation statement to the CAA before being invited to submit a new timeline for restarting the ACP.

If there have been relevant changes in context, the sponsor will need to consider how that may have affected work already done as part of the development of the ACP in terms of its fitness for purpose and validity. The consequence of any change in context will vary depending on how far through the CAP1616 process the change had progressed before it was paused.

The sponsor will need to explain what the changes are and submit evidence / assurance to the CAA that either:

⁴ <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-Modernisation-Strategy/Airspace-Modernisation-Update/>

- a) **changes will have no impact on existing CAP1616 material:** for example, if there was a change in policy that may not be considered relevant to a particular ACP.
- b) **changes may be addressed by updating or supplementing existing CAP1616 material:** for example, the views of a new stakeholder who had come to light could have been obtained to confirm the validity of previous work.
- c) **changes will require certain CAP1616 stage(s) to be revisited:** for example, the issue or opportunity that the proposal is seeking to address may have changed affecting the validity of the design principles, options development or stakeholder engagement already undertaken.

If required, the sponsor should contact the relevant CAA airspace regulation Account Manager to discuss what evidence/assurance may be appropriate for the circumstances. Once the CAA is satisfied, the sponsor will be invited to submit a new timeline for restarting the ACP.

5. Process Summary

