



Uttlesford District Council

Chief Executive: Dawn French

STAAP

Date: Tuesday, 10 May 2016
Time: 19:00
Venue: Committee Room

Members: Councillors K Artus (Chairman), J Davey, T Farthing, P Fairhurst, M Foley, R Gleeson, T Goddard, J Lodge, E Oliver and H Ryles

AGENDA

- 1 Apologies for absence and declarations of interest
- 2 Minutes of the meeting held on 23 November 2015 3 - 6
- 3 Matters arising
- 4 Response to the consultation by the Civil Aviation Authority (CAA) 7 - 20
- 5 Government aviation policy - verbal update
- 6 Any other items which the Chairman considers to be urgent

For information about this meeting please contact Democratic Services

Telephone: 01799 510433, 510369 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

**STANSTED AIRPORT ADVISORY PANEL held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 7pm on 23 NOVEMBER 2015**

Present: Councillor K Artus (Chairman)
Councillors J Davey, T Farthing, T Goddard, J Lodge, E Oliver
and H Ryles.

Officers in attendance: J Pine (Planning Policy/DM Liaison Officer), A Rees
(Democratic and Electoral Services Officer) and A Taylor
(Assistant Director Planning and Building Control).

Also present: Duncan Smith and Neil Robinson (Manchester Airports Group -
MAG)

SP1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Foley and Marcus Watts
(Principal Environmental Health Officer).

*Councillor Artus declared non-pecuniary interests as a member of the following
groups; SACC, IEG and NTKWG.*

SP2 MINUTES OF THE MEETING HELD ON 3 SEPTEMBER 2014

The minutes were signed by the Chairman as a correct record.

**SP3 PRESENTATION FROM MAG ON RNP1 (RF) TRIAL AT STANSTED
AIRPORT**

Mr Smith began the presentation on the RNP1 (RF) trial which was taking place
at Stansted Airport. The trial was flown by aircraft equipped to use modern GPS
navigation techniques to improve track-keeping accuracy. RNP1 referred to
Required Navigational Performance with an accuracy of within 1 nautical mile,
RF referring to Radius to Fix, enabling more accuracy in tight turns.

He began by outlining the aim of the trial which was to reduce departure
variation across two of the Standard Instrument Departures (SIDs) at Stansted
Airport (Clacton 22 and Detling 04). He produced a map which highlighted the
departure tracks of aircraft which had flown the Clacton 22 SID using traditional
ground based navigational techniques. These tracks displayed a three kilometre
wide variation (1.5 kilometres about the SID centreline), leading to a number of
flights flying directly over Hatfield Heath.

Mr Smith then produced a map which showed the track-keeping performance of
aircraft which had taken part in the trial. He said the variation was greatly
reduced (to around 500m) and meant that almost no flights went directly over
Hatfield Heath.

Mr Robinson said the trial had proven to work and MAG wanted to make the procedures a permanent arrangement. A consultation on the proposals had started on 1 September 2015 and was due to finish on 27 November 2015. Although the consultation was not yet over, most responses from the public had been positive.

Once the consultation has finished a formal report with a proposal to adopt the RNP (RF) procedures on the two trialled SIDs would be presented to the Civil Aviation Authority (CAA).

Councillor Artus thanked Mr Smith and Mr Robinson for their presentation.

In response to a question by Councillor Lodge as to why Ryanair had not taken part in the trial, Mr Smith said Boeing had not been as quick as other aircraft manufacturers to implement the required technology. As Ryanair used Boeing aircraft they had not yet been able to overcome the regulatory hurdle to comply with the procedures, although Ryanair were keen to adhere to RNP1 (RF) techniques.

Councillor Ryles then asked what the disadvantages of RNP1 (RF) procedures were. Mr Smith explained that if the procedures were to become permanent, the number of people who were overflown would be reduced from 5,000 to 700. However, those 700 would experience more overflying. He noted that many of these people lived in Great and Little Hallingbury, which were closer to the runway end before the turn on the Clacton 22 SID where most of the divergence away from the SID centreline occurred. The SIDs surrounding Stansted Airport were set out by statute which was around 25 years old and, furthermore, navigation still used ground based techniques. Aircraft had been able to use GPS technology for a while but it was only now that airspace navigation was beginning to catch up, which was why RNP1 (RF) procedures were now possible.

In response to a question by Councillor Artus, Mr Smith informed the Panel that East Herts Council had contacted MAG about RNP1 (RF) procedures being implemented across the remaining four SIDs at Stansted Airport. MAG were keen to do this, but first needed to ensure the trials on the Clacton 22 and Detling 04 SIDs became permanent.

The Planning Policy/DM Liaison Officer referred to Minute SAP11 of the last Panel meeting. He said that NATS' proposal switch departures from the Dover/Detling to the Clacton SIDs would mean that more flights would use the Clacton 22 SID. If the trial RNP1 (RF) procedures became permanent much of the impact of this switch could be mitigated. He then explained that he received a number of calls from people who were planning to move into the district who asked how overflying would impact them. RNP1 (RF) procedures provided a lot more certainty about departure routes which helped people who were considering moving into the area make an informed decision about the impact of aircraft noise.

In response to a question by Councillor Oliver, Mr Smith said he was hopeful the RNP1 (RF) trial for the two SIDs would become permanent by mid-2016.

The process for the remaining four SIDs would be quicker so plans would most likely be in place by the end of 2016. Mr Robinson added that any comments about the RNP1 (RF) procedures being adopted on the remaining four SIDs could be included in the Council's comments in response to the consultation.

RESOLVED to recommend to Cabinet that the Council should

- a) Support the proposed change to airspace as;
 - i) It would result in fewer people being directly overflowed by aircraft.
 - ii) It would give more certainty about the paths that departing aircraft take.
- b) Support RNP1 (RF) procedures being adopted on the four other SIDs at Stansted Airport as soon as possible.

SP4

ANY OTHER BUSINESS

Councillor Artus introduced a report by Professor Hooper about noise metrics. He explained that noise levels were mapped through contouring, which provided information about the average level of noise throughout a given time period. This noise metric did not however, always reflect people's day to day experiences and as a result the Stansted Airport Consultative Committee (SACC) had commissioned Professor Hooper to examine the benefits of using other noise metrics.

Mr Robinson added that noise contouring was required by the Government. He concurred with Councillor Artus that noise contouring did not necessarily reflect the experiences of residents, but nevertheless did have some use. Any metric used would have to be in addition to noise contouring. Professor Hooper had suggested using the number above metric which predicted the number of instances over a period which residents would experience noise levels above a certain level. This approach was not widely used, but where it had been used feedback had been positive. It still needed to be decided what the decibel level would be. Ordinarily it was either 60 or 70 decibels.

In response to a question by Councillor Ryles, Mr Robinson explained that the number above metric was semi-predictive and used information about the aircraft to estimate the number of instances where the noise level would be exceeded.

The Planning Policy/DM Liaison Officer asked a question on behalf of Councillor Foley, which was as follows: There had been an increasing number of complaints from residents about overflying of Thaxted and he would like an explanation as to why it is necessary for the route to go directly over the town. He had been in contact with a number of pilots and captains who had indicated that with modern navigational procedures it would be possible for the route to detour slightly away from the town and thereby reducing the impact on Thaxted residents.

Mr Smith, in response, said at the moment it was not possible to avoid Thaxted as it was currently too close to the runway to be avoided and allow for a smooth descent. Commonly, aircraft lined up on an approach at a distance of six miles at 2,000ft on a 3° glidescope. Thaxted was only five miles from the runway. However, GPS technology continued to improve so it was possible that in the future Thaxted could be avoided.

Councillor Artus informed Members that the Strategic Aviation Special Interest Group's (SASIG) secretariat had identified seven potential topics for discussion. He asked the Panel to examine the list and contact the Assistant Director Planning and Building Control if they felt one of the topics should be a priority.

The meeting ended at 7.45pm.

Committee: Stansted Airport Advisory Panel

Agenda Item

Date: 10th May 2016

4

Title: Proposals for a Revised Airspace Change Process: Consultation by the Civil Aviation Authority (CAA)

Author: Jeremy Pine, Planning Policy / Development Management Liaison Officer, 01799 510460

Item for decision

Summary

1. This report is about a CAA proposal for a revised airspace change process, which is currently out to stakeholder consultation. The report explains the existing process, the need for change, and what the CAA's proposals are. The report concludes that the CAA's proposals should be supported, but sets out some additional comments that should be included in the Council's response.

Recommendations to Cabinet

2. The Council supports the CAA's proposal for a revised airspace change process subject to the additional comments set out in this report in Paragraphs 18 - 27.
3. Officers send the Council's response via the dedicated online platform that the CAA has set up by the consultation closing date of 15th June.
4. Following the Cabinet resolution, and in consultation with the Panel Chairman, officers add any other points of detail that they subsequently feel are appropriate and which give added weight to the Council's response, such as may arise from SASIG's discussion of the consultation.

Financial Implications

5. None.

Background Papers

6. a) Extract from CAP 1389

Impact

- 7.

Communication/Consultation	The consultation is being run by the CAA, and closes on <u>15th June 2016</u> . The CAA says that it cannot commit to taking into account comments received after that date. Responses are requested via a dedicated online platform, but separate submissions can be sent. The online response form
----------------------------	---

	<p>consists of 40 questions requiring either “Yes”, “No” or “Don’t know” answers with space to give reasons. The CAA has chosen this format to make the consultation response easy to use for all stakeholders.</p> <p>The CAA has published a detailed consultation document - <i>CAP 1389: Consultation on proposals for a revised airspace change process</i>. This document is referred to in this report.</p>
Community Safety	To be taken into account by the CAA.
Equalities	To be taken into account by the CAA.
Health and Safety	To be taken into account by the CAA.
Human Rights/Legal Implications	To be taken into account by the CAA.
Sustainability	To be taken into account by the CAA.
Ward-specific impacts	Districtwide
Workforce/Workplace	Officer and Member time in preparing the consultation response.

Situation

8. This consultation is about proposed changes to the process that is followed when a “sponsor” (usually an airport operator or air traffic control provider) puts forward a proposal for permanent change to the published airspace structure, such as a change to a flightpath. The current process requires the sponsor to go through a series of stages before formally submitting a change proposal to the CAA for consideration and a regulatory decision.
9. The consultation is not about any change to Government policy on aviation, nor is it about any individual proposal for airspace change, including those which are outside the CAA’s control.
10. The current process is published in *CAP 725 Airspace Change Process Guidance Document* and involves 7 stages from initial briefing to operational review post-implementation. Typically, the current process takes about 75 weeks from start to finish. The CAA describes the current process as follows (Paragraph 2.8 of *CAP 1389*):

“These stages begin with outline conversations between the sponsor and the CAA around design options and who should be consulted. The sponsor then consults with interested parties including, where appropriate, local communities. In the light of responses the sponsor may modify the proposals before making a formal submission

of the proposal to the CAA for a decision. Assuming that the proposal is approved, the CAA carries out a review of the change after it has been implemented, typically after one year of operation”.

The need for change

11. In CAP 1389 the CAA gives a number of reasons for changing the current process. The backdrop is the need to modernise the UK’s airspace structure and to “future-proof” the process in the light of changing international requirements.
12. One significant reason for change is given as follows by the CAA (Paragraph 3.1 of CAP 1389):

“Communities close to airports increasingly demonstrate their interest in the management of aviation noise and the impact it has on those communities. Some recent airspace change proposals have highlighted a lack of trust between some local communities, the aviation industry and the CAA as regulator. This can sometimes create an impasse on airspace changes – changes which, in totality, might achieve an improved outcome in respect of all the factors we have to consider (although, as a consequence, an individual stakeholder may be in a worse position than if no change were made).

It is therefore essential that the CAA’s airspace change process meets modern standards for regulatory decision-making, and above all else is seen as fair, transparent, consistent and proportionate”.

13. In 2015, the CAA commissioned Helios (a management and technology consultant) to undertake an independent study of the current airspace change process. Their findings were published in December 2015 as CAP 1356 – *Helios report: Independent review of the Civil Aviation Authority’s Airspace Change process.*
14. The CAA states in Paragraph 3.29 of CAP 1389 that Helios’ single most important observation was that there was a lack of transparency in the process, particularly regarding the CAA’s activities, leading to suspicion that interests were not being well represented. Helios also suggested that, as the change sponsor ran the consultation process and handled the responses, there was a potential conflict of interest. The CAA needed to be more engaged with stakeholders and communities.

The proposal for a revised airspace change process

15. A useful summary of the key changes proposed by the CAA is included in Paragraphs 4.11 – 4.23 of CAP 1389. These paragraphs are attached at the end of this report. To avoid repetition it is not proposed to go through these in detail in the text of this report. In Chapter 4 of CAP 1389 there is a lot of detail, especially via flow diagrams, of the 7 revised stages of the airspace change process. CAP 1389 can be read in its entirety at:

<http://publicapps.caa.co.uk/docs/33/CAP%201389%20March%202016.pdf>

16. The changes should be supported for the additional transparency that they will bring to the process, particularly through both the extra CAA engagement and the increased public involvement. If these changes are implemented, the airspace change process would be extended to 108 weeks. This is of concern to officers because of the additional period of uncertainty that would result for local residents. On balance, this is considered to be a price worth paying for the additional public involvement and the extra CAA engagement in the various stages of the process.
17. There are some comments that officers wish to make on the proposals, which it is suggested are incorporated into the Council's response. These are raised below in the order that the individual proposals are raised in Paragraph 4.11 of *CAP 1389*.

Online airspace change portal

18. The portal would be used by sponsors for their formal consultation process and by the CAA to oversee the consultations. All consultation material, consultee submissions and sponsor's responses would be published on the portal, which would be accessible to all. *CAP 1389* does not, however, set out how the process would be accessible to those without internet access, although it does acknowledge that some responses may be sent by post and uploaded to the portal by the sponsor. Paragraph 4.74 of *CAP 1389* states that sponsors should maintain records to "*demonstrate that all reasonable actions have been taken to ensure stakeholders are informed of the consultation and have been offered the opportunity to engage with it*". This should include what measures have been undertaken to ensure that consultation material is publicised and made available offline to those who need it.

"Levels" of airspace change

19. The CAA is proposing 2 levels of airspace change, Level 1 being high impact, and Level 2 being medium to low impact. The consultation process would be "scaled" depending upon which level of change is being proposed (see table 5.1 of *CAP 1389* on Pages 87-93). Level 1 is defined as changes to traffic patterns below 7,000ft, the height at which reducing fuel burn and carbon emissions begin to be prioritised above noise mitigation. For a Level 1 change, the sponsor would be required to engage with locally affected communities at Steps 1B, 2A and 3A of the proposed revised airspace change process. For Level 2 changes (alterations to air traffic patterns above 7,000ft) this requirement is dropped.
20. It is considered that most proposed airspace changes at Stansted Airport that affect Uttlesford would be Level 1 because they would occur below 7,000ft. It is the Council's experience, however, that communities overflowed at heights above 7,000ft do consider themselves to be affected by aircraft noise, especially in areas of tranquillity. This was evidenced by responses that the Council received to BAA Stansted's proposal to expand Stansted Airport from 25-35mppa. The CAA should reconsider the need for prior engagement with affected communities for Level 2 changes, especially if a medium impact is anticipated.

Public evidence session

21. Helios proposed that a public hearing be introduced into Step 5A, although the CAA has redefined this as a public evidence session run by the CAA for Level 1 changes.

Looking at the Helios report the difference seems mainly to be one of semantics as the CAA says that the public evidence session will “*broadly adhere to the qualities Helios outlined for the hearing*” (Paragraph 4.93 of CAP 1389). The purpose is for the CAA to listen and to only ask questions if there is a lack of understanding on its part. There will be no opportunity to challenge other submissions, and there will be no legal representation. The sponsor may be present, but only to offer clarification, not to argue their case.

22. It is considered that there might be benefit in the public evidence session being more two-way in nature. It is highly likely that consultees may have procedural questions about the airspace change process. It is not considered that the absence of legal representation should prevent reasonable questioning as part of the process. The CAA can act as mediator to ensure fairness. Public evidence sessions could be run along the same lines as planning hearings, which are relatively informal round-the-table discussions led and chaired by a Planning Inspector. At hearings, the Inspector sets the agenda based around the key issues that he or she considers are material to the case, and leads and moderates the subsequent discussions.
23. The CAA is not proposing public evidence sessions for Level 2 changes. This may be acceptable in the vast majority of cases, but inevitably there may be some that generate considerable public interest especially if a medium impact is anticipated. It is considered that the need for a public evidence session for a Level 2 change should be reviewed as part of the process for each submitted proposal.

An appeal mechanism?

24. In Paragraph 3.6 of CAP 1356, Helios recommended that an appeal mechanism be introduced because:

“there needs to be a way to challenge whether the decision made by the CAA was reasonable, based on the evidence available, or challenge the decision if there has been a breach of process. Currently this is only possible via a Judicial Review (which is expensive and therefore not open to all). In our view, it is appropriate that anyone impacted by an AC has a reasonable opportunity to request an appeal.

However, there should be pre-defined grounds for appeal that will ensure that the process will not be unduly lengthened by appeals that lack substance. The grounds for appeal should be defined by the CAA but would likely be that there was a serious error in the procedure or that there were factual errors in the information on which the decision was based”.

25. The CAA has decided not to accept the recommendation for an appeal mechanism to be set up. It does not think that this mechanism would add sufficient value to the revised process for two reasons which it sets out in Paragraphs 4.113 – 4.114 of CAP 1389. These are (in summary) :
- i) The new gateways and increased transparency of the process means that the CAA’s thinking is in the public domain throughout. Adding an appeal mechanism would increase the burden on the sponsor and the CAA, and could add a further year to the airspace change process.

ii) The CAA believes that the Courts are the right place for a judgement as to whether due process has been followed, and Judicial Review would still be available in any event after an internal appeal.

26. In deciding against an appeal mechanism, the CAA adds in paragraph 4.115 of CAP 1389:

“We have also taken into account the current statutory framework for airspace change, which enables the CAA to refer decisions to the Secretary of State under specific conditions relating to the anticipated environmental impact of the change (see Step 5B above). The Secretary of State is able to effectively challenge the substance of the CAA’s airspace decision (by preventing implementation of it), meaning that they could effectively substitute the CAA’s decision with their own. We would review any revised process 12 months after it is first implemented to determine whether any additional scrutiny is needed and, depending on the evidence gathered during this review, we may reconsider our position on the appeal at that time”.

27. Officers consider that there is merit in introducing an appeal mechanism along the lines recommended by Helios. Airspace change can affect many people and, whilst the new process would be more transparent, an appeal would add a further check akin to the role of the Ombudsman in town planning procedures. No processes are ever infallible, and the appeal mechanism would be one way of ensuring that the process is continually policed. However, as the CAA is committed to a 12-month review, the Council should ask that the outcome of the review is made public for consultation.

Ongoing discussions

28. SASIG is discussing the consultation via one of the technical working groups that it has set up. Officers are taking part in those discussions. SASIG is not likely to finalise its position before the dates that the Panel and Cabinet meets, the latter being 3 weeks before the consultation closes. It is therefore recommended that, in consultation with the Chairman of the Panel, officers incorporate into the Council’s reply any new points arising from SASIG’s discussions which officers consider are appropriate and which give added weight to the Council’s response.

After the consultation closes

29. Once the consultation has finished, the CAA will consider the responses that it has received and will set out those that it has decided to proceed with in a comments response document. The changes will then be incorporated into a replacement for CAP 725, with a consultation following on the redrafted version in early 2017. A final version of the CAP 725 replacement will be published in April 2017, after which the revised airspace change process will be implemented.

Conclusions

30. It is considered that the revised airspace change proposal would be an improvement on the existing process for the reasons set out in Paragraph 4.11 of *CAP 1389*.

Subject to the additional points set out in Paragraphs 18–27 of this report, the Council should support the proposal.

Risk Analysis

31.

Risk	Likelihood	Impact	Mitigating actions
Airspace changes are introduced without local consultation.	1. Unlikely, because the existing airspace change process contains procedures for public consultation, and these would be enhanced by the revised proposals.	2. The impact of airspace change is a revised noise climate for affected residents.	Respond to the revised airspace change process consultation to support the proposal for enhanced public consultation.
Residents do not consider that their views have been taken into account because the airspace change process lacks a transparent decision making process.	2. It is acknowledged in the consultation document that the role of the CAA in the decision making process can be seen as lacking transparency. Partly, this is because the CAA's role has not previously been fully explained or set out.	2. Lack of transparency can lead to criticisms that the airspace change process is unfair, and is weighed in favour of the airspace change proposer.	Respond to the revised airspace change process consultation to support the proposal for greater CAA involvement and a clearer setting out of its role in the process.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

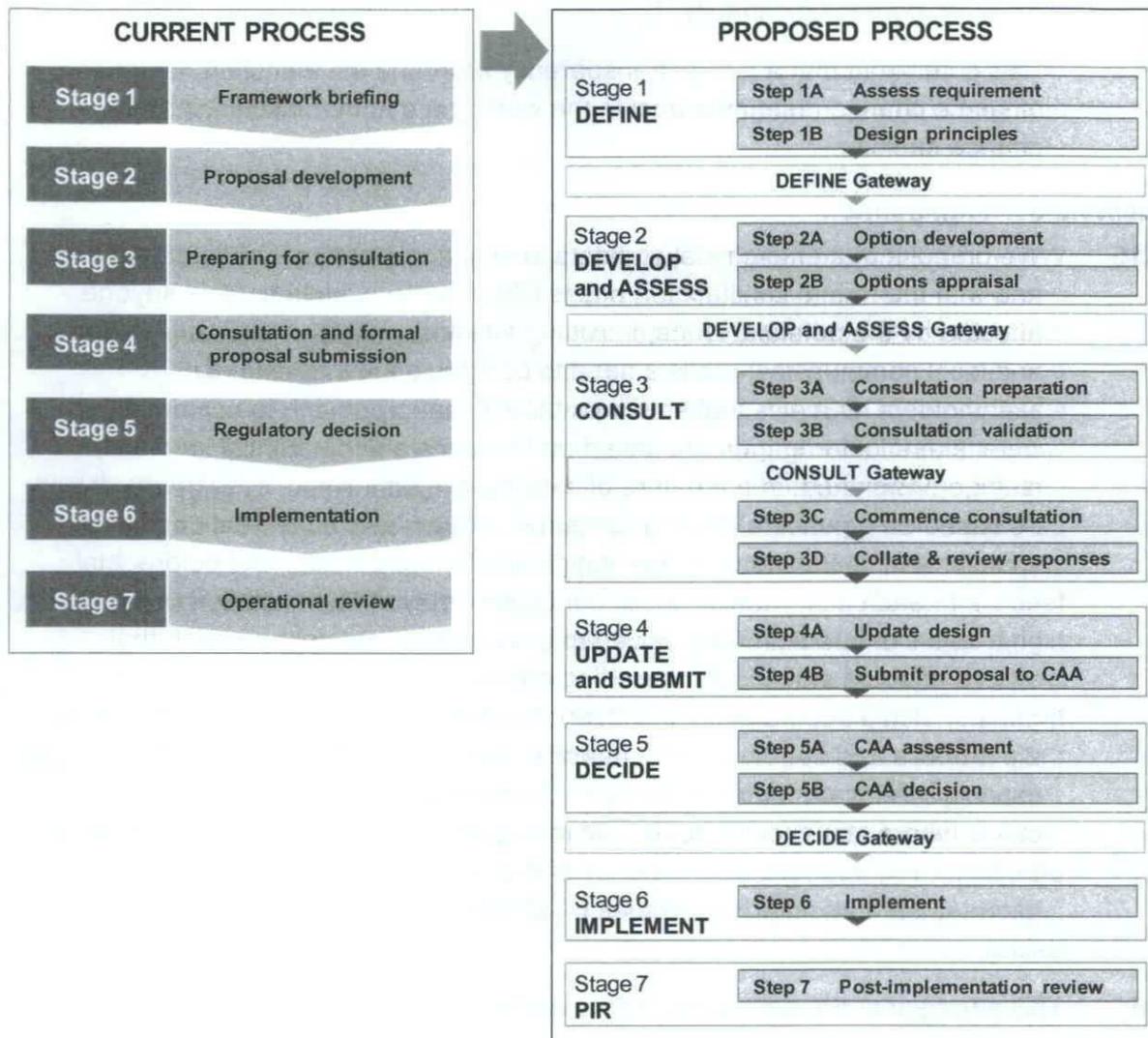
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Summary of key changes proposed

- 4.11 A step-by-step description of the changes we propose is given below, but it is worthwhile first highlighting some general principles that we are considering introducing, compared with the current process:
- We will strive to be as transparent as possible throughout the process, and to hold others to account to be transparent. Our starting position will be to publish all material we receive in relation to a proposal. While we will respect commercial confidentiality where disclosure could jeopardise a change being progressed, we will not see this as a reason to withhold large amounts of information.
 - We propose producing significant additional guidance material about relevant policy and process that we will follow or expect others to follow.
 - We propose introducing four new 'gateways' into the process. At these four key points in the process, we would sign off documentation provided by the sponsor of an airspace change. This would not predetermine our final decision on the change being proposed, but would give more certainty to those interested in the proposal that the CAA has agreed to the steps taken along the way.
 - We propose developing an online airspace change portal to support the revised process, to provide a single access point for anyone to view, comment on and access documents for every airspace change proposal. Sponsors themselves would add documentation to the portal and be responsible for managing their own consultation exercises, but the CAA would monitor material on the site closely. The CAA is currently investigating whether off-the-shelf solutions already exist or whether we would need to build a bespoke portal from scratch. More information about the proposed portal is in Appendix B.
 - We propose increasing the number of specific tasks the sponsor must carry out to engage those affected by the change, including local communities. We propose having additional oversight of these activities, and increasing the capacity and capability within the CAA to do so effectively.
 - We propose requiring the sponsor to develop a formal options appraisal for each proposal. This would show how it has assessed the impacts of different designs in developing their option(s) so as to achieve the best outcome for a given change, bearing in mind the needs of different parties and the CAA's statutory obligations to take these into account.

- We propose introducing clearly defined types of airspace change, which we define as 'Levels'. We would adjust the requirements of the process and scrutiny according to the scale of the impacts the change might have, to make the new process proportionate. We propose that the Level will be clearly defined and publicly known from as early a stage as possible.
- For changes that would have a greater impact (i.e. 'Level 1' changes as defined later in this document) we propose to convene a Public Evidence Session after the proposal has been submitted, to give stakeholders an opportunity to share their views with us directly.
- Overall, we will be more visibly 'hands-on' during the airspace change process and we will dedicate more resources to managing it.
- The resultant process and guidance will comply with any legislative requirements.
- The CAA will consider changes to the way we recover our airspace change costs through our charging scheme. This will be of particular interest to the industry bodies that will ultimately have to fund these increasing costs and pass them on to the consumer. We discuss funding options in Chapter 7.

Figure 4.1: Stages of the proposed airspace change process compared with the current process



Transparency

- 4.12 Helios's single most important observation was that there was a lack of transparency in the airspace change process, particularly regarding the CAA's activities. This lack of transparency created suspicion among some stakeholders who are not confident that their interests are represented well, and inadequately reflected work that the CAA already undertakes. For example, Helios found that some stakeholders were not aware of the CAA's environmental, consultation and operational assessments of airspace change proposals, since only relatively recently has the CAA begun publishing them routinely.
- 4.13 An established part of the process is the challenge the CAA provides to sponsors' proposals, but most of this has not been public, sometimes giving a misleading impression. Helios found that the justification for airspace changes

was not always clear in the eyes of communities and General Aviation groups. Some stakeholders reportedly felt that the need to improve safety was used as a pretext for increasing capacity.¹²

- 4.14 Helios concluded that a lack of transparency around the identified need for an airspace change undermined trust in the work and communications of the change sponsor.

Stakeholder engagement

- 4.15 We propose that engaging stakeholders in airspace changes will not begin and end with the formal consultation process (Stage 3). A 'stakeholder' is anyone affected by the potential change, including airlines, military, recreational flyers and local communities; there is a need to balance the interests of all stakeholders. Our aim is that sponsors tailor their approach to community and wider stakeholder engagement based on the scale and potential impact of the change envisioned, and the nature of existing relationships. Engagement should be based on a genuine attempt to construct a two-way conversation between sponsor and stakeholder from the beginning of the process, if not before, that feeds in to each individual step and continues beyond consultation to maintain high levels of interaction. This will enable an iterative design approach that affords affected stakeholders, including communities and General Aviation groups, multiple opportunities to influence a sponsor's thinking at key points in the process and see how their feedback is assessed and acted upon. This will be especially relevant during the 'design', 'development', 'consult' and 'update' steps, where stakeholder input is vital to ensuring an effective and transparent process. This increased transparency and dialogue between parties will help improve understanding of the issues on all sides and ultimately improve decision-making.
- 4.16 This engagement approach will be most effective if stakeholders already have a reasonable understanding of how the airport, its airline customers and related airspace operate in practice. While direct stakeholder engagement is likely to be greatest during the stages of a formal airspace change, ongoing engagement and information can help stakeholders understand the context for proposed changes and provide constructive feedback and comments. Some operational practices require clear, unambiguous explanation, and in some cases simplification, so that all parties understand better exactly what is being proposed and why compared with the pre-existing arrangements. Stakeholders must also be given adequate time to absorb such information.

¹² Although in certain circumstances, capacity alone may be a perfectly justifiable reason for airspace change.

- 4.17 How airports and the wider industry choose to approach regular or day-to-day engagement, information and education is for sponsors to decide. The CAA will require the development of an appropriate, targeted strategy to facilitate airspace change engagement and we will issue guidelines building on what already appears in CAP 725. We appreciate the complexities associated with engaging with all affected stakeholders, including the number of people and audiences involved, overcoming past 'history', conflicting airspace priorities, and the technical nature of some proposals.¹³ We note that different audiences have different requirements – for example, specialists requiring detailed data and residents needing plain-language explanation on topics that are likely to be deeply technical by their very nature. We also consider that there is an obligation on those being consulted to engage properly in the process and not to use it for a general protest about aviation or broader issues on Government policy.
- 4.18 In practice, it may be that during some or all stages of the process there could be a role for a neutral third party to act as a facilitator to moderate between the sponsor and their stakeholders. We raise this below where we set out our proposals for a revised approach to consultation. The CAA is aware of international examples of such a third party and the benefits it can deliver, so is seeking your views on whether or not the appointment of an independent facilitator would be helpful or indeed should be mandatory for the more significant airspace change proposals (see Question 8).

Process gateways

- 4.19 One concern of change sponsors is how long some airspace changes take to progress, and the lack of certainty along the way. Helios observed that in some cases this is caused by problems occurring during the process. They saw this as a considerable and growing burden on sponsors. For example, disagreements about the consultation material could require the sponsor to make multiple revisions. Some change proposals become highly controversial, tending to increase the complexity of the stakeholder engagement. (Indeed, Helios observed that some airspace changes have turned into long-running disputes between an airport and stakeholders.) The overall timescales are lengthened as a result, increasing the risk and cost of airspace changes for sponsors, and creating a lack of certainty for all parties. Currently the CAA intervenes only where it has received a complaint or spots an obvious inadequacy in the consultation material that, if not amended, would lead it to conclude the consultation would not be adequate to enable the CAA to make a decision on the airspace change proposal. As such, a sponsor could conceivably embark upon extensive and costly activities as part of their proposal, with no assurance at any

¹³ See for example the CAA's report on oversight of the Heathrow 'operational freedoms' trial which ran 2011–2013 www.caa.co.uk/cap1117. This was not an airspace change but provides insight into the challenges of effective engagement.

time that they will be deemed appropriate by the CAA until the decision-making part of the process.

- 4.20 We are proposing accepting Helios's recommendation that the CAA validate and approve relevant documents at four gateways during the process before the sponsor can progress to the next stage (see Figure 4.1 above).¹⁴ However, it is important that we are clear on one point: such validation and approval would not predetermine the CAA's final decision. This would of course require us to set out clearly what each stage requires in the relevant guidance and we should be clear that it will be for the CAA to decide whether the gateway criteria have been achieved or not.
- 4.21 The benefit of this approach is that it would provide assurance to all parties of the CAA's satisfaction at key stages during the course of the process that relevant requirements and guidance were being adhered to, and thus reduce some of the current uncertainty. It should save everyone time and resource, as there should be reduced need to repeat work, particularly around getting the consultation documents right.
- 4.22 The four gateways and related documents are:
- Define: (a) a short document setting out why the airspace change is an appropriate response to a specified problem or opportunity, and (b) design principles that describe the trade-offs that sponsors will have to develop with stakeholders and take into account in the design.
 - Develop and assess: a comprehensive appraisal of each viable design option (Helios referred to this as an impact assessment¹⁵).
 - Consultation: a fair, open and transparent consultation plan and supporting documentation.
 - Decision: a document setting out how the CAA has come to a decision on the airspace change proposal.
- 4.23 All the documentation would be available on the airspace change online portal. More information (and related questions) about the proposed portal is in Appendix B.

¹⁴ Where the CAA is not satisfied that the requirements have been met sufficiently, it is likely that the sponsor would need to revisit those Stages but not return to Stage 1, assuming no fundamental change in what was proposed.

¹⁵ We have not used the term 'impact assessment' as this implies a full monetisation of the different factors.