

**CAA consultation on proposals for  
a revised airspace change process  
(CAP 1389)**

Responses submitted by post or email  
(where permission has been given for publication)

Some personal information has been redacted by the CAA

Aberdeen International Airport Consultative Committee

Airport Operators Association

British Gliding Association

East Hampshire Association of Parish and Town Councils

East Midlands Airport Independent Consultative Committee

Edinburgh Airport

David Fenwick

Future Airspace Strategy Industry Implementation Group

Future Airspace Strategy VFR Implementation Group

General Aviation Alliance

Alan Haughton

High Weald Councils Aviation Action Group

Lasham Gliding Society

London (Heathrow) Airline Consultative Committee

London Luton Airport

London Southend Airport

Ministry of Defence

NATS

Stephen Turner Acoustics

Strategic Aviation Special Interest Group

Teddington Action Group

## Metson Trevor

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**From:** Airspace Policy  
**Sent:** 14 June 2016 09:00  
**To:** Metson Trevor  
**Subject:** FW: RNAV Proposals for a revised airspace change process  
**Attachments:** CAA Consultation Response May 2016 Final.pdf; RNAV PreAction.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**From:** Alan Houghton  
**Sent:** 14 June 2016 08:35  
**To:** Airspace Policy  
**Subject:** RNAV Proposals for a revised airspace change process

Response in relation to London City Airport which predated consultation.





### **CAA Consultation on Airspace Change Process**

The following sets out Plane Wrong's responses to the CAA's 2016 consultation on the Airspace Change Process.

Plane Wrong is a non-party-political group set up in September 2014 from communities near Gatwick Airport to provide a voice for local residents who are concerned about the increase in aircraft noise. The group has around 2,000 supporters who are severely affected by recent changes to flight paths to the north of Gatwick, namely routes R26DVR/BIG/CLN/LAM (Route 4) and R08KEN/SAM (Route 3).

#### **Question 1: Will the new process gateways improve the airspace change process?**

Yes.

Overall Plane Wrong welcomes the CAA proposals to improve the Airspace Change Process. The proposals offer great potential to enhance the transparency of the decision making, to increase the rigour of appraising different options and to provide a much improved framework for engaging with local stakeholders in the process. However, much will depend on how the process is implemented in practice. The supporting guidance documents will be very important in defining the quality of the process and the requirements which the CAA and sponsor organisations should follow.

Specific observations on the process are set out in response to the individual questions below. However, we would like to reinforce the following general observations:

- The CAA must consider its role as an independent regulator of airspace protecting the interests of local communities, not just as facilitator of growth of the aviation sector.
- The CAA must be transparent about the weight it gives to different factors in the decision making process and must ensure that economic factors do not dominate
- Much more work is required to understand and measure the noise impacts to local communities which arise from airspace changes – the Leq contour approach has been widely demonstrated to be inadequate. We recommend that absolute limits to environmental impacts are identified; this would mean that any change that results in a breach of those limits would not be permitted.
- The CAA and sponsors should recognize that even relatively small airspace changes can have a significant impact on local communities. As such, the process should be applied, at an appropriate level, to all changes including those associated with vectoring.
- Engagement with local communities should be authentic, not just a tick box exercise, and sponsors should ensure that clear information is provided and that consultation events are well advertised.
- We believe strongly that an appeals procedure should be included in the process, and that this should be managed by an ombudsman or the Independent Noise Authority.

**Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?**

Yes.

We support the engagement of local stakeholders in agreeing the design principles.

However, greater clarity is needed regarding 'engaging with local stakeholders'. Previously, this has meant engaging with Parish Councils who have no obligation to seek the views of local residents. We take the definition of 'local stakeholders' to include community groups and residents. We would like to have the definition of local stakeholders well defined in the supporting guidance for the Airspace Change Process. Stakeholder mapping in accordance with best practice should be undertaken at the early stages of the airspace change process (Refer to 2012 Olympics <http://learninglegacy.independent.gov.uk/documents/pdfs/equality-inclusion-employment-and-skills/426301-ll-public-partic-comm-engage-aw.pdf> and Cabinet Office

Principles

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492132/2016\\_0111\\_Consultation\\_principles\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/2016_0111_Consultation_principles_final.pdf)

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Further, it is very important that engagement with communities is more than a tick box exercise. Previously, public meetings have been held in local parishes. We know of one occasion where no member of the public attended the public meeting because the opportunity and importance of the meeting was inadequately communicated to local residents. Yet, this was still recorded by the sponsor as a public meeting and used as an example of consultation and implied support for the proposed change.

In relation to engagement on the design principles, we have found this to really help communities understand the benefits and limitations of change. Engagement also helps airspace designers to understand community concerns; it also encourages them to think differently about the way in which airspace changes are designed.

This approach has particularly benefited both Gatwick Airport and local communities in the redesign of Route 4. Here proposed changes were discussed with Plane Wrong and the wider community. It should be noted that we had additional support from independent airspace consultants to help us understand the design process and to make alternative recommendations to GAL in the way in which Route 4 was designed.

It would have been useful if the consultation documentation (CAP 1389) had described more fully what is meant by "design principles". We take this to include agreement of the desired outcomes from an airspace change as well as the approach to design. As part of this, the change sponsor must clearly articulate the need for a proposed airspace change in order that local stakeholders can contribute and agree to the design principles.

We would further add that the mechanism for how the results of engagement with stakeholders will be taken into account of, both in the development of design principles by the sponsor and the final decision making process by the CAA. This mechanism should be made clear in order that local stakeholders can trust that they will be listened to, at all stages of the Airspace Change Process, including the post implementation review (Stage 7). Further, that in the appraisal of options in subsequent stages of the proposed Airspace Change Process, weight is given to the views of local stakeholders and that the CAA is transparent in how this is taken into account in the final decision.

**Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

The CAA refers in the consultation documentation to flightpaths as a form of infrastructure and makes the link with the planning system. We believe that important lessons can be taken from the planning system and in particular, the Environmental Impact Assessment process in considering what information would be useful.

Local communities are interested in the degree of change, and especially noise. As such, information should be provided which demonstrates the proposed changes and their likely impacts. We would specifically like to see:

- The current line of flightpaths plotted on clear maps based on tracking data
- The current quantities and frequencies of aircraft using any route in question.
- Data on the height of aircraft at different points along that route.
- Baseline noise levels at different points along the route.
- An assessment of air quality impacts at different points along the route.
- Projections on increase in aircraft traffic
- Numbers of people impacted by noise shadow including at different times of day, including night flights, and year
- Percentage distribution of flights as a total of departures and arrivals

For the information above, it will be necessary to have at least a full year of data and it will be important to illustrate any historical shifts in the way in which airspace has been used.

In relation to the issue of noise, we find the current measures of noise are not well understood, either by industry or by affected communities. Leq contours have been shown to be a completely inadequate measure of noise impacts. The CAA should consider how noise impacts are measured and communicated as part of this process. Evaluation of noise should take into account:

- The new World Health Organisation guidance on noise levels
- Relative and absolute noise levels, recognising that background noise has a mitigation effect
- Persistence of noise, in particular the duration and frequency of noise impacts.
- Emerging evidence on the relationship between noise and mental health impacts
- Noise shadow at different elevations and different types of aircraft

- Time of day, including night flights and time of year

Against the background information, we would like to see:

- Proposed options plotted on clear maps where towns and village locations are legible, local topography is illustrated, and boundaries of any NPR swathe are not obscured by flight tracks.
- An assessment of the likely impacts associated with different options that will need to be addressed in the design stage including environmental impacts such as SOX, NOX and CO2 emissions.
- Assessment of impacts to sites of special interest such as Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest and other local habitats and tranquil areas.
- Comparison of populations impacted by noise shadow taking into account local topography

Depending on the local context, communities may need additional information. As such we recommend a 'scoping' exercise is carried out with representative groups to highlight any gaps in information within reasonable limits, similar to the approach undertaken in the planning process.

In relation to the clarity of maps, we refer to the 2012 airspace change proposal relating to flight paths around Gatwick Airport. The consultation documents provide an example of poor practice in illustrating proposed changes. The maps included were illegible and the locations of local towns and villages could not be made out and were obscured by data plots.

In relation to environmental assessment, we refer to the ECRD report that was produced in support of the airspace change proposal referred to above. This also provides an example of poor practice in the evaluation of potential impacts. The report presumed that changes as a result of the implementation of PRNAV would have no impact on noise or any other environmental indicators, and it was proved to be a wholly inadequate assessment of the reality of the changes made.

**Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

We would like information on why the change is necessary and what business benefits it will bring.

**Question 5: Overall, will Stage 1 improve the airspace change process?**

Yes

We particularly welcome the step to include local stakeholders in the design process in order to agree principles. More emphasis should be placed on illustrating to local communities the likely impacts of change in a clear and meaningful way. Providing information and support to communities to understand technical aspects of airspace proposals will be important in developing the design principles.

Supporting guidance will be especially important to ensure that process changes are meaningful and transparent and that due weight is given to local stakeholders in the evaluation of options and in the post implementation review.



We would also take this opportunity to reinforce the point that perceived small changes in airspace use can have a significant impact on the ground. As such, it is important that due process is applied to all proposed changes.

**Question 6: Will introducing the options appraisal we propose improve the airspace change process?**

Yes

**If so, should this initially be a 'full' or 'indicative' options appraisal? Please give your reasons and any other views on options appraisal.**

The appraisal of options against a Do Nothing scenario is particularly welcome. Following on from the answer to Question 3, options should be appraised to evaluate the environmental impact of different approaches and against the design principles as defined with local communities.

It is not entirely clear what is meant by a "full or indicative options appraisal" in CAP 1389 and so this should be clarified. However, we would make the following two points.

In developing options, it is inevitable that better information becomes available as the design progresses. As such, a full options appraisal should be developed from the outset and refined through the process to take account of further analysis.

Further, the danger with an indicative options appraisal is that it is not taken seriously in the way it is carried out and is therefore not fit for purpose. As part of the Route 4 changes, we have seen assessment of options that have been based on little more than intuition. This is not enough. As such, we would press for a full options appraisal which is then refined as the design progresses.

We also have deep concerns with the approach to monetising impacts of different options in absolute terms. These approaches are notoriously open to criticism about the way in which they are carried out and can be manipulated to reinforce a preferred outcome. They are sensitive to the way in which 'willingness to pay' estimates are established, the scope of considerations included, the way in which outputs are weighted, and the application of discount rates. The most high profile recent example of this is HS2. Here trust in the cost benefit approach was lost when it became apparent that it had been assumed that time on trains was unproductive. Nevertheless, we do understand the need to evaluate and navigate trade offs. Any cost benefit approach must acknowledge the sensitivities and limitations of the approach.

**Importantly, cost benefit analysis should only be used to guide to decision making alongside other sustainability indicators in the appraisal matrix. It should be undertaken in a transparent way with assumptions clearly communicated. The CAA must be transparent in the weight of the information given to the cost benefit analysis in the decision making process. In particular, the CAA must ensure that economic factors do not drive the decision making process over and above social and environmental considerations.**

Finally, we recommend that the CAA identify absolute limits on environmental impacts; this would mean that any proposals that breach these limits would not be permitted.

**Question 7: Overall, will Stage 2 improve the airspace change process?**

Yes.

However, clear guidance needs to be developed to ensure that the options appraisal is carried out in a rigorous and transparent way with assumptions clearly stated and sensitivity of the assessment explained.

Particularly important will be the methodology by which different aspects of the appraisal are taken into account in the decision making process and the weight given to each aspect to ensure that economic factors do not override social and environmental considerations.

**Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?**

No.

Based on our experience of dealing with airspace changes to Routes 3 and 4 from Gatwick Airport, it is difficult to see how an independent facilitator would have helped. A facilitator might have got in the way of discussions between the sponsor and local stakeholders.

However, we do believe that the CAA has an important role in ensuring that consultation and engagement is carried out in accordance with best practice and the guidance that will be produced. The CAA will need to take an active role in challenging change sponsors if inadequate information has been presented and if local stakeholder views have not been taken into account.

More broadly, the CAA needs to consider its role as a regulator and as to how it acts in the best interests of local stakeholders, not just the aviation industry. Reference is made to the way in which the Financial Services Agency (FSA) operates as a champion for consumers and place the emphasis on challenging industry to demonstrate their case. We would like the CAA to consider repositioning themselves to place the burden of emphasis on the industry to demonstrate why airspace change is required.

**Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

Yes.

**Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?**

Yes

Early publishing provides the opportunity for other respondents, and in particular local stakeholders, to gain insights that will help them to form a view. However, the danger is that this could lead public opinion and this should be carefully considered.

**Question 11: Should consultation responses be made solely through the online portal?**

No.

Online should be the primary route but opportunities to contribute for people who have accessibility requirements and members of harder to reach communities must be given. The CAA should refer to government best practice guidance on language and accessibility in public consultation.

Attention should also be given to the way in which consultation information is presented. Our experience of changes to arrival and departure routes around Gatwick Airport was that proposals on all routes around Gatwick were bundled together, graphical illustrations were illegible and language was inaccessible. As such, response rates were very low. This must be substantially improved for future consultations.

We also recommend testing alternative forms of engagement such as social media platforms and engagement events; these are increasingly used in urban development to engage harder to reach communities.

The drop in sessions on the Route 4 proposals provided useful information to affected communities. Although much could be done to improve the format and attendance at these types of events, they offer another mechanism to capture feedback on proposals.

Finally, consultations should be properly advertised. Our particular experience to changes around Gatwick Airport illustrated that consultations were so poorly advertised; this, combined with the impenetrable consultation documentation, meant that response rates were very low.

**Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?**

Don't know.

Our view is that there is great potential for improving the consultation process. The change to the approach is very welcome but its success will depend on the quality of the consultation plan developed by the sponsor and on the effectiveness of the CAA's involvement in ensuring that consultation is carried out in accordance with best practice. The guidance produced to support this process will be particularly important in ensuring the success of this step of the process.

In addition to observations that the consultation process should be clear, transparent and use different forms of engagement, it will be especially important for the sponsor to indicate how consultation responses will be taken into account in the design of air space changes. There can be a lack of trust if a sponsor is perceived to be going through the motions of consultation and so the approach must be authentic.

**Question 13: Overall, will Stage 3 improve the airspace change process?**

Yes.

We believe that the principles described in the consultation document have the potential to improve the process. However, much will depend on how the process is applied in practice. Supporting guidance documentation will be especially important in setting the standard both for sponsors and the CAA.

**Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions?**

Yes.

A standard template can be helpful in ensuring the quality of submissions and consistency of information provided. However, it should allow for some flexibility to be able to respond to any particular local contextual issues.

We note that the CAA is not proposing changes to the list of information that accompanies a submission. Whilst the coverage of operational, environmental and consultation assessment seems appropriate, we have concerns over the quality of information that would be submitted. As highlighted above, our experience on the Route 3 and 4 airspaces around Gatwick Airport revealed the inadequacy of both the environmental assessment and consultation strategy. (See our response to question 3.) Guidance must be developed to ensure that submissions are of a high quality and in accordance with international best practice, and in particular draw on best practice within the UK planning process.

Within the template the sponsor should also include a timeline for implementation.

**Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?**

Yes

**Question 16: Overall, will Stage 4 improve the airspace change process?**

Don't know

The process changes are welcome. However the degree in which the approach is improved will depend on the quality of the assessment that is undertaken, on the transparency and rigour of the options appraisal process and on the way in which consultation with local stakeholders is taken account.

**Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?**

Yes

We believe a public evidence session will be a very good addition to the process and we very much welcome the proposal.

Key to the success of the sessions will be attendance by local stakeholders. This will require the sponsor and the CAA to ensure that the sessions are properly advertised. We recommend that this includes householder notification.

**Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?**

Don't know

As highlighted in responses to earlier questions, the CAA will need to be transparent in the way different benefits and impacts of proposed airspace changes are weighted in their evaluation. It will be important that the CAA champions the interests of local communities and does not allow economic growth arguments to dominate at the expense of social and environmental impacts.

**Question 19: Overall, will Stage 5 improve the airspace change process?**

Don't know.

As described above, it will very much depend on how the process is implemented.

**Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

We strongly believe that an appeals process should be included in the airspace change process. We note the arguments in paragraph 4.114 of the consultation document. Nonetheless Judicial Review is an expensive remedy and, given that the sponsor will inevitably have more money than private individuals, we feel that a valuable opportunity to make the process intrinsically fairer is being missed here. Of course a judicial review will, in theory always be available after an internal appeal, but the whole point of an internal appeal system would be to reduce the need for judicial review in the first place. We do not believe that it would be impossible to set up a fair internal appeal system.

**Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?**

In relation to step 6, we propose that a clear timeline for implementation is published so that affected communities can track progress and be aware of when change happens. This has been especially useful on Route 4.

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On data, we would like to see information presented that can be compared with the design principles as set out in our response to question 3. We will be especially interested in:

- Noise data at different points along the route to monitor changes against the baseline position
- A wider assessment of the environmental impacts including pollution loads
- Tracking of aircraft along the flight path
- Height of aircraft along different points along the route, taking account of local topography.
- Feedback on the changes from local residents

On the last point, it is not clear from CAP 1389, that it is proposed that communities would be able to provide feedback during the review period. The ability to provide this feedback will be very important as our experience suggests that changes can have impacts on the ground that

are different from the design intent. So we request that during the review period, the consultation portal remains open for feedback.

It is also very important that feedback given in this period is referenced back to the source of the complaint or in some way 'geolocated'. Feedback on modifications to Route 4 implementation are encouraged by Gatwick Airport. However this is carried out through an email address; consequently there is no way of knowing where the resident in question is located. So any data collected is not meaningful. Further, in the post implementation review of PRNAV on all departures and arrivals around Gatwick Airport in 2015, feedback from local stakeholders was aggregated in a way that was not possible to determine those associated with Route 3.

We also seek clarity on how feedback from local stakeholders will be taken into account in the post implementation review in relation to evaluation of whether the airspace change has achieved its objectives.

It is important to note the experience of Route 4 at Gatwick where the impact of airspace changes was very different from the sponsor's expectations and hence the route is now being further modified.

We have also recommended that the CAA establish absolute limits on environmental impacts. These should be measured as part of the post implementation review to ensure that they are not breached.

Overall, we welcome the commitment to publish this information on line alongside a report evaluating the impact of changes.

**Question 22: Overall, will Stage 7 improve the airspace change process?**

Don't know.

There remain uncertainties on how the post implementation process will take local stakeholder views into account when evaluating whether the objectives of airspace changes have been met.

We require reassurance that community feedback will be taken into account. In doing so, we recognise that there will be those that benefit from airspace changes. As such, the CAA must be sensitive to the way in which it requests feedback, avoiding leading questions, and the geographic location of respondents.

**Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

Don't know.

Overall we welcome the CAA's commitment to improve the airspace change process. There is great potential for the process described in the consultation document but only if implemented correctly and in accordance with best practice.

**Question 24: Should the CAA set up an Oversight Committee?**

No

On balance, we feel that an Oversight Committee will not add to the process and we would be concerned about the balance of opinion given to specialists, that may not appreciate the particular local conditions, above those of local stakeholders.

However, the CAA does need to consider how it acts to demonstrate that it is a regulator of airspace policy and not just a facilitator of aviation growth. Again, we recommend that the CAA consider its role in championing the interests of local stakeholders and placing the burden of proof of benefits of airspace changes on the sponsor.

**Question 25: Are there any other areas where the CAA should provide guidance?**

Yes.

The impacts of airspace change are multidimensional. We recommend that the CAA should commission additional research to fully understand the impacts of airspace changes on local stakeholders to inform guidance on options appraisal. Noise is a particular area where impacts are not well understood. The Leq contour approach has been proven to be a wholly inadequate assessment of the noise impacts to local communities and where further research and guidance is required.

**Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

Yes.

We believe that the distinction between the levels is clear. However, clarification of 'large scale changes' in Level 1 may be necessary since even relatively small changes can have dramatic impact on communities. These will also include smaller scale changes which will have large impacts on communities such as changes in vectoring patterns at low altitudes above high ground.

**Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?**

Q 27 (i)

Yes. We believe that 7,000 feet is a reasonable distinction between Level 1 and Level 2, but see below

Q 27 (ii) We do not accept that the 7,000 feet should be taken above mean sea level. The 7,000 feet should be measured from the height of the ground to be affected by the proposed change. It is important that the topography/nature of the landscape is taken into account.

Q 27 (iii) It appears that under Level 2 changes, "communities affected by impacts" are not to be consulted. This may be because the CAA believes that there will be no such communities. We do not accept this. We feel that in the case of Level 2 proposed changes local communities should be consulted at least at the early stages of the process (Step 1). It may be that no one is

interested, in which case the CAA could legitimately reduce its efforts. Please also see comments relating to initial scoping exercises and stakeholder mapping proposed in response to Q2 and Q3.

In both Level 1 and Level 2 cases, greater clarity is needed regarding 'engaging with communities'. Previously, this has meant engaging with (e.g.) Parish Councils; these have no obligation to seek the views of local residents. Local environmental groups must be made aware of proposed changes. Certainly in the case of Level 1 proposals, full efforts (including advertising in local papers, drop-in sessions and house to house leafleting) should be made to contact individual residents.

At Stage 7, it is vital that the CAA takes account of community feedback, especially in regard to Level 1 changes. The impact on the ground can often not be adequately ascertained until changes have been implemented.

**Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?**

Don't know.

It seems likely in crowded airspace where airports are seeking to increase passenger numbers and expand routes flown.

**Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?**

Yes.

We note that the CAA's interpretation of s 70 as stated in paragraphs 6.8 and 6.9 is one which will tend to be favourable to the industry. We do not accept that this interpretation is a correct statement of the law.

**Question 30: Do you have a preference for either of the options for recovering the CAA's airspace change costs that are set out in Chapter 7?**

Don't know.

**Please give your reasons and any other views on how the CAA recovers its airspace change costs.**

Plane Wrong is a group representing local community stakeholders unconnected with the aviation industry and as such does not feel qualified to choose between these two options. However, it would seem reasonable for the sponsors of airspace change to cover the costs and recoup them through their ultimate clients.

**Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.**

See reply to Q30

**Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?**

Don't know



**Please provide any further comments or evidence that would inform our proposed transition arrangements.**

Yes, they are reasonable on the face of it, but as the requirements under Stage 7 currently are very unclear, it is very important that you allow for community feedback at this stage for airspace changes up to 7000'. Implementation is as important as the proposal stage.

**Question 33: Are our timescales for introducing the new process reasonable?**

Yes.

**Please give reasons for your answer.**

From the perspective of a local community group, the proposal appears reasonable as long as comments under Q32 are implemented. Much will depend on the supporting guidance documents.

**Question 34: Do you agree with the concept of an online portal?**

Yes

**Please give reasons for your answer.**

We support the intention to provide greater transparency and convenience. However, alternative arrangements must be considered for those who do not have sufficient computer skills to complete consultations in this way and for disabled, partially sighted and blind people. Please also see responses to Q11 and Q35.

**Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?**

Ease of use of the portal is absolutely critical.

In the past, some consultation webpages have allowed the public to input only small amounts of text, with minimal control over format. This contrasts with the complete freedom over format enjoyed by the CAA, the change sponsor etc.

Similarly, no doubt, documentation put on the proposed portal by the CAA, the change sponsor etc will be held in standard electronic format such as .pdf. This would permit a wide variety of formats, also incorporation of tables and pictures and weblinks. It would be unfair if the public did not have the option to format their responses similarly – i.e. to upload in a variety of file format including MS Word and .pdf as opposed to being obliged to input direct to a webpage offering fewer options than those available to the change sponsor.

**Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?**

This approach would be acceptable only if the sponsor's administration of the portal were transparent and open to scrutiny and/or audit.

**Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?**

Yes

**Please give reasons for your answer.**

All information must be on a single portal to allow ease of access for local stakeholders. The technical difficulties of a single portal do not seem insuperable, and indeed this is the approach within the planning system.

**Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?**

Yes

**Please give reasons for your answer.**

It is important that everything is accessible through a single portal. Whether it is bespoke or off-the-shelf is secondary as long as it is easy to operate and navigate for the general public.

**Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?**

No

**Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible.**

Table D1 gives no consideration at all to the additional impacts on individuals and the community groups which represent them.

It is important not only to consider the costs to sponsors and CAA in the proposed airspace change process, but also local stakeholders. To ensure effective scrutiny of proposed changes requires significant input from community groups and community representatives. These groups rely on the generosity and commitment of volunteers to assimilate information, attend meetings (often in working hours), and respond to consultations such as this. If we were to monetize the input of volunteers from Plane Wrong, including drawing on their professional expertise, it would run well into tens of thousands of pounds.

As a community organization, we have also had a series of direct costs associated with our work in challenging changes to Routes 3 and 4 at Gatwick Airport. These include legal advice and technical advice from independent airspace advisors in addition to incidental costs such as travel expenses and meeting room hire. To date, the cost to Plane Wrong of these services in relation to Routes 3 and 4 at Gatwick Airport has been in the order of £20,000.

In relation to legal and technical costs, these have been particularly important to Plane Wrong in developing insights and alternative options for Route 4 associated with the introduction of PRNAV. Without the observations from our independent airspace designer, it is not clear that GAL would have developed the modification to Route 4. We were able to procure these professional services based on the generosity of supporter donations. We are fortunate that we are in a relatively wealthy area that we have been able to fund raise where other communities may not be able to do so. Whilst GAL did offer to pay for the costs of our airspace designer, we declined as we felt that this would impact on our impartiality. As such, the CAA may consider establishing a funding stream to help local community groups and stakeholders to access the

advice they need to be able to provide effective scrutiny, understand the technical details and be able to clearly articulate responses to technical considerations.

**Question 40: We are interested in our views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.**

Please refer to response in Q39. The impacts to community groups should also be considered.



Alan Haughton



Friday 26th June 2015

Without Prejudice.

**Pre-Action Notification (to include formal objection issued on 16/12/14) relating to London City Airport RNAV Replications Stakeholder Consultation Document.**

In addition to the Objection submitted on the 16th of December 2014, raising failures in the consultation, I would like to raise further concerns to be legally considered in addition to the points already raised.

You are no doubt aware, that it is a well established legal principle, that if a public authority has committed to consult, it must do so properly (see R v North East Devon Health Authority ex parte Coughlan (1999) (citing R v Brent LBC ex parte Gunning (1986))).

In the previous submission, I raised issues surrounding the London City Airport Consultative Committee and lack of Consultation.

The is supposed to be an independent Consultative Committee established by London City Airport pursuant to Section 35 of the Civil Aviation Act 1982

I am an interested party and wished to be involved in the consultation process through the LCACC.

Aviation Policy Framework states

*"The Government expects all airports and aerodromes to communicate openly and effectively with their local communities about the impact of their operations."*

London City Airport chose to Consult through the LCACC. These LCACC meetings were not held in a public arena which is usually the case.

The London City Airport Consultative Committee only publish and disseminate information to the Public through their website.

As of today's date the Website has not been updated since the 7th of November 2014. (Screenshot attached)

The LCACC have not made the public, entitled to attend these meetings, aware of the consultation nor of the flight path concentrations.

I emailed the Secretary for clarification on the Flight Paths which bounced back to me. (Timestamped email available) The public have not been able to contact the LCACC. A PO Box and an Email are the only available contact given.

Even the attendance at one of LCACC meetings to ask questions was unavailable due to the requirement to write two weeks in advance of any meeting. The dates of those meeting have not been updated on the website.

Another website run by the LCACC Secretary Stuart Innes, the Liaison Group of UK Airport Consultative Committees is up to date and running correctly. (Screenshot attached)

It is clear that proper due diligence has not been carried out for the RNAV Consultation that engaged the views of the public and interested parties by London City Airport or the LCACC.

Please clarify if the LCACC has fulfilled its full legal obligations pursuant to Section 35 of the Civil Aviation Act 1982.

Please clarify under what legal regulations this current RNAV consultation would be accepted under.

With thanks,

Alan Haughton









# HIGH WEALD COUNCILS AVIATION ACTION GROUP (HWCAAG)

## CAA consultation on proposals for a revised airspace change process

### Introduction

The High Weald Aviation Action Group came into existence in September 2013 in response to the significant increase in both the noise and frequency of aircraft movements into Gatwick and the possibility of a second runway at Gatwick. It now comprises twenty three Parish and Town Councils representing some 90,000 people from across the area to the East and South East of Gatwick.

The HWCAAG agrees with the CAA's suggestion that the key problems with the existing airspace change process are around (i) transparency and (ii) participation of communities in the process. We feel that in the past, Gatwick has totally ignored its neighbours

The HWCAAG realises that the CAA's proposals may make the airspace change process longer and more involved. However it will increase opportunities for communities to participate in the process and should make it more rigorous, but could also make the process more time consuming for all parties. We think this a price worth paying.

The new process involves engaging stakeholders at an early stage to agree 'design principles' for any airspace change proposal such as avoiding overflight of a particular local amenity or population. The HWCAAG will need full details of any changes such as route maps, number of aircraft likely to use the route split by night and day and by the seasons. In the case of Gatwick, it is to be hoped that details of all changes will be notified to the Noise Management Board and the local representatives will disseminate details to those affected.

One possibility we understand the CAA is considering is the appointment of an independent third facilitator as part of the consultation process, though no detail is given about how this could work. We feel that if the consultation is carried out honestly and openly with both sides cooperating then it would not be necessary to have a facilitator.

We consider the most important changes necessary to the current approach to airspace change consultations to be open and honest consultations, with no assumption that the sponsors can ride rough shod over the local populations together with a right of appeal. This should be first to the CAA, then an ombudsman, then the Secretary of State and only ultimately to the courts. To build up confidence, all changes, whether temporary, modifications, concentrations, trials should be notified to the local representatives and consultations should be arranged if requested.

The CAA does not propose to introduce any appeal mechanism (aside from judicial review) once a final decision is reached. The HWAAG considers this unacceptable.

The HWCAAG feel that, almost certainly, there will be a need for oversight. It is considered that this should be truly independent and be like a regulator sitting between the Minister of State and the CAA. In the rare occasions when the regulator's decision is challenged, provision should be made for an appeal to the Secretary of State. Courts should only be used in the last resort.

The HWCAAG welcomes what appears to be a genuine attempt by CAA to improve its engagement with the public. The proposed appointment, for example, of community engagement staff and improved transparency by way of the online portal are very positive.

### The CAA's consultation questions, with the High Weald Councils

#### Aviation Action Group's response

The HWCAAG understands that the CAA proposes to introduce four 'gateways' at which it would assess whether the process had been satisfactorily followed (without predetermining the final decision) and if so would sign them off. Their judgment would be publicly available. The aims include making the CAA more clearly accountable for overseeing the process, giving communities a more formal role, and increasing transparency. While welcoming this proposal as a great improvement, the HWCAAG thinks this process is too complex but could be improved in the light of actual experience. The CAA should be prepared to terminate the process at any stage when they consider that the consultation is inadequate. The overriding objective of these procedures should be to encourage the airport authorities when acting as the sponsors to engage in meaningful discussions in a spirit of meaningful and truthful consultations.

#### **The CAA's proposals to revise the airspace change process**

*The four gateways and related documents are described by CAA as follows:*

##### **1: Define**

*(a) a short document setting out why the airspace change is an appropriate response to a specified problem or opportunity, [giving full details of the change proposed and why it is an appropriate response](#).*

*(b) design principles that describe the trade-offs that sponsors will have to develop with stakeholders and take into account in the design.*

##### **2: Develop and assess**

*Development and appraisal of design options that could meet the defined aim*

##### **3: Consultation**

*A fair, open and transparent consultation plan and supporting documentation.*

##### **4: Decision**

*A document setting out how the CAA has come to a decision on the airspace change proposal (Note that in the 'stages' set out below there is an additional step where the change sponsor updates and submits its proposal following consultation; this does not constitute a 'gateway' for sign-off by the CAA however)*

## Proposals for Stage 1: Define

*The CAA proposes a new step in the process should be for the sponsor to engage with local*

### **Question 1: Will the new process gateways improve the airspace change process?**

**Yes**

**Please give reasons for your answer.**

Yes. Allows for interim periodic checks to ensure that the process is more rigorous, and helps to build confidence that the process has been satisfactorily followed at all stages. But:-

1 all trials must be included within the consultation process as it is considered better to iron out problems at this stage rather than waiting for the application stage consultation otherwise.

2 at each stage the CAA must terminate the procedure if they consider the consultation to be inadequate.

*communities to try to agree locally-specific 'design principles' to be taken into account in the airspace change design (step 1b above). Examples, suggest CAA, could include whether and what kind of respite was valued by local people, or whether aircraft should, as a priority, avoid flying over specific local parks or population.*

### **Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?**

**Yes**

Stakeholders should certainly have the opportunity to engage. But in some cases it may be impossible to agree on the right principles. There is also a possibility that some of the principles may be highly technical (e.g. whether certain flight paths can feasibly be operated or not, or how much dispersal can be achieved in practice) and communities may therefore need technical support in order to be able to engage effectively.

### **Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

The overriding issue is that the sponsor should provide data that is truthful and honest. The data should cover the reasons for the proposal, both noise and other environment effects, before and after flight path maps, number of aircraft using the route proposed to be changed both an annual basis and seasonal basis and daily basis with maximum and minimum as well as average numbers.

### **Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

The extent to which the proposal relates to future plans e.g. for growth rather than solving an existing problem. The effect on the environment covering noise, pollution and visual impact, the effect on schools, hospitals, business, the tourist industry and historic landscapes and areas of outstanding natural beauty as well as the effect on towns and villages.

## Proposals for Stage 2: develop and assess

*Whereas currently the CAA requires sponsors only to develop their chosen proposal for development, its new proposal is that sponsors must consider all possible options for the airspace change. They must then assess each option against a 'do nothing' scenario (even where there is only a single change option), to understand the full range of potential impacts, both positive and negative. The CAA would develop guidance on how to undertake this impact assessment, including on when monetisation may be helpful. The sponsor would submit its options appraisal to the CAA for review, and the CAA would then prepare its own assessment of the appraisal.*

*CAA says however: "Numerical values are not a substitute for policy direction as to which outcomes are important in the design of airspace – for example, whether a negative noise or carbon impact would prevent a change that would have a positive economic impact, is a determination that should be set in policy objectives."*

**Question 6: Will introducing the options appraisal we propose improve the airspace change process?**

**Yes hopefully**

**If so, should this initially be a 'full' or 'indicative' options appraisal? Please give your reasons and any other views on options appraisal.**

An early appraisal of environmental impacts seems a useful step in theory but we do not consider an options appraisal and assessment to be an adequate substitute for better Government policy in relation to aviation noise for which acceptable impacts should be defined.

For any noise assessment to be useful it would need to make use of the right noise metrics however. Research needs to be undertaken to improve noise metrics to cover the effect of noise changes, such as when an aircraft turns or changes speed. There was reference in the DfT focus groups to the principle of no change being considered significant in noise terms unless there is a 3dB change in noise – equivalent to a doubling in movements. The 57 Leq contour meanwhile has been discredited in our view as an indication of the onset of significant community annoyance.

We consider that noise should be the primary consideration in terms of lower airspace change. However, we are aware of cases where airspace changes have been proposed that appear to increase route length and therefore emissions, while also having unwanted noise impacts. Since airspace change is generally assumed to be justified on the basis of efficiency improvements, a formal assessment of CO2 as well as noise impacts is sensible.

We are doubtful about to what extent a cost benefit analysis can be relied on to accurately measure impacts. The impact of night noise for example has been cited in legal cases as breaching human rights – an impact that may not be appropriately captured in cost benefit analysis. We are particularly skeptical about current methodologies for assessing economic benefits associated with aviation, which vary hugely. Overall we are concerned that the introduction of CBA could in theory render the entire consultation process void and just for show, wasting everyone's time. However, if developed it could in time be a useful tool but it must cover both aviation benefits and the economic effects on businesses such as the tourist industry.

**Question 7: Overall, will Stage 2 improve the airspace change process?**

**Yes**

**Please give your reasons and any other views on Stage 2.**

Only provided there has been effective consultation in stage one. It depends on the detail once operational. Potential danger of cost benefit analysis being used to silence community opposition e.g. if noise 'costs' were found to be small despite strong community feeling. Noise is subjective and current metrics often don't capture all the important issues such as changes in engine changes.

## Proposals for Stage 3: consultation

*The CAA proposes taking a more hands-on role in the consultation process. While consultation would continue to be undertaken by the airport, the CAA would both 'review and validate' the consultation material (including whether information is presented 'in a form that does not require technical knowledge to understand and respond to it') and would monitor whether change sponsors showed evidence of responding appropriately to feedback, and dealing with any errors or confusion that come to light.*

*Sponsors would also have to publish a stakeholder engagement plan, to be assessed by the CAA, including a consideration of whether any properties need to be contacted individually, as well as other reasonable methods of reaching communities (such as through local media or local authority communications).*

*Consultations would normally be expected to run for twelve weeks. During the consultation period, sponsors would be expected to review responses and categorise them as to those that present information that may lead to a change in the design and those that do not.*

*One possibility the CAA is considering is the appointment of an independent third facilitator as part of the consultation process, though no detail is given about how this could work.*

**Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?**

**Yes may be**

**If so, should a facilitator be a mandatory requirement for certain types of airspace change? Please give your reasons and any other views (including benefits and disbenefits) on facilitators.**

A facilitator may be helpful and perhaps should be offered. But best for discussions to take place direct between the parties as this is more likely to build up trust. Sponsors and the CAA should not assume that the issues may be too complex for stakeholders as most have expert advice available from amongst their members.

*The CAA proposes that the consultation (and associated documents) should be posted on an online portal hosted by the CAA and that consultation responses would then be made exclusively via the portal, with the CAA screening them only for libellous or similarly unacceptable content.*

**Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

**Yes**

**Please give reasons for your answer.**

Yes. Reflects standard practice and improves transparency. However, provision must be made for the CAA to provide consultation paper copies for those who are not able to access the portal.

**Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?**

**Yes**

**Please give reasons for your answer.**

Yes but as this could enrich debate but could also disadvantage people who submit early and then don't have opportunity to come back with comments on submissions by others.

*CAA proposes that any feedback provided through other channels, for example informally at an event, or by post, would need to be made transparent, potentially increasing the administrative burden on airspace change sponsors.*

*PTO*

**Question 11: Should consultation responses be made solely through the online portal?**

**Yes**

**Please give reasons for your answer.**

Yes. But other comments e.g. the view that the consultation is inadequate should also be taken into account, even if this creates an extra demand on sponsors. There is a potential role for independent facilitator and/or CAA community engagement manager in recording informal feedback for the purposes of the portal.

**Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?**

**Don't know**

**Please give reasons for your answer.**

Don't know. In order to restore trust transparency should not be compromised. Unclear what is meant by 'fairness'. Examples of cases where a plan has changed substantially in response to consultation plus private meetings but subsequent consultation and assessment has been inadequate.

**Question 13: Overall, will Stage 3 improve the airspace change process?**

**Yes provided our suggestions are incorporated.**

**Please give your reasons and any other views on Stage 3.**

#### Proposals for Stage 4: update and submit

*This is a new proposed stage compared with the current process, in which sponsors are required formally to consider any appropriate revisions as a result of the consultation process prior to submission. This step isn't defined as one of the 'gateways' requiring CAA sign-off. If any revisions are made to the original proposal a revised 'options appraisal' (as described under stage 2) would need to be submitted, and a second round of consultation may be necessary.*

*The CAA proposes to standardize the way submissions are structured and presented and to set out guidance in due course on how this should be done. Formal submissions will need to be accompanied by an operational assessment, an environmental assessment and a consultation assessment.*



**Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions?**

**Yes**

**Please give reasons for your answer.**

Yes. Will help make the process more accessible.

**Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?**

**Yes**

**Please give reasons for your answer.**

Yes. Helps demonstrate whether or not sponsors have taken account of consultation responses.

**Question 16: Overall, will Stage 4 improve the airspace change process?**

**Yes**

**Please give your reasons and any other views on Stage 4.**

Yes. Helps improve transparency and hopefully relations between the sponsors and those affected by changes.

### Proposals for Stages 5 and 6 (including Public Evidence Session and Appeal discussions)

*'Step 5A' in the proposed process is for CAA assessment of the final decision. This may include requests by the CAA for technical corrections from sponsors that do not affect the substance of the proposal. Any such correspondence, the CAA proposes, will be published on the online portal.*

*This correspondence should also be copied to all groups and local councils affected*

*The CAA also proposes that for changes likely to have significant community impact ('level 1 airspace changes' for which a definition is provided later) there should be a final opportunity for stakeholders other than the sponsor to provide the CAA with their views directly by way of a public evidence session. The main purpose would be for the CAA to listen to and understand stakeholder perspectives. A series of five-minute slots would be available for booking by attendees wishing to speak (or ten minutes for organisations).*

**Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?**

**Yes**

**Please give reasons for your answer.**

Yes. Allows communities an opportunity engage directly with CAA decision-maker, who would otherwise be a shadowy figure. Also gives people a final opportunity to respond to other perspectives as evidenced throughout the process.

*'Step 5B' as envisaged would be the final decision stage, with publication on the online portal of the CAA's decision document, as well as its operational, environmental and consultation assessments.*

*The CAA is considering the merits of forming and consulting an Oversight Committee for contentious changes. It notes that for airspace changes which might have a significant effect on the level or distribution of noise and emissions the CAA must seek the approval of the Secretary of State.*

*This would only be beneficial if the Oversight committee is truly independent.*

*New CAA guidance on airspace change decision-making will include principles as to how the different elements of an airspace change proposal are weighed against each other.*

**Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?**

**Yes**

**Please give reasons for your answer.**

Probably!

**Question 19: Overall, will Stage 5 improve the airspace change process?**

**Yes**

**Please give your reasons and any other views on Stage 5.**

Yes. More transparent and better opportunity for community views to be represented in the late stages.

*The recommendations from the CAA's consultant, Helios, included the creation of an appeal mechanism for stakeholders who were unhappy about a CAA airspace decision. Helios advised that this function could be served by the CAA's Board. The CAA does not propose to implement this recommendation on the basis that (i) it would be hard to find but were not already engaged in the process they were being asked to review and (ii) stakeholders already have the option of taking complaints about the airspace change process not being appropriately followed to the courts with a judicial review.*

**Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

We consider this proposal to be totally unacceptable. We agree with the CAA that an appeal mechanism that ended with the CAA's Board is unlikely to be effective, since identifying individuals who could be seen as sufficiently independent of the decision would be very difficult. We disagree however with the conclusion that the leaving it to people to bring a judicial review provides an adequate alternative. The solution is for the Minister of State to set up an independent regulator.

The High Weald Aviation Action Group considers that just as the Secretary of State has responsibility for approving airspace change applications with significant environmental effects, he or she should also be available to be called upon to consider intervening in cases where stakeholders wish to appeal a CAA decision on airspace change. This has (limited) precedent in the planning process, under which the Secretary of State can 'call in' a planning decision on the basis both of its significance, or of concerns about the decision reached through implementation of the planning process. Since the Secretary of State's existing right to overrule a CAA judgment has never in fact been implemented, the criteria for such an appeal to be considered should be clearly set out, in order to provide the public with sufficient confidence that the Government was offering genuine opportunity for democratic oversight of the process.

**Proposals for Stage 7 (including Oversight Committee discussion)**

*The CAA's proposals for a 'post-implementation review' appear to closely reflect the current 'operational review' phase, but with improvements made in the transparency of the process and in the opportunities for community engagement.*

*CAA proposes to initiate a review of any airspace changes between 12 months and 18 months after the change is implemented. Data requested from change sponsors to inform the review would be posted on the online portal. Sponsors will also be expected to receive and sort, in the manner instructed by the CAA at the time, stakeholder feedback to the implementation of the change and to provide that to the CAA in an agreed format.*

**Stakeholders must have the right to comment direct to the CAA**

*CAA will then prepare a report, which will also be published on the portal, on whether the change has met the criteria and objectives of the original proposal, including consideration of any differences from those expected in terms of impacts, and what mitigations are required if so.*

**Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?**

Any necessary data to assess whether the objectives behind the change and the design criteria have been met, and whether the environmental modeling undertaken throughout the process has proved to be in line with real-world impacts.

For example, expected usage by day and night and seasonal variations.

**Question 22: Overall, will Stage 7 improve the airspace change process?**

Yes

**Please give your reasons and any other views on Stage 7.**

Welcome the enhancements to transparency. But we are concerned that the power to modify the proposal appears to rest entirely with the CAA in this stage of the process, without any reference to re-consultation or stakeholder engagement on any revisions that are put in place.

**Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

Yes

**Please give reasons for your answer.**

The process as outlined will, we believe, make significant improvements in relation to transparency.

We don't consider the process to be fair in every respect, particularly in relation to the post-implementation review phase, which offers minimal stakeholder engagement and appears to give CAA powers to make significant modifications unilaterally.

*The CAA's consultant on the airspace change process, Helios, recommended the formation of an expert Oversight Committee to provide the CAA with independent advice and assistance. Helios proposed that the Committee would be chaired by the CAA, with membership drawn from within and outside the CAA dependent on expertise; although most members would likely be external. The membership would be varied according to the nature and location of the airspace change proposal to make it relevant and to prevent any conflict of interest.*

*In relation to 'Step 3B' Helios proposed that the Committee would assist the CAA in reviewing and validating the consultation plan, consultation documents and engagement plan to ensure the plan is comprehensive, the materials clear and appropriate and the questions unbiased. The other involvement Helios recommended is at Step 5B of the final decision stage where the CAA would call on the relevant Oversight Committee to advise and assist in reviewing the airspace change proposal and the assessment papers.*

We are astonished at this proposal as the work envisaged should be part of the normal CAA's internal procedures.

*The CAA sets out 3 reasons for not supporting this proposal:*

- (i) the Committee would add to the opposing points of view that need to be rationalised by the CAA in its decision-making*
- (ii) the Committee would not be bound by the statutory duties the CAA is bound by, meaning it would not need to have regard to the factors the CAA needs to consider and balance when making a decision, and*
- (iii) it would be hard to avoid the views of participants on the community, including for example those of a particular community or interest group, being elevated over the interests of other stakeholders*

**Question 24: Should the CAA set up an Oversight Committee?**

**No**

**Please give reasons for your answer, including what benefits or drawbacks it would deliver compared with the proposed process.**

The oversight committee as envisaged would have input only in relation to whether proper process had been followed, for example that all reasonable options had been considered. A similar role has been considered for an IANA if created. We can see value in there being some external oversight of the CAA's decision-making in future but would prefer this to come from a body also charged with responsibility for considering whether Government policy and the CAA's approach are consistent with appropriate objectives in relation to noise. Hence we consider the appointment of an independent regulator essential.

## Summary of guidance for the proposed process

*To support the proposals set out above, the CAA would produce significant additional guidance material to supplement that already in CAP 725 as set out below:*

**Table 4.1: Proposed guidance material**

Guidance topic	Step
Airspace change requirements assessment	1A
Airspace change grading matrix	1A
Assessment meeting requirements	1A
Identification and agreement of airspace design principles	1B

Airspace change design: good practice examples	1B
Airspace change options appraisal requirements and guidance	2B
Consultation requirements	3A
Consultation validation requirements	3B
Responding to a consultation about an airspace change proposal	3D
How to classify consultation responses	3D
Secondary consultation principles	4A
Submitting an airspace change proposal	4B
CAA assessment of an airspace change proposal	5A
CAA decision criteria for an airspace change proposal	5B
Formation and accountabilities of an Oversight Committee	5B

**Question 25: Are there any other areas where the CAA should provide guidance?**

**Yes**

**Please give reasons for your answer.**

The effect on the environment. Local groups and council should be informed of all changes above 7000' as they may have special knowledge which could help consideration of the problem.

## CHAPTER 5: Scaling the airspace change process

*The CAA proposes that airspace changes can be broadly categorised as either:*

- *Level 1: A change that affects traffic patterns below 7,000 feet (which is derived from the altitude-based priorities in the Government's Air Navigation Guidance to the CAA); or*
- *Level 2: A change that does not affect traffic patterns below 7,000 feet.*

*Level 1 changes will require more extensive consultation, as they are anticipated to affect a wider range of stakeholders. The CAA is currently required to give different priorities to environmental impacts when changes are at or below 7,000 feet according to the Air Navigation Guidance. Level 2 changes would not require consultation with local communities from the airspace change sponsor and the CAA would not offer a public evidence session.*

*CAA notes that this approach would not be related to the size and capability of the sponsor, so a proposal by a small regional airport could be Level 1 and a proposal by NATS could be Level 2C.*

*'Table 5.1' extends over many pages as it sets out how each proposed step in the process would differ for different 'level' categorisations.*



**Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

**No –**

**Please give reasons for your answer.**

There is a real need for fuller consultation.

**Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?**

Welcome scaling on the basis of environmental impacts rather than other factors, but express concern re use of 7000 feet as a threshold, not least as the CAA itself notes that: “some proposals to modernise airspace around Heathrow and Gatwick at altitudes higher than those typically thought to cause significant community concern have been vigorously opposed by some local community groups resistant to changes that they consider could impact their living environments.” Prefer an evidence-based noise threshold. Note significance of low background noise levels.

**Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?**

**Yes**

**Please give reasons for your answer.**

Yes if the Future Airspace Strategy is delivered.

## CHAPTER 6: CAA duties when carrying out our airspace functions under section 70 of the Transport Act 2000

*As its starting point, when considering a proposal, the CAA will give its duty to secure something (ie efficient use of airspace) higher weight than its duty to satisfy or facilitate (e.g. requirements of the industry or of the armed forces).*

*‘Take account of’ e.g. the consideration of the impacts of people on the ground or of environmental objectives, requires the CAA to consider whether or not these are relevant considerations so to rank them in importance as it sees fit.*

*‘Most efficient use of airspace’ is regarded effectively, CAA says, as maximum use of airspace. ‘Expeditious flow’ of air traffic is regarded as the shortest gate to gate journey time for each individual aircraft.*

*It should also include the reduction in fuel usage*

**Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?**

We think the CAA should place little weight on its duty to secure efficient use of airspace. This is for 2 reasons:

- (i) the definition in terms of maximising the number of aircraft seems incomplete; efficiency can only be judged in terms of a given objective and e.g. minimising environmental impacts could be an equally valid objective against which efficiency could be judged. Increasing traffic to the point where congestion occurs and aircraft have to stack not only conflicts with 'expeditious flow' but also potentially with such a wider definition of efficiency since stacking has unwanted impacts in terms of both noise and emissions
- (ii) As the CAA acknowledges, issues such as environmental impacts or other impacts on local communities may rank above this efficiency duty depending on the scale of the impact as judged by the CAA.

Either the Government needs to provide more explicit guidance to the CAA on how to resolve conflicts in the context of Section 70 duties or the CAA should accept that there can be no shortcut to it making its own judgments in each case including an appropriate ranking of impacts. Hence the need for an independent regulator.

## CHAPTER 7: CAA cost recovery for administering the airspace change process

*CAA anticipates requiring 7 new staff as a result of its proposals, including 3 new 'community engagement managers'.*

*The CAA is required by the Government to fully recover its cost from industry in accordance with section 11 of the Civil Aviation Act 1982. As such this section proposes two long-term options for funding future additional airspace regulatory costs:*

- *Option 1: UK en route unit rate, a distance/weight-based charge that is fixed until 2019 and levied on commercial airlines flying in UK airspace – currently the predominant source of cost recovery for the CAA's airspace work. Because the CAA cannot now alter this rate until 2020, however, it would be unable to begin changes to the airspace change process until then if relying on this source of funding.*
- *There should be no more changes until this is sorted out.*
- *Option 2: New statutory charge. This gives the CAA a potential mechanism for meeting the shortfall of three years of staffing costs before RP3 starts in 2020, or could provide an entirely new funding route for all airspace change activities. The CAA would need to decide which entities should pay it: UK airport operators, UK airlines, or NATS/NERL.*



**Question 30: Do you have a preference for either of the options for recovering the CAA's airspace change costs that are set out in Chapter 7?**

**Please give your reasons and any other views on how the CAA recovers its airspace change costs.**

We see change to the current system as an urgent challenge that should begin as soon as possible and while the momentum within CAA exists. We would therefore support the raising of necessary funds prior to 2020.

**Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.**

We don't have a strong view in terms of how best to levy funds from the industry. Our concern is only that local communities, whose interests are not well represented in the current process, should not suffer from any industry reluctance to pay. The levying of necessary funds from industry is consistent with the 'polluter pays' principle. The industry should be willing to contribute as necessary. We support the charges being levied against the airport operators and through them onto the airline.

## CHAPTER 8: Transition to a new process

*"Common sense would suggest that any proposal which has yet to be consulted on before the introduction of the revised process (and which therefore corresponds to Stage 1, Stage 2 or Steps 3A/3B of Stage 3 in the proposed process) should adhere to the new process from the implementation date onwards, to the extent that this is feasible or reasonable."*

*"We would not expect to mandate new elements of any new process for a proposal which has already been consulted on at the time a new process is introduced (and is therefore at Step 3C in the new process or later)."*

**Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?**

**No**

**Please provide any further comments or evidence that would inform our proposed transition arrangements.**

All these changes should be made as soon as possible.

## CHAPTER 9: Next steps

*Following this consultation the CAA will need to consider responses. It anticipates that by September this year it will then commence any work that needs to be done prior to the future implementation of a revised process. It will re-consult on the text of a draft replacement for CAP725 – the formal airspace change guidance next January, with a final version due for publication in April. Any new process would begin at some point after this date.*

**Question 33: Are our timescales for introducing the new process reasonable?**

**No**

**Please give reasons for your answer.**

The new process should be implemented when the draft proposal is published. It can be fine-tuned thereafter.

## Appendix B: A portal for airspace change proposals

*To support the process described above, CAA proposes creating online portal (to be owned and administered by the CAA), which would be accessible to all, and would make available all consultation material, consultee submissions and change sponsor's responses. Consultation responses would be made via the portal.*

*The portal will not be accessible to all, some people do not have computers and this problem needs to be resolved. It could be construed as 'unfair'.*

PTO

**Question 34: Do you agree with the concept of an online portal?**

Yes

Please give reasons for your answer.

Yes but please see the comment above.

Table B1 provides a long list of documentation to be included in the portal.

**Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?**

No. We would welcome documents being retained in an archive to inform both the post-implementation review and to provide historic illustrations to those engaging with the process for the first time.

**Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?**

We consider it important to have all materials on a single website to make it as easy as possible to find, so this seems a reasonable solution.

CAA has identified three options for the form of the portal:

- (i) **As is:** we continue with the current way we publish information, using multiple websites. CAA-generated documents and documents produced by the sponsor but signed-off by the CAA would be published on the CAA website, while sponsor-generated documents which do not require signing-off or which need to first be shared with stakeholders and communities would be published on the sponsor's website (CAA policy does not allow a third party to publish documents on its website independently). The consultation would run on the sponsor's website. CAA regards this option as likely to be inadequate for ensuring that sponsors undertake consultation while the CAA oversees this process. However, it may be acceptable on a short term basis to avoid delay.
- (ii) **Bespoke:** we commission a custom-built portal to address the relevant recommendations from the Helios review and create a dedicated system for all airspace change proposal information, engagement and consultations. This could entail lengthy design and implementation times and significant costs. This is unnecessary.
- (iii) **Off-the-shelf:** we evaluate the specifications of existing software products to determine if any can meet our requirements. CAA is not aware of any off-the-shelf options that would meet all its requirements however. Microsoft has a repository package which could fully meet the needs of the CAA. It could easily be managed internally within the CAA. It is easy to use and would be usable by any CAA member of staff. Its cost would be dramatically less than the cost of a bespoke package and not require the preparation of a specification for the tender document. We are surprised that the CAA has not already evaluated it.

**Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?**

**Yes**

**Please give reasons for your answer.**

Yes – everything should be on one, easy to locate, and easy to use website.

**Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?**

**Yes**

**Please give reasons for your answer.**

Please see our comments above. Also there is currently a lack of clarity for the public over who is in charge of the airspace change process? Emphasis should be on making things easy for stakeholders to participate, not least as the proposal creates significant new burdens on communities. Hence the need to use a standard package.

## Appendix D: The impact of the CAA's proposals

*The CAA considered 4 options in terms of its approach on airspace:*

- 1. Do nothing (i.e. reject Helios recommendations). CAA does not consider this credible since significant issues were identified*
- 2. An administrative update of CAP725 – CAA regards this as necessary but a separate issue that does not address the problems identified by Helios*
- 3. Accept all the changes to the process recommended by Helios consultants; CAA's proposals set out here however differ in some respect from the Helios recommendations*
- 4. CAA assesses Helios recommendations and modifies them in the light of that assessment and a formal consultation: ie the chosen approach*

*Table D1 sets out the impacts of each proposal for (a) sponsors and (b) the CAA.*

**Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?**

**Yes**

**Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible.**

Yes provided that the impacts on communities and other stakeholders are considered and the CAA implements the recommendations we and other stakeholders propose

**Question 40: We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed process.**

It should be noted that the new process, while offering a number of improvements for communities, will also increase the demands made of stakeholders in terms of time and – potentially – resources (if they feel the need for consultants' input). Because of the expertise within many groups the additional cost should be minimal provide sponsors engage in meaningful consultations and do not just pay lip service to the process.

Tuesday, 14<sup>th</sup> June 2016

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# **CAP 1389 CONSULTATION**

## **LASHAM GLIDING SOCIETY RESPONSE (Non Confidential Version)**

**Secretary: Gavin Spink**

**Date 14<sup>th</sup> June 2016**

## Stage 1 Specific Questions

### Question 1: Will the new process gateways improve the airspace change process?

No

#### **Reasons**

In theory gateways are a good idea. They are widely used in organisations as decision points and not process checks. We have answered "No" because the particular gateways proposed do not act as filters to stop early in the process ACPs that are unviable. As explained later in the comments, the proposed process inserts gateways to check if documents are valid and deliberately avoids making early decisions that would potentially save large amounts of unnecessary effort by all the parties concerned. In addition, the process will only be an improvement if the CAA explains why something has failed or on what criteria it has passed a gateway. The criteria need to be known in advance.

### Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?

Yes but...

#### **Reasons**

This section conflates "design principles" and "design objectives", which is wrong. We believe that the CAA means "design objectives".

**"Design principles"** consist of CAA policies, criteria defined in CAP documents, technical regulations (CAA, EASA, ICAO, EU etc.), and compatibility/coordination with extant initiatives such as SES, FAS and LAMP. The "design principles" must be precisely defined and agreed by the CAA at the outset. For example they must include CAP778 criteria, Containment Policy criteria and a certified absence of "arbitrary" mandates that are silently known by the CAA or the Sponsor and that will be otherwise unexpectedly revealed later, meaning that they could not be changed mid-stream.

It is unclear why only "local stakeholders" would need to be informed of the "design principles" which would be used to guide the design of the proposed airspace change. Does the CAA mean *all* affected stakeholders? "Design principles" must be fully-specified and published *to be available to all* at the start of the ACP process.

The CAA must self-evidently regularly review and approve the "design principles".

**"Design objectives"** are quite different and the Sponsor should state clearly what the proposal intends to achieve and the unambiguous metrics that will be used to measure this. These must be based on quantified and independently-verifiable data. For example, it should be unacceptable for a Sponsor to state that an ACP is required for safety and efficiency reasons without a quantified and independently-verifiable justification. In addition, it is crucial that the "design objectives" are described in plain language to allow comprehension by all stakeholders.

Design objectives *must state unambiguously all of the parties* on behalf of whom an ACP application is being made.

Failure to provide any of this information should result in the ACP being halted forthwith.



**Question 3: What types of data would you find it useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?**

As explained in our answer to question 2, the Sponsor should provide "design objectives" and these must be published.

Regarding airspace "design principles", it would only be necessary to provide reference to the CAA documents and cite exactly the criteria being applied.

All this information should be supplied via the portal. Presumably it would, by then, have been shown to all of the stakeholders.

**Question 4: In addition to specific detail, what general background information would you find it useful for the sponsor to provide as context for its proposals?**

This question is so vague and specific-ACP dependent that it is not possible to answer meaningfully.

**Question 5: Overall, will Stage 1 improve the airspace change process?**

No, unless

**Reasons**

As explained earlier, Stage 1 will only improve the ACP process if it will head off problems later downstream. This requires better gateways that act as filters as described earlier. The validity of documents and their format is not remotely sufficient enough. The gateways should progressively stop ACPs being advanced where it becomes clear at the earliest opportunity that they will ultimately be blocked. This process will only work if the requirement to pass through each gateway is precisely defined.

A further problem is: how will stakeholders know what is being deliberately missed out? It should be a formal part of the CAA's responsibility to identify major criteria that have not been drawn to the Stakeholders' attention. This is why the CAA must formally provide approved "design principles" in advance.

**Stage 2 Specific Questions**

**Question 6: Will introducing the options appraisal we propose improve the airspace change process?**

Yes

**Reasons**

It should be Full. This is because with the other Indicative option the stakeholders being consulted would not see the full options before the final submission was submitted. Given what the CAA is trying to achieve, this would destroy the process immediately at the outset. It would also be illogical.

The proposed guidance and tools need careful thought as this could turn into a vastly complex exercise. In turn, deep pockets could take this in their stride, with the opposite occurring for those with limited resources.

### **Question 7: Overall, will Stage 2 improve the airspace change process?**

Yes but

#### **Reason**

As we have described the necessary process, it will provide crystal clear and agreed "design principles", "design objectives" and options up front. This will crystallise early arguments and make sensible solutions more likely later.

There is a caveat, however. Unless a lot of thought goes into how these should be evaluated using recommended tools, this could turn into an exercise that was only viable for a Sponsor with very deep pockets.

To illustrate why we have responded in the above fashion, during the TAG ACP process there was great concern about secret meetings being held between the Sponsor and individual stakeholders, with different stakeholders being shown different versions of airspace designs. This, in turn, made stakeholders suspect that a number of secret meetings had also been held with the CAA and that the CAA perhaps had approved certain actions but which it had not revealed.

To obviate this, all such interactions should be minuted and published. This is essential for transparency and also for compliance with the Cabinet Office Guidelines on Consultations.

At the end of Stage 2 there is a dashed box indicating the Sponsor might undertake simulations or flight trials of one or more options. These should only be undertaken following consultations with affected stakeholders.

### **Stage 3 Specific Questions**

#### **Question 8: Would an independent third-party facilitator make a sponsor's consultation more effective?**

No

#### **If so, should a facilitator be a mandatory requirement for certain types of airspace change?**

No reasoning has been provided in the preceding text for making a facilitator mandatory or not. The Level argument does not apply because, whether or not an ACP is a major initiative, the pros and cons for an independent facilitator have not been articulated.

#### **Please give your reasons and any other views (including benefits and disbenefits) on facilitators.**

In practice it is very difficult to invoke a genuinely independent third party:

- The party has to be paid, presumably by the CAA. This will generate a bias to produce a result that the CAA will find pleasing.
- Any existing organisation already funded by the CAA or NATS will also suffer from this effect.
- One way of overcoming this would be for the Sponsor and stakeholders to agree a facilitator (or not) from a list of supposed independent parties that the CAA would consider acceptable. This could be expensive.
- Another way would be to form, for each ACP, a specific panel made up of single representatives of the stakeholders affected (e.g. a Local Authority representative, a CAT representative, a GA representative and a CAA representative).
- Another possibility would be to pay a recognised neutral mediation organisation such as CEDR to produce an accredited facilitator. The CAA presumably would have to pay.

**Question 9: Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?**

Yes

**Reason**

It is important for reasons of transparency that all responses can be read. However some will necessarily contain commercially sensitive information. To overcome this, for example as would happen in competition cases, should not respondents produce a visibly redacted non-confidential version that the CAA has approved?

**Question 10: Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?**

No

**Reason**

The reason is evident. Assuming that Consultation Documents are clear and understandable, they will provide sufficient information for an informed response. By contrast, there is no guarantee that individual responses will contain correct information. Reading them as they come in is likely to bias later responses as they take account of incorrect information.

**Question 11: Should consultation responses be made solely through the online portal?**

No

**Reason**

The online portal is a digital-only proposition. Local authority planning departments upload paper or e-mail responses onto their online portals as a matter of course. The CAA should do the same. This CAA argument is firmly rejected.

**Question 12: Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?**

No

**Reasons**

It is manifestly wrong that the Sponsor collates and reviews the responses. What Regulator allows an interested party to analyse evidence and then present it under a "label" of apparent objectivity? It is wrong because responses often require interpretation.

It would be sounder by far that the CAA performs the analysis and is also seen automatically as holding the Sponsor to account.

Because Sponsors have carried out the Consultation, as Helios discovered, they become regarded with great suspicion. This is a further very persuasive reason for the CAA doing the analysis.

Helios's view was that the CAA should not run the consultation because its role is to regulate the process. This is entirely wrong. By the same reasoning, a Competition Regulator would not analyse the results of market feedback but would ask either an investigated party or a complainant to perform such.

This Consultation states that it would still be the Sponsor's responsibility to respond to the comments made. This seems unwise, for obvious reasons of commercial self-interest. The CAA should monitor and ensure that a Sponsor's response is fair and balanced and not "spun" or twisted by omission of relevant information, for example.

It also states that the CAA should validate before publication that Consultation material is appropriate. However, this is done "theoretically" now. For example, in the Farnborough ACP, TAG appeared to state that the CAA had approved its material. Evidence shows that this was not done to a satisfactory standard. It follows that the CAA should be manned/reorganised to make this possible. The CAA should certify publicly that the material meets its approval. The Sponsor should not make such a statement.

In answer to an earlier question, it was stated that, in practice, it is very difficult to invoke a truly independent third party as a Facilitator during the Consultation phase and reasons were given for this. A configuration that would be more likely to work would be to combine the role of Facilitator and the so-called Oversight Commission: for each ACP to form a one-off specific panel made up of single representatives of the stakeholders affected (e.g. a Local Authority representative, a CAT representative, a GA representative and a CAA representative). For that ACP, they could perform both functions, on occasion individual members interfacing with some stakeholders, should specific understanding/sensitivities be involved.

The document states that "We [the CAA] are ready and willing to make those decisions and be challenged upon them if necessary and appropriate. If the CAA is willing to be challenged the Decision must be appealable. One of the authors has personal experience of reporting to an Oversight Committee. They can be very political if they are permanent bodies with the same members always overseeing different situations.

There will also be arguments over the "Level" definition applying because of the different process criteria being applied. Although this sounds attractive in theory, marginal cases in practice will involve conflict over the applicability of such. It will be self-evidently desirable to have a common process that is efficient, rapid and manifestly transparent.

The Consultation states that "the consultation period is [i.e. should be] of appropriate duration based upon the scale and impact of the airspace change". What would be the metric that indisputably would define this? In the absence of such, this statement is arbitrary and theoretical.

Publishing FAQs as a Consultation proceeds and responses are received would appear to be unlawful. This is because respondents at different times would have access to different information. In the TAG Farnborough ACP case it appears that some of the FAQ information published in this way was wrong. Any FAQs should only form part of the Consultation Document on initial publication.

The Sponsor should not "carry out a fair, transparent and comprehensive review and categorisation of consultation responses". This is akin to asking a defendant to carry out a fair, transparent and comprehensive review of a prosecution's assertions. The CAA should most definitely undertake this step.

For Consultation responses that are allegedly commercially sensitive, respondents should produce a visibly redacted non-confidential version that the CAA has approved.

As stated in response to an earlier question, the CAA should not publish Consultation responses at the time that they are received. The reason is obvious. Assuming that that Consultation Documents are clear and understandable, they will provide sufficient information for an informed response. There is no guarantee that individual responses will contain correct information. Reading them as they come in could well bias later responses as they take account of incorrect information.

The Consultation states that "It may be that some feedback is not provided through a formal consultation response on the online portal but more informally, for example through feedback given at public events, or comments made in private or public meetings. Our view is that the sponsor should decide how to introduce this feedback into the process in a transparent way". This is entirely wrong and would probably transgress Cabinet Office Consultation Guidelines. Apart from the problems of self-interest of a Sponsor, it suffers from the same fundamental drawback as publishing FAQs "on the fly".

It states that "If the change sponsor identifies that responses submitted during the consultation can be answered prior to the end of the consultation, they are free to do so. All correspondence between consultees and the change sponsor would be visible for everyone to read". It would be self-evidently wrong to publish such during the Consultation as some replies could be wrong. Publication would then influence later respondents, which would incorrectly bias the Consultation and probably invalidate it.

**Question 13: Overall, will Stage 3 improve the airspace change process?**

No

**Reasons**

This answer is provided in the response to Question 12.

With regard to Stage 3D (Collate & Review Responses) and 4.81 Categorisation of Responses, this needs careful templating or Sponsors may perform this in a manner which diminishes the seriousness of specific issues in order to suit their own self-interest.

**Stage 4 Specific Questions**

**Question 14: Should sponsors be required to adhere to a standard template for their airspace change submissions?**

Yes

**Reasons**

Further to the reasons given above, without such, it will impossible to compare the results (and then final outcomes) of other ACPs, which will help harmonise the decision-making process and provide a valuable source of reference for potential ACP applicants.

All templates should be defined by the CAA, not the Sponsor.

**Question 15: Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?**

Yes

**Reasons**

As the CAA has identified, the present process is flagrantly non-transparent and creates immediate grounds for suspected collusion between the CAA and a Sponsor.

The creation of a list of the redaction categories and supporting justification are long overdue. However, we would strongly recommend that they are drawn up definitively by a legal

organisation independent of the CAA and agreed consensually by an over-arching aviation body - perhaps a combination of FASIIIG & FASVIG.

**Question 16: Overall, will Stage 4 improve the airspace change process?**

Yes

**Reasons**

It states that "The change Sponsor reviews the consultation responses (categorised under Step 3D); from those responses identified for further consideration [emphasis added], the sponsor seeks ways of amending the airspace change design...." If the Sponsor decides which responses are identified for further consideration, this introduces an enormous source of bias. The one-off Oversight/Facilitator body should formally agree these.

It states "If the options appraisal reveals that the impact of the design has changed substantially, then the CAA may require the change sponsor to undertake a second consultation...". There will be arguments over the meaning of "substantial". This can be remedied by the one-off Oversight/Facilitator body that we recommend should agree this criterion for a particular ACP for the CAA to apply. In stating this, we are aware that a definition has been employed using the concept of "fundamental" change where "fundamental" would be defined as "a change of such a kind that it would be conspicuously unfair for the decision-maker to proceed without having given consultees a further opportunity to make representations about the proposal as so changed".

The CAA proposes to issue guidelines for the level of change that would trigger a second round of consultation. Given the track record to date, there is very little confidence that this will be sufficiently complete. The CAA might be tempted to subcontract this to an external consultancy company. This is likely to produce a long theoretical and complex list. It would be better that the proposed one-off Oversight/Facilitator body agrees this for a specific ACP.

**Stage 5 Specific Questions**

**Question 17: Will introduction of a new Public Evidence Session improve the airspace change process?**

No

**Reasons**

The CAA wants to use this to collect supplementary information. Surely the CAA can do this now. For example, regarding TAG Farnborough's ACP, Lasham Gliding Society supplied further data to the CAA within the instructions provided by TAG under the CAP 725 process. The CAA also invoked and paid FASVIG to get further information from parties and Lasham supplied some.

The CAA has proposed some very strict short timescales regarding submissions for all this. This is a regretful suggestion. The dissemination of information about ACPs has been so poor that, although more convenient for a Regulator, a strict short-interval cut-off would disadvantage some legitimate stakeholders who had been missed and who wanted to provide meaningful and pertinent evidence.

It states that the purpose for such a Session is for the CAA to listen. It has a duty to listen nonetheless. If it chooses to delegate and the delegated "listening" fails, this is the CAA's problem as it still remains responsible.

Giving notice of the Session on the proposed Online Portal is too passive as it assumes that all parties are monitoring the website continuously. Giving notice should be proactive and be via e-mail notification.

The fixed slots proposal is too formal and prescriptive. It sounds rather like a local authority planning meeting. The comment about small errors and technical issues creates problems *per se*. What may be a small error or technical issue to one party might well be a major issue to another.

The "easy read" proposition sounds very strange. The proposal should have been understandable in a summary form in any case in the initial ACP.

The very first item of the CAA's proposed solution in 4.100 is barely comprehensible. Requests to Sponsors should be made public when they are made, not after a CAA dialogue has taken place.

There is a problem with revised ACP versions. The experience with the Farnborough ACP is that the Sponsor was already peddling up to about 30 different versions during the course of the ACP. Multiple versions through many iterations create a massively confusing situation for the various stakeholders who have then contributed and provided input at various points *for a specific version*. This aspect needs thinking through carefully.

On reading this Consultation, it raises real doubts as to whether the CAA has both the manpower and the expertise to think out an appropriate process given the proposals in this consultation. A better approach would be to get FASIIG and FASVIG to produce a commonly agreed process and for the CAA to engage in a process of finding a modified/agreed version. Asking an external consultancy company to furnish a solution has generated an unsatisfactory "curate's egg" solution for a revised CAP725.

**Question 18: Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?**

Yes

**Reasons**

It is essential that the CAA provides clear and comprehensive reasons for the decision in the same way that a judge provides the logical reasoning used for a judgment.

In answer to an earlier question, it was stated that, in practice, it is very difficult to invoke a truly independent third party as a Facilitator during the Consultation phase and reasons were given why. A configuration that would work would be to combine the role of Facilitator and the so-called Oversight Commission: for each ACP to form a one-off specific panel made up of single representatives of the stakeholders affected (e.g. a Local Authority representative, a CAT representative, a GA representative and a CAA representative). For that ACP, they could perform both functions, sometimes individual members interfacing with some stakeholders should specific understanding/sensitivities be involved.

As stated earlier, the "Level" notion is a recipe for potential conflict and argument.

**Question 19: Overall, will Stage 5 improve the airspace change process?**

Yes

**Reasons**

Anything is better than the present system providing that the comments made earlier about a great deal more thought are put into creating a practical process, e.g. the "Levels" proposal and the Public Evidence Session etc. needs much more careful thought. We repeat that, instead of using an external consultancy, a revised, practical and effective process could probably be devised by a combination of FASIIG and FASVIG.

**Question 20: What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?**

This is wrong. It is perfectly possible to follow a process deemed to be fair but then to result in a challengeable decision. This happens in courts of law.

The CAA's assertion that it does not have access to experts other than its own who are "independent" is plainly wrong. It also just concerns technical arguments. If this were so, no court decision would be challenged on grounds of substance. It would also assume that no "independent" technical experts could be found apart from those within the CAA

The CAA states it has decided not to allow an appeal on process. This is an irrelevance as an application for leave for a Judicial Review always remains open.

The CAA erroneously assumes that, because its proposed process has gateways, the final decision must be correct or fair. There is no logic in this flawed assumption and examples abound.

The proposed process is a long, drawn-out procedure and it need not be so. There is no need for an appeal to take a year. It must be possible to challenge a decision on grounds of, for example, that it erred in law or in fact or in the exercise of the CAA's discretion or that new evidence had emerged that was not available and had not been considered. As Lord Neuberger has said, a fair process is not simply one that is procedurally fair but equally one that should seek to produce "a substantially just decision".

The CAA states that the Secretary of State for Transport is effectively able to challenge the substance of a CAA airspace decision. The likelihood of this remedy being applied is somewhat remote. The Secretary of State does not represent the parties concerned. This is not a substitute for an appeal process within the CAA's procedure.

**Stage 7 Specific Questions**

**Question 21: What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?**

This is surely obvious. In the original ACP, the sponsor should claim the reasons for the airspace that it wants and supply the quantitative data to support it. At the outset, the CAA should agree this or require better metrics before proceeding. Thus in the PIR, new data within the agreed metrics can be checked to see if the claimed effects arose.

The Sponsor should also detail all of the procedures.

**Question 22: Overall, will Stage 7 improve the airspace change process?**

No

**Reasons**

The current experience of this part of the process is that the CAA is frequently late and that the PIRs can be perfunctory box-ticking exercises, i.e. they are inconsistent and of varying quality. It is a further reason for the lack of trust in the CAA that currently persists.

The publication of PIR material and the seeking of views has not worked. It appears to be reactive to large-scale public protest.

Again, as stated before, the application of a "Level" criterion will create a lot of disagreement.



There is no clear reason for an 18 instead of a 12 month PIR period. 12 months should be retained as it is largely sufficient to identify the success or failure of an implementation decision. Furthermore, the CAA states that if an implementation is changed to align it better to requirements, the result will be monitored and reviewed after 6 months. This proves in the CAA's own words that even a 6 month review is possible and meaningful. It is further evidence that the Helios/CAA 18mth PIR period should be rejected.

The CAA states that the specific data required will be provided for Level 1 cases. Why cannot this be applied to all decisions? It is clearly good management practice. It will also stop what the CAA considers to be relatively unimportant GA effects to be masked by a lack of data or monitoring.

Why cannot stakeholder feedback be more standardised/formalised for all PIRs?

**Question 23: Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?**

No

**Reasons**

The reasons have been provided in detail in answers to the previous questions.

**Chapter 4 Specific Questions**

**Question 24: Should the CAA set up an Oversight Committee?**

Yes

**Reasons**

The CAA stated earlier that the government-proposed noise authority would act as a form of Oversight Committee. This logic is plainly wrong.

If the CAA is willing to be challenged, the Decision must be appealable. One of the authors has reported to an Oversight Committee in the past and they can be very political if permanent bodies with the same members always look at different situations.

In answer to an earlier question it was stated that, in practice, it is very difficult to invoke a truly independent third party as a Facilitator during the Consultation phase and reasons were given why. A configuration that would work would be to combine the role of Facilitator and the so-called Oversight Commission: for each ACP to form a one-off specific panel made up of single representatives of the stakeholders affected (e.g. a Local Authority representative, a CAT representative, a GA representative and a CAA representative). For that ACP, they could perform both functions, sometimes individual members interfacing with some stakeholders should specific understanding/sensitivities be involved.

The present CAA guidelines for whom to consult are arbitrary e.g. the criteria for contacting local authorities. What mechanism would provide a better list? The Facilitating/Oversight body as described above by us should help and avoid "mechanical" exclusion.

The CAA provided three reasons for not having an Oversight body:

- The first is wrong. The body is highly likely to stop the CAA making potentially secret non-transparent arrangements/commitments with influential ACP sponsors and intentionally ignoring other affected parties.
- The second is wrong. Oversight has functioned elsewhere in public arenas where the bodies being overseen had to comply with statutory obligations. One of the authors has particular personal experience of such.

- The third reason seems to be an indictment of any form of Committee or Oversight function. It appears to be a weak, manufactured reason.

Having "Health and well-being", "Consultation and engagement experts" plus "Socio-economics" representatives is plainly "exaggerated".

**Question 25: Are there any other areas where the CAA should provide guidance?**

Yes

**Reasons**

The CAA needs to give examples of particular practices that must not take place, e.g. providing secret copies of different airspace configurations to different stakeholders.

We still believe that it is a major error for a Sponsor to analyse responses. This is clearly a CAA responsibility. It is manifestly wrong that a Sponsor collates and reviews the responses. What Regulator allows an interested party to analyse evidence and present it under a "label" of apparent objectivity. This is because responses often require interpretation. As stated earlier, by the same CAA reasoning, a Competition Regulator would not analyse the results of market feedback but would ask either an investigated party or a complainant to perform such.

As also stated earlier, each step should use CAA-generated Templates.

**Chapter 5 Specific Questions**

**Question 26: Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?**

No

**Reasons**

The quantitative metrics, defined here at the outset at the Assess Requirements stage, must define the measurements that demonstrate why the ACP is necessary and that will be used subsequently in the PIR to confirm whether or not they have been achieved.

The table constantly refers somewhat mysteriously to "scaling" but never defines what this means. It adds an enormous degree of arbitrariness to the so-called defined/described process.

It must be the case that the CAA will tell the Sponsor what the underlying "design principles" to be applied will be. Surely this section means that the Sponsor will explain in clear and unambiguous terms what the ACP is trying to achieve – "design objectives". Unfortunately this whole Design Principles section sounds like a set of fine-sounding words, but is neither sufficiently precise nor practical.

Why just directly affected stakeholders being involved? Why not "Significantly" too as some may be heavily affected indirectly?

How will the Secretary of States' intervention be explicitly merited in a Level 1 change as referred to in the Develop and Assess Gateway?

In Consultation Preparation, should the consultation and documents not be "approval" otherwise things could roll along on from here from an initial unsatisfactory basis. "Validation" just implies being legally valid. This is an important principle. Each gateway in this process must be a possible decision point for elimination on either lack of merit or justification, otherwise the whole gateway-

based process fails. Proposal documents should not pass through a gateway simply because it is possible. There must be merit in allowing them to continue.

It states under Consultation Preparation that there will be "forthcoming guidance (to be written in the light of responses to this consultation on the proposed airspace change process..." This provides an immediate reason why this table does not have sufficient clarity.

In the same section it also states that the Sponsor should consult with communities affected by impacts, but who will determine this? Unquestionably not the Sponsor as it could avoid parties who would be unknowing and would complain at being left out when they became aware later in the process. Surely either the CAA or the Facilitator/Oversight body should confirm the list is adequate.

It also refers to the CAA considering a reduced consultation period where the Sponsor produces a "strong rationale". As described, this is highly arbitrary.

In the environmental assessments in Box 1, what about the frequency of use of the airspace and its relation to the volume, i.e. the CAA's latest definition of the "efficiency" of airspace. This is effectively an environmental factor.

The CAA says it will validate "...the documents meet the requirements for an open, fair and transparent consultation". But just how are these defined? Otherwise this is theoretical. Who decides if questions are biased or leading or miss out basic alternative answers? This is well illustrated by the multiple complaints about leading questions used by TAG in its ACP, questions that appeared to have been seen in advance by the CAA.

Under Consultation Validation, it states that the CAA "will not comment on the merits or otherwise of the airspace change process itself". But clearly this is not sensible. If something is manifestly wrong or disproportionate, the CAA should say so and intervene at this stage. Otherwise, this gateway is nearly valueless and will permit a massively time-consuming exercise for all parties to be launched. This is surely a fundamental problem that needs resolving here. Although the CAA has delegated a Sponsor to do the work so far, the CAA remains legally responsible. It must not close its eyes to obvious problems. In the end it will have to make a decision anyway. Sooner is infinitely better than later.

In the Update Design section, given the CAA's recording of the difficulties that have previously emerged, this part of the description sheds no practical light on what Sponsors should do regarding a second consultation (by definition the responsibility of the CAA) to avoid this fundamental problem.

The Submit Proposal section omits the metrics again, the quantities which were used to justify the initial ACP and the results of which will be used in the PIR.

The CAA Assessment section is far too vague. What defines "fit for purpose"? For further information and clarification, who will the CAA ask: the parties concerned or the change Sponsor charged to get in touch with the parties? The latter is undesirable. The former requires sufficient CAA staff who are relevantly qualified in the matters involved.

The Public Evidence description, as it stands, is too vague. It needs to spell out what the Public Evidence Session will do. We have provided our views earlier in this Consultation.

The CAA Airspace Decision section contains what appears to be a nonsensical sentence. "Scaling" remains undefined and different seniorities of staff depending on some arbitrary medium or low impact could mean anything. It also implies levels of personnel being available, which are widely perceived not to exist in the presently under-resourced CAA.

The CAA decision-maker description appears to imply that it is a "one-man band operation", which has to be wrong. Surely the draft decision and the reasoning should be the responsibility of the Manager responsible for the case team. It should be passed to the Facilitator/Oversight body for agreement/correction and then given to the head of SARG for formal ratification or rejection/return for correction. Otherwise, the head of SARG will remain with the problems perceived with the current process.

Regarding the PIR, as with earlier comments, it should be at 12 months (not 18). As repeated ad nauseam, the data collection must have been previously determined by the metrics defined at the outset. Surely, an initial response can be made much more quickly than 6-9 months. If the CAA can rapidly implement CAS for a particular reason, then it can surely decide to remove it equally quickly if it is unequivocally clear why.

**Question 27: Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?**

As stated earlier, the parameter defining the Levels is 7000 feet AMSL and is related to noise. Any person or organisation could argue about this distinction, particularly if RNAV tracks were involved.

The "scaling" discussed has been commented upon earlier. "Scaling" remains undefined and different seniorities of staff depending on some arbitrary medium or low impact could mean anything. It also implies levels of personnel being available, which are widely perceived not to exist in the presently under-resourced CAA. This particular Consultation (to which we are responding) is so onerous, that it is not possible to elaborate here. It would be far better to simplify the entire process and for the CAA to resource to undertake the assessment of an ACP for multiple and justifiable reasons. This would remove the requirement for the mysterious "scaling".

**Question 28: Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?**

Yes

#### **Reasons**

The CAA has articulated some reasons that appear to be correct.

There are also many regional airports with low traffic volumes that will apply and would take advantage of the present and even proposed *delegated* process that will continue (we disagree with an under-resourced CAA having to delegate and thereby inflicting its costs onto others in an inefficient manner). The military are regrouping and concentrating and that too creates demands. So-called LAMP will generate highly contentious changes as will the associated Southern runway decision. The EASA new definition of CAT that applies will also stimulate some small airfields to apply for CAS. There should be, in theory, a further demand to release poorly-used existing CAS.

#### **Chapter 6 Specific Questions**

**Question 29: Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?**

Yes.

So far, there has been a total lack of transparency. "Batting off" requests and obfuscation has contributed to the massive loss of trust in the CAA.

Section 70(3) requires the CAA to apply material factors in the manner it thinks is reasonable having regard to them as a whole. Although enshrined in law, what does "manner it thinks is reasonable" mean? To head off disputes, the CAA needs to provide descriptions of what it has done in the past under this heading.

Where the CAA is proposing "... to provide impartial advice to the Sponsor prior to the proposal being submitted formally about how this conflict could be minimised..." this needs to be published and be transparent too – unlike the current situation.

The term "efficient" use of airspace is unfortunate. The term "efficiency" is technically incorrect. This wording and the CAA's explanation shows that the CAA has had to struggle to find out what the term means. This has to be wrong. Use of an unambiguous term at the outset would save all parties from wasting time and money in their interpretation of this. Since outstanding ACPs have been running under different understandings of this term, they should be stopped and restarted on this basis alone - no matter how embarrassing for the CAA.

In fact, when the Farnborough ACP was consulted, this definition did not exist. Therefore respondents had to guess. The CAA's board minutes also expressed this lack of clarity during this period. On this basis alone, the Consultation at the time - and still open - fails as the goalposts have been moved during the process.

## **Chapter 7 Specific Questions**

**Question 30: Do you have a preference for either of the long-term options for recovering the CAA's airspace change costs that are set out in Chapter 7?**

**Please give your reasons and any other views on how the CAA recovers its airspace change costs.**

Yes.

### **Reasons**

This question misses out an important factor. The "2 categories of cost" argument is entirely wrong. There are 3 categories. The missing category is the not insignificant cost that has to be borne by the affected stakeholders in responding to and continuously having to deal with an evolving ACP situation. This can go on for years. Effectively, the CAA has delegated its work to ACP Sponsors who have a commercial and financial interest in the result. The result is a massive increase in cost for stakeholders as well as for ACP Sponsors. This is totally unreasonable and disproportionate.

The CAA refers to its costs being £1.089M. In the [REDACTED], Lasham's costs would have been [REDACTED]. This covers literally man-years of effort.

The CAA's proposals, although appearing frank, might spend the money more wisely. For example, the website portal seems unreasonably expensive. It is trying to achieve transparency of communication and to facilitate workflow, not the equivalent of running a bespoke online banking system. This needs a thorough re-evaluation.

Charging the initiator of the ACP, whoever it be, would seem to be the most logical of the unattractive options created by the CAA being forced to outsource the greater part of ACP workload to Sponsors and also stakeholders. A significant problem with that is that deep-pocketed applicants would become dominant and others less financially robust would be dissuaded. The solution would be for the CAA to significantly simplify the proposed process (this would reduce its manpower requirements and that of the stakeholders affected), to obtain the manpower needed to process an ACP following an initial application, to recover it from aviation as a whole and to charge the more modest balance to the ACP initial sponsor.

**Question 31: In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.**

Please see answer to question 30 above.

#### **Chapter 8 Specific Questions**

**Question 32: Are our proposed transition arrangements between the old process and the new process reasonable?**

No

##### **Reasons**

What about those ACPs that are currently underway and where, self-evidently, CAA criteria have changed since they started?

The CAA refers to discussion with "individual cases with the Sponsor concerned" but what about the stakeholders who are being significantly affected?

**Question 33: Are our timescales for introducing the new process reasonable?**

No

##### **Reasons**

There is an EASA ACP Consultation forthcoming in 2016. Surely it is pointless to undertake a UK revision with the timescales as shown given that it might all have to be changed.

If this Consultation is properly answered by all concerned and the CAA analyses the answers and holds discussions/communications with the interested and affected parties in the timescale proposed, it could work. In practice, this Consultation is so complex to answer fully that it will dissuade full answers. This respondent took approximately 2 man-weeks just to read it carefully before responding.

There is a high likelihood of this becoming a box-ticking consultation exercise because of the timescale and the limited CAA manpower available.

It would be wrong to outsource this activity to an external consultancy such as Helios, who created the proposed recommended system. It would be far better, for example, to give the task to FASIIG and FASVIG along with a revised timescale within which they should deliver.

#### **Appendix B Specific Questions**

**Question 34: Do you agree with the concept of an online portal?**

Yes

##### **Reasons**

It will enable much greater transparency. We have commented on this in earlier questions.

However, please note that it says a "tighter" consultation process should result, not a denser collection of documents that go through the same poor process as the present. Unfortunately, the CAA is frequently viewed as being opaque and complicit with the ACP sponsors.

The portal will not be good enough for initial communication as it supposes that all parties will be regularly monitoring this portal with keen eyes. For initial engagement of communities, local

authorities etc., it is a must that their attention is drawn to this via a bulk communication such as e-mail.

We also fundamentally disagree with Helios's and the CAA's assertion that "the CAA should not itself run the consultation".

It states that "Our intention is that consultees would only be permitted to make one response to a consultation, which they would not be able to amend once submitted". This draconian principle should be rigorously applied to an initial ACP. If you can tinker with this later, as part of the process, then the same should apply to a Consultation response.

**Question 35: Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?**

It is very hard to provide a concrete answer without taking the totality of documents submitted now - only the CAA knows this - and mapping them. Also some of the proposed documents appear to be insufficiently thought out. We have commented on this in our responses to the earlier questions.

**Question 36: What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?**

This is both technically naive and inappropriate. The CAA should run the Consultation. All material should be on the CAA's portal, managed by the CAA.

**Question 37: Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?**

Yes

**Reasons**

The CAA has articulated well in the As Is option why this is not suitable.

There are almost certainly commercial workflow-based web-hosted applications that are available COTS. More informed effort needs to go into examining this.

**Question 38: Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?**

Yes

**Reasons**

The bespoke option is likely to cost more and also be wrong too, given the tight timescales, the analysis and consideration of this Consultation's responses and the ultimate functional specification that would have to be generated.

The commercial off-the shelf (COTS) solution (work-flow-based) will be financially better and more amenable to the inevitable changes that will occur.

Frankly posing this question at this point in the CAA's Consultation Document is not wise. It gives the impression that this massive questionnaire-based document has been assembled in a hurry without thinking of the considerable effort that will have been expended to get to this part of the Consultation and the likelihood of getting a properly considered reply.

## **Appendix D Specific Questions**

**Question 39: Is our assessment of the effects of the new process in Table D1 reasonable?**

No

**Please provide evidence of what you believe the effect will be on you, your organisation or on other stakeholders involved in the airspace change process, including estimates of the monetary costs and benefits where possible.**

The current "unfit for purpose" TAG ACP process has taken up vast amounts of time and manpower. For our organisation, [REDACTED]. This is manifestly unreasonable. Most of this would have been unnecessary if the CAA were running the consultation process rather than delegating it to a party that had a commercial and financial interest in manipulating the process and analysis.

It has also totally failed local authorities and their communities.

The proposed process should be clearer, but it is far more complicated. It does not provide the initial communication necessary to reach all the interested parties, particularly local communities. It is therefore likely to cost similar amounts of time and costs. As well as increasing transparency and therefore trust with the Regulator, a revised process must be less costly for all the parties involved. As it stands the proposal does not seem to address these parties' financial, time and effort constraints at all. This is a significant lacuna.

**Question 40: We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.**

We have provided the answer to this in our response to question 39. We have also said that the proposed more complex process, although hopefully more transparent, may well increase these costs. The whole accent is on the CAA's cost. The cost of the CAA's undermanning inflicts a massive and disproportionate cost onto other stakeholders and also the Sponsor. This is unreasonable.









*London (Heathrow) Airline Consultative Committee (LACC)*

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**LACC Response to CAA Consultation Proposal for a revised airspace change**

Dear Barbara,

The London (Heathrow) Airline Consultative Committee (LACC), supported by the Heathrow Airline Operators Committee (AOC), welcomes this opportunity on behalf of its 82 member airlines at Heathrow to respond to the consultation on a revised airspace change process.

We have already been in communication with the CAA and NATS expressing our deep concern regarding the uncertainty surrounding the airspace change process in the UK. This has resulted in major delays in the LAMP Phase 2 deliverables from RP2 into RP3 together with continued uncertainty around major programmes at both national and local levels where Heathrow Airport Limited had critical projects for lower airspace under the Q6 regulatory settlement. We should also recognise that the factors which have led to this delay, namely political and regulatory uncertainty surrounding airspace policy and the airspace change process must be resolved as soon as possible. Airlines and their passengers – 75m passengers at Heathrow alone – must continue to receive a satisfactory level of service in terms of avoiding delays and enhancing resilience at Europe's most congested airport.

We must continue to emphasise that the implementation of all phases of the Future Airspace Strategy at the earliest opportunity together with NATS delivery of LAMP Phase 2 is of utmost importance for airlines. An analysis of the implications of slippage

is highlighted in Annex 1. We rely on the CAA to remove regulatory uncertainty regarding these programmes by a transparent, independent, effective and efficient airspace change process. Further prolonged delays cannot be accepted without a substantial decline in the performance of the UK's aviation system at its only hub airport. Some of the evidence to support this claim can be seen in the expected deterioration in the Summer 16 punctuality performance predicted by HAL and the concerns articulated by Eurocontrol's Network Manager<sup>1</sup> regarding failures in capacity planning across the wider international network. We expect that the CAA will provide timely access to airspace resources in line with national and international obligations ensuring that UK passengers - over 750m will use Heathrow alone in the next 10 years - through an airspace planning process that attracts the support of the industry. With regards to this consultation, we would like to highlight the following high level principles and suggestions for your consideration. In addition, IATA will respond to the more detailed technical questions posed on your website:

## **1 Greater CAA involvement through the development process**

The Heathrow Airline Community welcomes, in principle, the addition of gateways where CAA will formally oversee the overall process from project definition to post implementation review. We are very familiar with HAL's Gateway Lifecycle for project management and this concept will reduce the risk that sponsors carry when CAA assessments are made only at the end of the ACP process. We would also like to point out that any new ACP process will only have merit if risk reduction measures are actively pursued avoiding much nugatory work, including costs, at a far later stage in the process. The CAA's role in this process will need to be proportionate, not detract from its safety accountabilities and take cost considerations fully into account.

## **2 "Third Party" Involvement in the Regulatory Process**

The CAA considers that there is a role for third party facilitation, moderation and oversight of various elements of the change process. Airline confidence in the new process will be retained if the independence or statutory duties of the CAA are not compromised. New guidance from the Government will need to be interpreted in a consistent, uniform and proportionate manner. The inclusion of third parties may introduce additional risks if the process becomes unbalanced, subject to narrow local interests or political influences and which may detract from the UK's national and international obligations. Consequently some caution will be required and there is a need to avoid additional complexity in a process which is already too complex and unresponsive to airline and passenger need.

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<sup>1</sup> Eurocontrol Network Operations Plan 2016 to 2019

### **3 Gateway and Decision timescales**

The Heathrow Airline Community shares concerns that the current process takes far too long for complex airspace changes in the London Terminal Manoeuvring Area. However if planning certainty is increased then there may be merit in supporting the “new” airspace change process. However every effort should be made to enhance the quality of the planning process without impacting the delivery dates needed to improve the service provided to airlines and their passengers. Consequently a time limit needs to be established for the approval phase and this should mirror the planning system.

### **4 Appeals process**

The Heathrow Airline Community supports the CAA’s proposal to not introduce an appeal process. The “new” ACP process has checks and balances built-in and these should be sufficient. An appeal process would only add further layers of risk resulting in renewed programme uncertainty and consequently service delivery to future passengers.

### **5 Balancing Stakeholder Obligations**

The CAA should recognise that the information pertaining to airspace changes will reflect statutory guidance and legal obligations is based on robust evidence, is factually correct and relevant to stakeholder needs. A measure of reciprocity is required to ensure that similar standards apply to information introduced by stakeholders. The role of the CAA is to support the process and highlight evidence which is lacking robustness, is misleading or fails to take proper account of the UK’s national and international obligations

### **6 CAA Resourcing**

It should be recognised that PBN changes required by European Implementing Rule’s (IR) is an international obligation which will require appropriate planning and resourcing to meet the demand in the UK for compliance. We anticipate that the CAA will respond to this demand without impacting on the delivery of the programme and use any opportunities to devolve more responsibility for procedure design to industry whilst ensuring that all “outcomes” meet regulatory criteria.

### **7 Funding**

The UK unit rate is one of the highest in Europe. We would expect that the CAA can find efficiencies in its own operation to minimise cost pass-through and address any changes to its cost base in RP3. In addition, cross subsidisation should be avoided and

third parties, or parties who do not incur a charge, should be allocated a fair share of the costs.

## **8 Process Flexibility to deal with large scale, complex and contentious network changes**

The proposed process as it appears may need to differentiate between the volume and complexity of airspace under consideration. A proportionate and flexible response may be more helpful in addressing emerging issues to deal with proposals which may differ widely in scope and geography. For example changes may range from local route changes sponsored by individual airports, to those involving multiple ANSPs in complex/contentious TMA environments.

The latter requires process flexibility to accommodate phased implementations, modular ACPs with different elements sponsored by different organisations, and use of the "design envelope consultation" methodology (previously referred to as swathe consultation).

## **9 Deliverability of the new process**

The proposed process has positive principles but the *devil may be in the detail*. Project sponsors may require more detailed consultation at the next stage to ensure the deliverability of the new model. Case studies varying from small local airport changes to complex safety critical networks will require more detailed examination to assess the robustness of the new process and whether risk reduction opportunities can be translated into increased certainty and confidence in the ACP process.

In summary, the Heathrow Airline Community welcomes, in principle, the addition of gateways where CAA will formally oversee the overall process from project definition to post implementation review. Any new ACP process will only have merit if confidence levels regarding the delivery of benefits to our passengers are increased. More detailed examination of the new process will be required to assess its robustness and value for money.

Yours Sincerely

Gerry O Connell  
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D'Albiac House  
Heathrow Airport

Sent by email to [Barbara.PerataSmith@caa.co.uk](mailto:Barbara.PerataSmith@caa.co.uk) on 15/6/16

## Annex 1

### LAMP Delays

A very low estimate of fuel cost savings lost to the Heathrow airlines based on the original LAMP FAS<sup>[1]</sup> calculations of 71,000 tonnes of fuel saving per annum equates to **£47,286,000**, with only **one year** slippage to NATS major enabler project London Airspace Modernisation Programme (LAMP).

At Heathrow, HAL's business case had originally provisioned for the beneficial use of Phase 2 LAMP within 2017 which therefore would lead to **£94,572,000.00** (two years) lost benefit to airlines when the implementation date was changed to 2019.

This is a conservative figure and does not include the true "cost of delay" arising from the following:

- EU 261 consequences
- AFTM delay
- Cancellation costs for airlines etc.

The effect of the above is that the figure would, at least, be doubled again. In simple terms an assumption has been made that LAMP and SID {Standard Instrument Departure} re-design will increase departure capacity @ Heathrow by 15% (48/ hour) which aligns to the Davies Commission report. This is critical to allow Heathrow to accept the Super fleet mix necessary to maintain the UK with a Hub status and protect and support growth of UK GDP.

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<sup>[1]</sup> Future Airspace Strategy, Deployment Plan, V1.1 Dec 2012





## CAP 1389: Proposals for a revised airspace change process.

### Response from London Luton Airport

#### *Question 1: Will the new process gateways improve the airspace change process?*

We largely support the CAA's proposal to introduce process gateways as this will provide sponsors and the CAA with assurance that the process is on track and meeting process requirements **however**; we believe that gateways should have indicative deadlines set at the preceding gateway assessment and that the length of time to assess each gateway is defined so as not to delay each process unnecessarily.

We also believe that the steps should have more clearly defined requirements, that the gateway assessments should assist in reducing the decision making timescales and ensure the overall process is streamlined and improved.

It is important that the process steps are clearly defined to ensure that the new process is not more onerous than the existing.

We also believe that the gateways will allow the CAA to effectively manage their time and plan on-going airspace changes that are running concurrently. This will provide trust that the process will not be delayed.

#### **STAGE 1 – DEFINE**

#### *Question 2: Should the sponsor engage local stakeholders to agree design principles for the airspace change?*

We agree that local stakeholders should be involved with the ACP from the start. Although the extent at which certain stakeholders are included should be scalable in line with the level system.

Different stakeholders have different needs and requirements, engaging with the stakeholders at the early stage of the ACP will help the sponsor understand these requirements and provide greater transparency to the proposals, although to what extent will the sponsor be required to engage.

Airspace design is a very technical process, will the sponsor be expected to educate the stakeholders as this could make the process more onerous, increase costs and lengthen timescales.

It's also important to ensure that this step is clearly defined to allow sponsors to demonstrate they have taken all reasonable steps to meet the requirements and that stakeholders are not permitted to unfairly delay the process.

#### *Question 3: What types of data would you find useful for the sponsor to provide when engaging local stakeholders about design principles? How should this data be presented?*

It is difficult to understand what could be presented at this stage, it is very much dependant on the level system. Potentially information useful to stakeholders could be to demonstrate how the designs comply with policy requirements.

**Question 4:** *In addition to specific detail, what general background information would you find useful for the sponsor to provide as context for its proposals?*

As a sponsor we feel that it is essential to provide stakeholders with background information on how the airspace system works at a high level. This will assist in explaining the reasons why airspace change is required, the current limitations and the benefits/dis-benefits that the new proposal brings.

**Question 5:** *Overall, will Stage 1 improve the airspace change process?*

We agree that overall Stage 1 will improve the airspace change process and therefore increase confidence and communication with all the stakeholders involved in the process at an early stage. Developing relationships with local stakeholder at an early stage can have positive influence and support, can increase trust with the sponsor and provide reassurance of being heard.

It is imperative that the process does not increase cost to a point that it deters sponsors from proposing airspace changes in the first place.

## **STAGE 2 – DEVELOP AND ASSESS**

**Question 6:** *Will introducing the options appraisal we propose improve the airspace change process?*

We believe that an indicative options appraisal at this stage would be a positive introduction. It would demonstrate that multiple options have been considered at an early stage with the positive and negative outcomes detailed for each option. Clear guidance needs to be provided for this stage. The tools and methodology proposed for this appraisal must not increase cost for the sponsors and should allow the sponsors to conduct the appraisal themselves.

**Question 7:** *Overall, will Stage 2 improve the airspace change process?*

We believe that Stage 2 will improve the airspace change process as it provides local stakeholders confirmation that all options are considered, reveals strengths and weaknesses in the initial options albeit not a full and final assessment.

## **STAGE 3 – CONSULT**

**Question 8:** *Would an independent third-party facilitator make a sponsor's consultation more effective?*

This should be left to the sponsor to decide, dependant on the level of contention in the designs and reasons for the proposal. It should not be mandated or included in the policy. Some sponsors may have built good relationships with their stakeholders and therefore do not require a 3<sup>rd</sup> party facilitator to intervene.

**Question 9:** *Should the CAA publish all consultation responses in full, except to moderate them for unacceptable content?*

We believe that the CAA should publish all consultation responses in full, except to moderate them for unacceptable content, clear definitions of what is “unacceptable” needs to be defined from the outset.

**Question 10:** *Should the CAA publish airspace change consultation responses as they are submitted, rather than at the end of the consultation period?*

Clarification on “as they are submitted” needs to be defined. A time delay would be better. Publishing responses as they are submitted may unfairly bias the consultation as stakeholders could increase objections unfairly to sway the consultation.

**Question 11:** *Should consultation responses be made solely through the online portal?*

Whilst we appreciate that the online portal would assist in the management of consultation responses we feel that the CAA should also consider other means of logging responses as stakeholders may not have access to a computer or the internet or may be uncomfortable with using this form of communication.

**Question 12:** *Do you think that the consultation process proposed in Stage 3 achieves the right balance between fairness, transparency and proportionality?*

We agree that proposed consultation process adds transparency, fairness, confidence in the process from all parties but there needs to be clear guidance of how the success is measured.

**Question 13:** *Overall, will Stage 3 improve the airspace change process?*

We largely agree that overall Stage 3 will improve the airspace change process. We believe that CAA validation of the consultation document is a positive change as local stakeholders are most enthusiastic when a consultation document is only released once rather than being amended and released.

However, we strongly feel that the categorisation of the responses that the change sponsor would be expected to do is not crucial at this stage. If an ACP needed categorisation then the options appraisal and earlier local stakeholder engagement was not completed effectively.

As mentioned in question 12 there needs to be clear guidance on the measure of success regarding all reasonable steps taken to ensure the policy requirements are met and that ongoing objection is not permitted to win over an otherwise fair and just process.

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#### **STAGE 4 – UPDATE AND SUBMIT**

**Question 14:** *Should sponsors be required to adhere to a standard template for their airspace change submissions?*

We agree that a form of template should be used as it makes the sponsors requirements clearer but it should be scalable depending on the nature of the change.

**Question 15:** *Is it reasonable for the CAA to publish a redacted version of the submission, with commercially sensitive details removed, as soon as we receive it, before we have assessed and decided upon it?*

We believe this presents a huge risk that objectors will continue to object should a submission be published before it is properly assessed. A line needs to be drawn at some point otherwise this could delay the process unfairly creating increased cost for sponsors which could deter sponsors from making further change proposals.

**Question 16:** *Overall, will Stage 4 improve the airspace change process?*

We believe that there is potential for stage 4 to improve the airspace change process although there is a big risk that should this stage not be clearly defined and guidance published it could significantly increase the cost and lengthen the timescales for the sponsor. There also needs to be a balanced approach to both sponsors and stakeholders in this phase as currently there is an opportunity for stakeholders to deliberately delay the decision making process.

## **STAGE 5 – DECIDE**

**Question 17:** *Will introduction of a new Public Evidence Session improve the airspace change process?*

We believe that this would not improve the process and would add extra time, resource costs to the sponsor, and simply repeat feedback which is already collected during the consultation period.

There is already an option to hold public meetings during the consultation in order to explain the reasons for the change and address public concerns so holding another session after the consultation is an extra step that is not needed.

There is a substantial risk that the stakeholders attending Public Evidence Sessions would be largely be objecting the proposal, whereas those in favour may feel it less necessary to attend, and therefore Public Evidence Session would become bias.

What new evidence does the CAA think it would gain from Public Evidence Sessions?

**Question 18:** *Is Step 5B (CAA decision) a clear and transparent way of making an airspace change decision?*

We do not believe that there is a need for an Oversight Committee. The CAA is the independent regulatory authority and has sufficient technical knowledge and expertise in all areas relating to the transport act and do not believe the oversight committee would add value, only cost and time. Should an oversight committee be formed we feel that the costs of the CAA should be reduced as they are no longer carrying out the function of independent oversight. If the decision is a contentious one then there is a referral process to the Secretary of State.

**Question 19:** *Overall, will Stage 5 improve the airspace change process?*

We believe that the proposed Stage 5 will not improve the airspace change process and instead cause more doubt over the CAA's final decision. Stakeholders should not be involved in this stage. The CAA is the regulator and should make a decision, stakeholders views are presented in consultation period.

**Question 20:** *What are your views on our proposal not to introduce an appeal against process irregularities into the airspace change process?*

We support the CAA's proposal to not introduce an appeal process as it would not be needed if the ACP is followed in accordance with the proposed changes. This could create additional cost and time to all stakeholders and potentially mean abortive costs should the decision be overturned. The appeal process would mean doubting the CAA in following a fair and lawful process in reaching its decision.

An appeals process will question whether the new process and additional steps included in this process have been effective at all.

#### **STAGE 7 – POST-IMPLEMENTATION REVIEW**

**Question 21:** *What types of data would you find it useful for the sponsor to provide, and in what form, when seeking feedback for its post-implementation review?*

We believe that every proposal is unique; therefore each review can differ and should be targeted to the specific airspace change proposal.

**Question 22:** *Overall, will Stage 7 improve the airspace change process?*

Stage 7 seems to maintain the theme of transparency, fairness and openness therefore should be more efficient.

**Question 23:** *Overall, will the airspace change process proposed in Chapter 4 achieve the right balance between fairness, transparency and proportionality?*

We largely agree that the proposed process achieves the right balance between fairness and transparency however; there are some clear areas where risk is introduced and has the potential to significantly increase time and costs to stakeholders and sponsors as well as opportunities for unnecessary delay to an otherwise fair and just proposal.

There is concern that whilst we welcome improved stakeholder engagement this presents risk to **misunderstanding** and unjust objections. There are a few points where stakeholder **engagement** we feel is not necessary and the introduction of it casts doubt over the CAAs transparency through the new process.

Clarification is required regarding 4.125, what is considered the “more significant airspace changes” and who is meant as “the stakeholders”.

Furthermore the process should be flexible for different proposals, from local airport solutions to complex and larger scale ACPs such redesign of LTMA.

**Question 24:** *Should the CAA set up an Oversight Committee?*

As mentioned previously we do not see the need for an oversight committee as this just creates further doubt in the CAAs ability to make a fair and lawful decision.

## **GUIDANCE MATERIAL**

**Question 25:** *Are there any other areas where the CAA should provide guidance?*

Yes, we suggest that CAA should provide guidance on identifying stakeholders. This should be a standard method which will ensure that important stakeholders are not missed.

**Question 26:** *Does Table 5.1 give sufficient clarity and detail of how the process will be scaled?*

As it was already mentioned earlier airspace change proposals vary from local airport solutions to complex and larger scale ACPs, therefore we welcome the 'Levels' method of scaling the airspace change process depending on the different type of proposal however, we feel that Level 1 needs to be subcategorised as there are small scale changes and large scale changes below 7000ft that may require different approaches. Eg a small scale airspace change below 7000ft would not necessarily require the level of work required for a large scale change below 7000ft.

**Question 27:** *Do you have (i) any views on the way the Levels are categorised in Table 5.1, (ii) alternative suggestions as to how we might categorise different airspace changes, or (iii) other views about the proposed scaling of the process generally?*

Yes, there is a requirement to subcategorise level 1 into;

- (A) Large scale changes under 7000ft – new SID affecting entirely new populations
- (B) Small scale changes under 7000ft – slight amendment to existing SID affecting some new populations
- (C) No change to existing SID below 7000ft – other than procedural or introduction of new technology eg PBN, no new populations affected

**Question 28:** *Do you agree that the number of airspace change proposals put forward to the CAA is likely to increase in the future?*

It depends on the additional cost and workload required under the new process. If they increase significantly then sponsors will be deterred from proposals, but in order to accommodate air traffic volume and growing demand from airspace users with different needs airspace modernisation is required.

**Question 29:** *Do you have any views about the CAA's interpretation of section 70 of the Transport Act 2000, as set out in Chapter 6?*

We have nothing to add to this section.

**Question 30:** *Do you have a preference for either of the options for recovering the CAA's airspace change costs that are set out in Chapter 7?*

Option 1 – UK en route unit rate, sponsors already outlay significant cost for an airspace change in terms of design, validation, consultation, resource in order to deliver an airspace change where the predominantly beneficiaries are the stakeholders, therefore we would not support any additional costs to sponsors or a new statutory charge.



**Question 31:** *In the short term the CAA will still have to set up a new statutory charge. On which entity would it be most appropriate to levy this charge? Please give your reasons.*

Please see answer to question 30. For recovering the CAA's airspace change additional costs, we suggest the CAA considers possible borrowing / funding options.

**Question 32:** *Are our proposed transition arrangements between the old process and the new process reasonable?*

We believe that as the government is set to consult on new airspace framework policy this summer and publish new guidance late 2016 early 2017 the new airspace change process should be aligned with the new guidance; this will create a natural gap in airspace change proposals as sponsors will wait for new guidance before putting forward any new proposals.

It is unreasonable to request sponsors to make significant changes to existing proposals at their cost.

**Question 33:** *Are our timescales for introducing the new process reasonable?*

Please see the answer to question 32.

#### **ONLINE PORTAL**

**Question 34:** *Do you agree with the concept of an online portal?*

We agree with the concept but the cost recovery needs to be reconsidered.

**Question 35:** *Should the online portal contain any functionality beyond what we describe, or documentation other than that shown in Table B1?*

We believe the documentation described is sufficient.

**Question 36:** *What are your views on locating the sponsor's consultation on a CAA portal where the sponsor administers the documentation and responses?*

We believe that this is reasonable. The sponsor will be able to moderate the documentation and responses for unacceptable content. It would add stakeholders' trust and transparency to the change sponsor and the CAA. This approach can be subject to a review, if required.

**Question 37:** *Is it essential that the online portal is a single website or could different websites (CAA, sponsor, consultation portal) be used for different aspects of the process?*

We do not believe it is essential for everything to be stored in one place but it is essential that the same information is published on all sites so as not to provide mixed messages.

**Question 38:** *Do you have any views on the CAA's analysis of the three options for an online portal, bearing in mind that the CAA will need to recover its costs through charges on those it regulates?*

We appreciate that costs always play a significant role in making any decision, however the option that will be chosen for an online portal should most importantly be fit for purpose and meet the defined requirements.

## CURRENT AND PROPOSED PROCESS TIMESCALES

**Question 39:** *Is our assessment of the effects of the new process in Table D1 reasonable?*

We are concerned about the timescales proposed for the Level 1 airspace change process. There is a real risk that airspace modernisation in the UK will take decades to deliver and a risk to deter sponsors from proposing changes if every airspace change process takes two years. These delays will incur significant impacts to the aviation industry and community stakeholders in terms of extra noise and nuisance. We suggest the CAA review these assessments with a focus on how timings can be improved.

**Question 40:** *We are interested in your views on the additional costs in terms of time and resources that the proposed process will create for all parties. We are particularly interested in estimates of the monetary costs and benefits to sponsors of previous airspace changes and how these would have been affected by the CAA's proposed new process.*

This is difficult to assess as there are still a number of aspects in the process that need further clarification to understand the impact of the new process on previous airspace changes, however at best guess the cost would at least double through the requirement of additional internal resource, additional design options, expanded consultation requirements, public evidence sessions etc.



## Metson Trevor

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**From:** Sam Petrie  
**Sent:** 15 June 2016 09:47  
**To:** Content; Airspace Policy; PerataSmith Barbara  
**Subject:** RE: CAA CONSULTATION ON IMPROVEMENTS TO UK AIRSPACE CHANGE PROCESS - ONE MONTH TO GO

Good Morning,

Please accept this as London Southend Airport's (LSA) response to the consultation on 'Proposal for a revised airspace change process'.

LSA is aware of both the AOA and FASIG response and supports the points that have been raised.

Although LSA can see some benefits of the proposal, we still have concerns over potential increase in timescales for the process and potential increase in costs.

Kind regards

Sam



Sam Petrie | Airport Development Co-ordinator | Southend Airport | London Southend Airport | Southend-on-Sea | SS26YF |



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**From:** The CAA [mailto:content=caa.co.uk@mail137.atl61.mcsv.net] **On Behalf Of** The CAA

**Sent:** 16 May 2016 11:31

**To:** Sam Petrie >

**Subject:** CAA CONSULTATION ON IMPROVEMENTS TO UK AIRSPACE CHANGE PROCESS - ONE MONTH TO GO

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# MAJOR CONSULTATION ON IMPROVEMENTS TO UK AIRSPACE CHANGE PROCESS - ONE MONTH TO GO

The CAA's consultation on how decisions are made on proposed changes to the UK's airspace structure now has one month to run - closing on 15 June.

It seeks views from stakeholders, ranging from the aviation industry and general aviation to people affected by aircraft noise, on a series of proposals aimed at making the airspace change process more transparent and giving the CAA a more hands-on role.

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## The airspace change process

If someone, usually an airport or air traffic control body, wants to request a permanent change to the UK airspace structure they must submit a proposal to the CAA, which goes through our airspace change process.

The CAA is consulting on proposed improvements to this process, which is used to decide whether a change goes ahead. Our suggested changes are supported by an independent review carried out in 2015 by specialist consultants Helios.

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## The consultation

The consultation therefore details changes to the process a proposal goes through, which includes consultation with local communities, and also how it can be made more transparent.

One of a range of recommendations under consideration to achieve this is an online portal to provide a single access point for anyone to view, comment on and access documents for every UK airspace change proposal. The effectiveness of the process could also be improved by additional stages of scrutiny and validation.

The consultation is not about areas which are outside of the CAA's airspace change process, such as Government policy, which the CAA's process must follow. Government policy on issues, such as whether flight paths are concentrated along a narrow path or deliberately dispersed, whether flight paths are alternated to provide periodic respite from noise, and whether tranquil areas are avoided, are not part of the CAA consultation.

The consultation which is open to everyone is available until **15 June 2016** (no responses will be accepted after that date) and can be accessed at [consultations.caa.co.uk](http://consultations.caa.co.uk)

Please feel free to forward this email on to anyone else who may be interested in the consultation.

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