



Airspace Change Proposal
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cc: Airspace Regulator, SARG, CAA

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EXETER AIRPORT AIRSPACE CHANGE PROPOSAL FAILURE OF CHANGE SPONSOR TO ADHERE TO CAP 1616 STAGE 1 PROCESS

Devon and Somerset Gliding Club (DSGC) wishes to place on record that the process for promoting an airspace change around Exeter Airport is not compliant with the provisions of the regulatory framework, as set out in CAP 1616, Stage 1, Step 1b. Furthermore, within the design principles approved by the CAA on 6 November 2019, other policy guidance on airspace changes has been ignored to the detriment of non-Exeter Airport aviation stakeholders.

To quote from the Design Principles Questionnaire of 29th April 2019, *“Transparency and engagement with local communities is at the heart of the new Civil Aviation Publication (CAP) 1616 process”*. It was pleasing to note that the initial engagement and communication with stakeholders was commendable in the early formulation of the all-important design principles – **but only until the end of August 2019**.

Regrettably, both two-way engagement and transparency came to an abrupt and complete halt in September 2019 - two months before the approval through the Define Gateway. The vital step of finalising the design principles was undertaken by the change sponsor alone without reporting back to those who had gone to considerable effort to contribute, and with no opportunity for further comment. **This is contrary to the explicit guidance contained within CAP1616.**

In view of the failure to follow the CAP 1616 process by not engaging with stakeholders as required, and by failing to consider and act in accordance with the CAA’s airspace design principles, the design principles taken forward from the Define Gateway lack legitimacy as a basis for the development of options for the proposed airspace design.

1.0 SUMMARY OF EVENTS

- 1.1 An initial design principles questionnaire was circulated to stakeholders on 29 April 2019, with a return date of 31 May 2019. **DSGC completed the questionnaire and submitted it on 28 May 2019.**
- 1.2 A Focus Group meeting was held at Exeter Airport on 13 June 2019, **which DSGC attended**, and Minutes circulated by EDAL on 2 July 2019.
- 1.3 From an initial longlist of 166 possible design principles, a revised working shortlist of 16 design principles was circulated to stakeholders on 22 July. This required stakeholders to prioritise the shortlisted design principles from 1 – 16 (or 0 as N/A), with a return date of 2 August 2019. **DSGC returned the completed questionnaire on 1 August 2019.**
- 1.4 A Supplementary Questionnaire arising from the possibility of PBN designs was circulated to stakeholders on 6 August 2019 with a return date of 6 September 2019. **DSGC submitted its response on 6 September 2019.**

- 1.5 Following this, the design principles were unilaterally finalised by the change sponsor and submitted to the CAA, without any reference back to participating stakeholders, and without even courtesy notification that the submission had been made. **There was thus no opportunity for further comment from stakeholders.**
- 1.6 On 9 October 2019, ten documents were uploaded to the portal, including the Design Principles Report version 1. On 17 October 2019, a revised Design Principles Report version 1.1 was uploaded. On 5 November 2019, a further revision of the Design Principles Report, version 2, was uploaded.
- 1.7 On 6 November 2019, the CAA signed off the Define Gateway stating *“The CAA has completed the Define Gateway Assessment and is satisfied that the change sponsor has met the requirements of the Process up to this point. The CAA approves progress to the next Step”*.
- 1.8 Since 6 September 2019 (i.e. after submission of the Supplementary Questionnaire), **DSGC has had absolutely no feedback at all, up to the present day, from either the change sponsor or the CAA.**
- 1.9 The CAA’s Airspace Change Portal makes provision for those interested in the progress of an ACP to *“Subscribe”* so as to *“Receive email updates about this airspace change”*. DSGC and a number of fellow stakeholders have subscribed, assuming that whenever a new document is uploaded to the portal (either by the change sponsor or the CAA), that email notifications would immediately follow. The Subscribe facility in the Airspace Change Portal has been a complete failure: **no notifications whatsoever have been given to any stakeholders to keep them updated on progress.** Transparency is utterly lacking, even with the vital milestone event of the Define Gateway.

2.0 CAP 1616 REQUIREMENTS

There are numerous references in CAP1616 for the need for two-way engagement, some specifically relating to Step 1b. Some of these will be listed (references are to Ed3 Jan2020):

- 2.1 **Step 1B Design principles**, paragraph 111 page 33. *“The second step of Stage 1 is for the change sponsor to identify and communicate the design principles to be applied to the airspace change design”*.
- 2.2 **Stage 1 – Define**, paragraph 118 page 34. *“The design principles and the outcome of the engagement activity must be submitted to the CAA for review. Where the change sponsor is unable to reach agreement with local stakeholders on commonly accepted design principles [or the likely Level categorisation] the reasons for differing views must be recorded and drawn to the CAA’s attention, with reasons given as to how the change sponsor developed the final design principles.”*
- 2.3 **Define Gateway**, page 36: *“the change sponsor must have explained to the CAA’s satisfaction how the design principles were influenced through stakeholder engagement against the requirements in Appendix D”*
- 2.4 **Appendix C on Consultation:**
C.9, page 170: *“The core principle underpinning the CAA’s assessment of whether a change sponsor is engaging stakeholders effectively will be evidence that the change sponsor is engaging in a two-way conversation”*.
C.10 page 170: *“Following this process, the CAA will expect to see evidence of what the sponsor has heard and how this feedback has informed the development of its proposal”*.
C.15 page 171 *“Throughout the process, the change sponsor owns the requirement for stakeholder engagement. The CAA will publish documents or updates, and may communicate this to stakeholders, but the onus is on the change sponsor to ensure that all parties are kept updated and informed during the process”*.

2.5 **Appendix C, Define Gateway, page 172, para (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) 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.

- 2.6 **Appendix D, Outcome D8, page 186** *"The CAA would therefore expect to receive the following output from this activity" "- an explanation of the issues raised during the engagement process and how stakeholder feedback influenced the final set of principles. - evidence of two-way conversation, ie copies of all related correspondence between the change sponsor and stakeholders.- the design principles chosen. - the rationale behind the decision to adopt those principles including evidence of which of the principles chosen were agreed by the stakeholders and, if universal agreement is not achieved, which were not; where design principles have not been agreed, objections must be clearly set out and attributed to relevant parties, as well as clear rationale for the change sponsor's decision in light of this feedback (for example, a matrix or table illustrating how the design principles have evolved).*

CAP1616 defines two-way communications very clearly and this process has not been followed since 6 September 2019. If the final shortlist of design principles had been promulgated before submission to the CAA, there would have been opportunity for stakeholders to ask why a particular principle had not eventually been included and object if they so wished.

3.0 DESIGN PRINCIPLES - OVERLOOKED REGULATORY GUIDANCE

- 3.1 CAP 1616 is concerned with the process of seeking an Airspace change. However, any airspace design proposal is required to follow not only the guidance in CAP 1616 on process, but all statutory and other CAA policy and guidance relating to airspace design in other documents (eg Section 70 of the Transport Act 2000 and Airspace Modernisation Strategy). These other relevant documents should equally inform and guide the development and finalisation of the design principles.
- 3.2 Relevant airspace design guidance in other documents appears to have been ignored in the Design Principles Report, without any explanation. This guidance was clearly flagged up firstly, by DSGC as Annex 1 to its initial Response in May 2019; and secondly, in its response of 1 August 2019. Additionally, the SARG principle of minimised airspace categorisation was flagged up for a third time in its response of 6 September 2019. These regulatory airspace design principles are enclosed in full again as an Annex to this letter, for convenience.

This is a serious omission that has had adverse consequences for DSGC and other non-Exeter Airport aviation stakeholders in the framing of the final design principles chosen by the change sponsor, by failing to act in accordance with current CAA airspace design policy.

4.0 FINALISED DESIGN PRINCIPLES – DSGC OBJECTIONS AND COMMENTS

With reference to the “*Formulation of the Final Shortlist of Design Principles*” taken from Design Principles Report Issue 2, Annex A4. The categorisation of a number of the shortlisted design principles into Safety, Harmonisation, Protection, Access, Minimise Impact, Dimensions, Connectivity and Environment is somewhat arbitrary. Some shortlisted principles are in the wrong category and some Design Principle text should be amended

4.1 As indicated in 3. above, the CAA’s airspace design policy and principles have been ignored in the formulation of the final design principles. When any consideration is given to the need to “Minimise Impact” of an ACP, clearly there are two design principles that are of paramount importance to non-commercial aviation stakeholders:

4.1.1 “*Any airspace design is to use the minimum volume of CAS, consistent with safe and efficient air traffic operations*”, to quote directly from the Airspace Modernisation Strategy. It should be noted that this principle is a direction, not a recommendation.

4.1.2 “*The principle that the least restrictive categorisation of airspace should be the norm in UK airspace design, with more restrictive classifications only being established where necessary when the safety need is clearly demonstrated*”. This is current SARG policy which should be given greater weight than the preferences of individual stakeholders.

4.2 **Final Principle 5 - Minimise Impact** (see table below)

DSGC objects to the adopted wording on the following grounds:

(1) Looking at the left-hand column, short-listed DPs 16 and 15 should have been placed in the 'Minimise Impact' category, because they are not directly related to Dimensions, but do relate to the impact of any CAS.

The text for Minimise Impact Design Principle should be amended to “***Any new airspace should use the minimum categorisation necessary and should minimise the impact on non-Exeter Airport aviation in the local area.***”

Reasons:

(1) To reflect the CAA’s guiding design principle of minimum categorisation.

(2) To capture the underlying essence of shortlisted DPs 3, 16 and 15.

(3) The words “where possible” are not needed, as the word “*minimise*” covers the required meaning.

4.3 **Final Principle 6 – Dimensions** (see table below)

DSGC objects to the adopted wording on the following grounds:

(1) Shortlisted DPs 14 and 5 are properly placed in this category.

(2) Shortlisted DPs 16 and 15 should be removed (see 4.2 above)

The text for Dimensions Design Principle should be amended to “***Any new controlled airspace should use the minimum volume necessary and should be proportionate to the requirement.***”

Reasons:

(1) The CAA’s direction to airspace designers that they should use the minimum volume of airspace should have been reflected in the final DP list

DP No ⁴ .	Suggested Shortlist Design Principle	Stakeholder Priority	Supplementary Questionnaire Responses	DP No.	Proposed Design Principle	
3	Any new airspace should not create funnelling or choke points for other airspace users	3	Location [of controlled airspace] should be in areas giving the least intrusion into the activities of GA and gliding	5	MINIMISE IMPACT	Airspace designs should, where possible, minimise the impact on non-Exeter Airport aviation in the local area
16	Any new airspace should be as uncomplicated as possible	5		6	DIMENSIONS	The size and categorisation of any new controlled airspace should be proportionate to the requirement
14	Any new CAS should be proportionate to the requirement	7				
15	Any new airspace should use the minimum categorisation necessary	10				
5	Any new airspace should use the minimum volume necessary	12	If PBN routes need to be contained, the volume of controlled airspace should be the minimum possible			

5.0 SUMMARY AND CONCLUSIONS

- 5.1 With CAA approval, EDAL has failed to follow the process for making an airspace change set out in CAP 1616 and has failed to act in accordance with CAA airspace design policy, to the detriment of non-Exeter Airport aviation stakeholders.
- 5.2 The finalisation of the shortlisted Design Principles should be re-visited, which should include the regulatory design guidance mentioned above, and stakeholders given the opportunity to comment.
- 5.3 In the absence of this due process in 5.2, the adopted design principles lack legitimacy as a basis for guiding the development of options for the proposed airspace design, and the factors set out in this objection remain open as the basis for challenge to the future steps in the ACP process.
- 5.4 It is hoped that the remainder of the ACP process will move forward within the guidance laid down and with a return to the two-way engagement seen from April to August last year. There needs to be a real commitment to transparency for the benefit of all stakeholders affected by this ACP.

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

ANNEX 1 to DSGC letter of 19 February 2020

NOTE: THESE ARE THE PROPOSED DESIGN PRINCIPLES SUBMITTED BY DSGC IN MAY 2019 AS PART OF THE EXETER AIRPORT ACP STAGE 1 STEP 1B 'FORMULATION OF DESIGN PRINCIPLES'

ACP Design Principles

DSGC believes that from the viewpoint of aviation stakeholders, the principles which should guide any changes proposed to local airspace are set out in the appropriate legislative and industry guidance, as highlighted below. These principles should therefore guide the development and assessment of options.

1. **The statutory framework:** the established hierarchy of principles and priorities set out in the Transport Act 2000 Section 70, including footnotes 1 – 3. (See <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Legislative-framework-to-airspace-change/>).
2. Compliance with all other statutory and CAA guidance on changes to and the modernisation of airspace, including and subject to the following provisions.
3. “The principle that the least restrictive categorisation of airspace should be the norm in UK airspace design, with more restrictive classifications only being established where necessary when the safety need is clearly demonstrated”. (Taken from SARG’s Policy Statement dated 14 August 2015 for Radio Mandatory Zones and Transponder Mandatory Zones, paragraph 1.2).
4. “Any airspace design is to use the minimum volume of CAS, consistent with safe and efficient air traffic operations”. (So as to comply with the relevant Airspace Modernisation Strategy Objective/parameter, see AMS page 23).
5. “Airspace developments at lower altitudes must...consider the need to safely integrate other airspace users within the airport vicinity, including General Aviation...” (AMS paragraph 4.24) with the related principle that “airspace modernisation should satisfy the requirements of operators and owners of all classes of aircraft across the commercial, General Aviation and military sectors”. (AMS paragraph 3.5).
6. **Additional Note:** DSGC feels that airspace structures in terms of zones and CTAs should not be overly complicated. This principle appears to have had backing from NATS during the 2017 ACP process. [“NATS raised concerns relating to the airspace design which was assessed as potentially complicating Air Traffic Management (ATM) arrangements in the area”: , quote from Consultations Report, Executive Summary: this was understood to relate to the number, size and varying bases of the CTAs].

Summary

The principles set out above enable a subsequent test to be applied to the preferred option which is proposed to form an ACP submission:

- (a) Has the safety need for any change from the status quo been clearly demonstrated? (So as to comply with the SARG principle referred above).
- (b) Do the proposals constitute the least restrictive categorisation of airspace required to meet the demonstrated need? (Ditto).
- (c) In the event of a demonstrable need for controlled airspace, has the change sponsor clearly demonstrated that its proposal will...“use the minimum volume of CAS, consistent with safe and efficient air traffic operations?” (So as to comply with the relevant AMS Objective/parameter, see AMS page 23).