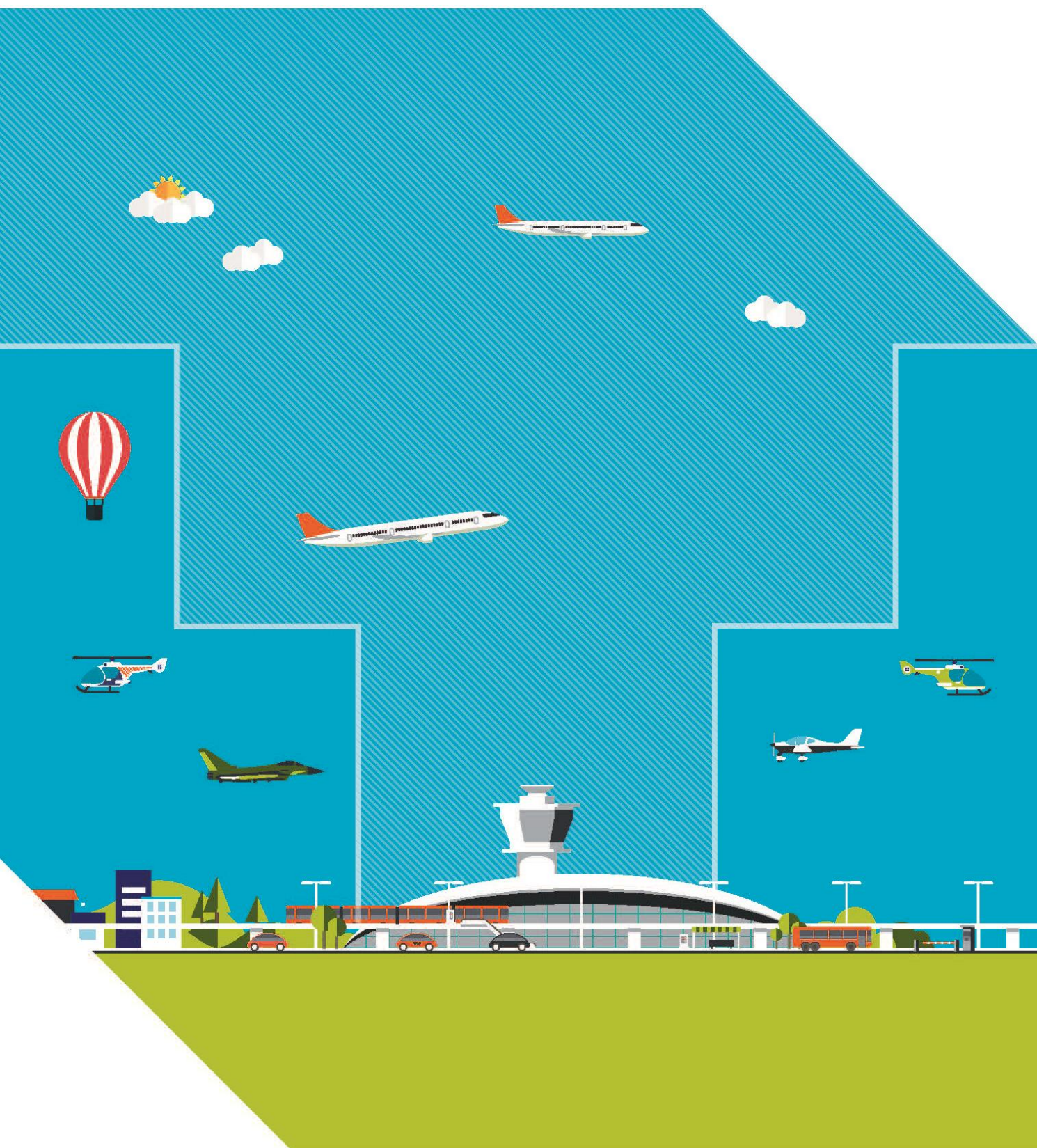


# Outcome of the consultation on a draft procedure for reviewing the classification of airspace

CAP 1990



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Civil Aviation Authority  
Aviation House  
Beehive Ring Road  
Crawley  
West Sussex  
RH6 0YR

Enquiries regarding the content of this publication should be addressed to:  
[airspace.classification@caa.co.uk](mailto:airspace.classification@caa.co.uk)

The latest version of this document is available in electronic format at: [www.caa.co.uk/cap1990](http://www.caa.co.uk/cap1990).

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## Chapter 1

# The consultation

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## Purpose of this document

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- 1.1 In June 2020, the CAA launched a consultation to seek your views on our proposed procedure for the CAA to review the classification of airspace.<sup>1</sup> This document explains how we have taken account of your feedback in the final version of the procedure. Alongside this document we have published that procedure as CAP 1991 *Procedure for the CAA to review the classification of airspace*.<sup>2</sup>
- 1.2 This document is not seeking further views.

## Background

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- 1.3 In October 2019, the Secretary of State wrote to the CAA to amend the 2017 Air Navigation Directions. The Directions set the CAA's functions, meaning the role we must carry out with respect to airspace. Direction 3 states that the CAA must:
- (a) develop and publish a national policy for the classification of UK airspace*
- (b) classify UK airspace in accordance with such national policy, publish such classification, regularly consider whether such classification should be reviewed, carry out a review (which includes consultation with airspace users) where the CAA considers a change to classification might be made and, as the CAA considers appropriate, amend any classification in accordance with procedures developed and published by the CAA for making such amendments;*
- (ba) in developing the national policy referred to in sub-paragraph (a), classifying UK airspace under sub-paragraph (b), or amending the classification of a volume of airspace under that sub-paragraph, seek to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users is reflected on an equitable basis;*
- 1.4 This means the CAA must:
- regularly consider whether to review the current classifications of airspace

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<sup>1</sup> CAP 1934 *Draft procedure for reviewing the classification of airspace – a consultation*.  
[www.caa.co.uk/cap1934](http://www.caa.co.uk/cap1934)

<sup>2</sup> [www.caa.co.uk/cap1991](http://www.caa.co.uk/cap1991).

- consult airspace users as part of that review
- where we consider a change to classification might be made, amend it ourselves in accordance with a new process that we must develop and publish
- in developing that procedure and our policy describing airspace classifications, seek to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users are reflected on an equitable basis.

1.5 In response to this, the CAA decided to commence an **initial review** of the classification of UK airspace in December 2019, in parallel with developing the new procedure. Stakeholders were asked to identify airspace volumes where a change to classification could be made, and to provide a rationale and supporting evidence for their suggestions. In June 2020 we published a summary of the responses to that initial review, as CAP 1935 *Outcome of the consultation on the airspace classification review 2019/2020*.<sup>3</sup>

1.6 Directions 3(a), (b) and (ba), quoted in paragraph 1.3 above, require the CAA to have a procedure for amending airspace classifications. That is the procedure we have consulted on in draft, and which we will apply to the airspace volumes identified in the initial review, as well as to any future proposals we make for reviewing airspace classification.

1.7 The new procedure takes effect 1 December 2020.

## Engagement regarding the consultation

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1.8 To encourage wide engagement, on the day of launching the consultation the CAA contacted approximately 1325 individuals and organisations through a direct email and a further 10,000 through the CAA's Skywise platform. These communications advised that the consultation on the draft procedure for reviewing airspace classification had gone live, provided a link to the consultation and requested that all representative groups forward a copy to their members. A reminder email was sent to all original recipients two weeks before the end of the 12-week consultation period, reminding stakeholders that the consultation would close on 17 September 2020.

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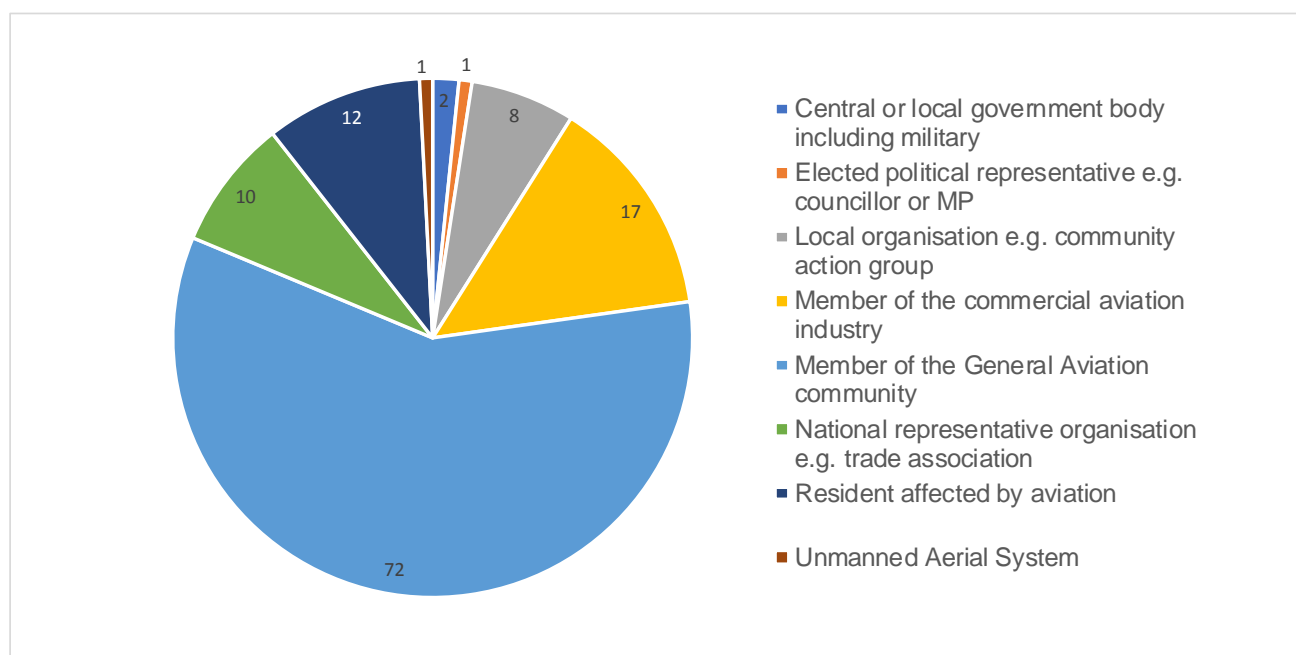
<sup>3</sup> CAP 1935, *Outcome of the consultation on the airspace classification review 2019/2020* [www.caa.co.uk/cap1935](http://www.caa.co.uk/cap1935). The actual responses can be seen on our consultation website <https://consultations.caa.co.uk/corporate-communications/airspace-classification-review-2019-2020/>.

- 1.9 At the start of the year, we had already held stakeholder engagement sessions in connection with the December 2019 initial review referred to above, prior to us developing and seeking views on the draft procedure in June 2020.

## Who responded to this consultation

- 1.10 We had 123 responses in total, after removing four duplications.<sup>4</sup> We asked respondents to categorise themselves into one of the following nine categories:
- Central or local government body including military
  - Elected political representative e.g. councillor or MP
  - Local organisation e.g. community action group.
  - Member of the commercial aviation industry
  - Member of the General Aviation community
  - National representative organisation e.g. trade association
  - Resident affected by aviation
  - Unmanned aerial system operator
  - Airline passenger

Figure 1.1: Responses to the consultation by category of respondent



<sup>4</sup> Where someone responded twice, we merged their free text and recorded their most critical answer to the multiple-choice questions. So if a respondent chose 'some modifications needed' in their first submission and 'significant modifications needed' in their second, we recorded the answer in the second submission.

- 1.11 As shown in Figure 1.1, of the 123 respondents:
- two responses were from central or local government bodies including military
  - one response was from an elected political representative e.g. councillor/MP
  - eight responses were from local organisations, e.g. community action groups
  - 17 responses were from the commercial aviation industry
  - 72 responses were from members of the General Aviation community
  - 10 responses were from a national representative organisation e.g. trade association
  - 12 responses were from residents affected by aviation
  - one response was from an unmanned aerial system operator.
- 1.12 We had no responses in the airline passenger category.
- 1.13 A full list of respondents appears at the end of this chapter. You can also read individual responses, where we had respondents' permission to publish them, on our consultation website.<sup>5</sup>

## Geographic spread of responses

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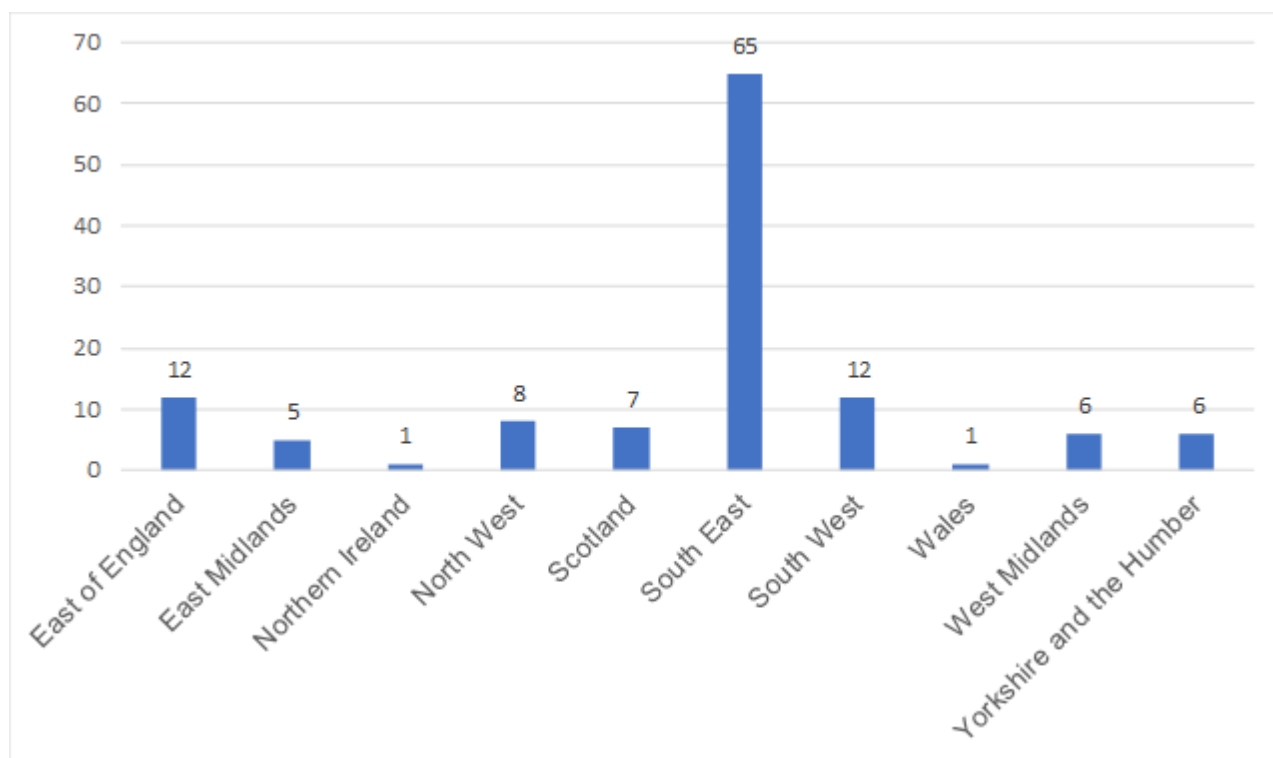
- 1.14 As shown in Figure 1.2, the 123 respondents identified themselves as living in, or responding on behalf of an organisation based in the following areas:
- East of England (12)
  - East Midlands (5)
  - Northern Ireland (1)
  - North West (8)
  - Scotland (7)
  - South East (65)
  - South West (12)
  - Wales (1)
  - West Midlands (6)
  - Yorkshire and the Humber (6)

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<sup>5</sup> <https://consultations.caa.co.uk/policy-development/draft-procedure-to-review-airspace-classification/>



Figure 1.2 Number of respondents by geographic area



## Our analysis of the responses

- 1.15 Of our five consultation questions, three had both a closed (multiple-choice) and an open (free-text) element, and two were open (free-text) only. 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 proposed process. Instead we considered how individual stakeholder groups had responded and whether they were split as a group or in disagreement with other groups.

### Analysis of multiple-choice questions

- 1.16 The multiple-choice questions we asked provided quantitative feedback about the proposed procedure. The key findings from these questions are detailed in Chapter 3.

### Analysis of open-text responses

- 1.17 Each of our five consultation questions included an open (free-text) element. This means that in addition to answering closed (multiple-choice) questions, respondents were offered an open box to write free text sharing the reasons for their chosen responses and any other views – in particular how the proposed procedure could be improved. However, if respondents chose the option ‘about right’ when asked about their views on a specific stage of the procedure, the open-text box for comment would not appear.

- 1.18 We found a number of recurring themes arising in the open-text responses. Chapter 4 details some of the most significant themes, and includes extracts from some responses where respondents gave us permission to publish them. Chapter 5 details specific recommendations and questions submitted by respondents and how the CAA has responded to those.

## List of those responding to the consultation by category of respondent

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### Central or local government body, including military (2)

- Ministry of Defence
- One local government body that wished to remain anonymous.

### Elected political representative, e.g. councillor or MP (1)

- Prestbury Parish Council

### Local organisation, e.g. community action group (8)

- Edinburgh Airport Noise Advisory Board
- Nutfield Conservation Society
- Richmond Heathrow Campaign
- Stop Stansted Expansion
- Four local organisations that wished to remain anonymous

### Commercial aviation industry (17)

- Air Navigation Solutions Limited
- Birmingham Airport Limited
- British Airways
- Heathrow Airport Limited
- Humberside Airport
- Manchester Airports Group
- NATS
- Norwich Airport
- Four individuals
- Five commercial aviation industry representatives that wished to remain anonymous.

**Member of the General Aviation community (72)**

- British Gliding Association
- British Microlight Aircraft Association
- Booker Gliding Club Limited
- Cotswolds Airport
- The Bath, Wilts and North Dorset Gliding Club
- The Yorks, Derbyshire & Nottinghamshire Regional Soaring Airspace Group
- Ulster Hang Gliding and Paragliding Club
- 63 individuals
- Two General Aviation organisations that wished to remain anonymous.

**National representative organisation, e.g. trade association (10)**

- Aircraft Owners and Pilots Association
- Aviation Communities Forum
- GA Alliance
- Industry Coordination for the Airspace Modernisation Strategy
- Light Aircraft Association
- Prospect Air Traffic Controllers Branch
- Royal Aeronautical Society
- The Honourable Company of Air Pilots
- Two national representative organisations that wished to remain anonymous

**Resident affected by aviation (12)**

- 12 individuals

**Unmanned Aerial System (1)**

- One individual.

## Chapter 2

## Outcome of the consultation

## Consultation questions

- 2.1 Question 1 in the consultation asked for **general** comments on the proposed procedure for reviewing airspace classification. Questions 2, 3 and 4 asked for views on the proposed **Consider**, **Review** and **Amend** stages. Question 5 asked a specific question about respondents' views on **cost impacts** of the proposed procedure on their organisation, and how we might best minimise these.

## Summary of the main changes made as a result of the consultation

Subject	Change
CAA plan for 2021 listing airspace volumes where a case could be made for a proposed amendment to the airspace classification	Now that we have confirmed the final procedure, we are able to act on the initial review of airspace classification we commenced in December 2019 by addressing our first plan. We will announce the detail of the plan in December 2020, to give us the opportunity to flag it in advance with the controlling authorities concerned. We will commence work on the first volumes of airspace in January 2021 once our new Airspace Classification team is in place.
Review of procedure after three years	We will review the whole procedure after three years, i.e. at the end of 2023, or earlier if there is a change in Government policy.
Need for a holistic approach to airspace design	The procedure is the means of delivering one initiative of the Airspace Modernisation Strategy. The procedure for reviewing airspace classification must therefore align with the Airspace Modernisation Strategy and dovetail with the other initiatives, to achieve the important, holistic approach to airspace modernisation. The list of airspace volumes where a case could be made for a proposed amendment to the classification will be formally adopted into the Airspace Modernisation Strategy. We have made the linkage clearer in the procedure.

Subject	Change
Consider stage – more CAA commitment to a review	We have amended the Consider stage to commit the CAA to a review every two years unless it would be unreasonable for the CAA to carry out a review. If we decide not to do a review, we will defer it for a maximum of one year. We may still choose to limit the scope of a review.
Engagement before the CAA consults on its plan at the Review stage	We have set out more clearly that the procedure is based on taking aviation stakeholder input constantly throughout the year, including specific reporting through the online FCS1522 form.
Prioritising proposals within the plan	The procedure will prioritise proposals within the two-year plan through a broad assessment of which proposals seem likely to bring the greatest benefits for the minimum change or cost.
Interaction with airspace change proposals	<p>We have made the criteria more flexible. We will not normally consider under this procedure any volumes of airspace that are subject to an ongoing proposal for a change in airspace design (Levels 1, 2, M1 or M2) at stages 1 to 4 of the CAP 1616 airspace change process, or its equivalent where subject to the CAP 725 process. However, we may need to make exceptions and assess individual volumes of airspace on a case-by-case basis, where justified. For example, where:</p> <ul style="list-style-type: none"> <li>▪ the Statement of Need was submitted after the airspace volume was identified in our plan at the Review stage, or</li> <li>▪ the airspace change proposal has been paused for more than a year, or a decision has been taken to delay it for more than a year, or</li> <li>▪ the sponsor recognises that a change of circumstances has occurred that requires a revision to its Statement of Need.</li> </ul> <p>We will take advice from the CAA's Airspace Regulation team and from the Airspace Change Organising Group where its work relates to the airspace change proposal.</p>
Environmental impacts	Should we see a correlation between increased noise complaints and classification amendments when reviewing the procedure in 2023, we will advise the Department for Transport, and reflect any policy changes they make in updates to the procedure. Currently our view is that there is unlikely to be a significant environmental impact from a change made under this procedure, but we cannot model the impacts outside controlled

Subject	Change
	airspace and we have no specific guidance from the Department for Transport on assessing environmental impacts.
Reviewing the effectiveness of the change once implemented	We have amended the procedure in recognition that it would be more appropriate for the CAA to review the effectiveness of a change one year after implementation, based on inputs from airspace users, the controlling authority and the CAA's own data (including noise complaints). The Airspace Classification team will provide a report to the CAA's Airspace Regulation team. We have also added what the potential consequences may be of this review, including that a classification change could, where possible, be reversed if necessary. We have added expected timelines for the review.

## Why we have made these changes

2.2 The rest of this chapter explains in more detail how we are modifying the procedure for reviewing airspace classification in light of the responses we received, and why we have done so. We also include some commentary on suggestions that we are not adopting. A fuller analysis of the responses we received appears in Chapters 3, 4 and 5.

### Matters out of scope

2.3 Some responses included comments that were out of scope of the consultation because they concerned matters not in the CAA's gift to change. The consultation document said that we were seeking views on the procedure we adopt for amending the classification of airspace. We were very clear that we would disregard elements of responses to this consultation that focused on:

- the policy on airspace classification
- the classifications of particular volumes of airspace
- the functions given to the CAA in the Air Navigation Directions, which come directly from the Secretary of State
- aspects of government policy, including the Air Navigation Guidance – the statutory guidance which the Secretary of State gives the CAA on how it should take environmental impacts into account – including policy objectives in respect of people significantly affected by aircraft noise, the concentration, dispersion or alternation of flight paths, or avoidance of tranquil areas; government policy is not within the direct control of the CAA

- the CAP 1616 airspace change process, specific airspace change proposals going through that process, or specific airspace changes that have already happened using that process or its predecessor.

2.4 The CAA has been directed by the Secretary of State to introduce this new procedure by 1 December 2020. The Directions require that in developing the national airspace classification policy, classifying UK airspace, or amending the classification of a volume of airspace, the CAA must seek to ensure:

- that the amount of controlled airspace is the minimum required to maintain a high standard of air safety, and
- subject to overriding national security or defence requirements, that the needs of all airspace users are reflected on an equitable basis.

## Volumes of airspace identified from the initial review

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2.5 Chapter 1 explained that in December 2019, in parallel with developing the new procedure, the CAA decided to commence an initial review of the classification of UK airspace. Stakeholders were asked to identify airspace volumes where a change to classification could be made, and to provide a rationale and supporting evidence for their suggestions.

2.6 Now we have decided on the new procedure and have recruited the new CAA Airspace Classification team to run it, we can address our plan for 2021 of airspace volumes where we believe a case could be made for a proposed amendment to the airspace classification. We will announce the detail of the plan in December 2020, to give us the opportunity to flag it in advance with the controlling authorities concerned. We will commence work on the first volumes of airspace in January 2021 once the new Airspace Classification team is in place.

## Question 1: Views on the proposed procedure overall

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### Implementation date

2.7 One respondent asked us to defer the implementation date because of the great uncertainty and downturn in revenue and traffic that the aviation industry is going through since the consultation document was drafted, and the potentially unquantifiable cost on the controlling authority.

2.8 **Outcome:** The Secretary of State has been clear that he will accept no delay in implementing the new procedure, so we cannot move the date. Nevertheless, we do of course recognise the issues that the industry is currently dealing with.

### Proportionality

2.9 Several responses urged us to keep the procedure simple.

- 2.10 **Outcome:** We agree that it is important not to over-complicate the procedure, in particular the Consider stage (see below). The procedure needs to be proportionate to the intended outcome.

### **Holistic approach to airspace design consistent with the Airspace Modernisation Strategy**

- 2.11 A number of responses said that the CAA was missing the big picture on airspace. They said that this was an opportunity to put right the whole of the airspace structure with a joined-up, holistic approach, led centrally, addressing all airspace user needs (including those using uncontrolled airspace), rather than a patchwork approach that might result from individual changes initiated by commercial industry. We were given advice on simplifying the airspace design for users and those managing it, and the need to avoid problematic pinch points in Class G airspace.
- 2.12 Some responses agreed that the procedure needed to be consistent with the Airspace Modernisation Strategy, but that it should explicitly consider both current and planned future developments in support of the strategy. One response suggested that the CAA should discuss its priorities with government and with industry to ensure that modernisation remained on track. Another response said that many classification issues will likely be addressed through individual airspace change proposals through the CAP 1616 process as part of the national programme of airspace modernisation.
- 2.13 **Outcome:** We agree that a holistic approach is needed. The Airspace Modernisation Strategy<sup>6</sup> sets out the ways, means and ends of modernising airspace through 15 initiatives that will modernise the design, technology and operations of airspace, initially focusing on the period until the end of 2024. Reviewing airspace classification is the means of delivering one of these initiatives which must be joined up and dovetail with the other initiatives. The classification procedure could also aid improvement in the UK's compliance with ICAO requirements or to facilitate the introduction of new air traffic management concepts. So the procedure for reviewing classification on which we consulted makes reference to alignment with the Airspace Modernisation Strategy and those other initiatives, thus achieving the important, holistic approach to airspace.
- 2.14 The classification procedure Review stage will be used to develop a plan of airspace volumes where a case could be made for a proposed amendment to the airspace classification. That plan will be formally adopted into the Airspace Modernisation Strategy. The CAA is required to report to the Secretary of State

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<sup>6</sup> CAP 1711 Airspace Modernisation Strategy published in December 2018 [www.caa.co.uk/cap1711](http://www.caa.co.uk/cap1711).



on delivery of the strategy annually, including the dependencies between the initiatives, thus ensuring that we adhere to an overall holistic approach.

- 2.15 The CAA next plans to refresh the Airspace Modernisation Strategy in 2021. We will decide what we include in future iterations, as and when we develop them, but the review of airspace classification remains an important element and is the subject of specific Directions from the Secretary of State. For the time being we therefore anticipate that the plan we develop every two years will continue to be formally adopted into the strategy and is tracked and reported on.

## CAA resources

- 2.16 In the consultation document we said that for the first year we plan to resource the team that would run the new procedure through internal reprioritisation of colleagues and secondments, because of a general freeze on recruitment caused by the impact of the Covid-19 crisis on the CAA's financial position. Some responses expressed concern at the resource implications for the CAA as a result of the new procedure. They questioned whether the CAA implementing regular reviews of airspace classification would divert our resources away from work on modernisation and airspace change proposals, and whether we could justify and absorb the related costs. It was observed that the CAA's airspace teams were already stretched, and the specialist skills required by the new team could compound the problem.
- 2.17 **Outcome:** The Secretary of State has been clear that he will accept no delay in implementing the new procedure or resourcing the team to run it. In this case, we were able to justify an exception to our recruitment freeze, allowing us to create a completely new Airspace Classification team. We have nearly completed the process of recruiting from either external or internal applicants to fill those six vacancies. We anticipate having the team fully in place early in 2021, recognising the lead time for both internal and external candidates to take-up these new roles.
- 2.18 We are now confident that we have recruited the right skills to give us the ability to make changes in airspace design. There will inevitably be a bedding-in period for the new team, not least because of the impact of Covid-19 on the CAA and the industry generally. The team will therefore not be fully operational immediately, but work will build in momentum through 2021. On the plus side, the team is completely separate from our existing airspace teams and we can minimise any knock-on impacts. Indeed the strengthening of our airspace resource and skillset should bring long-term advantages.
- 2.19 At the Review stage, the new team will draw up a plan that lists airspace volumes where a case could be made for a proposed amendment to the airspace classification. That includes consideration of existing airspace changes.

In terms of the CAA developing the actual amendments, input from the airspace controlling authority is vital, as we explained in the consultation document.

## Airspace portal/publication

- 2.20 Some respondents understood but expressed disappointment that we were unable to commit to adapting our online airspace change portal to accommodate the new classification procedure, and that for the moment we will place relevant information on a dedicated webpage. They felt that a 'one-stop shop' portal was beneficial to all stakeholders and that hosting classification proposals elsewhere diluted stakeholder trust and overall transparency.
- 2.21 **Outcome:** We agree, and in principle, as we said in the consultation document, the CAA sees merit in adapting the portal in this way. We have begun exploring the IT technical challenges, and subject to there being no insurmountable technical or financial constraints, i.e. that the modification is achievable at a reasonable cost relative to the likely number of classification proposals, we would like to go ahead with this. To avoid nugatory work, we obviously could not progress this until we had settled on a final procedure in the light of consultation responses. Ideally, our ambition would be to have the portal ready for future review cycles, but we cannot commit to a timeline in the current financial circumstances.

## Question 2: Views on the proposed Consider stage

### CAA commitment to the procedure

- 2.22 We had many comments suggesting that the CAA was not committed to the new procedure. We were accused by some of not taking our new function seriously. It was suggested that the way we had designed the procedure was a missed opportunity for bold, decisive actions; and that doing a review was a new CAA duty, not optional. Some responses said that the way the Consider stage was written (setting out what we would take into account in making our decision whether to go ahead with a review) implied that simply 'considering' a review would be used by the CAA as an easy excuse not to do a review at all, or to do as little as possible. Or even that over time we might quietly drop the procedure altogether. This lack of trust in the CAA was felt by a wide range of respondents.
- 2.23 **Outcome:** We are pleased to confirm our commitment to the procedure and to a regular review. We are adopting some of the suggestions made to us and we have reworded the Consider stage accordingly.
- 2.24 The Consider stage (which is written in to the procedure because it draws directly from the wording of the Directions) gives us the option not to hold a review, or to limit the scope of the review, should this be necessary. As a regulator with limited resources and a primary commitment to safety, we have to be realistic and give ourselves some flexibility. Our aim was not to tie our hands

unnecessarily to a cycle with an arbitrary two-year timetable that takes no account of the complexity of changes that are already in the pipeline, resourcing issues, or external events over which we may have no control. It should also be appreciated that this is an entirely new procedure for the CAA, run by a new team. Our consultation document sought to be transparent about what we would take into account at the Consider stage and to manage stakeholder expectations of what the procedure can achieve.

- 2.25 Unfortunately some respondents misinterpreted this as a lack of commitment to holding a regular review, which was absolutely not our intention, and indeed would run counter to the Directions given to us by the Secretary of State.
- 2.26 As described above, we have demonstrated our commitment by recruiting a new Airspace Classification team of six FTE staff, and announcing in December 2020 our first plan for volumes of airspace that will be subject to review when the new team is in place in January 2021.

### Triggers for the decision to review

- 2.27 Some respondents said that the Consider stage lacked detail about what would trigger a review, and that the criteria in the draft procedure were either too vague or inappropriate and left too much to the CAA's discretion. In particular, they said that a review should not depend on CAA workload or resources, which were a matter of effective business planning, nor should it depend on a specific request from the Department for Transport. Some suggested that all airspace should be subject to ongoing regular review.
- 2.28 It was suggested that our decision to review should be more data-driven and the triggers spelt out more clearly; it was not clear how the 'airspace safety, efficiency and environmental or access benefits' were measured. Other responses suggested adding in other elements to the Consider stage: for example, a cost-benefit analysis of classification changes; stakeholder consultation, including the ability to submit to the CAA suggested airspace volumes where the classification could be reviewed; or bringing forward the filters applied at Review stage to avoid nugatory work.
- 2.29 **Outcome:** Among many respondents there appeared to be a fundamental misunderstanding of the Consider stage. It is possible that some may have only read as far as the Consider stage and come to the conclusion that this stage determines what volumes of airspace would be reviewed. That is not the case. The volumes of airspace that we choose to review are determined at the **next** stage (Review). The Consider stage is a simple binary yes/no decision as to whether to launch a review. We are not going to take that decision in an information vacuum; we will use what information we have to hand using a high-level dashboard of information drawn from a variety of sources throughout the

year. But the Consider stage is not where we choose airspace volumes to review and therefore many of the suggestions made are not relevant.

- 2.30 Some responses said that it was not a binary decision because we were potentially deciding whether to limit the scope of the review in very broad terms, as described in paragraphs 4.10 and 4.11 of the consultation document (for example to a broad geographic region or in order to comply with international obligations). That is true to an extent, although this limitation in scope may or may not be necessary. Against our high-level dashboard, it may become clear that we cannot do everything at once – for example, if there is a compelling international obligation that will consume much of our resources for the following year – so we want to be transparent about that, and not raise expectations.
- 2.31 In light of the feedback we received, we have reworded the Consider stage in order to make our commitment to the procedure more explicit. Instead of considering whether a review is needed or not, the default position will be that **the CAA commits to doing a review every two years, unless it would be unreasonable for us to commit to a review**. This remains a binary yes/no internal decision. **If we decide not to do a review, we will defer it for a maximum of one year**. We may still choose to limit the scope of a review.
- 2.32 Any decision to defer would be based on whether the CAA can reasonably anticipate having sufficient staff resource (including the necessary skillset) to carry out a review, taking into account:
- new or amended regulatory requirements – whether from national law or international obligations from ICAO – in respect of airspace classification that need to be complied with within a certain timeframe
  - whether we know of airspace safety, efficiency, environmental or access benefits that a review might help to define and deliver, for example in support of an initiative in the Airspace Modernisation Strategy
  - whether there are outstanding priorities that we have gleaned from previous classification reviews
  - Department for Transport advice or directions prioritising our airspace functions.
- 2.33 We agree that stakeholder engagement is important (see below). However, the Consider stage is not the place for it. We are not choosing airspace volumes. It could be viewed as simply the CAA doing its internal work planning in a transparent way. It is important to recognise that the CAA is **already** receiving stakeholder views about airspace classification throughout the year – through FCS1522 reports, feedback from regulatory oversight activities, and general stakeholder engagement, such as engagement with the CAA's NATMAC (National Air Traffic Management Advisory Committee) forum. Indeed, as we

explain below, continuous engagement by our Airspace Classification team is a requirement of the Airspace Modernisation Strategy governance.

- 2.34 The suggestion that we review all airspace all the time may sound like a reasonable aim, but in practice would be a gargantuan and expensive task that would take many times the resources available and for the most part would produce little useful information. (The airspace controlling authority is of course responsible for doing its own continuous monitoring.) Instead we have designed a procedure that we believe is proportionate to the aims.

### Earlier or more engagement with stakeholders

- 2.35 A considerable number of responses from all categories of stakeholder raised the question of engagement more generally at all stages of the procedure. Many responses suggested that we had been remiss in not including more engagement with local communities, local councils, political representatives or airport consultative committees. Some responses suggested that earlier engagement with industry would reveal the potential cost of what we were proposing.
- 2.36 **Outcome:** In principle, we agree that engagement is extremely important and should be encouraged, subject to being appropriately targeted at those that potentially could be impacted or that could provide useful input. In the words of one respondent, better engagement will result in better outcomes.
- 2.37 However, we must keep engagement proportionate to the desired outcome. Engagement does not necessarily require a full public consultation, indeed that can be counter-productive in the burden it creates tying up resources that could be used for a more targeted approach, as described in paragraph 5.5 of the consultation document.
- 2.38 We have seen no reason to change the consultation and engagement aspects of the procedure. At the Review stage we share our plan and invite feedback from aviation stakeholders, including any strategic advice or other information they would like us to consider. The fact that the plan is drawn up by the CAA alone attracted some criticism. This misses the point that at all stages we rely on engagement with airspace users and industry through the ongoing feedback received from them throughout the year. Paragraphs 5.4 to 5.9 and 5.25 to 5.34 of the consultation document explained why we chose to run the Review stage that way, although it also said that we might consult more widely on occasion, in the interest of being fully open to new ideas and suggestions. Having developed a specific proposal, we use appropriate consultation or engagement in a more targeted way at the Amend stage. In this way we can keep the procedure proportionate, and use the team dedicated to reviewing classification most effectively.

- 2.39 This procedure forms one of the initiatives in Airspace Modernisation Strategy, and because of that it is subject to certain governance requirements. The initiative must have an engagement plan, and that engagement plan must reflect the entities listed in the Airspace Modernisation Strategy governance structure.<sup>7</sup> In the light of responses, we have clarified the procedure to specify what we mean by aviation stakeholders consulted at the Review stage. These are principally organisations in the Airspace Modernisation Strategy governance structure that represent airspace users or that are a conduit to them. They include members of NATMAC and also Airspace4All, Airlines UK, the Airport Operators Association, the British Airline Pilots Association, the Guild of Air Traffic Control Officers, the CAA's General and Business Aviation Strategic Forum, Industry Coordination for the Airspace Modernisation Strategy, the Ministry of Defence, NERL, the Airspace Change Organising Group and the CAA's UAS Stakeholder Forum. NATMAC also includes representatives of a wide range of stakeholders including (in addition to the above) smaller airfields, airlines, drone operators, the military, unions, plus multiple representatives of General Aviation in its many forms.
- 2.40 It is not appropriate to consult communities at the Review stage because (a) we are simply identifying volumes of airspace that warrant a review and the impacts on the ground will not be assessed until the Amend stage and (b) even if we do decide to propose an amendment to classification, that would only be if there were no significant environmental impacts. We have stated in the procedure that by 'significant' we mean that the procedure would not be used for any change that affects published or predictable aircraft tracks inside controlled airspace, such as changes to departure and arrival routes at aerodromes (the full list was shown in Table 1 on page 37 of the consultation document).
- 2.41 Some concerns were expressed that the CAA should ensure that the mapping of stakeholders is transparent and appropriate and that some sectors (for example hang gliders) are not omitted. For a given proposal, the Airspace Classification team will set out its engagement plan, including how it will run any consultation or engagement exercises, and how it will update relevant entities in its stakeholder map. This would include the wide range of aviation stakeholders in the governance structure, but would only include communities or their representatives where the CAA saw this as appropriate to the proposal. The scope of engagement is dependent on the nature of the change proposed. For example, we are likely to engage with any stakeholder directly affected at a local level, such as a flying club, but it may be considered excessive to extend engagement to national representative organisations.

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<sup>7</sup> For the latest version please see page 7 of the Airspace Modernisation – 2019 Progress Report [www.caa.co.uk/cap1862](http://www.caa.co.uk/cap1862). The original can be found in the governance annex to the Airspace Modernisation Strategy, published in December 2018 [www.caa.co.uk/cap1711b](http://www.caa.co.uk/cap1711b).

- 2.42 Stakeholder mapping means keeping engagement proportionate; it does not mean consulting everybody about everything. We are careful to ensure that the sponsors of airspace change adhere to the best-practice principles for consultation that we set out in CAP 1616. We will apply the same principles to the classification procedure as appropriate when working with the airspace controlling authority, including setting timescales. In general, our proposals and decisions will still be published, and there will be a standing item on the agenda of NATMAC, the CAA's main airspace engagement forum.

## Intervals between review cycles or between stages

### Between review cycles

- 2.43 We had a variety of responses to our proposed two-year review cycle: that the cycle should be more frequent than every two years; that two years was reasonable; that two years was not long enough because of the potential complexity of proposals; that two years was arbitrary and should take into account external drivers such as international requirements with which the UK must comply; that review should be triggered by a request or an event; and that if a certain volume of airspace had not been reviewed for a certain period, review should be automatic because technology and use of that airspace will change over time.
- 2.44 **Outcome:** The Directions do not oblige the CAA to adhere to any particular timing, and on balance, we think that a two-year cycle is about right. As one respondent pointed out, any amendment to classification will involve extensive analysis of data, stakeholder consultation, design work, cooperation with the airspace controlling authority, and implementation arrangements. For a whole plan of changes, this could easily take most of the two-year period between reviews, excluding the need to review the effectiveness of the change after it has been implemented.
- 2.45 We must also retain some flexibility. That works both ways; if, at the Consider stage, we decide that we need to defer the next review, i.e. we introduce an interval longer than two years, we will be transparent about this and we will do so for a maximum of a year, as explained above. Whereas we would make an exception and launch an earlier review if we identify a pressing necessity for this outside the biennial cycle because of either:
- a new or amended regulatory requirement, or
  - an immediate safety issue that requires resolution, based on intelligence derived from Mandatory Occurrence Reports or the CAA's safety oversight activities.

### Between stages

- 2.46 Some responses said that the procedure needed a more definitive timetable within the review cycle, i.e. the duration of a particular proposal. Some responses said proposals should not take anything like two years, some said they might take longer.
- 2.47 **Outcome:** At the Review stage we publish a plan for airspace volumes where a case could be made for a proposed amendment to the airspace classification, and this will set out broad timelines over the two-year period. It should be recognised that this is a new function for the CAA, run by a new team involved in airspace design work that until now has exclusively been done by industry, not the CAA. We have no experience of designing airspace in conjunction with the airspace controlling authority. There will undoubtedly be other challenges we will have to overcome.
- 2.48 We therefore feel able only to give a general guide for a timeline for a typical proposal until we have more experience. Each may vary considerably in relative complexity. We can probably set some bounds for a specific proposal: in CAP 1616 we give a typical timeline for a Level 1 airspace change of 110 weeks, which, because of the potential impacts of the change, is likely to involve a more complex process than a classification change under this procedure. We can be reasonably confident therefore that a classification change under this procedure would take a shorter time. We do however have consultation or engagement exercises at both the Review and Amend stages. Should we need to allow eight or 12 weeks for those, plus time for preparation and analysis, this suggests a lower bound of around 50 weeks minimum, without taking into account other elements of the procedure.

### Independent oversight or appeal of the procedure

- 2.49 Several responses suggested that there needed to be a way of appealing a CAA decision, or a clear escalation and mediation process in place to address conflicts that cannot be resolved. Many responses expressed a general distrust of the CAA's independence and called for independent oversight of our decisions. Some said that the CAA was 'marking its own homework' in both designing and proposing a classification amendment, and then submitting that proposal to its (separate) Airspace Regulation team for submission to the decision-making process. At present, the only way to challenge an airspace decision made by the CAA is through judicial review in the courts. Judicial review is a challenge to the lawfulness of the process followed by the CAA in reaching our decision.
- 2.50 **Outcome:** The reasons for not introducing the ability to appeal a CAA decision on a change in airspace design were discussed at some length when we developed CAP 1616 (see in particular CAP 1465, pages 15 to 18). Similarly, we also rejected suggestions that an 'oversight committee' should provide



independent oversight of CAA decisions (CAP 1465 page 21). With those arguments in mind, we do not see a case for introducing an appeal process or an oversight committee for the relatively few airspace classification changes we decide on each year.

- 2.51 We are not repeating all those arguments here, but we stand by them. We recognise that there are some differences in the classification procedure: the CAA is designing the proposal, with essential input from the airspace controlling authority; and the Secretary of State has chosen not to have the ability to call-in a decision under this procedure. Many of the responses saying that external oversight of CAA decisions was needed either did not suggest who should provide the oversight, or suggested an ombudsman, stakeholders themselves, consultants or other undefined experts. Those solutions would be unlikely to provide the necessary expertise or independence stakeholders are calling for, nor the authority to make decisions, all of which are necessary; and in our view would likely create more problems than they solve.
- 2.52 The procedure already includes a decision being made by a completely separate CAA team with a countersignature by the CAA's Head of Airspace, ATM and Aerodromes. If there were some solution involving external scrutiny (a) it is not at all obvious who would have the expertise, authority and independence to provide it, and (b) it would add considerable complexity for little apparent gain, yet we have been asked to keep the procedure proportionate. The CAA is committing to being as transparent as we can and will be held to account through that transparency. Progress will be reported to twice-yearly meetings of the NATMAC forum at which a wide range of aviation stakeholders are represented.
- 2.53 In terms of an appeal on the process the CAA has followed, the most appropriate body to carry out such a review is the court through the judicial review process.

### **Question 3: Views on the proposed Review stage**

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#### **Data issues**

- 2.54 Many responses mentioned data. This included comments in relation to data sources the CAA referred to at the Consider stage, such as the relaunched online form to report access or utilisation issues (now form FCS1522), as well as suggestions for other sources we should use in our assessment at the Review stage. Some respondents said that we should be more transparent and explicit about the data we would be using, including sharing it with stakeholders. There was also a concern about who would be the ultimate custodian of data related to that airspace, how this data will be used, who will be granted access to it and who will be responsible for analysing it.
- 2.55 Some respondents were concerned that the data sources available to the CAA were too limited and would not give the CAA the full picture, i.e. what was

needed to facilitate the removal of controlled airspace which is no longer needed. Some thought the data would be predominantly from an air traffic control and commercial air transport perspective. They encouraged us to keep the scope broad, including assessing activity outside controlled airspace, so we would have a good picture of where aircraft are flying and how frequently. A number of responses mentioned electronic conspicuity devices. There was also an alternative view that relying heavily on reports from airspace users, in particular via the online form, would result in bias towards the General Aviation community seeking a reduction in controlled airspace.

- 2.56 Although the relaunched online form was in principle welcomed by most, some made specific suggestions that would help improve the use of the form. One respondent made a specific request for a feedback mechanism to the air traffic unit concerned so that they can review and corroborate the report, which the CAA could then take into account.
- 2.57 A number of respondents also commented on the factors we should consider when we analyse data to assess where a classification change might be made. For example, the size of an airspace volume, traffic flows, infringements, refusals to cross, potential safety impacts from 'pinch points' and whether the case for a previous airspace change is still met, or has ever been met. In the context of traffic flows, some mentioned the importance of demand forecasts (including the type of traffic) to evaluate the necessity of a classification change, accepting that this would be more difficult during the current COVID-19 pandemic.
- 2.58 **Outcome:** We are bound by regulatory requirements (ICAO Standards and Recommended Practices – Annex 11 to the Chicago Convention) stipulating that certain flights have certain levels of safety; for example IFR aircraft requiring an air traffic service need to be provided with controlled airspace, irrespective of the traffic density.
- 2.59 Paragraph 5.11 of the consultation document listed the technical evidence that we will draw from as part of the procedure, which includes most of the suggestions made (such as infringement data, which a number of responses saw as important). A number of respondents asked for more detail than this, but this remains a work-in-progress. We continue to consider the air traffic service surveillance data that is available, and how we might use it. We are fully aware that NATS radar data is not the only source of surveillance data. We intend to use suitable sources of electronic conspicuity data to understand the demand from all airspace users, as well as coordination with controlling authorities and local airspace users to gain as complete a picture of demand as is available within the constraints of our resources. This includes where aircraft are flying outside controlled airspace, in addition to a picture of how controlled airspace is being used.

- 2.60 The relaunched online form FCS1522 is intended to improve the way that the CAA captures issues airspace users encounter with specific volumes of airspace or air traffic services. We aim to promote the use of this form widely. It helps form part of the broader picture of airspace demand, but we are not relying on these reports alone, nor are we relying on radar data alone. We will use data from as many sources as we can, using all available means to the extent that our resources allow, including electronic conspicuity data, safety reports and input from form FCS1522.
- 2.61 The CAA will hold the data and will be subject to the usual regulations on data protection and freedom of information. We will publish relevant aggregated and anonymised data that informs a proposal, but we will respect confidentiality in line with best practice on safety reporting.

### Application of filters to remove proposals with significant impacts

- 2.62 The consultation document set out the way that we would filter out proposals that had significant safety, operational and environmental impacts, such as a change in departure and arrival routes at aerodromes. Some respondents said that it was unclear how the term ‘significant’ was measured and who undertakes this assessment against what metrics. A comprehensive methodology based on clear evidence was suggested in order to avoid any subjectivity (or deliberate gaming of the procedure by the controlling authority) and to increase transparency in the assessment process.
- 2.63 It was suggested that the criteria in Table 1 of the consultation document were overly broad. For example, if a review would be carried out to potentially amend a TMA/CTR, it would invariably affect approach procedures, departure routes etc. Another response suggested that the filters at the Review stage would remove airspace where current standard routing procedures require more controlled airspace than is actually necessary for safety; relying on a controlling authority that has no incentive to change would not be sufficient.
- 2.64 A few respondents were critical about the potential need to consult the Ministry of Defence on a proposal to change airspace classification, and seek its approval where appropriate, before proceeding with any consultation. It was suggested that greater rigour should be applied in the filtering out of proposals on these grounds; that where the Ministry of Defence did object to a proposal, it should provide a robust justification; and that any justification for operational need etc should be assessed carefully and not simply accepted at face value.
- 2.65 **Outcome:** We are unable to be more specific in defining significant operational and safety impacts beyond what the consultation document set out in some detail in Table 1. We explained the difficulties we may have in assessing environmental impact, but also that we do not anticipate a change made under this procedure having a significant environmental impact, as such changes will

not affect published or predictable aircraft tracks inside controlled airspace, such as changes to departure and arrival routes at aerodromes.

- 2.66 The Directions are clear that the CAA must in some cases seek Ministry of Defence approval (paragraphs 2.9 to 2.11 of the consultation document). This is not something we can change; we do not have jurisdiction over certain volumes of airspace used by the Ministry of Defence and should there be an issue, we would work with them to find an acceptable solution.

### Prioritising airspace volumes in the plan

- 2.67 Some responses advocated a cost-benefit analysis or impact assessment approach for assessing the reasonableness of a given proposal. The rationale was that the costs for airspace users, air navigation service providers could be significant, and the analysis would help the CAA determine if the anticipated benefit is worth the effort. Some responses suggested assessing the cost of environmental impacts also.
- 2.68 **Outcome:** Unlike the CAP 1616 process used for changes in airspace design, this procedure has no formal options appraisal (the means of assessing the possible different approaches to an airspace change for delivering a desired outcome). However, we do see a case for prioritising individual proposals based on their anticipated impacts, to the extent possible at the Review stage. The Airspace Classification team is unlikely to work simultaneously on all the potential changes identified in our final plan published at the Review stage; those changes will need to be sequenced. This is the approach we are taking for our work in 2021 on the first volumes identified from those suggested by respondents to the initial review that we commenced in December 2019.
- 2.69 This cannot be a precise process, because only when detailed work begins can we assess the likely costs and benefits. Even then, quantifying some elements, such as environmental impacts or benefits to flights outside controlled airspace, will in most cases necessarily be in qualitative rather than quantitative terms. We will therefore publish a statement with a qualitative rationale that shapes our programme for the two-year review period. We expect to do this at the same time as filtering out proposals that are unsuitable for the procedure (pages 34 to 39 of the consultation document). There is clearly judgement on the part of the CAA in making these decisions and we will aim to be as transparent as we can in explaining our reasoning for the priority we choose.
- 2.70 For example, we might prioritise airspace where an obviously beneficial change can be achieved relatively quickly, easily and at little cost. Whereas we would give lower priority to a change that brought benefits of relatively small magnitude or which benefited relatively few airspace users but that required more holding, or less efficient flight profiles, or resulted in significant training and implementation costs for air navigation service providers.

## Environmental impacts

- 2.71 Many responses expressed concern about environmental impacts of the procedure, urging the CAA to regard this as a priority. They questioned whether the methodology or wording was sufficiently robust, which could lead to distrust of the CAA by communities, and asked us to ensure that the revised airspace design reduced noise and adverse health impacts, routed aircraft over least populated areas and so on. Some wanted assurance that communities would be consulted about a change, or that communities would be consulted much earlier in the process.
- 2.72 **Outcome:** The consultation document made clear that there are limits to what we can do in this area. We are bound by government policy on the environmental impacts of aviation. We also explained the legal and policy framework including the Secretary of State's instructions to the CAA (paragraphs 2.12 to 2.14 of the consultation document) disapplying the Air Navigation Guidance. (Some responses suggested that the Secretary of State had disappplied section 70, which is not the case.)
- 2.73 The consultation document stated that we would not use this procedure for any proposal that resulted in a change to departure and arrival routes at aerodromes (paragraphs 2.34, 5.22, 6.23 and Figure 2 on page 39). Consequently we do not envisage any significant environmental impacts from a classification change under this procedure. This applies to cases where we make the classification more as well as less restrictive. We also provided an extensive table showing the types of change that we would not or might not consider. This is why, in drawing up a plan of volumes of airspace at the Review stage where a case could be made for a proposed amendment to the airspace classification, we only consult with aviation stakeholders.
- 2.74 We are not saying that the environmental impacts would be zero; for a classification change to be meaningful it is likely to lead to some aircraft, probably lighter aircraft, flying in different places. The consultation document explained why the environmental impacts of a classification amendment under this procedure could be uncertain and probably cannot be modelled (paragraphs 6.22 to 6.26). Consequently making any assessment of the environmental impacts would, at least for a change to a less restrictive classification, be a qualitative not quantitative exercise. Even then, although the impact is unlikely to be zero, the amount of information we can give interested stakeholders about the impact will be limited. But we committed to consulting any communities that our analysis showed would be affected (paragraph 6.49).
- 2.75 Some responses took the view that the CAA was being deliberately vague or resiling from consultation. The opposite is true. But where airspace is uncontrolled, it is close to impossible to model where aircraft may fly. All we can do is be transparent as to the volumes of airspace affected and our qualitative

assessment of what may happen. If for some reason there were an unexpected environmental impact, this would be revealed by our effectiveness review of the change after implementation.

- 2.76 When we come to review the new procedure in three years' time we will reflect on this point. For example, we could compare CAA data on noise complaints with classification changes and seek to assess whether there is any correlation. If the evidence suggests that there has been a noise impact, we can make the Department for Transport aware of our findings and incorporate any policy changes they make in a revised version of the procedure.

### Interaction with airspace change proposals

- 2.77 Many responses expressed views about our proposal in the consultation document to exclude volumes of airspace that are the subject of an ongoing or recent change in design (paragraphs 5.16 to 5.18). There were diametrically opposed views; some said we should not do this, because the CAA could use its new design capability to improve recently allocated airspace. Other responses suggested that this policy could result in unintended consequences, such as an airport or air navigation service provider deliberately initiating or pausing a proposal to block reclassification.
- 2.78 **Outcome:** Having reflected on the views expressed, we have decided to modify the procedure to address that last point. Rather than automatically excluding from consideration under this procedure any volumes of airspace that are subject to an ongoing proposed change in airspace design that is between stages 1 and 4 of the CAP 1616 process, we will assess such volumes of airspace on a case-by-case basis, where justified, for example, where:
- the Statement of Need was submitted after the airspace volume was identified in our plan at the Review stage, or
  - the airspace change proposal has been paused for more than a year, or a decision has been taken to delay it for more than a year, or
  - the sponsor recognises that a change of circumstances has occurred that requires a revision to its Statement of Need.
- 2.79 For the purposes of this exception, we will assess each case on its merits taking into account the reasons for the delay. We will seek advice from the Airspace Regulation team overseeing the CAP 1616 process, and from the Airspace Change Organising Group where its work relates to the airspace change proposal. If we see a case for proceeding, we will include it in our plan. In no instance would adding the volume of airspace to our plan impede the progress of the airspace change proposal.
- 2.80 Any volumes of airspace that are subject to a change in airspace design at stages 5 to 7 of the CAP 1616 process, or where the outcome of the post-

implementation review (stage 7) was decided less than three years ago, will also be assessed by the CAA on a case-by-case basis, as we explained in the consultation document (paragraph 5.17).

- 2.81 It was correctly pointed out to us that some airspace change proposals may be following the earlier CAP 725 process rather than CAP 1616, so we have included a reference to CAP 725 in the procedure.

## **Question 4: Views on the proposed Amend stage**

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### **Cooperation between the CAA and the airspace controlling authority**

- 2.82 A number of respondents asked for more clarity on the roles and responsibilities of the CAA and the controlling authority in the Amend stage, and the dependencies between them. One respondent said that it was difficult to untangle the role of the CAA (which bears the risk of identifying volumes of airspace, writing the initial safety argument, and amending the classification correctly) from the airspace controlling authority (which owns the safety risk by having to prepare the operational procedures and safety case, with CAA assistance).
- 2.83 Some stressed the importance of early engagement with the controlling authority and to outline when and what assistance the CAA would provide, for example, resources, legal, or financial, as this was not clear in the consultation document. We were asked for more detail of the process by which the controlling authority owns and assesses the safety case and operational procedures, and by which it provides an operational unit transition plan including timings and dependencies.
- 2.84 Some respondents expressed concern that the CAA lacked authority to compel a change, and that there would be little reason for the controlling authority to cooperate, especially in cases where controlled airspace could be released to Class G. They believed more powers were needed for the CAA to force a change, otherwise it would be too easy for the controlling authority to stall the process and for the status quo to continue. It was pointed out that the Air Traffic Management and Unmanned Aircraft Bill (paragraph 2.8 of the consultation document) had yet to become law.
- 2.85 We were asked what would happen should the controlling authority disagree with, and therefore potentially block, the CAA's case for an amendment. One air navigation service provider noted that the procedure did not include any means for the controlling authority to object to a CAA proposal, in particular where it was not aligned with the CAA about the safety impact. Some felt uneasy about the CAA resourcing and initiating a plan, and then handing the responsibility for the execution and delivery of that plan over to the controlling authority and local airport. They said it would inevitably lead to liability issues and questions of who is responsible for the change if the CAA had to force it through (given that the

controlling authority has to take ownership of the safety case, and is responsible for the ongoing safety of that particular airspace).

- 2.86 Respondents also saw a risk in the controlling authority owning the safety case of the proposal at the Amend stage, as it was felt that they might attach conditions or push for an outcome that would diverge from the original plan. Others were more concerned that airlines and airport operators would try hard to object to a change on the basis of safety arguments, or make it economically unviable for the CAA such that there would be no option but to discontinue the proposal.
- 2.87 To prevent this from happening, some respondents called on the CAA to scrutinise any safety assumptions at the Amend stage and reject them if needed. This included considering the implications for surrounding uncontrolled airspace, in particular alleviating 'pinch points' that the existing design of the controlled airspace potentially creates but which the controlling authority may not see as its problem. Others said that the CAA and airspace controlling authority should write the safety case together (rather than the controlling authority writing it with CAA assistance), to ensure that the controlling authority would not have the final say over an airspace classification change.
- 2.88 One response was concerned about the potential conflict of interest (and therefore liability issues for the CAA and controlling authority) from the CAA assisting the controlling authority with the safety case for service provision but also acting as safety regulator.
- 2.89 **Outcome:** The roles of the CAA and controlling authority were explained in the consultation document in paragraphs 6.35 to 6.39. We have said that this is new ground for the CAA in that we are selecting volumes of airspace for potential reclassification and, where appropriate, designing the airspace. The CAA will resource the necessary airspace design expertise, but to support that design work and the necessary safety case, we need information from the controlling authority about the utilisation of that airspace. However, we are not managing the airspace, and therefore we cannot own the safety case. That must be the responsibility of the controlling authority, which must develop the operational procedures and safety case through its safety management system with CAA assistance where required.
- 2.90 We have taken on board the responses we received on this subject. It would be premature for us to set out definitively how the cooperation will work in practice, but once we have begun work on the first review we will trial a model for cooperation that we can replicate for future cases. We may be able to add more detail to the procedure document in due course.
- 2.91 Our view is that controlling authorities will want to engage in the new procedure and are unlikely to oppose an amendment simply because they prefer the status quo. Aviation has always been a constantly changing environment and those



entities working within it are well versed in having to move with those changes. That said, we fully recognise the severe constraints the industry is under as a result of the Covid-19 pandemic.

- 2.92 The CAA will produce evidence as to why the change is necessary. We therefore expect full cooperation from the controlling authority and other relevant stakeholders. We recognise that there could be a resource cost incurred by the controlling authority, and the CAA will do its best to minimise this, using our own resources where we can. But any cost the controlling authority does incur should be seen as part of the cost of managing that airspace effectively, in view of the supporting case the CAA will present about the need for change. We would expect any objection only to be on safety grounds, in which case through early engagement we would strive for a mutually acceptable solution.
- 2.93 In the unlikely event that the controlling authority's input is not forthcoming, the Air Traffic Management and Unmanned Aircraft Bill, should it become law, would give the Secretary of State (or the CAA if powers are delegated) new powers to compel that input where it would assist in the delivery of the CAA's airspace strategy.
- 2.94 If necessary, we have powers under section 71 of the Transport Act 2000 to request any specific documents or information from an air navigation service provider for any purpose connected with our air navigation functions.
- 2.95 Beyond these tools, if the controlling authority is not prepared to cooperate, the CAA may ultimately be unable to progress the change. In those circumstances, we would make the Department for Transport aware of this and publish statements from the controlling authority, the CAA and any other relevant stakeholder.
- 2.96 The legal and policy framework is described on pages 10 to 16 of the procedure.

## Options for change

### Flexible airspace concepts

- 2.97 Respondents gave us mixed views about solutions that involve enabling access to airspace in a flexible way. Some said that flexible-use airspace was successfully used in other countries, which the CAA could learn from, and that it could be a valuable tool for opening up access to General Aviation. However, they expressed concern that the consultation document had predicated flexible-use airspace on a known electronic conspicuity environment, and the two should not be conflated. It was suggested that the CAA had yet to develop a meaningful and credible electronic conspicuity strategy beyond an attempt to mandate a single area of technology (ADS-B). We also had responses which, while supportive of technological innovation, expressed concern as to whether using airspace flexibly could be introduced safely, and that it might increase airspace

infringements. Others thought it would improve safety and efficiency. Some responses observed that it might be premature to rely on airspace users re-equipping with new technology and that poor take-up could lead to less efficiency. One response was concerned that while flexible airspace might disperse noise, it could also bring unpredictable impacts for those overflown.

- 2.98 Some responses expressed disappointment that the consultation document did not make more of alternative flexible solutions that did not require the removal of controlled airspace. In particular more use of transponder /radio mandatory zones was suggested in preference to controlled airspace. It was also suggested that we explore whether, given current technology, the current five classes of airspace could be simplified to make airspace arrangements clearer and more flexible for all airspace users. It was also suggested that access could be improved through dialogue with the controlling authority or by changing the class of controlled airspace, rather than removing it.
- 2.99 **Outcome:** The procedure (Amend stage) sets out the forms that the proposal may take. We have made the options for change less prescriptive. Where no change to existing controlled airspace boundaries and/or a change of airspace classification is possible, or where it is a more proportionate solution, the CAA will encourage the controlling authority to use alternative air traffic management measures that better support access to shared airspace for all users. Longer term, technological developments may allow for more innovative solutions that do not necessarily involve altering the classification.

### Improving the existing air traffic service

- 2.100 Some respondents suggested that improvements to the service provided by air traffic services – for example proper UK-wide radar surveillance – could be an alternative to changing airspace. It was also suggested that airspace access was sometimes denied to VFR flights because the controlling authority had failed to employ or train sufficient controllers, and that this should be a condition of managing the airspace.
- 2.101 **Outcome:** We encourage airspace users to express any airspace access or utilisation concerns, including refusals of crossing of controlled or managed airspace, via CAA online form FCS1522 *UK Airspace Access or Refusal of Air Traffic Services Report*. This gives us continuous feedback throughout the year and a basis on which we can act where appropriate.

### Accommodating new airspace users

- 2.102 The consultation document noted that the new procedure could be useful in the future to facilitate the introduction of new air traffic management concepts to support, for example, the integration of drones and other emerging technologies. One respondent said that the procedure was for the review of the classification

and not the use of the airspace, and asked us to make clear that a change of use of airspace requires the CAP 1616 process.

- 2.103 **Outcome:** Our comment was made in the broadest sense that the new function adds to the CAA's toolkit for airspace modernisation. The classification depends upon the types of air traffic involved, the density and complexity of air traffic and the safety hazards posed to passenger-carrying commercial air transport operations. The procedure allows us to review whether the classification remains appropriate to the demands upon that volume of airspace – which could include future use by drones – and to propose a different classification if necessary, or the use of airspace in a flexible way. We did not mean to suggest that the procedure would drive the way airspace is used or the classification policy. We have made the distinction clear in our procedure.

### Permanence of changes

- 2.104 A few responses noted the importance of ensuring there is enough airspace capacity and resilience in the system to cope with anticipated growth in air traffic, and that the CAA should be wary of reclassifying airspace in a less restrictive category that may later become sub-optimal. One response stressed the need to future-proof any airport developments which are designated to be of national significance, and to provide adequate system resilience to keep airport delays and flight cancellations to a minimum. Some respondents sought more clarity over how the differing needs of airspace users are taken into account.
- 2.105 **Outcome:** It is important not to underestimate the potential complexity in redesigning the classification, for exactly these reasons. This is also why we consult anyone affected by a proposed change. For example, among other things we need to consider traffic forecasts, government policy, wider strategy relating to longer-term airspace modernisation, and our statutory duties under section 70 of the Transport Act 2000 (more information on section 70 can be found in CAP 1616 and on our website).

### Reviewing the effectiveness of the change after implementation

- 2.106 One response questioned how the controlling authority could monitor the actual impacts of a change once implemented when it was the CAA carrying out the initial assessment of those impacts. We were also asked how the controlling authority could monitor the use of newly classified airspace in cases where it changed from controlled to uncontrolled. It was suggested that the CAA would be better placed to carry out the review, receiving data from relevant stakeholders. One response asked for clearer guidance on assessing post-implementation impacts that would prevent anything being left to interpretation. Some responses asked for a robust process for the CAA and controlling authority to follow – such as reverting to the previous design – should the review find a significant safety issue or other shortcomings in the classification change.

- 2.107 **Outcome:** We agree that, as the proposer of the classification change, it would be more appropriate for the CAA to review the effectiveness of the change based on inputs from airspace users, the controlling authority and the CAA's own data. The procedure therefore states that our Airspace Classification team will collate the report for the Airspace Regulation team.
- 2.108 There could be limits to what impacts can be monitored and assessed from an environmental perspective where airspace classification moves to Class G, by the very nature of the airspace. Nevertheless, the controlling authority will be better placed than the CAA to monitor many of the impacts, to the extent possible. It will be continually assessing the performance of the airspace for which it is responsible for operational effectiveness and for safety as part of its ongoing safety management system. It will also be the recipient of any noise complaints relating to the airspace, for example. These considerations form the basis of its input to the CAA. Clearly where it is no longer responsible for a volume of airspace, its input will reflect that. We are making these roles clear in the procedure.
- 2.109 One response suggested that the controlling authority should not have to bear the cost of this report. We disagree as we regard its input as part of its responsibility in managing a volume of airspace. One response observed that noise complaints in respect of newly uncontrolled airspace may not go to the controlling authority. Because these are likely to go to the local airfield or to the CAA, we will take account of them in our review.
- 2.110 We are including in the procedure references to the airspace reverting to its previous classification should safety or other serious shortcomings be identified, similar to Stage 7 of CAP 1616, assuming that reversion is possible. We also include suitable timelines.

## **Question 5: Views on the cost impact of the proposed procedure**

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- 2.111 A number of industry responses told us that the resources required by the procedure, and therefore its cost, would not be insignificant for them. Responses varied in the degree to which these costs could be quantified. Although the CAA had stated that it would undertake a large proportion of the work, some suggested that the CAA may have underestimated the cost to industry. Also, a controlling authority would not have budgeted for a CAA proposal. One response said that it was less appropriate for smaller airports to bear the cost than larger airports for which airspace modernisation would bring greater benefit. There was a general feeling that financial support should be provided and that industry should not bear the cost.
- 2.112 There were different opinions as to where these costs should be recovered from, including Government and a levy on General Aviation operations. Some industry

responses took the view that recovery from the en-route rate was not appropriate, given that industry was unlikely to be the beneficiary of the changes that the CAA was likely to propose. Two responses suggested that each controlling authority should be subject to a levy on the amount of controlled airspace for which it was responsible, because it derived economic benefit from that airspace, thus giving it a financial incentive to minimise it.

- 2.113 Many industry responses noted that the impacts of Covid-19 meant that industry simply could not afford to take on the additional cost at present, particularly given existing commitments to airspace modernisation. One response said that with the urgent business-critical issues the industry faced, devoting resources to this procedure at present would be a gross misuse of industry's time and energy, and that it is unfortunate that the CAA and Department for Transport have not been able to recognise this.
- 2.114 There were some suggestions for minimising the cost impact. It was suggested that we should consider carrying out an analysis of the overall benefits of a given change to ensure that the costs do not outweigh the benefits. It was also suggested that at the Consider stage, either a larger team of internal and external experts, or an independent, unaffiliated body with appropriate expertise, should ensure that the right airspace volumes are identified early to prevent unnecessary work being undertaken by both the CAA and the controlling authority.
- 2.115 One response noted that the impacts of inefficient airspace in need of review were not just financial, but concerned safety and the environment. Another response suggested that where re-classification might have an impact on communities, the government or the aviation industry should fund the provision of appropriate advice to enable communities to understand the implications of the change and engage in the procedure. It also suggested that any detrimental impact on property values be taken into account and compensated.
- 2.116 **Outcome:** The CAA's airspace resources are usually funded through the UK en-route unit rate, which meets the costs of providing and overseeing en-route air traffic services in the UK. Our additional costs from running the new procedure will be recovered from these charges, and they will be built into the future CAA costs within the UK en-route charge.
- 2.117 We recognise that there could be a resource cost incurred by stakeholders, in particular controlling authorities we are working with, and the CAA will do its best to minimise this, using our own resources where we can. The consultation document said that we do not expect the impact to be that great, because we will be doing much of the work, and the changes that go through this procedure will likely not require extensive airspace redesign or have wide-ranging impacts. Any cost the controlling authority does incur should be seen as part of the cost of

managing that airspace effectively, in view of the supporting case the CAA will present about the need for change.

- 2.118 We obviously recognise the extreme circumstances affecting the industry as a result of the Covid-19 pandemic. At the same time, we have been directed to introduce the procedure from 1 December 2020, and we have no control over government support funding.
- 2.119 We will monitor progress carefully and will be reporting regularly to the Department for Transport. Should we encounter significant difficulties with the procedure because of cost impacts on stakeholders, we will of course discuss how to resolve them with stakeholders and the Government.

## Chapter 3

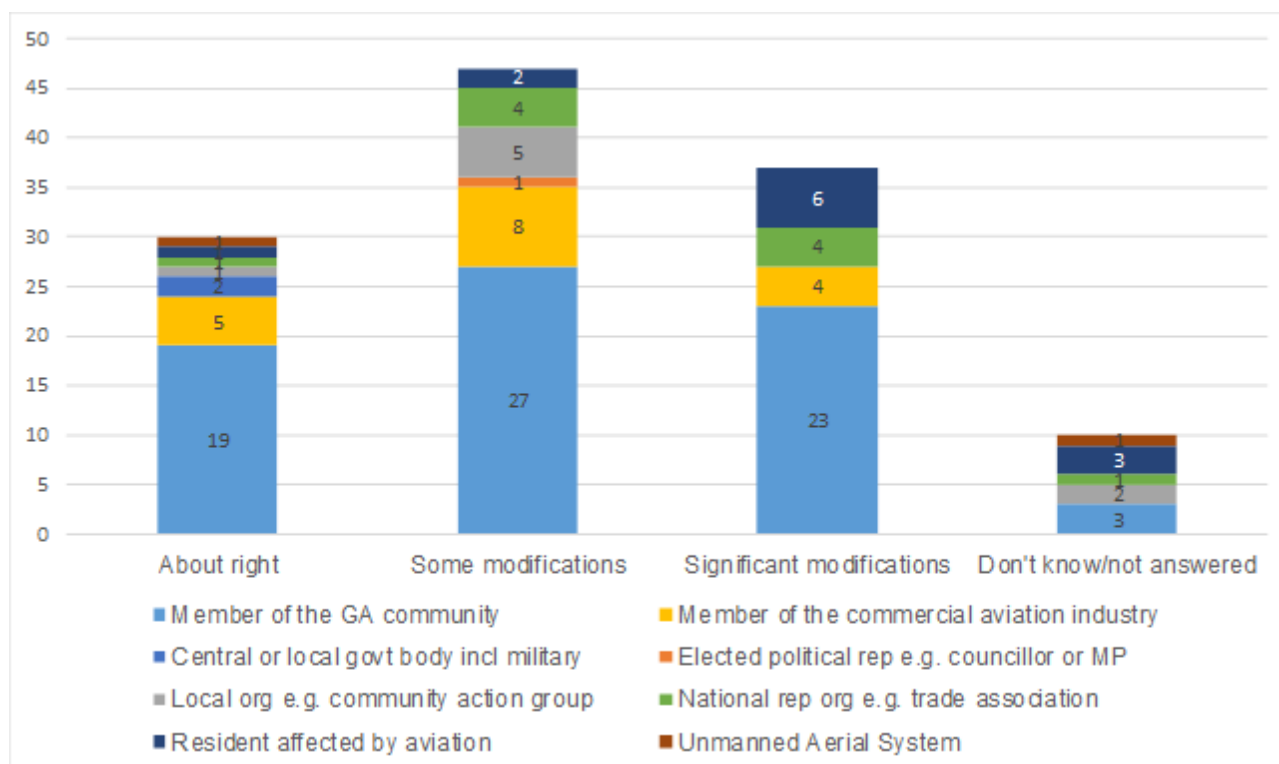
## Quantitative analysis of multiple-choice questions

## Introduction

- 3.1 This chapter considers the responses to the multiple-choice questions. It does not consider any accompanying text, which is analysed in Chapters 4 and 5.
- 3.2 Of the 123 responses we received, two were not submitted using our online consultation platform, but were instead sent to us by email. One of these offline submissions was arranged in our question format and could therefore be included in the analysis in this chapter. The other one was not arranged in our question format and so could not.
- 3.3 Questions 1 and 5 did not have a multiple-choice component, so below we focus on questions 2, 3 and 4 which cover respondents' views on the Consider, Review and Amend stages respectively.

## Question 2: Views on the proposed Consider stage

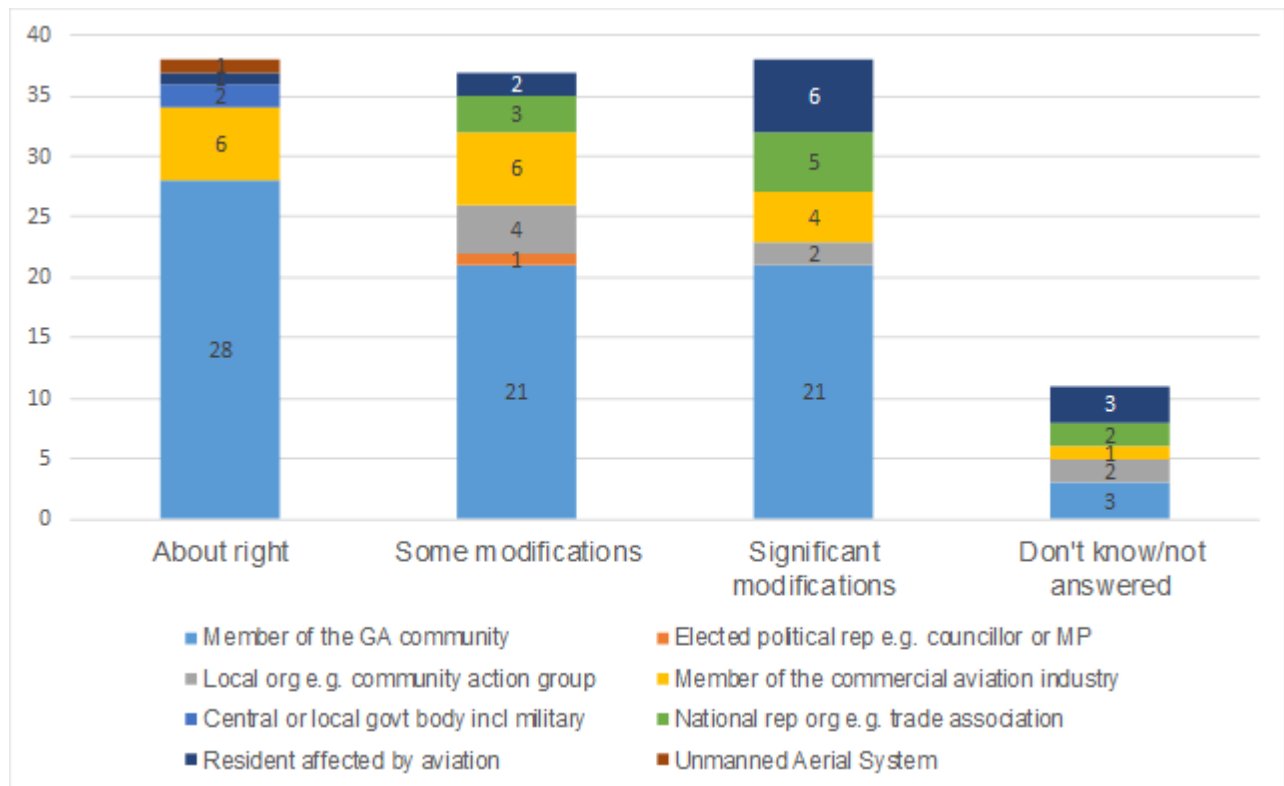
## What are your views on the proposed Consider stage?



- 3.4 Views on the Consider stage were mixed, with 63% of respondents telling us that the Consider stage was about right or that only some modifications were needed. However, 31% of respondents said it required significant modifications.

### Question 3: Views on the proposed Review stage

What are your views on the proposed Review stage?

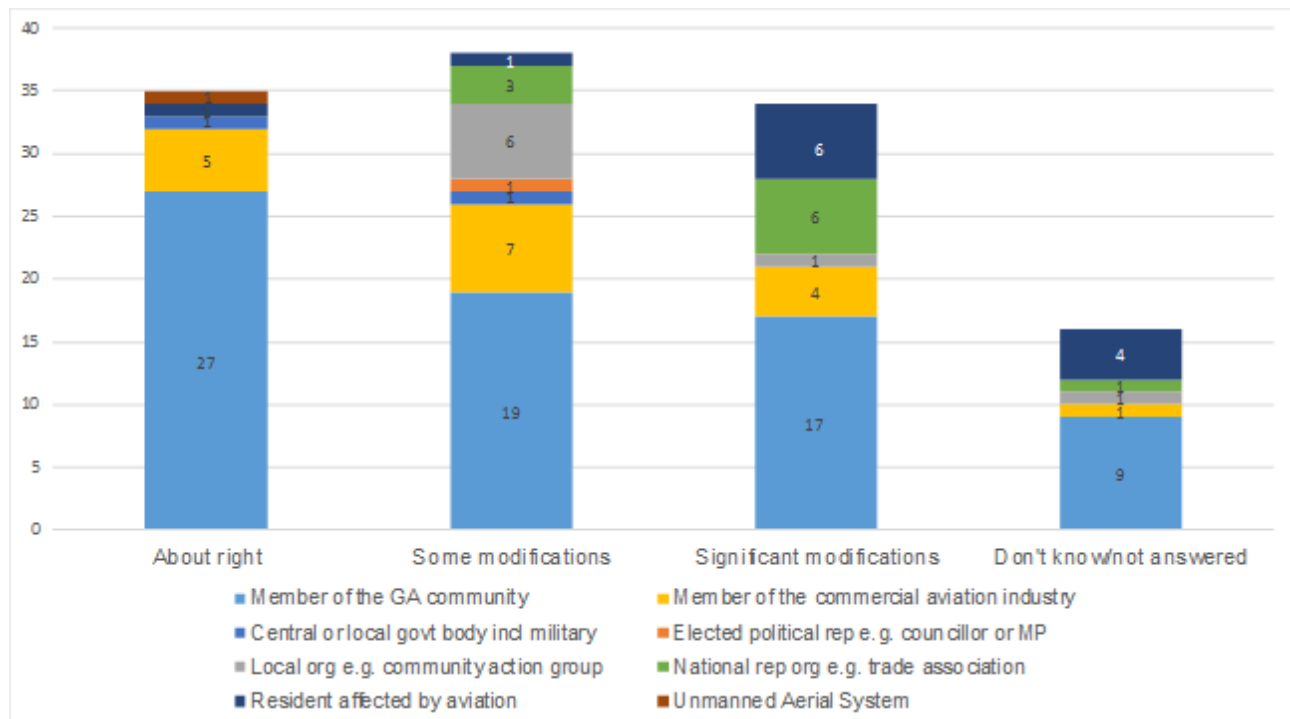


3.5 60% of respondents said that the proposed Review stage was about right or that only some modifications were needed. 31% wanted the CAA to make significant modifications.



## Question 4: Views on the proposed Amend stage

What are your views on the proposed Amend stage?



3.6 59% of respondents told us that the proposed Amend stage was about right or that only some modifications were needed. 28% of respondents said that it required significant modifications.

## Chapter 4

## Qualitative analysis of open-text responses

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- 4.1 This chapter considers the key themes that were raised in the open-text responses.

### Open-text questions

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- 4.2 Each of the five questions we asked had an open-text component, including the multiple-choice (closed) questions, where respondents were invited to write free text sharing their views. If they ticked 'some modifications needed' they could share further comments if they wanted to, and it was compulsory if they ticked 'significant modifications needed'. However, if respondents ticked the 'about right' option, no comment box would appear.
- 4.3 Most respondents took the opportunity presented by the open-text responses to share their views, evidence or rationale for their answers. A number of recurring themes arose in the open-text responses. In this chapter we summarise what those themes were, and who raised them. Specific recommendations respondents made or questions raised are summarised in Chapter 5.

### Methodology

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- 4.4 We used a basic qualitative research method to analyse the open-text responses which involved identifying, and then applying a list of key points or themes raised by respondents. To create this list of themes, five members of CAA staff each read 15 responses in full, listing the topics, concerns and comments raised within them. These lists were then discussed and consolidated, creating an agreed list of themes identified by unique tags. Four staff members then read all 123 unique responses and, using the software contained in the CAA consultation hub, allocated 'tags' to each section of the response. 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 chapter 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).

- 4.5 Each consultation response was analysed by recording the themes raised for each question. If a respondent raised the same theme in several questions, each instance was counted, but each theme was only counted once per question, per response. For example, if a respondent mentioned 'transparency' once in response to a question, that counted as one instance; if they mentioned it three times in response to that question, it was still counted as one instance; if they mentioned it in response to five separate questions, that counted as five instances.

## Overarching themes

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- 4.6 A variety of themes were identified in the responses (see Appendix A). The most significant of these are discussed below. For each theme, where we have permission, we have quoted from examples of actual responses to illustrate the sentiments being expressed.
- 4.7 We have grouped the themes as follows:
- Positive comments about the CAA or the proposed procedure
  - Criticism of the CAA or the proposed procedure
    - Transparency/engagement
    - Complexity of proposed procedure and/or perceived lack of strategy
    - CAA's independence
    - Bias towards commercial airspace users
  - Role of the airspace controlling authority
  - Review cycle
  - Concern about data
  - Impact on resources
  - Excluding airspace volumes subject to an airspace change proposal
  - Concern about noise/emissions
  - Safety concern
  - Cost impacts and possible mitigations.

## Positive comments about the CAA or the proposed procedure

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- 4.8 We received many positive comments in support of the new procedure. There were 33 instances where respondents were explicitly positive about the CAA introducing it and welcomed the proposals, including 23 instances from the

General Aviation community, six from commercial aviation industry and three from national representative organisations.

Quote

*Generally supportive. It will be a very big step forward to have a system in place for regular review of airspace, giving a voice to all users. It was fantastic to see the percentage of responses to the original consultation from GA pilots and organisations. At last we may get an equal voice.*

[Response from a member of the General Aviation community]

Quote

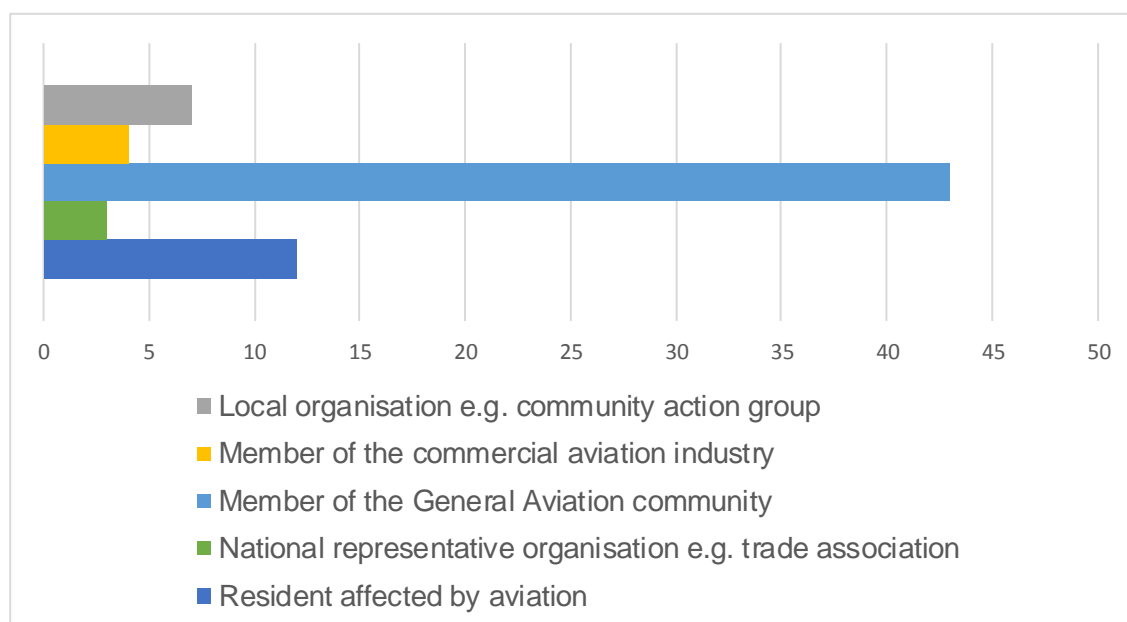
*I am pleased to see that you are being given the power to review and amend airspace classification where appropriate, and that you will have the skills necessary to undertake airspace design. I hope you will use these new powers to strike a fair balance between the safety needs of both commercial and general aviation. It is particularly important that commercial aviation should only be allocated airspace that it really needs for safe operation substantiated by a safety case. Every allocation of airspace will lead to increased density of general aviation traffic and reduced safety in the remaining airspace. General aviation does not have the funds to propose airspace changes to counter commercial applications. I hope the CAA will use its new airspace design skills to develop fair compromise solutions where this is appropriate.*

[Response from a member of the General Aviation community]

## Criticism of the CAA or the proposed procedure

- 4.9 In 69 instances respondents made negative general comments about the CAA, the proposed procedure, CAA policy or the way the CAA carries out other airspace functions (beyond criticism of specifics of the procedure).
- 4.10 43 of the 69 negative comments about the CAA were from the General Aviation community, and most of them in relation to the Consider stage, or as a general comment under Question 1. We had four instances where commercial aviation industry representatives made a negative comment about the CAA, all in answer to Question 1. (See Figure 4.1.)

Figure 4.1: Instances of respondents making a negative general comment about the CAA



Quote

*After 30+ years in the GA (gliding) movement and watching the CAA's actions I'm afraid I don't have any faith that the CAA will deliver anything which meaningfully benefits the GA community in terms of airspace. I will watch this "initiative" and judge the CAA by what follows. In the meanwhile, I welcome what seems to be an acceptance by the CAA that things are not right in regards to the classification of airspace. What a pity it took so long for the CAA to realise its mistakes.*

[Response from a member of the General Aviation community]

Quote

*Where I live we are affected by both Heathrow and Gatwick flight paths but this is never acknowledged by either Airport. Therefore, CO2 emissions/noise are at unacceptable levels. Communities affected in this way are never consulted over any changes. The CAA ignores any complaints and is biased in its decisions.*

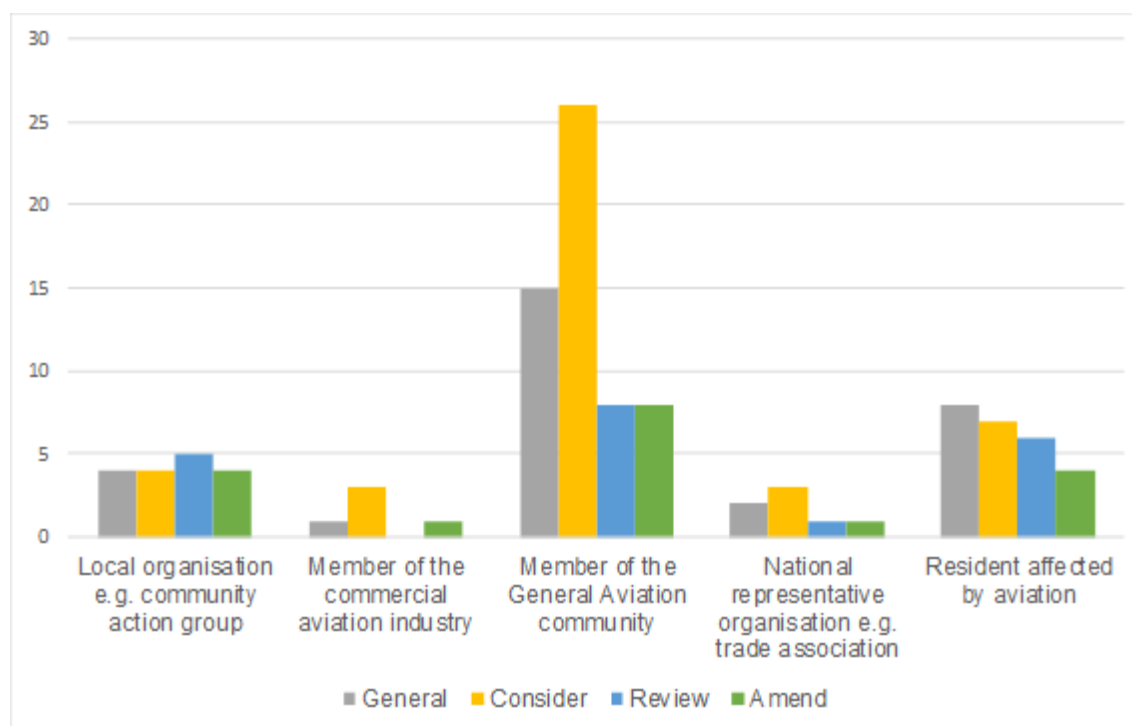
[Response from a resident affected by aviation]

- 4.11 We also recorded other, more specific, criticism towards the CAA which we have broken down further into separate themes, namely respondents who mentioned issues around **transparency/engagement**, the **complexity of the proposed procedure and/or perceived lack of strategy**, concerns about **CAA's independence**, and respondents who mentioned that the CAA or the proposed procedure is **biased towards commercial airspace users**.

## Transparency/engagement

- 4.12 There were 111 instances where respondents said that stages in the procedure are not transparent or should allow for more engagement with and/or input from stakeholders, or they said that engagement should go wider, and not only involve airspace users or commercial companies.
- 4.13 Of those 111 mentions, 57 were from the General Aviation community who felt most strongly about this in relation to the Consider stage, and it was mentioned 14 times as a general comment. Residents affected by aviation mentioned 25 times that the procedure lacked transparency and engagement and felt equally strongly about this across the three stages. In 17 instances respondents from local organisations were not satisfied that the procedure was sufficiently transparent. (See Figure 4.2.)

Figure 4.2: Instances of respondents mentioning a lack of transparency/engagement



### Quote

*People on the ground matter and must be part of any consultation before any changes are made. If not then community groups will seek legal redress and costly legal fees for all sides. It is not all about airports working for profit and passenger numbers. Noise is a nuisance and sadly it is not a statutory nuisance under the EPA.*

[Response from a resident affected by aviation]

Quote

*The criteria listed under 4.7 appear to be very limited and run the risk of leading to very few reviews and attract criticism from the same stakeholders who have requested this new procedures to begin with.*

*As pointed out in the document, the CAA will have 2 hats: one to initiate an ACP, the second to regulate it. This 'judge and jury' aspect will attract criticism if the initiation aspect ("Consider") is overly restrictive.*

*It would therefore seem to be sensible to add other criteria to those listed in 4.7, most notably that the CAA will take on board input from the industry, notably the LAA, BMA, preferably AOPA etc. In doing so, the CAA could then justify that it is indeed acting in the interests of all the stakeholders and to achieve the stated objective that "the needs of all airspace users are reflected on an equitable basis" which is difficult to demonstrate if the trigger points of this process does not include those stakeholders.*

[Response from a member of the General Aviation community]

Quote

*Performance must be delivered against some established metrics. CAA airspace review procedures and its funding and resource allocation requires more transparency against key delivery points. The CAA should form a board consisting of stakeholders and representatives to consider airspace review in order to be open and transparent.*

[Response from a member of the commercial aviation industry]

Quote

*Other areas of the CAA's activities have seen significant progress in modernising internal practices and engagement with the GA community. It remains significantly less so within Airspace management. A transparent two-year review that takes into consideration feedback from all airspace users and is overseen by independent arbitration would be both more credible and robust and in the long-term, considerably more effective.*

[Response from a member of the commercial aviation industry]

Quote

*It is fairly typical of CAA procedures in that it is vague and anything but transparent. What exactly happens when 'Senior Airspace Experts' 'Consider' airspace reclassification every two years? I think it is a fair assumption that those involved in any consideration will have either been involved or will know those who were, so even if the most scrupulous independence is shown, its credibility will suffer.*

[Response from a member of the General Aviation community]

Quote

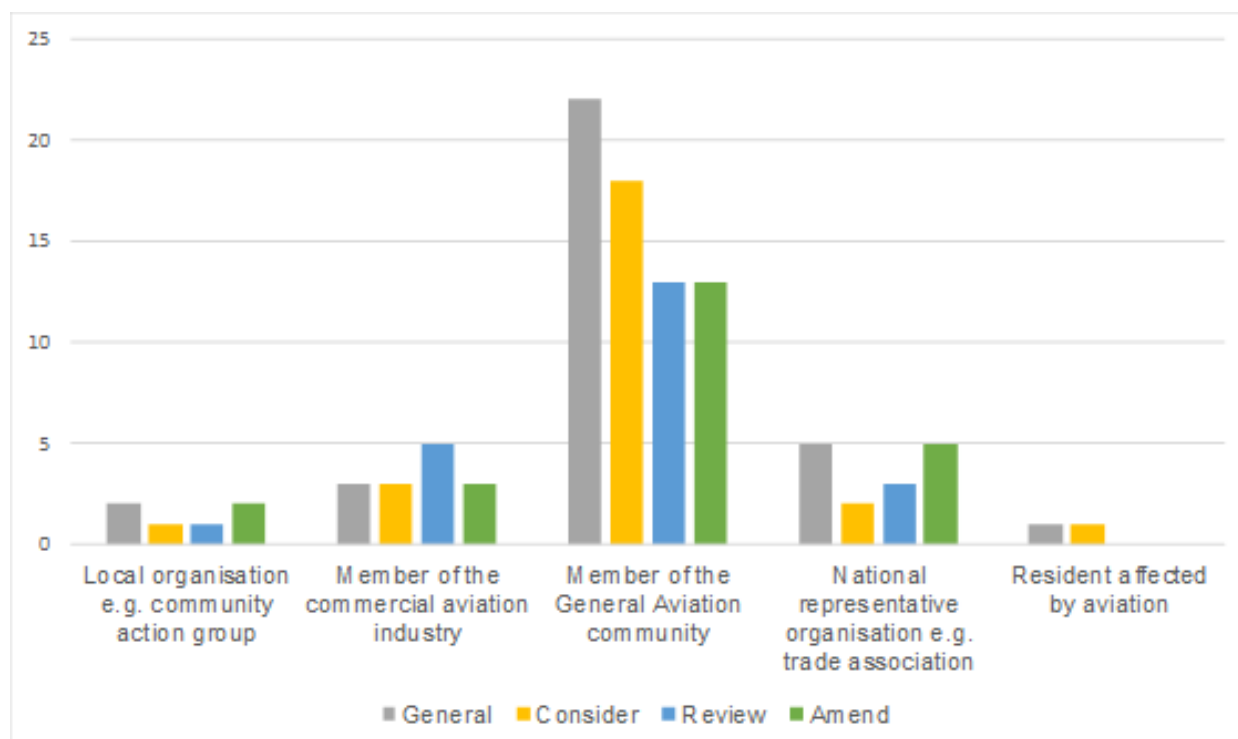
*This phase (Consider) contains many caveats and get out to actually bring about changes, the 2 year review of airspace classifications is a closed meeting "senior airspace colleagues", workloads/recourses is another excuse.*

[Response from a member of General Aviation community]

## Complexity of proposed procedure and/or perceived lack of strategy

- 4.14 In 103 instances respondents said that the procedure is not explicit, that it needs more clarity, information or detail, including timeline commitments. They told us that the proposed procedure is too complex, or had concern that it lacks a holistic approach.
- 4.15 Out of those 103, 66 mentions were from the General Aviation community, who expressed concerns about the complexity or lack of clarity of the proposed procedure, and a lack of strategy across all three stages, but mainly in relation to the Consider stage. (See Figure 4.3.)

Figure 4.3: Instances of respondents mentioning complexity of the procedure and/or perceived lack of strategy





## Quote

*The whole of the UK Aviation industry is now at a pivotal moment, one not envisaged in CAP1711 Airspace Modernisation Strategy, paragraph 5.29 Spotting and Responding to other emerging changes.*

*The scourge of the COVID-19 virus and the sea change in traffic distribution across the UK will be with us for years with recovery delaying investment plans in some cases beyond the horizon. Devastating as this is and will be, now is the time to put right the whole of the UK airspace structure. This is, I believe, in part what FASI North & South and the London Airspace Modernisation Plan was aiming to achieve. There are clear targets of opportunity, well known to the Regulator and the GA Community, that could easily be subsumed with a wider piece of work. A top down lead is required but with external oversight.*

*The AMS together with CAP1862 Progress Report to my mind gave The Big Picture and so this next initiative looks like tinkering with the edges.*

[Response from a member of the commercial aviation industry]

## Quote

*There should be a greater emphasis on the changing of classification, improved access rules or raising airspace bases or lateral dimensions to better accommodate the needs of all users. Not adopting a flexible approach to airspace usage and classification is a major hindrance in terms of achieving optimum efficiency. This should be reconsidered from a holistic perspective that considers pilot training, pilot currency, mapping and charting, notification and electronic conspicuity.*

[Response from the Royal Aeronautical Society]

## Quote

*Flexible-use airspace, which is used extensively in other countries airspace environments, is clearly an effective tool. However, this CAA statement appears to define a previously unseen CAA's policy on flexible-use airspace, ie flexible-use airspace is predicated on a known EC environment. Flexible-use airspace is needed now as a tool to support airspace modernisation as well as reclassification of airspace. It is misleading to conflate the availability of flexible-use airspace with mandated EC.*

[Response from the British Gliding Association]

Quote

*We are pleased to note that the document notes in several places that the CAA must 'seek to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users is reflected on an equitable basis'. However we note with some concern that there remains no direct commitment in this document that the CAA actively pursue reclassification.*

[Response from the Light Aircraft Association]

Quote

*The consultation is welcome. Far too labour intensive and cumbersome. There is a great opportunity presented by Covid to redesign Airspace to reflect modern equipage EC, ACAS and Nav accuracy.*

[Response from a member of the commercial aviation industry]

## CAA's independence

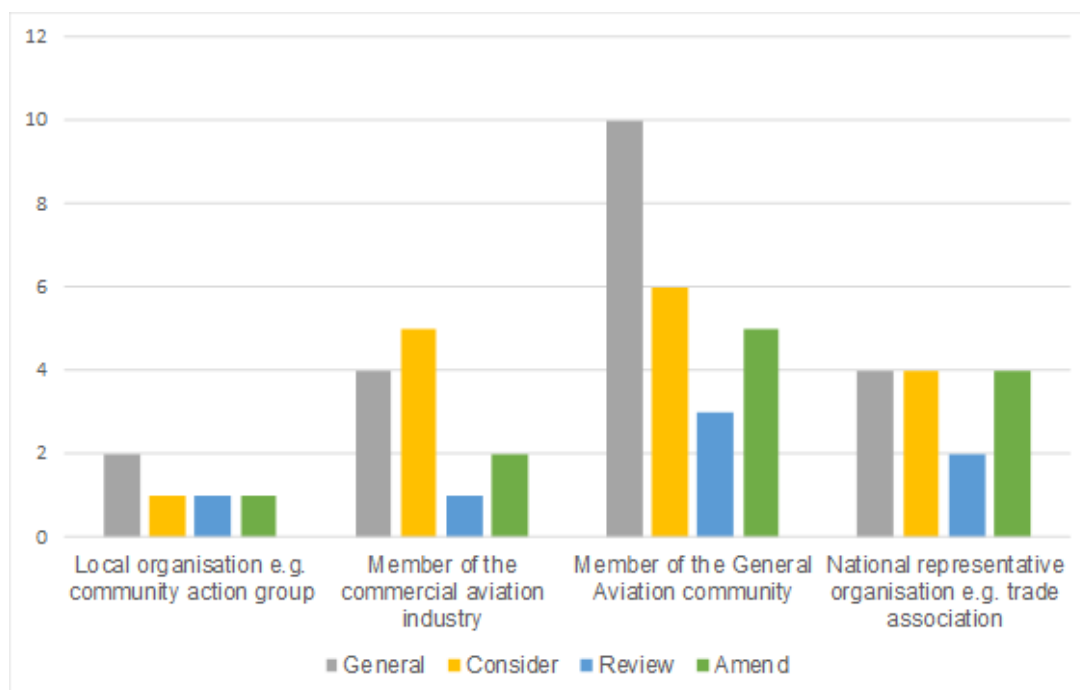
- 4.16 Some respondents expressed concern that the CAA should not be both proposing and making the decision to amend airspace classification.
- 4.17 45% of respondents expressed the need for external or independent oversight and wanted a separate body supervising the CAA's tasks and holding the CAA accountable for its decisions. This was mentioned by the General Aviation community on 24 occasions; 12 mentions came from the commercial aviation industry and 14 from national representative organisations. Particularly at the Consider and Amend stages, respondents said that oversight from an external, independent, body was essential for this procedure to be credible. (See Figure 4.4.)

Quote

*The consider stage should be replaced by a fixed time limit, in which airspace classification must be performed. It is the duty of the CAA to perform the review not just to consider doing it. Furthermore, the whole process should be overseen by an independent body, like an ombudsman, who the CAA must be held accountable to.*

[Response from a member of the General Aviation community]

Figure 4.4: Instances of respondents with concerns about the CAA's independence



Quote

*I get the distinct impression when reading the document that the CAA have been dragged, kicking and screaming, into producing this proposed new procedure. There are so many caveats stated to implementing the procedure which appear to be designed to negate taking any action at all, and thus the procedure appears solely to be “window dressing” to placate the wishes of the Secretary of State of the DfT in requesting its implementation in the first place.*

[Response from a member of the General Aviation community]

## Bias towards commercial airspace users

- 4.18 There were 46 instances where respondents expressed concerns that the procedure as proposed by the CAA does not sufficiently consider General Aviation interests, is biased towards commercial airspace users, or is favouring more controlled airspace. 37 of those instances were from responses from members of the General Aviation community, of which 16 mentioned it as part of a general comment. In relation to the different stages of the procedure, they felt equally strongly about CAA's bias.

Quote

*The process of reviewing the classification of airspace has been hopelessly weighted in favour of controlled air traffic and commercial aviation. There is almost no consideration given to the needs of general aviation, which is why we now have airspace that is totally disjointed and borderline un-navigable to general aviation traffic. In addition the CAA has never to my knowledge ever rejected an application for controlled airspace, which is why we have huge areas of controlled airspace (Norwich, Doncaster, Southend) that are almost entirely unused by the applicants, but which are now no-go areas for GA. Yet there seems no plan to change or withdraw that airspace.*

[Response from a member of the General Aviation community]

## Role of the airspace controlling authority

- 4.19 In 24 instances (14 of which were from the General Aviation community) respondents expressed concerns about the role of the controlling authority in the Amend stage of the proposed procedure. They were concerned that the controlling authority would not cooperate, and/or they questioned the consequences of them disagreeing (such as legality of who was responsible if a change is forced on them, or them blocking changes).

Quote

*The CAA's proposed approach relies on the ANSP to make amendments at the direction of the CAA, whilst also being directed to take ownership of the Safety Case for such changes. NATS has a Licenced obligation within the airspace which they control to deliver a safe and efficient service. There appears to be no opportunity or methodology within the proposal that allows the ANSP to offer objection to, or appeal, the proposed change or articulate where a safety case is unlikely to offer the same level of safety and therefore align to the principle of 'As Low As Reasonably Practical (ALARP)'. The CAA procedure highlights that the ANSP will be assisted by the CAA in this endeavour, but provides no detail on what type of assistance will be provided e.g. resource, legal, financial etc. Also, what happens if the CAA's Safety Argument and the ANSP's Safety Case do not align and have different risks. How will this be resolved?*

[Response from NATS]

Quote

*It appears that the airspace controlling authority, by having to prepare the operational procedures and safety case, is put very much in control of whether the airspace change takes place or not.*

*If so, this puts far too much power into the hands of a party who may oppose any changes, and thereby creates a potential conflict of interest.*

[Response from a member of the General Aviation community]

Quote

*It is unclear how the CAA will be able to amend the classification of airspace where the controlling authority is unsupportive and responsible for the development of new operational procedure or safety cases associated with change.*

[Response from a member of the General Aviation community]

## Review cycle

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- 4.20 In our draft procedure we proposed that we consider every two years whether airspace classification should be reviewed. There were mixed feeling about this, but a relatively low number of respondents mentioned something about the frequency of reviewing airspace classification specifically.
- 4.21 There were 23 instances where respondents said that the proposed two-year cycle to review was too long, i.e. the CAA should be looking to review more frequently. Only in five instances– of which three were from the commercial aviation industry – did respondents say that a two-year review cycle was too short, i.e. that more time was needed between reviews.

Quote

*It is recommended that the review cycle should be extended out. Two years does not represent the length of time taken for a CAP 1616 ACP to be undertaken so this does not feel proportionate.*

[Response from a member of the commercial aviation industry]

Quote

*RHC's questions whether a two-year cycle is feasible. We appreciate the keenness to make progress but some of the airspace classifications may be complex and require substantial resources and practically three years may be preferable.*

[Response from Richmond Heathrow Campaign]

Quote

*Every two years seems too infrequent. The first review will have a large backlog to consider from the initial consultation. This will require a substantial resource allocation from the CAA to do effectively and to give confidence that this is a real exercise.*

[Response from the Booker Gliding Club Ltd]

## Concern about data

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- 4.22 We had 35 mentions of concern about (a lack of) data, the type of data, how it is used, or that the CAA's data sources had too narrow a focus. Members of the General Aviation community felt particularly strongly about this (21 mentions).

Quote

*We need to better understand what data the CAA will use when determining the airspace class- movement data , traffic flows and mix of operations seem to be obvious starting points but the proposal doesn't give much detail.*

[Response from the Aircraft Owners and Pilots Association]

Quote

*Who assesses whether operational impacts are significant? Incumbent airspace controllers may claim high operational impact simply to have change proposals filtered at this stage. Clear evidence is required.*

[Response from a member of the General Aviation community]

Quote

*We would expect the CAA to commit to accessing and using FLARM and ADS-B data. The initial CAA airspace classification consultation during 2020 adopted a laissez-faire approach in the way it only utilised NATS supplied radar data and how it presented the data. A credible decision-making process can be supported with properly analysed data from multiple sources.*

[Response from a member of the General Aviation community]

## Impact on resources

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- 4.23 There were 24 instances where respondents expressed concerns about the negative impact the proposed procedure would have on air navigation service provider or airport resources, including reasons related to COVID-19. The

majority of respondents felt most strongly about this in the Amend stage of the procedure or they said it in response to question 1 (general comments).

Quote

*Within the Amend Stage the cost of implementation falls largely on the ANSP which in many cases would be the airport itself or a commercial organisation, which do not own the airspace or the procedures. NATS does not believe it is reasonable that the cost of any change as a result of the Airspace Classification Review should be borne by the ANSP as would be the case for an ACP.*

[Response from NATS]

Quote

*Significant reliance on the 'airspace controlling authority', comes with an associated cost, which must be carefully considered, especially during the current situation due COVID-19 where the aviation industry needs time to recover before it can commit additional cost and resources to non-critical work.*

[Response from Industry Coordination for the Airspace Modernisation Strategy]

- 4.24 There were 32 mentions expressing concern that the procedure would negatively impact on CAA's workload and resources, and its ability to carry out this and other functions. 14 of those instances (half of them from the commercial aviation industry) made a general comment about this as part of their response to question 1, and eight mentioned it under question 2 about the Consider stage.

Quote

*Whilst accepting that the current aviation climate has changed significantly due to Covid19, HAL is concerned that movement of key personnel from within the CAA to complete this function, particularly Airspace Regulation, could have a detrimental effect on the wider Airspace Modernisation programme. It would be reassuring if the definitive plan for resourcing and any potential affect could be messaged through ACOG.*

[Response from Heathrow Airport Limited]

Quote

*I sincerely hope that it's not simply paying lip service to your new obligations. It's generally accepted that the CAA is not overfunded and work of this nature does cost.*

[Response from a member of the General Aviation community]

Quote

*The Review and Amend stages will require considerable analysis as well as data collection if they are to be implemented on an informed basis. This will be expensive and it is not clear how the CAA will receive the necessary funding as they may be in a loss making mode for some time ahead.*

[Response from a member of the General Aviation community]

## Excluding airspace volumes subject to an airspace change proposal

4.25 We received both positive and negative comments about our proposal to exclude airspace that is subject to a recent airspace change proposal. Therefore, we created two tags:

- only in five instances were respondents explicitly supportive of this proposal, two of those being from the commercial aviation industry
- in 23 instances respondents were explicitly negative about this proposal, of which 18 were from the General Aviation community. The majority of respondents made this comment in relation to question 4 about the Amend stage.

Quote

*Any areas previously identified as areas for review under FASI-N or FASI-S should be “ring fenced” for the medium term to ensure the benefits of AMS on a delayed implementation timescale are not eroded by fast tracked airspace reclassification projects.*

[Response from a member of the commercial aviation industry]

Quote

*The filtering (out) of volumes of airspace in stages 5-7 (assuming the change sponsor accounts for this proposal and other airspace reviews in their ACP between 1 and 4) should be included. By filtering this out and applying the 3 year timescale, after the Stage 7 PIR effectively means, that even if this proposal is accepted and implemented, no real action can be taken to review the recent and proposed large volumes of airspace changing from Class G to controlled airspace , particularly in the UK south and UK SW.*

[Response from Cotswolds Airport]



Quote

*At any time, there can be scores of active ACP's. Many of these are paused or unlikely to be pursued for a variety of reasons. A reasonable proposal for reclassification suggested by a stakeholder should not be dismissed just because the airspace has recently been touched by an ACP, particularly if the ACP has been paused or is not progressing. Sections 5.16-5.18 on P34-35 only partially address this issue. There should be a safeguard written into the process.*

[Response from the British Gliding Association]

## Concern about noise/emissions

- 4.26 We had 36 instances where respondents felt that the proposed procedure lacked environmental considerations, and that it was unclear what the environmental or noise impacts would be, or how they will be measured. 16 instances out of 36 were from respondents from local organisations, for example community action groups.

Quote

*It should be a pre-requisite that any airspace classification change should reduce aircraft noise impacts on local communities. However there appears to be insufficient protection for local communities against the potential adverse noise impacts of airspace re-classification. This concern is heightened by paragraph 2.13 which states "the Secretary of State stated that the CAA should consider the environmental consequences of a proposal we make for amending the classification of airspace, but he also specifically disapplied [our emphasis] the existing Air Navigation Guidance". We do not agree that the environmental consequences can be summarily dismissed without being assessed.*

[Response from Stop Stansted Expansion]

Quote

*We do not believe the CAA's proposals for reviewing and taking action in relation to potential increases in noise arising from a proposed change in classification are sufficiently robust. In circumstances where a classification change might cause an increase in noise we believe the CAA should either not consider amending the classification or should only amend the classification subject to conditions or other binding arrangements that would ensure noise impacts are appropriately reduced and mitigated.*

[Response from Aviation Communities Forum]

## Safety concern

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- 4.27 Safety concerns about the way the airspace is currently used were mentioned on 14 occasions. These mentions were predominantly from the General Aviation community. On 15 occasions respondents had concerns about the safety of the proposed procedure. 12 of those mentions were from the General Aviation community, and three from commercial aviation industry representatives.

Quote

*BA would strongly object to any Airspace Classification Review leading to the de-regulation of airspace (particularly at lower levels). This amounts to fears over the safety of flight for all users, concerning carriage of both transponders and ADS-B equipment.*

[Response from British Airways]

Quote

*It is particularly important that commercial aviation should only be allocated airspace that it really needs for safe operation substantiated by a safety case. Every allocation of airspace will lead to increased density of general aviation traffic and reduced safety in the remaining airspace.*

[Response from a member of the General Aviation community]

Quote

*Recent airspace changes have been piecemeal and have increased controlled airspace to the detriment of GA by creating 'choke points'. A holistic approach is needed to lower airspace with a body set up to include all classes of airspace users. Regular reviews should be possible to reflect anomalies and changes in the needs of airspace users...i.e. UAVs. The current system has created considerable safety hazards as evidenced by airspace infringements due to the complexity of the airspace.*

[Response from a member of the General Aviation community]

## Cost impacts and possible mitigations

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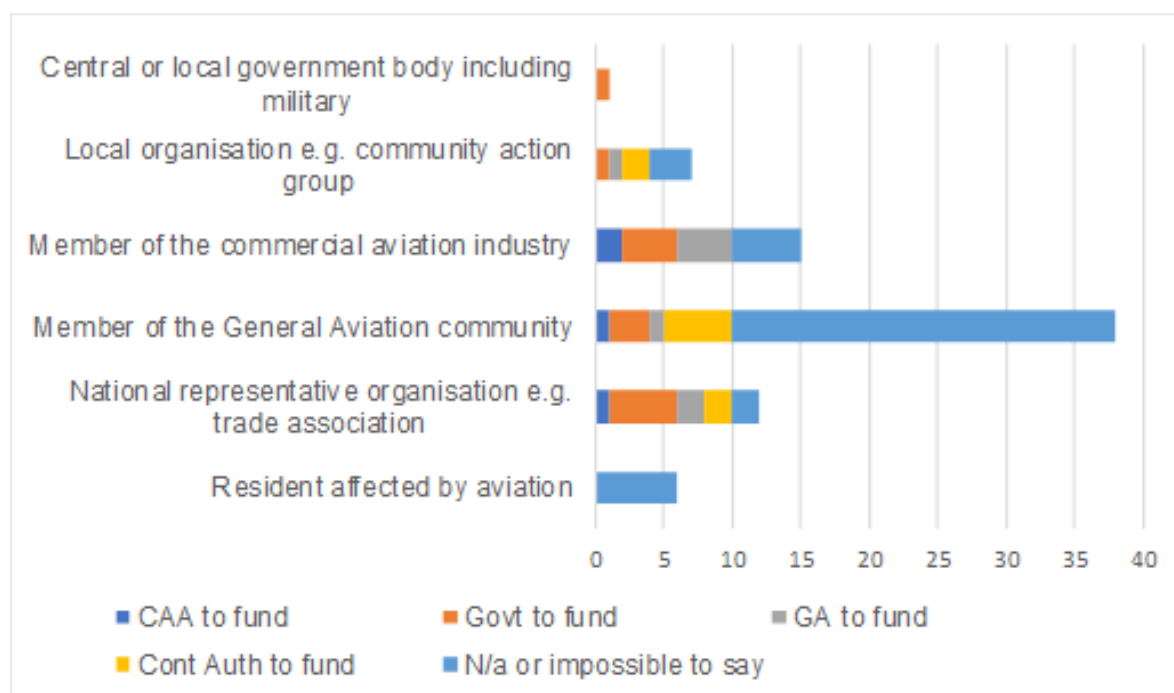
- 4.28 Question 5 was an open question:

*Please can you quantify the cost impacts of the new procedure on your organisation, or more broadly if possible, and how we might best minimise these?*

We created additional themes for this specific question, but added them to the usual list of tags/themes that we used to analyse questions 1 to 4 as some respondents also mentioned them under question 5.

- 4.29 On 47 occasions respondents said it was not possible at this stage to quantify cost, or that costs are not applicable, and respondents mentioned on 12 occasions that it was not clear who would bear the cost associated with the new procedure. There were only four instances where respondents wanted the CAA to fund it, and nine occasions where they said that the controlling authority should fund it. We had eight instances where respondents said that the cost should be borne by the General Aviation community. On 14 occasions respondents wanted the Government to fund it.
- 4.30 Figure 4.5 shows a breakdown of the main responses to question 5 by category of respondent.

Figure 4.5: Respondents' views on cost impacts



- 4.31 In seven instances respondents said that they expected overall operational costs to reduce, against four times where they said that costs would increase. On five occasions respondents (three from the commercial industry and two national representative organisations) specifically mentioned that the procedure should not be funded by an increase in en-route charges, or at least not at the current time.

Quote

*In the wake of COVID-19 and recognising the importance of commercial aviation recovering and rebuilding the economy, the industry as a whole is in no place to commit additional cost and resources to non-critical work when it is already making a significant contribution towards the critically important AMS project.*

[Response from British Airways]

Quote

*The aviation sector is, and has been, facing unprecedented challenges in the wake of the pandemic. Throughout the supply chain, organisations such as ANSPs and airports have been forced to make tough decisions on financials, how they operate and staffing, the effects of which will be felt for years to come. The proposal set out needs to take into greater account the additional cost and time associated with this complex programme and where this will be borne. The view that the cost is not expected to be great underestimates the work that goes into producing the additional data that will be required with reduced workforces and also providing advice and expertise in financially constrained operations.*

[Response from the Royal Aeronautical Society]

Quote

*Where an external organisation and/or entity has requested, suggested, proposed or initiated the change, then that organisation should be asked to fund (or at least part-fund) any required changes. Changes that are mandated from above as a consequence of any proposed changes should not be funded by the impacted organisation.*

[Response from Humberside Airport]

Quote

*I firmly believe that the 'ownership' of CAS provides economic benefit to the 'owner' and that this should be reflected in a levy on the volume of airspace 'owned'.*

*This would create income to the CAA/government to fund the process. It would also enable the government to 'capture' an appropriate share of the economic benefit granted to the owners. At the same time it would provide an incentive to 'owners' to minimise costs and thus the amount of CAS.*

[Response from a member of the General Aviation community]

Quote

*The associated cost of the proposed procedure on the 'airspace controlling authority' is not insignificant. BHX position is that an airport or ANSP should not be forced to undertake a change that would be contrary to the financial health and stability of its business, without the necessary financial support. Therefore, the proposed modification is that either the cost is borne by the beneficiary or Government*

[Response from Birmingham Airport Limited]

## Chapter 5

# Recommendations for improving the procedure

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## Introduction

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- 5.1 Consultation respondents made specific recommendations to the CAA as to how the proposed procedure could be improved. Below we summarise these and give a CAA response.
- 5.2 Although all the recommendations made in the consultation responses have been considered, to avoid repetition we have not listed every recommendation individually. Instead, any recommendations along the same lines have been summarised. The recommendations made are then presented thematically.
- 5.3 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 procedure
  - **YELLOW** represents a suggestion:
    - that we believe is already covered in our procedure
    - that results in a slight clarification in the procedure to produce the outcome we intended, or
    - that we will treat flexibly (we will not specifically mandate it in the procedure, but believe it is currently a potential option within the scope of the procedure).
  - **RED** represents a change we have not accepted and not made
  - **PURPLE** represents a change that will not be made because it falls outside the scope of this consultation.
- 5.4 We have arranged these recommendations and questions as follows:
- General
  - Consider stage
  - Review stage
  - Amend stage
  - Costs

## General

Recommendation		CAA response
The aviation industry is going through a period of great uncertainty and downturn in revenue and traffic. As this process places a potential unquantifiable cost on ANSPs, we urge the CAA to consider a delay to its introduction in order to allow the industry to recover from the significant and still evolving impact of Covid-19.		The Secretary of State has been very clear that he will accept no delay in implementing the new procedure or resourcing the team to run it.
Need for clear and strict timetable between stages to avoid delays.		We publish an amendment plan at the Review stage that sets out over the two-year period when we intend to start making amendments. As the procedure is new, we can only give a guide to timelines, but we will report on progress annually and via NATMAC.
There needs to be provision for the removal of controlled airspace which is no longer (if ever) needed in real time.		This is one purpose of the procedure.
This policy is designed to review the classification and not the use of such airspace and the two should be clearly separated. There should be a robust statement within the policy that it would not be used to identify new airspace users in this procedure.		The procedure allows us to review whether the classification remains appropriate to the demands upon that volume of airspace – which could include future use by drones – and to propose a different classification if necessary, or the use of airspace in a flexible way. We did not mean to suggest that the procedure would drive the way airspace is used or the classification policy.
Matters of airspace classification should be integrated into the Airspace Change portal ahead of any future review cycle.		We agree, and in principle, as we said in the consultation document, the CAA sees merit in adapting the portal in this way. Our ambition would be to use the portal for future review cycles.

### Bias in process

Recommendation		CAA response
We feel that the process should not be too weighted to reports from airspace users, this will inevitably introduce bias as most reports will be from GA favouring airspace classification downgrading, and independent data and analysis should be undertaken and given as much weight in decision making.		Evidence will be drawn from a variety of independent sources, as described in the consultation document.  Stakeholders will have the opportunity to give their views at the Consider and Amend stages.
The CAA must be extremely careful in using GA reported refusal of crossing clearances as evidence, and must, in order to take a balanced view, corroborate those with the controlling authority to understand the full air traffic picture as to why this was the case.		
Whilst the whole initiative is overly biased towards the reduction of controlled airspace (accepting that that is the purpose), the CAA does need to be careful the process is not too leading and is able to adequately catch itself before instigating a reclassification that becomes sub optimal in the		

Recommendation		CAA response
longer term. How are the requirements and needs of the existing controlled airspace users going to be properly taken into account?		

### CAA impartiality

Recommendation		CAA response
An appeals process is required, for example to address impacts on other airspace users that have not been adequately considered, or in case the CAA has made other mistakes.		See Chapter 2 of this document.
In order to avoid a conflict of interest, should the CAA publish a clear and transparent process to enable suggested changes, and regulation of those changes, to be independent of each other? This should be an independent body/group with the necessary skills to carry out this task, but which is not affiliated with any one organisation. It would only be required to meet at the Consider Stage in order to form an independent view of all the relevant information it has to hand.		The reasons for not introducing the ability to appeal a CAA decision on a change in airspace design were discussed at some length when we developed the CAP 1616 process (see in particular CAP 1465, pages 15 to 18).
What independent review is there?		The procedure already includes a decision being made by a completely separate CAA team with sign-off by the CAA Head of Airspace, ATM and Aerodromes.
The CAA review process should be peer reviewed by an industry consultation panel, which would aid with conflict of interest issues.		The CAA is committing to being as transparent as it can so it can be held to account. Progress will be reported to twice-yearly meetings of the NATMAC committee which has a wide range of aviation stakeholders represented.

### Consider stage

Recommendation		CAA response
The CAA should develop a more robust consultation and engagement process for General Aviation stakeholders at the Consider stage, so before the CAA draws up a plan.		The Consider stage is simply to decide whether we go ahead with a review, nothing more.
At Consider, it may be good (certainly for the GA community) to have some sort of portal where members can suggest airspace that they think may be worthy of reclassification, and then if enough "votes" are raised to look at a particular volume of airspace, this can then be looked at. This makes it feel a bit more open and keeps the community more involved than it just being an internal meeting that decides whether something is looked at or not.		We have changed it to confirm the CAA's commitment to a review, normally every two years.
There is nothing that enables airspace users to submit requests for review. The following stages are irrelevant if a review is not chosen at this stage and the proposed process blocks those most affected from requesting such a review. There should be a defined process by which an airspace user group can submit a request for review.		Stakeholder views are being received throughout the year through evidence from FCS1522 reporting, airspace use data, feedback from regulatory oversight and general engagement, such as NATMAC. Ideas can be raised through representative organisations.



Recommendation		CAA response
A 'specific request of the DfT' should not be a consideration in deciding whether to conduct a review. A specific request from appropriate and significant organisations representing airspace users (such as the BGA) should provide grounds to reconsider airspace classification.		
<p>This proposal [Consider stage] could result in a gradual watering down of the requirement and in due course a reversion to the status quo, i.e. no routine reviewing of airspace classification.</p> <p>The process would be significantly more credible and robust if there is a requirement for a transparent two-year review that takes into consideration various data points including feedback from airspace users.</p>		<p>Our commitment to carrying out a review has been misunderstood so we have reworded the Consider stage to make this clearer.</p> <p>In December 2020 we will demonstrate our commitment by announcing the first volumes of airspace on which we will commence work in January 2021 once the new Airspace Classification team is in place.</p>
A better writing would be: A review will be launched every 2 years except if strong and justified reasons caused it to be delayed. The delay shall be of 1 year maximum.		We have accepted this suggestion in principle and reworded the Consider stage.
As in any other known future activity, CAA workload/resource issues should be addressed through planning and should not be a factor in deciding whether or not to review airspace classifications.		It would be pointless to announce a review if we did not have the resources to carry it out. However, we understand the sentiment and have made our commitment to a review clearer.
Remove the Consider stage from the process entirely.		The Directions require us to 'consider' whether a review is needed. The procedure is scalable because of the Consider stage, so we will keep it part of the procedure.
From the output of the Consider Stage, the CAA should specify the time between the report being issued and the commencement of the Review Stage. This is not currently documented.		The report from the Consider stage will confirm when we will launch our review, which would normally be straight away. We have added this to our procedure.

## Review stage

<p>To ensure all airspace is fairly reviewed enact a floor where, if an airspace has been considered and not reviewed after a certain amount of time, it must be reviewed. No airspace is perfect and technology and use of that space will change so periodic consultation should be good practice, otherwise we'll end up with outdated airspace design.</p>		<p>A controlling authority must manage the airspace for which it is responsible. It is not a practical proposition for the CAA to review all airspace all of the time. We understand the sentiment, but this suggestion could lead us to using scarce resources to review significant amounts of airspace for no reason. Hence the procedure we have introduced, which takes a more proportionate, targeted approach. More broadly, the airspace modernisation programme will update UK airspace design.</p>
<p>The new process should consider the effect of CAS on users outside as well as inside that CAS.</p>		<p>The CAA will review the airspace from the perspective of all airspace users. We are investigating methods of understanding activity outside controlled airspace. However, there is no single method that provides comprehensive evidence.</p>

<p>Re Figure 2, as the CAA is fully aware of published routes and procedures which constitute most filters, could these therefore be applied within the Consider Stage before costly nugatory work is undertaken?</p> <p>Furthermore, given the significant number of ongoing airfield and supporting en-route ACPs currently in progress, or recently completed, as part of the AMS, the volume of viable airspace structures that would qualify for review is relatively small. These factors combined should therefore allow a more targeted approach.</p>		<p>The filtering process will be applied as early as possible to avoid nugatory work. The collation of evidence in a particular airspace volume may provide useful input to existing projects that, although filtered out of this process, should be made aware of such information.</p> <p>The CAA has limited resources, and it is in the interest of this project to ensure that the review is targeted most effectively.</p>
<p>The MoD should be required as part of the process to quantify (in so far as is possible) any MoD objection to any reclassification proposal.</p>		<p>The Ministry of Defence will be actively involved to support the development work.</p>
<p>A greater level of rigour should be applied in the filtering out of MoD airspace, in particular the military need should be balanced against the proposed utilisation. It remains civil airspace and used by civil aircraft, so we must not blindly accept statements about operational need without applying the same levels of rigour applied to civilian airspace review and proposals.</p>		<p>The Directions are clear that the CAA must in some cases seek Ministry of Defence approval (paragraphs 2.9 to 2.11 of the consultation document). This is not something we can change; we do not have jurisdiction over certain volumes of airspace used by the Ministry of Defence and should there be an issue we would work with them to find an acceptable solution.</p>

### Interaction with airspace change proposals

Recommendation		CAA response
<p>At any time, there can be scores of active ACPs. Many of these are paused or unlikely to be pursued for a variety of reasons. A reasonable proposal for reclassification suggested by a stakeholder should not be dismissed just because the airspace has recently been touched by an ACP, particularly if the ACP has been paused or is not progressing. Sections 5.16-5.18 on P34-35 only partially address this issue. There should be a safeguard written into the process.</p>		<p>Where an airspace change proposal is in progress, requirements identified through the classification procedure will be addressed to the airspace change sponsor, with an expectation that these would be positively considered within the development of that proposal. However, we have amended the procedure to give us more flexibility to allow us to consider cases where an airspace change proposal has stalled.</p>
<p>Airports will expect a reasonable return on investment for the resources and effort expended in completing an ACP through the CAP1616 process. A guaranteed, certain benefit of only three years would disincentivise airports from continuing their own ACPs, once the COVID-19 crisis has abated, and may even affect their decision to participate in the FASI-N and FASI-S programmes more broadly. Airports would expect newly implemented airspace to have an asset life of at least ten years.</p>		<p>If controlled airspace has been implemented taking into consideration the needs of all users and is operated in the way intended, it is unlikely to feature in a classification review. If evidence is collated that suggests this is not the case, there will be a discussion with the controlling authority to look at the most effective way to address the issue raised. Our view is that three years beyond the post-implementation review is a reasonable timeframe.</p>
<p>Any areas previously identified as areas for review under FASI-N or FASI-S should be “ring fenced” for the medium term to ensure the benefits of AMS on a delayed implementation timescale are not eroded by fast tracked airspace reclassification projects.</p>		<p>We would expect that any areas affected by FASI-N and FASI-S will address the issues raised in those volumes through the relevant airspace change proposals.</p>

<p>The filtering (out) of volumes of airspace in stages 5-7 (assuming the change sponsor accounts for this proposal and other airspace reviews in their ACP between 1 and 4) should be included. By filtering this out and applying the 3-year timescale, after the Stage 7 PIR effectively means, that even if this proposal is accepted and implemented, no real action can be taken to review the recent and proposed large volumes of airspace changing from Class G to controlled airspace, particularly in the UK South and UK South West.</p>		<p>There are ample opportunities to engage with the CAA on airspace issues as part of the CAP 1616 process and ongoing reporting of issues. A classification review is not a means of reviewing recent airspace change decisions.</p>
<p>Whilst para 5.16 states that Airports currently going through stages 1 – 4 of CAP1616 will not be subject to a review, it does not state how long this exemption lasts for whilst in para 5.17 the CAA proposes three years after the post implementation review for Airports that are at stages 5-7. We therefore propose that the CAA clarifies that any airport that has successfully passed through the CAP1616 process be exempt from review for a period of at least three years after the post implementation review.</p>		<p>Any volumes of airspace that are subject to a change in airspace design (Levels 1, 2, M1 or M2) at stages 5 to 7 of the CAP 1616 process, or where the outcome of the post-implementation review (stage 7) was decided less than three years ago, will also be assessed by the CAA on a case-by-case basis. Where the classification issue we found with that volume of airspace is not sufficiently distinct from the airspace design change then we would not include it in our plan.</p>
<p>The procedure should build in an exception where it could be demonstrated that there has been a radical change of circumstances that negates these considerations.</p>		<p>We agree with the principle. The procedure gives us the flexibility to consider amending classification where circumstances have changed sufficiently for the airspace change sponsor to recognise that the Statement of Need requires amendment.</p>
<p>We suggest that the process for reclassification of airspace should be incorporated into CAP1616, in a way similar to the PPR process, with ANSP requests acting as a trigger, and ICCAN advising on best practice.</p>		<p>Because this procedure is entirely separate from the airspace change process, with some significant differences, we decided that it would be less confusing if we did not do this.</p>
<p>We would like confirmation that this process will not stop an ACP at Stage 5 onwards if an Airspace Classification Review commences. If the CAA decide to commence an Airspace Classification Review on airspace at ACP stage 5 onwards, we would seek assurance that the ACP process will continue whilst this review is being undertaken. Any Airspace Classification Review must be separate from the ACP process.</p>		<p>We agree and have included this in our procedure.</p>
<p>The restrictions imposed by the new airspace around Farnborough severely impact on access to the corridor between Heathrow and Gatwick affect most GA pilots who may be forced to take an alternative route increasing fuel use. The restrictions imposed around Blackbushe have safety implications for landing traffic and local training flights and circuits. This new airspace impact around Farnborough requires a priority review, not "just one of many" to be considered in future.</p>		<p>The consultation document was clear that we were seeking views on the new procedure and that we would disregard elements of responses to this consultation that focused on classifications or design changes of particular volumes of airspace.</p>
<p>Route 4 should revert to within the long standing NPR, i.e. to the South of Leigh, and not be routed north of Leigh.</p>		

**Data/intelligence**

Recommendation		CAA response
<p>The procedure should also consider the implications of forecast/near-future changes:</p> <p>a) Planned and paused developments required in support of the AMS, in particular areas within FASI-South and FASI-North</p> <p>b) Forecast traffic growth (not only current radar data);</p> <p>c) External factors / obligations on ATM development, for example the advent of EU 2017/373 Annex IV Part ATS in 2022 may necessitate additional CAS to connect regional airports to en-route airspace.</p>		<p>The Airspace Classification team will be aware of other planned developments in support of the Airspace Modernisation Strategy, including those that are the result of regulatory requirement such as Part-ATS. Our intention is to have sufficient data to determine forecast traffic growth.</p>
<p>We must stress the importance of ensuring there is also enough airspace capacity and resilience in the system to cope with anticipated growth in air traffic and to future-proof for any airport developments which are designated to be of national significance. We must strive to keep airport delays and flight cancellations to a minimum.</p>		<p>We agree. The CAA can only conduct a generic review of a particular piece of airspace. We will need to engage with the controlling authority to fully understand the airspace requirements including local knowledge.</p>
<p>Consider what has worked well as part of the airspace management in addition to airspace refusals, how many successful airspace transits for example. Consider Airspace Infringement hotspots, it maybe that the airspace needs to be redesigned so as to improve safety.</p>		<p>Airspace management will be taken into account. Airspace redesign can only be done through CAP 1616, not through this procedure.</p>
<p>Replace 'appropriate intelligence' with 'carry out an objective analysis of available data relating to all airspace users'.</p>		<p>This is what we will do in practice. We have used these words as part of the procedure.</p>
<p>The process should include the criteria of assessing whether the case for a previous airspace change is still met or has ever been met. This applies particularly in relation to forecasts, such as traffic volumes, which inherently are speculative at the time of submitting a proposal. Where the case for the change is not met or no longer met, the process should consider what reduction of CAS could be possible.</p>		<p>This is not part of this new procedure, but of a Post Implementation Review in CAP 1616.</p>
<p>Since March 2020, there has been a significant reduction in flight numbers in the UK; while traffic is expected to rise again over the coming years, radar data for the foreseeable future is unlikely to truly reflect long-term airspace usage. We would normally use a month of radar data in any typical ACP process as it normally provides a relevant heat map for the airspace under consideration. We request that if the CAA were to carry out the same activity, there would be a formal agreement between the ANSP and the CAA to identify a relevant period for that portion of airspace under consideration within this new procedure.</p>		<p>We are conscious of the impact COVID-19 has had on the industry. We will look at data provided from multiple years to allow realistic traffic levels to be used and the development of forecast levels. We will look at separate seasonal traffic levels in our review. Engagement with the controlling authority during the review stage will allow for localised considerations and full transparency.</p>
<p>The CAA should exercise extreme caution in the first reviews under this procedure with regards to</p>		

the decline in traffic due to Covid-19. This will give a false airspace utilisation picture.		
Include in the review a data driven study of how equitable the airspace use is, rather than depending solely on consultation. Ensure the review analyses the effects of airspace within the full system, e.g. a pilot may have previously routed from Shoreham to Cranfield over Farnborough but now routes around the eastern side of the LTMA, what effect does this make on infringements and AIRPROX in this eastern area.		It is important not to underestimate the potential complexity in redesigning the classification. This is also why we consult anyone affected by a proposed change. For example, among other things we need to consider traffic forecasts, government policy, wider strategy relating to longer-term airspace modernisation, and our statutory duties under section 70 of the Transport Act 2000.
The focus on data derived from form FCS1521 is too narrow, the Review stage should include data input from electronic conspicuity devices and GPS logging software along with NATS data.		We are considering the available air traffic service surveillance data and how we might use it. We are still looking at options, in particular so we have historical data showing where aircraft are flying outside controlled airspace, in addition to a picture of how controlled airspace is being used. This includes electronic conspicuity devices.
The volume of cross-country gliding activity is often misunderstood. Data from FLARM and similar devices is available in real time and historically at no cost to the recipient.		
Within a review into particular volumes of airspace, who will be the ultimate custodian of data related to that airspace? Further clarity will be required as to the obligations to provide data to stakeholders external to an airspace controlling authority. How this data will be used, who will be granted access and who will be responsible for analysis, are all questions which require further clarity and detailed thought, before this procedure goes live.		The CAA already uses or holds other data and has processes in place to manage it. Our data sources will be subject to the same process.

### Environmental impact

Recommendation		CAA response
The procedure should take into account, and have the same weighting toward, environmental impacts as other airspace processes such as CAP1616.		This is not within the gift of the CAA to change.
How does the CAA intend to assess the environmental consequences?		The consultation document explained why the environmental impacts of a classification amendment under this procedure could be uncertain (paragraphs 6.22 to 6.26). Consequently making any assessment of the environmental impacts would, at least for a change to a less restrictive classification, be a qualitative not quantitative exercise. Even then, although the impact is unlikely to be zero, the amount of information we can give interested stakeholders about the impact will be limited. But we committed to consulting any communities that our analysis showed would be affected (paragraph 6.49).
The CAA should be much clearer about the way in which it will balance noise impacts and other Transport Act 2000 section 70 factors. In all circumstances where there might be an increase in noise arising for example from more intensive use of airspace, the CAA should either not		The consultation document made clear that we would not use this procedure for a change that had a significant environmental impact, for example changes to departure and arrival routes. It also explained that we are bound by section 70 of the Transport Act and government policy on the

<p>consider amending the classification or should only amend the classification subject to conditions or other binding arrangements that would ensure noise impacts are appropriately reduced and mitigated. If the CAA does not have powers to impose such conditions or other binding arrangements, it should seek them or ask the government to put in place alternative arrangements through which the noise impacts of a reclassification would be properly addressed.</p>		<p>environmental impacts of aviation including the Secretary of State's instructions to the CAA (paragraphs 2.12 to 2.14 of the consultation document) disapplying the Air Navigation Guidance.</p> <p>We will be reporting regularly to the Department for Transport about the implementation of the new procedure and will incorporate any policy changes they make in a revised version of the procedure.</p>
<p>It should be a pre-requisite that any airspace classification change should reduce aircraft noise impacts on local communities, ... "measurable environmental impacts" are not quantified and secondly it appears that the CAA is to be the sole arbiter in this matter. As minimum safeguards, we wish to see:</p> <p>(i) the Independent Commission on Civil Aviation Noise ('ICCAN') having a formal role in advising on noise issues and endorsing the CAA's judgement that a classification change would not cause measurable noise impacts.</p> <p>(ii) consultation on the criteria for this test in terms of levels of noise, frequency of noise events, noise characteristics and background noise levels.</p> <p>(iii) ICCAN's formal agreement to these criteria.</p>		<p>Such changes would not form part of this procedure.</p>
<p>Approach and Departure routes that are over the least populated areas (as far from residential as possible and enforcement for noncompliance) should be included in the amendments (with exceptions for emergency services).</p>		<p>This is a matter for the Department for Transport.</p>
<p>The Secretary of State's decision to instruct the CAA to disapply the Section 70 requirements (On environmental aspects) results in the CAA effectively reproducing the Section 70 criteria without the obligations around the process. If a legal review of this decision has not yet been sought, it is recommended to do so in order to avoid the risk of a legal challenge for failing to comply with environmental guidelines.</p>		<p>Such changes would not form part of this procedure.</p>
<p>Where lower airspace can be released from aviation use, such as in sensitive locations or to restore tranquillity at Sites of Special Scientific Interest, this should be included in the procedure by setting appropriate criteria such as minimum heights.</p>		<p>Such changes would not form part of this procedure.</p>
<p>Where reclassification could have a detrimental impact on property values, this should be professionally quantified in advance and taken into account by the CAA when weighing up the benefits and disbenefits of reclassification. The CAA should also support efforts to amend the Land Compensation Act 1973 to provide for compensation to homeowners where their properties have been devalued as a consequence of airspace changes.</p> <p>There needs to be better coordination between land planning and airspace planning and that the</p>		

<p>long term stability of routes is an important airspace planning criterion. People and communities make important long-term decisions based on location. Changes to airspace classification and use can have a significant impact on the quality of life and property values of those overflown. We would like to see this important aspect recognised in the procedure.</p>		
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**Cost/benefit analysis and impact assessment**

Recommendation		CAA response
<p>The CAA should conduct and publish an impact assessment on any decision to review airspace classification that recommends a change. This should include cost and environmental impacts (accepting the constraints in the procedure) for both airspace users and the air navigation service provider. These costs can be significant, and part of the impact assessment should determine if the cost is worth the effort. For example, if a change required more holding, or less efficient flight profiles, or resulted in significant training and implementation costs for the ANSPs in order for a GA aircraft to save 5 miles or be able to climb an extra 1000ft, would this really be of benefit?</p>		<p>Only when detailed work begins can we assess the likely costs and benefits. We agree that we will need to prioritise individual proposals within the plan, based on a preliminary consideration of the anticipated impacts.</p>
<p>One of the filters used within the Review Stage is, 'Would there be significant safety, operational and environmental impacts, such as a change in departure and arrival routes at aerodromes?'. It is unclear how the term 'significant' is measured. Who undertakes this assessment, what metrics are used and who ultimately decides on the significance of the outcome?</p> <p>We suggest the following methodology:</p> <ol style="list-style-type: none"> <li>1. Significant operational impact –             <ol style="list-style-type: none"> <li>(a) Impact on safety – there should be no detrimental impact on safety</li> <li>(b) Impact on capacity - There should be no increase in ATC workload or reduction in sector capacity (measured by Monitor Value).</li> <li>(c) There should be no Increase in fuel burn (airline economic impact + NATS 3Di impact)</li> </ol> </li> <li>2. Significant environmental impact             <ol style="list-style-type: none"> <li>(a) There should be no change or increase in noise impacts</li> <li>(b) There should be no increase in CO2 emissions.</li> </ol> </li> </ol>		<p>This recommendation is based on the known impacts inside controlled airspace, but we are not intending to change those. This procedure focuses on airspace that is not used and therefore can be reclassified. We do not know for certain how airspace returned to Class G will be used, even if in some areas we may be able to make some assumptions.</p>

## Amend stage

### Technical solutions

Recommendation	CAA response
<p>The current ACP-driven approach to airspace design is piecemeal and does not have adequate consideration of the broader picture. This new process needs to be holistic and to consider the cumulative effect of past and proposed changes in airspace.</p>	<p>We agree that a holistic approach is needed, which is why this procedure is aligned with the Airspace Modernisation Strategy. See Chapter 2.</p>
<p>It is concerning that ACPs for airports in close proximity to each other are addressed individually, as opposed to a more holistic approach.</p>	
<p>It's a very one-dimensional approach involving the assumed removal of CAS. Other initiatives should be considered such as improving access to controlled airspace through dialogue with the controlling authority, or re classification of airspace to a different class of controlled airspace to improve GA access.</p>	<p>This is captured in both the Review and Amend stages. The procedure sets out the options for reviewing classification, and this includes solutions that do not necessarily involve altering the classification.</p>
<p>The process should allow for changing the airspace classification level in either direction, i.e. changing to a higher classification or a lower one.</p>	<p>The consultation document made clear that the outcome of a classification review could be a change in either direction (higher or lower class), or some other solution – the CAA will consider a range of options. This includes innovative or flexible use solutions that do not necessarily involve altering the classification. We will consider all possible enablers to airspace reclassification; this includes reviewed policy, new technology, new training, new procedures and flexible use.</p>
<p>The CAA must be able to include all future airspace users which means possibly using Class E airspace without adding TMZ.</p>	
<p>More use should be made of TMZ in preference to mandatory controlled zones so the controller is aware of the traffic and can have 2-way conversations, but the traffic isn't under control.</p>	
<p>Starting with the least restrictive airspace classification should be considered and then step upwards when proven airspace safety at that class cannot be assured. e.g. Start with Class G and ask does it work here? If not, then consider Class E and ask the same question. Repeat for Class D, then C, then B, and then finally A. No airspace should be Class A unless there is sufficient reason why VFR flights must be prohibited.</p>	
<p>Most airspace needs to be downgraded to a lower category. Low level class A is over the top, Class C will suffice. A lot of Class D needs to be downgraded to Class E or TMZ / RMZ.</p>	
<p>Paragraphs 6.27 to 6.34 refer to the various options that should be considered (lateral/vertical dimensions, controlled airspace volume/ classification, enabling flexible access and the 'do nothing' option). All of these criteria should be considered as important and essential parts of any new process and enabling flexible access and the 'do nothing' option should not be discounted as a possible outcomes. Detailed analysis of any proposal or piece of airspace always has the possibility of exposing previously unknown data.</p>	



<p>The CAA should consider flexible use airspace as a solution regardless of electronic conspicuity (EC). The CAA should consider all possible solutions to the flexible use of airspace and should look at other countries to find those solutions.</p>		
<p>Flexible-use airspace, which is used extensively in other countries airspace environments, is clearly an effective tool. However, this CAA statement appears to define a previously unseen CAA's policy on flexible-use airspace, i.e. flexible-use airspace is predicated on a known EC environment. Flexible-use airspace is needed now as a tool to support airspace modernisation as well as reclassification of airspace. It is misleading to conflate the availability of flexible-use airspace with mandated EC.</p>		
<p>ADS-B Out is becoming more affordable for GA use, for example, SIL=0 using uncertified GPS receivers, SIL=1 using certified GPS receivers and portable compliant devices like SkyEcho2. Whatever changes to airspace design are agreed, please allow the use of these ADS-B devices to make access to CAS as easy as possible.</p>		
<p>We remain concerned that the CAA still has not developed a meaningful and credible strategy in this area beyond an attempt to mandate a single area of technology (ADS-B). We strongly believe that leadership from regulators should drive the development of modern, up to date, reasonably priced technology, based on developing compatibility and interoperability of existing, installed systems, rather than mandated equipment carriage.</p> <p>There are already demonstrated systems which combine an infrastructure of both aircraft and land-based equipment, which receive multiple protocols, translate, and rebroadcast in multiple protocols – and they do not depend on replacement of existing aircraft equipment.</p>		
<p>The introduction of other additional airspace requirements such as Transponder/Radio equipage TMZ/RMZ/EC should be included in the scope.</p>		
<p>The CAA should aim to establish some simple principles and fundamentals which would enable arbitration between competing airspace claims. This would facilitate the achievement of outcomes which are understood by all users. Therefore, it is suggested that two basic principles should be:</p> <ol style="list-style-type: none"> <li>a) Whenever possible, airspace will be designated to accommodate the legitimate needs and the safety of all potential users, alongside the environmental impacts.</li> <li>b) When this cannot be achieved safely, priority will be afforded based on the greatest economic and societal benefit to the UK. The means of</li> </ol>		

calculation will be set by the DfT with input from the CAA and reviewed periodically.		
There is a similar issue with MATZs - with military airfields being abandoned but somehow retaining their MATZ. I have not managed to discover who is responsible for removing (reclassifying) MATZs and their ATZs but, if it isn't the CAA, then it should be.		Input from across the airspace user community will be utilised in the procedure.
Where changes are deemed necessary they should be: a) Proportionate to the volume of traffic. Reviewed within three years and removed/ reduced if traffic doesn't reach anticipated levels. b) A simple design without lots of areas at different levels. Seek to simplify to minimise airspace infringements.		The current airspace structure has evolved over a number of years. The procedure aims to simplify airspace where possible, while still maintaining a safe operating environment. The effectiveness of any change will be reviewed after implementation.
There are too many CTA boundaries with different altitudes in a singular zone. It creates confusion and is asking for infringement.		
There is a proliferation of categories in Lower Airspace. As well as Classes A, D, E and G, recent years have seen the creation of RMZs and TMZs, and I note that a recent ACP has proposed a "Class E+" category. Part of the process should be to rationalise these to avoid confusion and consequent risk of non-compliance.		
An understanding of the level of demand is needed given that the CAA also states that it will consider a change if 'it is demonstrated that traffic demand or aircraft operational behaviours have changed the airspace volume requirement'. It should be noted that there is a mix of capabilities associated with different aircraft types and whilst more modern jet aircraft have the capability to climb at higher rates, older and heavier aircraft as well as turbo-probs may not be able to match such performance. Moreover, most CAS structures are designed on descent profiles which remain unchanged by the age or capabilities of aircraft type.		The CAA will work closely with the controlling authority on any proposed amendment.
The CAA does not identify within the proposed 'Amend' procedure to what extent it would anticipate flexible use airspace being adopted or the principles that would apply e.g. locally via prescribed agreement with a single organisation or universally via a broadcast information process. This needs to be clarified, as the former offers the potential for success whereas the latter requires the introduction of processes reliant on technology, as well as conformance from unknown parties.		Our procedure (Amend stage) sets out the options for reviewing classification. This includes alternative air traffic management measures that better support access to shared airspace for all users, including flexible-use solutions, but which do not necessarily involve altering the classification. Clearly the extent to which we adopt a particular solution will depend on the individual circumstances of the volume of airspace concerned.
Within Para 6.7, the CAA sets out that amendments to designs should conform to ICAO SARPS and PANS, as well as CAA policies on airspace design. This indicates a level of undertaking by the ANSP far in excess of the filters set out within the Review Stage, namely:		ICAO SARPS and PANS cover more than the published routes.

<p>Within the review stage it is noted that the CAA will not consider a change if the amendment would affect; IAPs, SIDs, STARs, standard departure routes (SDR), preferred departure routes (PDR), noise preferential routes (NPR), or ATS routes within existing volumes of controlled airspace. If this filter is applied correctly to the Review Stage, there would be no requirement to make design amendments that would warrant application of ICAO SARPS and PANS or indeed CAA design policies.</p>		
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### Stakeholder engagement and consultation

<p>How does the CAA intend to assess the requirement to escalate to a public consultation?</p>		<p>We may decide on occasion to repeat a public consultation on airspace classification similar to the December 2019 exercise. We would do so where we consider appropriate in the interest of being fully open to new ideas and suggestions, but it would not be proportionate or appropriate to do this other than on an ad hoc basis.</p>
<p>Of the organisations listed in footnote 18, only Airspace4All (Former FASVIG) appears to have any links to the GA community? Is this really the best 'distribution list' available to the CAA which includes the stakeholders it is charged with regulating/supporting on an equitable basis?</p>		<p>NATMAC has a wide range of General Aviation representation. We have clarified this wider membership in our procedure.</p>
<p>The relaunched online CAA form FCS1521 for airspace users to report to the CAA any access or utilisation concerns is welcomed. However, there must be some feedback mechanism to the Unit concerned so that they can review the report and corroborate the statement contained within it. This feedback must take place prior to the RT and Radar Recordings being deleted (normally after 30 days). The CAA should then collate the Unit response along with the FCS1521 so that an informed decision can be made on the report that has been filed.</p>		<p>The procedure states that we will seek timely feedback from the air traffic service units concerned.</p>
<p>The option to use the airfield's consultative committees ('ACCs') is inadequate representation for local communities who need to be fully engaged.</p>		<p>For a given proposal we will develop an engagement plan including a stakeholder map, based on the anticipated impacts. This includes how we disseminate information.</p>
<p>General concern that classification change will lead to more emissions or noise, so ensure local communities can comment on and have an influence on the outcome of proposals at all stages.</p>		<p>As we said in the consultation document, we do not envisage any significant environmental impacts from a classification change, such as might be caused by changes to departure and arrival routes at aerodromes, because these would have been filtered out at an earlier stage in the procedure.</p>
<p>It is not clear to us that the consultation process described from paragraph 6.44 will always involve all communities that are or might be impacted by the potential airspace reclassification. That should be spelt out and robust processes for ensuring it takes place should be put in place.</p>		<p>NATMAC and other representative bodies are specifically mentioned in the procedure.</p>
<p>Consult local communities, MPs and Parish councils.</p>		

We feel that the proposed amendments should be independently reviewed or some form of engagement with stake holders maybe through NATMAC. The stakeholders may have competing interests, but consideration of the different views may just help the process.	Yellow	
Please list WHO is consulted for "impact"? It must be all who may be affected, not just the users of the airspace in question. How is the result publicised and the decision process documented and made public?		
While relevant stakeholders could be viewed as aerodrome owners and "flying" clubs, it should also be available for open comment by the general aviation individuals with suitable notices put out in appropriate media.	Red	In principle, we agree that engagement is extremely important and should be encouraged, subject to being appropriately targeted at those that potentially could be impacted or that could provide useful input. However, we must keep engagement proportionate to the desired outcome. Engagement does not necessarily require wide consultation, indeed that can be counter-productive in the burden it creates, tying up resources that could be used for a more targeted approach.
Notify airport ACCs earlier in the process than the Amend stage.		Only at the Amend stage will we be able to assess the anticipated impacts and therefore devise our engagement plan.
Post implementation of any change may lead to local complaints that are outside of the airports control. Where should these complaints be directed?	Green	We have included in the procedure that complaints are directed to the controlling authority if it is controlled airspace and to the CAA if it Class G airspace.
It is important that a minimum time is specified for consultation (like the current ACP process) and that this can only be reduced with consent of all stakeholders.		Consultation arrangements will depend on the anticipated impacts of the amendment. We will be transparent about our reasoning. This scalability is essential to keep the procedure proportionate and equally applies to the CAP 1616 process.
A limit should be placed on the number of consultations taking place in a particular area or affecting a particular set of airspace (or individual airspace users) i.e. pilots and ATSU's.	Red	Consultation may be essential. However, because of the filters applied during the procedure, it is relatively unlikely that we would propose a classification change at the same time as there was a live consultation on a change in design of that airspace. Although the procedure for reviewing the classification of airspace is separate from existing airspace change process workflows, the teams will ensure correlations between neighbouring efforts.
The CAA can help by setting up meetings in such a way that those participants who might have difficulties in making the physical meeting can join it online.		We will consider this as part of our engagement strategy.

### Role of the Airspace Controlling Authority (ACA)

Recommendation	CAA response
The ACA has too much power at the Amend stage, and it would be unrealistic to expect them to cooperate with the proposed change. The CAA	The extra powers referred to are not in the gift of the CAA. Our consultation document said that the CAA would do most of the work and that we did

should be given more authority to compel them to implement it/Bill powers seem essential.		not expect the cost impact on the controlling authority to be that great.
While the local ACA must have strong input into the process, the safety assumptions made by the controlling authority must absolutely be scrutinised closely and the CAA must have the power to reject them, or nothing will change and most of the new process will be for naught.		In the Amend stage, working with the existing controlling authority also means those that use the airspace.
The ACA has to propose the changes to the operational procedures and making the safety case, but these should be subject to approval or rejection by the CAA.		The Air Navigation Directions require the CAA to review and where appropriate amend the classification. The proposal will be passed to our Airspace Regulation team for submission to the decision-making process.
Procedure implies that the CAA would pay the ACA to produce the required data (used in consider and review stages). Through this process we would expect that the CAA would discuss and agree costs with the ACA.		We did not mean to give this impression. We can explore options for cost recovery should this become an issue.
There appears to be no opportunity or methodology within the proposal that allows the ANSP to offer objection to, or appeal, the proposed change or articulate where a safety case is unlikely to offer the same level of safety and therefore align to the principle of 'As Low As Reasonably Practical (ALARP)'. The CAA procedure highlights that the ANSP will be assisted by the CAA in this endeavour, but provides no detail on what type of assistance will be provided e.g. resource, legal, financial etc. Also, what happens if the CAA's Safety Argument and the ANSP's Safety Case do not align and have different risks. How will this be resolved?		Any proposal developed would be with vital input from the controlling authority, as well as from other stakeholders impacted.
The real impact should be measured. While statistics are supposed to be kept of refused transits they don't seem to reflect reality. A request to keep clear before any real response to a clearance request is typical of some ATC units. They delay a response until the transit has minimal value as they are busy with their one inbound. Make the units properly accountable. Ensure they are suitably resourced to provide transits, otherwise they lose the airspace [...] Ask the treasury to redirect this revenue if necessary.		There is an obligation for a controlling authority to service a level of transit demand. However, that does not mean they can accommodate all demand and have resources waiting just in case.

<p>“The airspace controlling authority implements any amended classification, monitors its ongoing effectiveness and reports after one year to the CAA.”</p> <ul style="list-style-type: none"> <li>○ CAA need to ensure they have the ACA’s early engagement while writing their proposal and indeed the ACA should have early sight of this.</li> <li>○ The CAA must be clear (at the earliest stage on the review journey) on roles and responsibilities between the CAA, ACA and airports, for each individual airspace classification review.</li> </ul>		<p>The procedure includes early engagement with the controlling authority, which is essential.</p>
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### Reviewing the effectiveness of a change after implementation

Recommendation		CAA response
<p>It is not clear how the ACA could monitor use of the newly classified airspace in cases where it is changed from controlled to uncontrolled, i.e. a clearance or full flight plan is not required. Also, since the CAA is responsible for considering the environmental impact of the change, how can the controlling authority monitor the actual impacts when it was not responsible for the initial assessment. Instead the CAA would be best placed to carry out the review, receiving data from relevant stakeholders.</p>		<p>As the proposer of the classification change, we agree that the Airspace Classification team should review the effectiveness of the change after it has been in operation for a year. The team will present its findings to the CAA’s Airspace Regulation team. As the ambition is a change to the classification of airspace to provide greater flexibility for airspace users, the report will require input from airspace users and the controlling authority, as well as independent surveillance data and reports.</p> <p>The controlling authority will be continually assessing the performance of the airspace for which it is responsible for operational effectiveness and for safety as part of its ongoing safety management system. It will also be the recipient of any noise complaints relating to the airspace, for example. These inputs would form the basis of its input to the CAA. Clearly where it is no longer responsible for a volume of airspace, its input will reflect that.</p>
<p>There is no process outlined if:</p> <ol style="list-style-type: none"> <li>1. A significant safety issue is identified post implementation or</li> <li>2. The report identifies significant shortcomings in the Airspace Classification change that was implemented.</li> </ol> <p>What process would be followed if a reversion was required? There must be a process to reverse the decision if the ANSP (or any other party) discovers significant safety related issues post implementation.</p>		<p>We are including in the procedure references to the CAA taking action in this instance – including airspace reverting to its previous classification should safety or other serious shortcomings be identified, assuming that reversion is possible.</p>
<p>The requirement for the ‘review of how the change is performing’ on the controlling authority is an unnecessary regulatory burden. The CAA / DfT should recompense the controlling authority for the costs of ongoing monitoring, data gathering and report writing.</p>		<p>We disagree, as this is part of its responsibility in managing a volume of airspace. It is a reasonable performance obligation placed on those with responsibility for managed volumes of airspace. However, we have reduced the burden on the controlling authority as described above.</p>


## Costs

### Costs incurred by the CAA

Recommendation	CAA response
<p>No innovative thinking applied to funding, why aren't airspace change proposals a charged service with the income going back in to support airspace reclassification reviews and implementation?</p>	<p>These suggestions run counter to the current funding model for the CAA's airspace work, but we may need to consider alternative funding.</p> <p>We are in the process of recruiting a new Airspace Classification team with the right skills to run the procedure.</p> <p>Should the cost of the procedure become an issue, this is something we will discuss with stakeholders and the Government.</p>
<p>The CAA should request additional funds from the DfT that should be passed to the relevant ANSP for their costs involved in changing airspace that is at the direction of the CAA under this procedure.</p>	
<p>The 'ownership' of CAS provides economic benefit to the 'owner' and that this should be reflected in a levy on the volume of airspace 'owned'. This would create income to the CAA/government to fund the process. It would also enable the government to 'capture' an appropriate share of the economic benefit granted to the owners. At the same time it would provide an incentive to 'owners' to minimise costs and thus the amount of CAS.</p>	
<p>The CAA should not side-line or defer the activity and should request interim funding from DfT to allow the programme to be properly executed.</p>	
<p>Both the Review and Amend stages as proposed are labour intensive for the CAA and will require proper resourcing to be implemented effectively. How this will be funded is not entirely clear but this is evidently a high priority objective for the DfT and so, no doubt, funds can be found. Greater information is needed about how this is determined and the potential sums.</p>	
<p>To minimise the costs associated to this proposed procedure, the following could be considered:</p> <p>At the Consider stage,</p> <ol style="list-style-type: none"> <li>a. A larger team, including SMEs (both internally and externally), would ensure that correct volumes are identified early, and unnecessary additional work is not undertaken by both the CAA and the ANSP, or</li> <li>b. An independent body which has the necessary skill to carry out this task but is not affiliated with any one organisation.</li> </ol>	

### Costs incurred by the controlling authority or users

<p>We do not believe it is reasonable that the cost of any change as a result of the Airspace Classification Review should be borne by the ANSP as would be the case for an ACP. There is a risk that during a classification review, a tender</p>	<p>We recognise that there could be a resource cost incurred by the controlling authority, and the CAA will do its best to minimise this, using our own resources where we can. Any cost the controlling authority does incur should be seen as part of the</p>
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<p>process is run and a new ANSP is appointed. At that point, who takes on the risk and continued cost for the associated work? The procedure should be amended so that the user who benefits most from the change incurs the cost of such a change. As the main user who will benefit from the change under this procedure will be the GA community, the CAA should levy a charge against the GA community to pay for the process.</p>		<p>cost of managing that airspace effectively, in view of the supporting case the CAA will present about the need for change.</p>
<p>As the intent behind this proposed procedure is primarily focused on delivering value to the GA community it provides little, if any, benefit to the airlines. However, if the cost-recovery of the new procedure is funded through the NERL en-route unit rate, it will place additional cost on the commercial aviation sector (ultimately the fare-paying passenger) at a time it can ill-afford it. Therefore, the proposed modification is that either the cost is borne by the beneficiary or a centralised/government fund - not recouped from the aviation sector unless from beneficiaries only - is made available to support the changes.</p>		<p>Should the cost of the procedure become an issue, this is something we will discuss with stakeholders and the Government.</p>



## Appendix A

## Themes used for qualitative assessment of free-text responses

### Themes for Questions 1 to 5

1.	Positive comment about the CAA introducing the new procedure, its overall approach or undertaking reviews of airspace classification.
2.	Negative comment about CAA and new procedure, or CAA policy or way CAA carries out other airspace functions (beyond criticism of specifics of the procedure).
3.	Procedure is not explicit/needs more clarity/ info or detail, including timeline commitments/procedure too complex/concern that procedure lacks a holistic approach/lack of strategy/too fragmented/piecemeal.
4.	Concern that consultation document was too difficult to understand.
5.	Stages in procedure not transparent/should allow for more engagement with/input from stakeholders, too much is done behind closed doors, engagement should go wider, involve not just airspace users/commercial companies.
6.	Concern that the two-year proposed review cycle is too frequent, changes will take time to come into are in place, more time needed between reviews.
7.	Concern that two-year proposed review cycle isn't frequent enough, unacceptable to wait two years, CAA needs to be flexible and review whenever concern about classification raised, CAA must always review, irrespective of workload/resources.
8.	Concern over lack of data/type of data/how it's used – too narrow a focus need to use more sources.
9.	Concern that safety is not properly addressed in the procedure, concern that it will increase complexity of airspace.
10.	Concern that current situation is unsafe/risk of collision/infringements.
11.	Concern that procedure lacks environmental considerations/environment and/or noise ignored/unclear what impact on environment/noise is/how it will be measured.
12.	Concern that procedure negatively impacts on ANSP/controlling authority/airport workload/resources, including because of Covid-19.
13.	Concern that this procedure negatively impacts on CAA's workload/resources/ability to carry out this and other functions.

**Themes for Questions 1 to 5 (continued)**

14.	Concern that General Aviation interests are not sufficiently considered/bias towards commercial airspace users or more controlled airspace.
15.	Positive comment about the proposal to exclude airspace that is subject to a recent airspace change proposal.
16.	Negative comment about the proposal to exclude airspace that is subject to an airspace change proposal.
17.	Concern that controlling authority will not cooperate – consequences of disagreeing (legality of who is responsible if forced on them OR them blocking changes).
18.	Concern that the CAA should not be both proposing the amendment and making the decision, i.e. marking its own homework.
19.	Supports or suggests flexible or innovative airspace concepts (e.g. electronic conspicuity) or new users (e.g. unmanned/drones/spaceplanes).
20.	Concern about flexible or innovative airspace concepts (e.g. electronic conspicuity) or new users (e.g. unmanned/drones/spaceplanes).
21.	Cost-benefit analysis must be carried out before any change can be implemented.

**Themes for Question 5 (in addition to those above)**

1.	Amount unknown/ impossible to quantify/don't know/not applicable/not relevant/ vary widely, depends on change.
2.	Not clear who will fund it.
3.	Overall operational cost for airspace users will reduce.
4.	Overall operational cost for airspace users will increase.
5.	Central government/DfT should fund it.
6.	The CAA should fund it.
7.	The Controlling Authority/ANSP should fund it.
8.	GA members/GA community should fund it, including suggestions for GA levies.
9.	The cost impact on ANSPs will be negative.
10.	The cost impact on ANSPs will be positive.
11.	Should not be funded by an increase in en-route charges.
12.	Cost-benefit analysis must be carried out before any change can be implemented.