

Southend CTA 10X and CTA 11 Airspace Change Decision

CAP 1982



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Chapter 1

Executive summary

Objective of the Proposal

1. London Southend Airport (LSA) initially submitted a formal request for the creation of Controlled Airspace (CAS) to support their growing Commercial Air Transport (CAT) operations in 2014. The CAA's Decision Letter¹ (dated 23 January 2015 and published as ACP-15-01) approved the creation of Class D CAS covering most, but not all, of the LSA request. The new LSA CAS was implemented on 2 April 2015. It included the airspace requested in ACP-15-01 except for an area to the East (now known as "CTA 10X") and an area to the South (now known as "CTA 11").
2. The CAA's Decision Letter accepted that the CTA 10X and CTA 11 controlled airspace segments could be introduced in the future if justified by sufficiently increased traffic levels and airspace complexity. Furthermore, if this were requested within 2 years of the implementation of the airspace approved in ACP-15-01, LSA could re-submit a case under the terms of Civil Aviation Publication (CAP) 725 without undertaking a further public consultation.
3. Growth in passenger numbers, destinations served, air traffic movements and airspace complexity at LSA from 2015 onwards meant that in 2017 LSA management considered that it was appropriate to submit the request to the CAA for the additional airspace (CTA 10X and CTA 11). This was done on 31 March 2017 (within the 2-year deadline) through the launch of ACP-2017-25. ACP-2017-25 requested no controlled airspace over and above that identified in ACP-15-01. In fact, although the horizontal outlines of CTA 10X and CTA 11 are identical in both ACPs, due to third party changes above LSA's airspace, ACP-2017-25 actually requested smaller volumes of airspace than the equivalents in ACP-15-01 since it only requested the 2000ft block between 3500ft (above mean sea level – AMSL) and 5500ft (AMSL). ACP-2017-25 requested no changes to Air Traffic Control (ATC) operating procedures, utilisation of the airspace, or distribution of traffic beyond that which was detailed in ACP-15-01.

¹ <https://www.caa.co.uk/WorkArea/DownloadAsset.aspx?id=4294972733>

Summary of the decision made

4. The CAA has decided to approve the implementation of CTA 10X subject to the conditions identified below. This airspace block will be merged with the existing CTA 10 to create a larger CTA 10 block.
5. The CAA has decided not to approve the implementation of CTA 11. The CAA has considered the submitted material and concluded that it does not make the case for creating this new block of Controlled Airspace.
6. The approval to implement CTA 10X is subject to (i) yearly traffic levels reaching 2018 levels within 3 years of 27 October 2020, and (ii) there being no changes to the wider context which would have a material impact on the validity of the decision... These Conditions are set out in more detail at paragraph 48.

Next steps

7. LSA will identify if/when the conditions have been met and will discuss this with the CAA to seek confirmation and agree an appropriate implementation date.
8. Implementation of the revised airspace will be notified through a single AIRAC cycle as and when LSA and CAA have agreed that the conditions have been met to implement the change.
9. Should the change be implemented, the CAA's Post Implementation Review (PIR)² of the changes approved by the CAA in this decision will commence at least one year after implementation of those changes. It is a condition of the CAA's approval that the sponsor provides data required by the CAA throughout the year following implementation to carry out that PIR. In due course, the sponsor will be advised of the specific data sets and analysis required, and the dates by when this information must be provided.
10. Should the Conditions not be met by the end of 3 years from this Decision 27 October 2020, this approval to implement CTA 10X will lapse. Should LSA then wish to implement CTA 10X in the future, it will be subject to a new ACP under the regulatory process in force at the time.

² PIR is the seventh stage of the CAA's airspace change proposal process

Chapter 2

Decision Process and Analysis

Chronology of Proposal Process

Submission of Initial Request

11. LSA submitted their initial request³ to launch an ACP for CTA 10X and CTA 11 on 31 March 2017. This request was compliant with the CAA Decision Letter in terms of both scope and timing.

Permission to stay on the CAP 725 Process

12. Due to workload and resourcing issues, the CAA started active consideration of the request during 2018. This was after the publication of the new Airspace Change Process (CAP 1616) in January 2018. After discussions between CAA and DfT⁴, it was agreed that this ACP could stay on the CAP 725 process, subject to some additional requirements, rather than starting again under CAP 1616.
13. These requirements were communicated to LSA in July 2019⁵ and included:
 - Further engagement activities
 - An options appraisal
 - A firm deadline for formal submission of 31 January 2020.

Further Engagement Activity

14. Although the 2015 CAA Decision stated that no further Consultation would be required, the length of time between the original Consultation and the current ACP allowed for there to potentially be significant changes within the local context which should be taken into account.
15. In line with the requirements identified in paragraph 13, LSA developed a new Engagement document (including updated information where available) which was publicised over the summer of 2019, including a public drop-in session on 20 August 2019. This and LSA's report on the engagement activity are available in redacted form on the CAA website.

³ <https://www.caa.co.uk/ACP20172501>

⁴ <https://www.caa.co.uk/ACP20172503> and <https://www.caa.co.uk/ACP20172504>

⁵ <https://www.caa.co.uk/ACP20172505> and <https://www.caa.co.uk/ACP20172506>

16. One stakeholder body raised the potential for interaction between traffic in the CTA 10X and CTA 11 areas and wild bird populations in the local area. Dues to changes in the geographical areas subject to environmental protection rules since the development of ACP-2015-01, this included the possible need for a Habitats Regulation Assessment to be undertaken with respect to the Outer Thames Estuary Special Protected Area.
17. Following discussions with the relevant stakeholder and the CAA, LSA explicitly considered the potential interactions between LSA traffic and the Brent Geese near Mersea Island and the Red Throated Divers in the Outer Thames Estuary. LSA submitted that the proposed base of both CTA 10X and CTA 11 was high enough at 3500ft not to generate specific interaction issues – aircraft not under the control of LSA ATC are already permitted to fly lower than this in these areas and this will continue irrespective of the approval or not of CTA 10X and CTA 11.
18. The CAA undertook its own examination of the likely flight patterns of the wild birds in comparison with CTA 10X and CTA 11 and agreed with LSA’s submission that new interaction issues would be unlikely, particularly given that aircraft already fly through (and below) these airspace volumes. Accordingly, the CAA also concluded that a Habitats Regulation Assessment was not required.

Options Appraisal

19. As required, LSA performed an Options Appraisal, considering the “do nothing” scenario and the proposed implementation of CTA 10X and CTA 11. This is described in Section 5 of the main submission document.
20. In order to undertake an Options Appraisal in line with the spirit of the requirements of CAP 1616, LSA reverse-engineered a set of Design Principles against which the two options could be assessed. Due to the related nature of the present ACP and the original application (ACP-15-01), the majority of these Design Principles are of a general nature applicable to both ACPs. It is important to note that this reverse-engineering of Design Principles was a purely technical exercise to facilitate the Options Appraisal – at no point were LSA expected to re-engage with stakeholders to develop a set of Design Principles from scratch as would be required for a CAP 1616 / ANG 2014 ACP.
21. The Options Appraisal was explicitly required to give more attention to environmental considerations than was the case under CAP 725 / ANG 2007. This included the use

of the DfT's Transport Appraisal Tool WebTAG⁶. However, WebTAG can only operate with quantitative assessments as it needs explicit values to be entered into the set of spreadsheets. As is explicitly permitted by CAP 1616, LSA identified that where there are (and can be) no objective qualitative assessments, the use of WebTAG is not feasible or meaningful. On the contrary, generating "nominal" scenarios purely for the purposes of producing specific numbers to enter into a spreadsheet (e.g. identifying specific traffic paths for comparison purposes where no such standardised paths exist) could actually be misleading. LSA therefore followed the CAP 1616 guidance and submitted qualitative assessments rather than try and artificially produce quantitative ones.

22. In line with the CAP 1616 guidance, the CAA has reviewed LSA's arguments regarding the provision of qualitative rather than quantitative assessments and accepts them. CAA therefore agrees that the use of WebTAG would not be meaningful for this ACP and that it would be misleading to do so.

Proposal update and submission to CAA

23. Given the unique set of requirements placed on this ACP, LSA sought guidance on their interpretation during the development of the submission package in the autumn of 2019. Following this, and in accordance with the requirements laid down in the CAA email of 19 July 2019⁷, LSA submitted the full formal ACP package on 31 January 2020.
24. In response to a request from CAA for some further clarifications, LSA submitted v1.1 of the main document on 10 February 2020. This is the version used as the basis for the CAA assessment.
25. All key documents are available on the CAA website, although some may be in redacted or summary form (e.g. comments from individual stakeholders).

CAA Analysis of the Material provided

26. As a record of our analysis of this material the CAA has produced:

- Options Appraisal Assessment
- Environmental Assessment
- Operational Assessment

⁶ <https://www.gov.uk/guidance/transport-analysis-guidance-webtag>

⁷ <https://www.caa.co.uk/ACP20172506>

- Engagement Assessment

These assessments have been published on the CAA website.

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

Explanation of statutory duties

27. The CAA's statutory duties are laid down in Section 70 of the Transport Act 2000.

Conclusions in respect of safety

28. The CAA's primary duty is to maintain a high standard of safety in the provision of air traffic services and this takes priority over all other duties.⁸

29. In this respect, with due regard to safety in the provision of air traffic services, the CAA is satisfied that the proposals maintain a high standard of safety for the following reasons:

- a. The ACP proposes that the GEGMU Hold be contained within Class D airspace, increasing both the usability of that Hold and the level of protection provided to aircraft using it.
- b. The Sponsor has already demonstrated a high level of willingness and ability to support transits by General Aviation aircraft through controlled airspace.
- c. By facilitating Holding over the sea, the ACP reduces the complexity of the interactions between inbound and outbound aircraft at low level in close proximity to London Southend Airport.

Conclusions in respect of securing the most efficient use of airspace

30. 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.⁹

⁸ Transport Act 2000, Section 70(1).

⁹ Transport Act 2000, Section 70(2)(a).

31. 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'.
32. Given the location of the proposed Southend CTA 10X, its potential to support aircraft holding over the sea rather than over Southend town, and the proven ability and willingness of LSA ATS to support transits by General Aviation aircraft through the existing Southend CTA, the CAA considers that the implementation of CTA 10 X in line with returning traffic levels meets the above requirement.
33. However, given the stated limited use which would be made of CTA 11 by LSA traffic, the CAA does not consider that its implementation would represent the most efficient use of airspace.

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

34. In performing the statutory duties, the CAA is obliged to take account of the extant guidance provided by the Secretary of State,¹⁰ namely the 2017 Guidance to the CAA on Environmental Objectives.
35. In this respect, the CAA is satisfied that there are positive environmental benefits through reduced low level operations as a result of this proposal, even if these are currently unquantifiable.

Conclusions in respect of aircraft operators and owners

36. The CAA is required to satisfy the requirements of operators and owners of all classes of aircraft.¹¹
37. In this respect, the CAA is content that any disruption to General Aviation users will be very minor and is outweighed by the benefits of being able to operate the GEGMU Hold within Controlled Airspace.

¹⁰ Transport Act 2000, Section 70(2)(d)

¹¹ Transport Act 2000, Section 70(2)(b).

Conclusions in respect of the interests of any other person

38. 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.
39. In this respect, the CAA considers that the impact of the proposal will be to reduce aircraft noise and emissions at low level in the vicinity of London Southend Airport by supporting the increased use of aircraft holding over the sea at GEGMU. This therefore provides a direct benefit to persons living and working within the vicinity of London Southend Airport.

Integrated operation of ATS

40. The CAA is required to facilitate the integrated operation of air traffic services provided by or on behalf of the Armed Forces of the Crown and other air traffic services.¹²
41. In this respect, the CAA is content that the technical and administrative changes resulting from this ACP will not impact the operational requirements of the MoD and that the impact on other Air Traffic Service Providers will be positive or undiscernible.

Interests of national security

42. The CAA is required to take account of the impact any airspace change may have upon matters of national security.¹³
43. In this respect, the CAA is satisfied that the proposal has no impact on national security.

International obligations

44. The CAA is required to take account of any international obligations entered into by the UK and notified by the Secretary of State.
45. In this respect, the CAA is satisfied that the proposal has no impact on international obligations.

¹² Transport Act 2000, Section 70(2)(e).

¹³ Transport Act 2000, Section 70(2)(f).

Chapter 3

CAA's Regulatory Decision

46. Considering this proposal in the light of national policy on airspace classification, the potential reduction in environmental impact and airspace complexity, and the current air traffic situation due to the COVID-19 pandemic the CAA has decided to approve the implementation of the Class D controlled airspace block referred to as CTA 10X, subject to the Conditions identified below.
47. However, taking the same considerations into account, the CAA has decided not to approve the implementation of the Class D controlled airspace block referred to as CTA 11, as insufficient benefits have been identified to justify converting Class G airspace into Class D, given that UK policy is for airspace to be Class G wherever possible.

Conditions

48. The extension of the London Southend CTA to include the airspace referred to as "CTA 10X" as Class D airspace is approved. It shall be implemented only when both the following conditions have been met:
- The sponsor is able to demonstrate that traffic levels have returned after the COVID-19 pandemic such that there is sufficient traffic volume and complexity to justify implementation. The measure for this is the recorded 2018 airport movements (32,531) being achieved within any consecutive 12 month period between the date of this decision and 3 years from this decision.
 - The sponsor is able to demonstrate that there have been no material changes or developments in terms of implementable technology or operational practices which would deliver the same operational outcomes as CTA 10X without requiring the airspace being designated as part of the Southend CTA.
49. The ACP was submitted based on the justification of continued and ongoing growth in traffic levels and associated complexity. The CAA considers that the sponsor must demonstrate that traffic levels have returned, within a reasonable time period.
50. The CAA has chosen the 2018 value as the 2019 value (36,296 movements) is the highest ever achieved, and 11% higher than 2018. The CAA considers that it is necessary for the sponsor to demonstrate that significant traffic has returned, not that it is setting new records.

51. Air traffic is typically seasonal. Allowing any consecutive 12 month period (rather than a specific calendar year) allows for this condition to be met as soon as the traffic levels have recovered.
52. While there is considerable uncertainty about exactly where and when air traffic will recover, the current indications are that there will not be a swift return to pre-COVID levels. A window of 1 year to achieve the target movement levels would therefore not be equitable – the CAA would be deliberately setting an impossible target and thus effectively rejecting the ACP while claiming to accept it. A window of 5 years would be equivalent to the performance planning periods used for national en route service providers, and thus disproportionately long for a regional airport. On balance, the CAA therefore considers that 3 years is the appropriate window for Condition 1 to be met.
53. The inclusion of the CTA 10X into the LSA CTA was subject to a full public consultation as part of the original ACP, and was then subject to a widespread engagement exercise in 2019 as part of the current ACP. The CAA therefore considers that the sponsor should not be made to go through the expense of a further formal large-scale public engagement exercise prior to the deferred implementation of this ACP. However, it is a reality that a pause of even 2 years could allow for material changes in the wider environment (either local to LSA or in the aviation industry) which could affect the need for or appropriateness of implementing CTA 10X. The CAA therefore requires the sponsor to assess the wider environment once Condition 1 has been met, so as to identify any such material changes, or confirm that there have been no such material changes.

Period Regulatory Decision Remains Valid for Implementation

54. This regulatory decision will remain valid for a period of three years.
55. If during those three years, LSA prove that the Conditions have been met, this regulatory decision will remain valid for a further period in accordance with the implementation timetable agreed between LSA and the CAA.
56. The CAA may extend the validity period by up to two years at the request of the sponsor prior to the expiry of the three year validity period. The CAA may require additional evidence when considering whether to extend the validity period.

Implementation

57. If the required Conditions are met, the revised airspace will become effective on a date to be agreed between LSA and the CAA. This date will be notified to relevant aviation stakeholders via the AIRAC process. Any queries are to be directed to the SARG Project Leader via airspace.policy@caa.co.uk.

Post Implementation Review

58. 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.
59. Table H1 in CAP 1616 Appendix H references the information that will be required as part of the PIR for this ACP; Safety data, service provision/resource issues, operational stakeholder feedback and utilisation data

Civil Aviation Authority

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Appendix A – Diagram of CTA 10X and CTA 11

