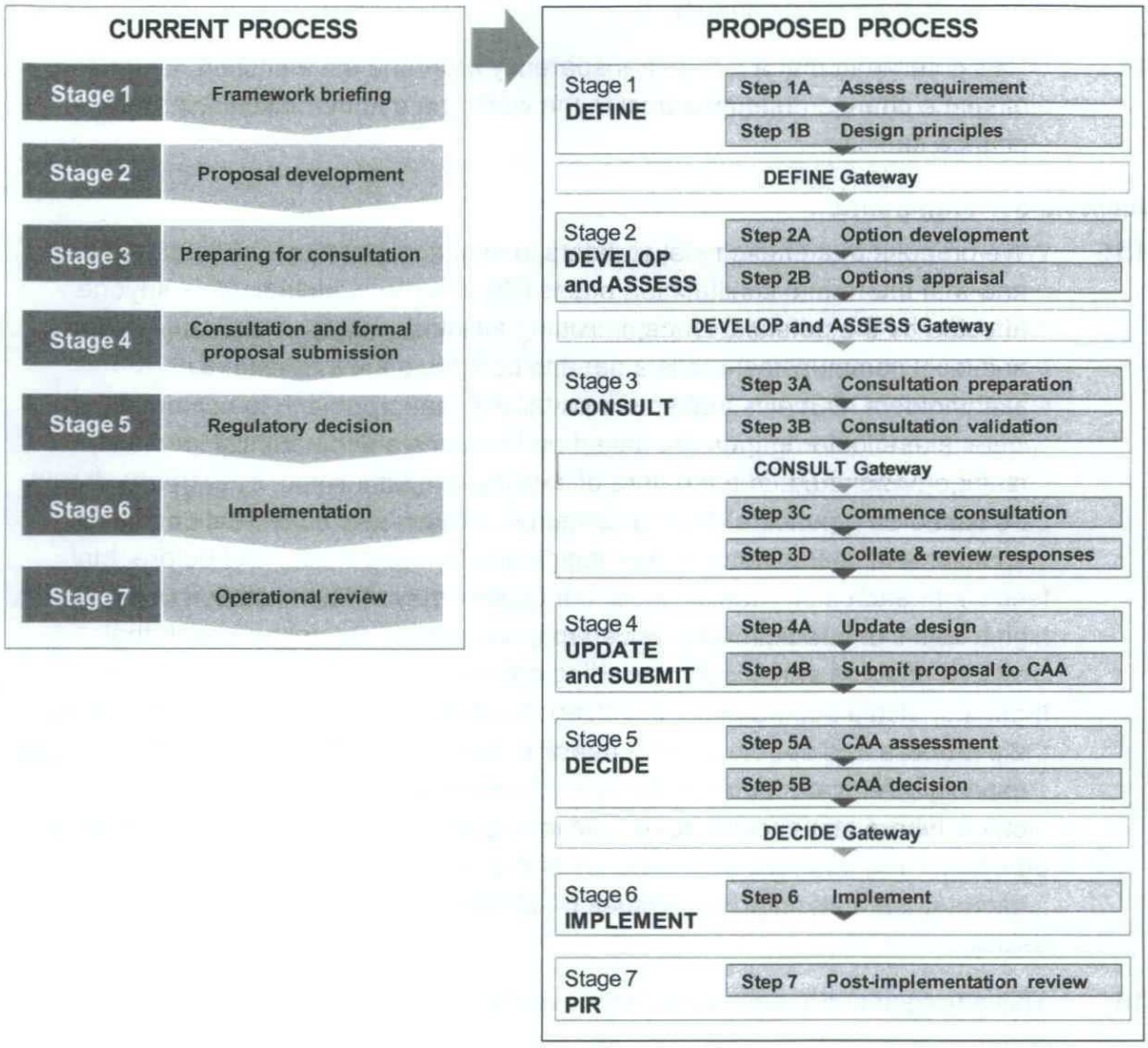
Summary of key changes proposed

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.

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[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 assessment[15]).
- 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.

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[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.