



Devon and Somerset Gliding Club Ltd

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11 October 2021

cc: Airspace Stakeholder Engagement Manager, CAA

Dear Stephen,

### **EXETER AIRPORT - RESUMPTION OF AIRSPACE PROJECT**

Thank you for your letter of 3<sup>rd</sup> September, advising stakeholders of the resumption of the Exeter ACP, after the pause in May 2020.

Thank you also for the clear explanation both the Airspace Modernisation Strategy, and of a significant change that has taken place during the 'pause' period – the inclusion of Exeter Airport in the FASI S programme. It is welcome that the modernisation and interconnectivity of both national and regional airspace is being considered at a strategic level for the future.

You have in your letter reiterated the need to provide additional protection for final approach and initial departure routes, as identified in the CAA Inspector's oversight report. This is fully accepted by Devon and Somerset Gliding Club (DSGC) and the Club looks forward to further engagement with you during Stage 2 of the CAP 1616 process.

### **CAP 1616 PROCESS**

However, as the resumption of the ACP process gets under way, there is a significant point that needs to be made by DSGC, which was not made in March last year when the pandemic forced much of the country into shutdown. Due to the uncertainty at the time, DSGC did not reply to your email sent on 28 February, for which - our apologies.

DSGC needs to clearly restate *that the process for finalisation of the Design Principles prior to the Define Gateway was not compliant with process set out in CAP 1616*. Our letter of 19 February 2020 set out in detail the demonstration of this, and all within the letter remains valid and on the record. Nevertheless, it is worth reiterating one point in particular from page 179 Appendix C of CAP 1616 ( v4, March 2021), which is paragraph (ii):

**DEFINE gateway**

At the 'Define' gateway, for all changes the CAA will require evidence from the change sponsor that demonstrates that design principles were arrived at following two-way conversations. This must set out what engagement activity was undertaken (i), and what has happened as a result of that activity (ii).

- (i) This will normally include records and minutes of workshops and meetings, with identification of those present and the context and nature of the discussion, and it must cover the range of stakeholders who may be impacted by the potential change. As stakeholders will often require information to aid their understanding of airspace design so as to play a part in development, evidence of how sponsors achieved this should be provided.
- (ii) Change sponsors must make clear where stakeholders have agreed the principles applied (and which have not if universal agreement is not achieved). Where design principles have not been agreed, objections must be clearly set out and attributed to relevant parties, as well as a clear rationale for the change sponsor's decision in light of this feedback.

The early process of stakeholder engagement prior to the long-listing and short-listing of design principles was excellent. But, both the all-important selection - and significantly also, the precise drafting - of the 'chosen' design principles was solely the work of the change sponsor. There was no two-way engagement, as explicitly required by CAP 1616: indeed, stakeholders who had contributed a considerable amount of time in the early stages of process did not even receive a courtesy notification – either by EDAL/Osprey or by the CAA Portal – that the Design Principles Report had been completed.

**To summarise** - the design principles that have been adopted could not be agreed/commented upon/objected to by stakeholders, as stakeholders were not even advised that they existed before they were approved. The approval through the Define Gateway was not compliant with the required process and we are fully confident that the Independent Panel would uphold this view.

While writing, there are two further points that we wish to make as the process goes forward.

### **DESIGN PRINCIPLES**

Firstly, in our letters of 19 February 2020 to yourselves and the CAA, and in the initial stages of the design consultation, we have repeatedly made the point that *“the principles which should guide any changes proposed to local airspace are set out in the appropriate legislative and industry guidance”*. This guidance is set out in Annex 1 of our letter of 19 February 2020. At no time in the process so far has there been any acknowledgement of this point from you, or comment upon it, and the industry guidance is not reflected in your finalised set of design principles. Moreover, in paragraph 3.22.3 of the Design Principles Report, it is stated *“Both the British Gliding Association and Devon and Somerset Gliding Club referred to the BGA set of principles that inform its responses to ACPs”*. This is simply not the case. DSGC has not referred at all to the BGA set of principles, and this is a further indication that points we have made have not been satisfactorily considered in the process.

### **FLEXIBLE USE OF AIRSPACE (FUA)**

Secondly, DSGC wishes to take this opportunity to reiterate a point regarding Flexible Use of Airspace. Paragraph 3.13.1 of the Design Principles Report states *“There was general support for the use of Flexible Airspace as a Design Principle”*. Paragraph 3.13.2 then states *“...this could be considered as a potential design option or solution, rather than a Design Principle, and therefore will not take this forward to the shortlist. ...”*. DSGC accepts this point that FUA is not a principle, but is an option. In DSGC’s response of 1 August 2019, we pointed out that *“It should be noted that the Report of The Lord Kirkhope Inquiry into Airspace change for the All Party Parliamentary Group has recommended the CAA should implement a more flexible approach to airspace design, including for example the power of ‘turning on and off’ Airspace depending on the time of day and the time of year”*.

Perhaps in response to this last point, and in support of FUA, it is interesting to note that time-switched FUA is being considered in the Cotswolds proposals, see for example page 13 of this document: [https://consultations.caa.co.uk/safety-and-airspace-regulation-group/airspace-classification-cotswold-region-engagement/supporting\\_documents/CAA%20Cotswold%20Region%20Review%20Workshop%20Slides.pdf](https://consultations.caa.co.uk/safety-and-airspace-regulation-group/airspace-classification-cotswold-region-engagement/supporting_documents/CAA%20Cotswold%20Region%20Review%20Workshop%20Slides.pdf). In the view of DSGC, this gives an excellent model for an Option for the Exeter ACP.

In view of all points raised above DSGC will wish to safeguard its interests by scrutinising - in the light of the industry guidance - airspace design options that are put on the table, if the need for a challenge to the process is to be avoided at a future date.

## CONSULTATION PROCESS

On less weighty issues, we politely request

- that the future engagement and consultation process will become as fully inclusive and interactive as CAP 1616 sets out;
- that whenever any documents are uploaded to the Portal, all stakeholders are emailed on the same day to advise them. This step is necessary as the Airspace Portal is regrettably still not functioning as it should, by sending stakeholders who are 'subscribed' to the progress of a particular ACP, email notifications of activity on the Portal;
- regarding document control, we would be grateful if, please, when any document goes from say Issue 1 to 1.1, or 1.1 to 2 etc, that the changes are fully noted at the front of the document, so that specific changes can be immediately identified.

With all the contents of this letter in mind, we look forward to hearing from you with a date for the Focus Group, and hope that Stage 2 can progress as laid out in CAP1616, with input from all Aviation Stakeholders taking account of their needs.

We would be grateful for acknowledgement of this letter.

Jill Harmer  
Secretary  
Devon and Somerset Gliding Club Ltd  
on behalf of the DSGC Management Committee