



Policy Programmes Team

15 November 2016

Dear CAGNE representatives

Thank you for writing about CAP 1465, in which we responded to our recent consultation on the CAA's airspace change decision-making process and set out the new process, having taken into account consultation responses. The CAA will consult on detailed draft guidance for the new process in Spring 2017, giving all stakeholders an opportunity to comment on the detail of the new process.

You make a number of points in your letter to which we are sympathetic, and upon which we have indeed already acted – so I hope you will forgive me for pointing out some misunderstandings in your assessment of our new process. In reaching a decision about the new process, we have had to take into account a range of views that differed on a number of issues and reach a decision about the process that was both logical and practical. I recognise that there will inevitably be some aspects of our process that do not please everyone or meet everyone's expectations. I've addressed the key points in your letter below, in order.

We understand that some stakeholders would like an appeal mechanism. We set out our reasoning for not including one in paragraphs 3.28 to 3.36 (pages 15-17) of our response document, so I will not repeat that again here. However, we would like to reiterate that the Courts can and do offer a chance for stakeholders to appeal whether due process was followed. Further, following feedback we received during the consultation, we have included a new step in the process, which will offer stakeholders an opportunity to comment on CAA's draft decision in certain circumstances.

CAGNE is not alone in expressing distrust in the CAA. This is a theme we read amongst other responses and which we assessed in some detail, as set out in paragraphs 3.23 to 3.28 (pages 88-89) of our consultation analysis. We hope that increased transparency will change this mindset over time.

We have replied to CAGNE's email personally to explain that if a respondent did not tick the box allowing us to share identifying information, then we could not publish the name of the respondent. This is due to data protection law.

CAGNE is wrong in stating that there is no allowance for a third-party facilitator – in the summary of our new process (page 7 of our response document) we explained that we would set out a role for one in our guidance. We hope that this is evidence that we have

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taken steps to balance the reasonable needs and requests of different stakeholder groups given that, as CAGNE noted in its letter, it was councils and residents but not the aviation industry that saw value in this facilitation.

We agree that offline consultation responses should be allowed, as set out in the summary of our new process (page 7 of our response document).

We agree that getting the right data is important for Post Implementation Review and other stages in the process, and we will set out in our draft guidance the data and metrics we will require from change sponsors.

We agree that engagement should be fair and proportionate. We are concerned that if we were to set up an independent panel, such as an Oversight Committee, it would achieve precisely the outcome that CAGNE has suggested we avoid, namely the risk that 'one individual dictate policy over other communities'.

Transparency should indeed be more than a tick-box exercise. Ensuring that every document is published in as much detail as possible, at every stage of the process, is one meaningful step aimed at reassuring stakeholders of the value we place on transparency.

I hope this addresses your key concerns, and we look forward to continuing to engage with you.

In the interests of transparency, I propose to publish this response and your communication to the CAA of 4 November 2016.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Johnson', written in a cursive style.

Tim Johnson
Policy Director