

# CAA Consultation Assessment

Title of airspace change proposal	Moray Offshore Windfarm (West)
Change Sponsor	NATS
Project Reference	ACP-2019-72
SARG Lead	[REDACTED]
Case study commencement date	14 May 2021
Case study report as at	28 July 2021
<p><i>Instructions</i></p> <p>In providing a response for each question, please ensure that the 'status' column is completed using the following options:</p> <ul style="list-style-type: none"> <li>• YES</li> <li>• NO</li> <li>• PARTIALLY</li> <li>• N/A</li> </ul> <p>To aid the SARG Lead it may be useful that each question is also highlighted accordingly to illustrate what is:</p> <p>resolved <span style="background-color: #90EE90;">YES</span> not resolved <span style="background-color: #FFD700;">PARTIALLY</span> not compliant <span style="background-color: #FF6347;">NO</span></p>	
<p><b>Executive Summary</b></p> <p>This regulatory assessment concerns the consultation undertaken by Moray Offshore Wind Farm (West) Ltd. (MOWWL) who intends to develop an offshore wind farm in the Moray Firth. The proposed wind farm will cover an area of approximately 225 km<sup>2</sup> and is located around 22.5 kilometres (km) (12.1 Nautical Miles (NM)) off the Caithness coastline and 24 km (13 NM) from the Aberdeenshire coastline. It will be situated adjacent to the Beatrice Offshore Wind Farm Ltd (BOWL) and Moray Offshore Wind Farm (East) Ltd (MOWEL) developments and will contain up to 85 Wind Turbine Generators (WTGs).</p> <p>WTGs are known to interfere with Air Traffic Control (ATC) radars. This development has been identified as having the potential to impact the Allanshill Primary Surveillance Radar (PSR). As such, a Primary Radar Mitigation Scheme (PRMS) is required to be in place prior to commencing construction of the wind farms. Previous offshore wind farm developments have explored a variety of options to mitigate the risk, with Range Azimuth Gating (RAG) (known commonly as radar blanking) implemented in previous developments, alongside a Transponder Mandatory Zone (TMZ). The proposed PRMS for the MOWWL development is radar blanking of the wind farm area with an associated TMZ with 2 NM buffer extended to align with existing Moray Firth TMZ implemented for the BOWL and MOWEL. In line with the extant Moray Firth TMZ, the vertical extent of this TMZ will be from the surface to FL100.</p>	

The sponsor completed a 10 week targeted consultation aimed at aviation stakeholders, which presented Option C (simplified polygon TMZ “rubber banded” around proposed wind farm location extended to include a 2 NM buffer) as the preferred option to provide safe and effective mitigation against the radar issues associated with the radar detection of WTGs. Option C was the only option carried forward for consultation. The ‘do nothing’ option was discounted as it would not meet planning consent conditions but was included for comparison purposes only.

A total of 13 responses were received during the consultation exercise, with 8 responses confirming their ‘SUPPORT’ for the proposed airspace change (62%) and 5 have ‘NO COMMENT’ (38%). No respondents categorised their level of support for the proposed change as ‘AMBIVALENT’ or ‘OBJECT’ and no modifications were made to the airspace design following consultation.

#### PART A – Summary of Airspace Change Process to date

A.1	<a href="#">Moray Offshore Windfarm (West) Limited (MOWWL) Airspace Change Proposal public view (portal)</a>	
A.2	Stage 1 DEFINE Gateway	29/05/2020
A.2.1	The required documentation was presented on time and we were satisfied that the change sponsor had met the requirements of the Process up to that point. Progress to the next Step of the Process was therefore approved.	
A.3	Stage 2 DEVELOP & ASSESS Gateway	28/08/2020
A.2.1	The required documentation was presented on time and we were satisfied that the change sponsor had met the requirements of the Process up to that point. Progress to the next Step of the Process was therefore approved.	
A.3	Stage 3 CONSULT Gateway	30/10/2020
A.3.2	The required documentation was presented on time and we were satisfied that the change sponsor had met the requirements of the Process up to that point. Progress to the next Step of the Process was therefore approved.	
A.4	Stage 4 UPDATE & SUBMIT	14/05/2021
A.4.1	The change sponsor formally submitted their proposal on 28 April 2021. Some consultation evidence was omitted, and a request was sent to the sponsor. All of the required documentation was provided, and the document check was concluded 14 May 2021.	

#### PART B – Consultation Assessment

B.1	AUDIENCE	
B.1.1	Did the consultation target the right audience?	YES
	Given the Level (2B) and scope of this Airspace Change Proposal (ACP), the sponsor chose to undertake a targeted aviation stakeholder consultation with those stakeholders that have been engaged during Stages 1-2. The sponsor explained in	

their consultation strategy that they would not be targeting organisations whose interest was primarily environmental, as there would be no change in impact with all the changes being made over the sea.

At consultation launch, the change sponsor targeted an expert aviation audience of 36 stakeholders:

- 24 members represented on the National Air Traffic Management Advisory Committee (NATMAC) including the Ministry of Defence via Defence Airspace and Air Traffic Management (DAATM)
- 5 Helicopter Operators (Babcock Helicopters, Bristow Helicopters, CHC Scotia, NHV Helicopters, and Maritime and Coastguard Agency (MCA))
- Air Traffic Control (Aberdeen ATC, Highlands and Islands Airports Ltd (HIAL), NATS En-Route Limited (NERL) and NATS Prestwick)
- Airports (AGS Airports Limited (Aberdeen), Wick and Inverness)

Whilst the consultation was targeted at those users of the airspace and other aviation stakeholders for whom the proposal was most relevant, it was conducted on the CAA's public facing Citizen Space platform and so all stakeholders had the opportunity to respond. In their consultation document the change sponsor stated that any individual or organisation could submit a response.

B.1.2

Please provide a summary of responses below

Thirteen consultation responses were received over the course of the 10-week consultation. Twelve of the responses were submitted via the airspace change online portal (Citizen Space) and one email response was received by the change sponsor from the British Gliding Association (BGA) which was manually uploaded to the online portal. There were no postal responses.

Twelve of the responses were received from stakeholders that had been targeted by the change sponsor, representing 33% of those stakeholders contacted directly. No consultation responses were received from airlines. One response was received from a non-targeted stakeholder – PDG Aviation.

British Helicopter Association, PDG Aviation, Bristow Helicopters – UK Search and Rescue (SAR), MCA, Babcock, GATCO, NATS Aberdeen and NATS (Prestwick and NERL) were in support of the proposed TMZ. NHV Helicopters, BGA, MOD via DAATM, GAMA Aviation for SAS and Highlands and Islands Airports had no comment. The following table shows how stakeholders were asked to express whether they supported the proposed changes together with the number of responses received to this mandatory question:

Option	Total	Percent
SUPPORT – I support the proposed changes	8	61.54%
NO COMMENT – I neither support nor object	5	38.46%
AMBIVALENT – I have mixed feelings	0	0
OBJECT – I object to the proposed changes	0	0

	<p>This has been verified by reviewing the raw consultation responses via Citizen Space. Consultees were also invited to provide comments on the overall proposal. Comments for 'Support' included:</p> <ul style="list-style-type: none"> <li>Proposed TMZ will mitigate / is suitable mitigation against the issues wind turbines cause on surveillance systems' capabilities;</li> <li>No impact on operations;</li> <li>The introduction of the TMZ is an improvement to flight safety;</li> <li>Aircraft are transponder equipped.</li> </ul> <p>Rationale for 'No Comment' included:</p> <ul style="list-style-type: none"> <li>No impact on operations;</li> <li>MOD had no comment on the proposal but advised the sponsor that an agreement would be required with the developer to state, as a condition, that a TMZ must be 'activated and promulgated on the radar at the developer's expense' prior to the hanging of blades on the WTGs.</li> <li>HIAL highlighted the likely requirement for amendment of the existing LoA between Wick Airport and RAF Lossiemouth, and also advised the sponsor of their ATMS 2030 Strategy which includes plans to adjust the level of ATS.</li> </ul>
<b>B.2</b>	<b>APPROACH</b>
<b>B.2.1</b>	<p>Did the change sponsor consult stakeholders in a suitable way?</p> <p style="text-align: right;"><b>YES</b></p>
	<p>The change sponsor conducted their consultation using Citizen Space and consequently their approach was aligned with CAP 1616 requirements. Stakeholders were also given the option to submit responses by post with the postal address included within the consultation document.</p> <p>In the consultation strategy, MOWWL acknowledged that due to the COVID-19 pandemic, any engagement work would be done remotely via telephone/video conferencing and/or email, as opposed to any face-to-face meetings. Due to the difficult challenges facing the sponsor and their stakeholders in these unprecedented times, this consultation exercise could only be held online. Given the target audience, the scope of the proposal and the responses received, it is reasonable to conclude that hosting the consultation solely online did not in any way undermine or affect the validity of the consultation exercise.</p>
<b>B.2.2</b>	<p>What steps did the change sponsor take to encourage stakeholders to engage in the consultation?</p>
	<p>The following steps were taken to encourage stakeholders to engage in the consultation:</p>

	<ul style="list-style-type: none"> <li>Stakeholders were sent a notification email on 9 November 2020. The email provided the opening and closing dates of the consultation and signposted stakeholders to the consultation material and questionnaire provided on the online portal.</li> <li>The consultation was publicised on the MOWWL website and the NATS aero website (available to the public). The consultation was not linked through the NATS customer affairs website, as this was not a NATS sponsored change.</li> <li>A reminder email was sent to all targeted stakeholders at the mid-point of the consultation (7 December 2020) advising them that the consultation was scheduled to conclude on 17 January and asking stakeholders to provide feedback.</li> <li>To achieve maximum stakeholder participation, a final reminder email was sent at the start of the final week (11 January 2021) advising stakeholders that they had 7 days remaining to submit responses and referring them to the consultation document and questionnaire available on the portal.</li> <li>In the final week of the consultation, MOWWL followed up by telephone with a number of stakeholders who had actively engaged with Stages 1 and 2 of this ACP but had not responded to the consultation – Babcock, HIAL (both submitted a response in time) and CHC, who did not respond to the consultation.</li> </ul> <p>Evidence has been provided by the change sponsor to support the steps set out above.</p> <p>Postal requests for printed copies of the consultation document were to be accommodated provided that the request was received no later than fourteen days before the consultation closed. Stakeholders were also able to submit a postal response.</p>	
B.2.3	Was the change sponsor required to respond to any unexpected events and/or challenges?	<b>NO</b>
	The sponsor's consultation strategy explained how they would respond to unexpected events and challenges, including escalation and extension plans. There is no evidence to suggest that MOWWL had to take any actions/measures during the consultation period as a result of unexpected events and/or challenges. The sponsor was mindful of the ongoing COVID-19 situation and committed to a potential review of the consultation period if necessary, but this was not required. It would be fair to say that the consultation exercise went smoothly and as anticipated.	
<b>B.3</b>	<b>MATERIALS</b>	
B.3.1	What materials were used by the change sponsor during the consultation?	
	<p>The sponsor utilised the Citizen Space platform to create a related consultation page and to invite stakeholders to submit their feedback using the questionnaire provided. The page included an overview of the proposal, the reasons for the consultation and the proposed options. A chart depicting the proposed wind farm developments with the associated TMZ was also included. The consultation document itself was embedded on the site and available for download.</p> <p>Materials used during the consultation comprised the following:</p>	

	<p><b>Consultation Document</b> – the contents included: an outline of the scope of the consultation, the justification for introduction of the TMZ and the objectives for doing so, description of the current “Do Nothing” option and the proposed TMZ option, impacts and/or benefits of the TMZ option, reversion statement and detail on how to respond to the consultation.</p> <p><b>Feedback Form</b> (within the Consultation document for postal responses) – a copy of the online questionnaire asking stakeholders whether they supported, had no comment, were ambivalent or objected to the introduction of the TMZ described in the proposal. A free-text box for comments was also provided and stakeholders were invited to give feedback comments on the overall proposal. The sponsor included four questions for stakeholders to consider when providing their feedback – What do you believe will be the impact of the TMZ on your operation? How often do you think these impacts will occur? Do you have any suggested mitigations or design changes you think should be considered? Do you think there may be any unintended consequences of the TMZ?</p> <p>Additionally, the sponsor provided several links signposting stakeholders to more information on Policy and Guidelines on Wind Turbines, RMZ and TMZ Policy, and CAP1616.</p>
B.3.2	<p>Did the materials provide stakeholders with enough information to ensure that they understood the issue(s) and potential impact(s) on them?</p> <p style="text-align: right;"><b>YES</b></p>
	<p>The sponsor clearly set out their rationale for pursuing an ACP in their consultation document. MOWWL provided sufficient information to help stakeholders understand the current situation and determine what the likely impact of the proposal would be on them if it was approved and implemented, and therefore to enable them to make an informed decision.</p>
<b>B.4</b>	<b>LENGTH</b>
B.4.1	<p>Please confirm the start/end dates and the duration of the consultation below</p> <p>Start date: Monday 9 November 2020  End date: Sunday 17 January 2021  Duration: 10 weeks, including 2-weeks allocated for Christmas and New Year break</p>
B.4.2	<p>If duration was less than 12 weeks, what was the justification?</p> <p>Whilst acknowledging that an airspace change consultation would typically have a 12-week duration, the sponsor proposed a shortened 10-week consultation period, comprising of 6-weeks before Christmas and New Year and 2-weeks after.</p> <p>The sponsor provided a justification in their consultation strategy for a reduced 10-week consultation as they considered this to be entirely proportionate for this ACP. This was due to the targeted stakeholders, the limited number of aviation stakeholders affected by the proposed change, the geographical location of the proposed wind farms and TMZ, as well as the lack of potential impact on non-aviation stakeholders.</p>

	<p>This was further justified by the pre-consultation engagement activities MOWWL undertook with their stakeholders and the relative simplicity of the ACP itself. The sponsor was confident that stakeholders were already in a well-informed position to respond to the consultation as they had had the opportunity to influence the designs in advance of the consultation.</p> <p>Mindful of the impacts caused by COVID-19 to the aviation industry, MOWWL provided assurances that they would be flexible if the situation dictated and would revise the duration of the consultation if necessary.</p>	
B.4.3	Was the period of consultation proportionate?	YES
	<p>The CAA considered at the Stage 3 'CONSULT' Gateway that a 10-week consultation was appropriate and proportionate to the ACP level and impact of the change. There is no evidence to suggest that stakeholders expressed their concerns to either the sponsor, or directly to the CAA, on the reduced consultation period or through a perceived lack of opportunity to respond. Stakeholders were responding from an informed position based on engagement undertaken at Stage 1-2 of CAP1616.</p>	
B.5	GENERAL	
B.5.1	Was the conduct of the consultation aligned with the consultation strategy?	YES
	<p>Generally the conduct of the consultation was aligned with the consultation strategy that was approved at Stage 3 CONSULT Gateway, although there is a minor misalignment; within their consultation strategy (para 5.4), the sponsor stated that links would be put on the NATS customer affairs website (one of the information transfer mechanisms between NATS and their customer airlines) and the NATS aero website (available to the public). However, within the final submission the sponsor stated that the consultation was not linked through the NATS customer affairs website as this was not a NATS sponsored change. This is a minor observation noted for the purpose of this question and does not undermine or affect the validity of the consultation.</p>	
B.5.2	Has the change sponsor categorised the responses in accordance with CAP 1616?	YES
	<p>The change sponsor has produced a categorisation report <a href="#">Stage 3D Collate and Review Responses</a>. One of the 13 responses was categorised as a response "which may impact the final proposal". The remainder were categorised as responses "which do not impact the final proposal".</p> <p>The CAA has reviewed the consultation responses and asked the sponsor to provide a further justification as to why a response from HIAL was categorised as having no impact. Within their response, HIAL indicated that they plan to adjust the level of service from ATC to AFIS at Wick Airport and that subsequently, there may be an impact on the TMZ crossing service for aircraft without a transponder.</p> <p>The sponsor responded that, quote "<i>this TMZ has been planned around extant and known planned airspace and service provision. HIALs intention to adjust the level of service provided from ATC to AFIS was not considered as impacting this design as our understanding is at this stage, no formal steps have been taken to implement this change and as such it is an ambition which will have to consider the known airspace requirements when planned and implemented. The Controlling Authority for the</i></p>	

	<p><i>Moray firth TMZ is the MOD (RAF Lossiemouth) and HIAL state there is not likely to be any impact on their current operations. The CA for the new TMZ will also be the MOD and mitigations will be covered in a revised LOA between RAF Lossiemouth and Wick.”</i></p> <p>Following on from the sponsor’s justification, the CAA accepted that the change sponsor had categorised the responses in accordance with CAP 1616 (Appendix C, Table C2) in a fair, transparent and comprehensive way; this exercise was completed on 22 March 2021.</p>	
B.5.3	Has the change sponsor correctly identified all of the issues raised during the consultation and accurately captured them in the consultation response document?	YES
	After reviewing the raw consultation responses (downloaded from Citizen Space), the CAA is satisfied that the sponsor has accurately captured the feedback raised by consultees in their ‘Stage 3D Collate and Review Responses’ document. The majority of feedback was either in support of the proposed option or to provide rationale as to why stakeholders had no comments (as outlined in B.1.2).	
B.5.4	Does the consultation response document detail the change sponsor’s response to the identified issues?	YES
	<p>Only one response was identified by the change sponsor as having the potential to impact the final design; British Helicopter Association (BHA) supported the proposal but questioned the <u>size of the TMZ</u>. In their response to the sponsor, BHA stated that the TMZ looked like it was covering a larger area than it needed to.</p> <p>Sponsor’s response, quoted from the Stage 3D document, was that “<i>The size of the TMZ is the minimum size which incorporates a 2 NM buffer for ATC awareness and aligns with the boundaries of existing Moray Firth TMZ. This produces an easy to define polygon which is preferable from a human factor perspective whilst giving ATC the time to spot and react should a non-transponding aircraft infringe the ATZ. The proposed 2NM buffer is also compatible with the adjoining TMZ, which also uses a 2NM buffer. Two options featuring smaller TMZs, either not incorporating the buffer or not aligning with the existing TMZ were eliminated as options during Stage 2 of the CAP1616 process.</i>”</p> <p>The sponsor considered BHA’s response and the issue raised and determined that no modification to the design was required in light of that feedback.</p> <p>Feedback received from MOD and HIAL was not identified as having any issues or the potential to impact the final design but is included here for completeness of this consultation assessment.</p> <p>In their response, HIAL highlighted the likely requirement for amendment of the existing LoA between Wick Airport and RAF Lossiemouth, and the change sponsor has provided to the CAA an updated copy of the LoA incorporating the new TMZ perimeter, as part of the formal proposal submission.</p>	

	<p>Whilst MOD had no comments on the proposal, the stakeholder highlighted that an agreement would be required with the developer to state, as a condition, that a TMZ must be 'activated and promulgated on the radar at the developer's expense' prior to the hanging of blades on the WTGs. Neither the consultation response document, nor the formal airspace change proposal confirm whether the sponsor will produce such agreement. Although within Section 7.10 of the formal airspace change proposal the sponsor states that "All costs relating to implementation and adaptation are being met by the developer." The CAA confirmed through DAATM that DE&amp;S are actively in negotiations with MOWWL to reach an agreement for a Radar Mitigation Scheme.</p>	
B.5.5	Is the change sponsor's response to the issues raised appropriate/adequate?	YES
	<p>The sponsor's response in determining that none of the consultation responses require any amendment to the proposed design is both justified and appropriate. There was also no requirement for the Sponsor to produce a set of 'Frequently Asked Questions' in response to consultee feedback.</p>	
B.5.6	Is the formal airspace change proposal aligned with the conclusions of the consultation response document?	YES
	<p>The sponsor's '3D Collate and Review Responses' document which also incorporates Step 4A Update Design, has been cross checked with their 4B document 'Airspace Change Proposal'. Generally, the formal airspace change proposal is aligned with the conclusions of the consultation response document, although there is a minor inconsistency; in Section 7.5 of the formal proposal, the change sponsor states that GAMA Aviation was in support of the proposal. In fact, it was MCA that was in support of the proposal, whereas GAMA Aviation had no comment. The formal proposal does not contain any material that has not been consulted upon.</p>	
B.6	<b>RECOMMENDATIONS/CONDITIONS/PIR DATA REQUIREMENTS</b>	
B.6.1	Are there any Recommendations which the change sponsor <b>should try</b> to address either before or after implementation (if approved)? If yes, please list them below.	YES
	<p><b><i>GUIDANCE NOTE:</i></b> Recommendations are something that the change sponsor <b>should try</b> to address either before or after implementation, if indeed the airspace change proposal is approved. They may relate to an area in which the change sponsor is reliant upon a third party to actually come to an agreement and consequently they do not carry the same 'weight' as a Condition.</p> <p>The change sponsor should inform the stakeholders of the decision (when published) and what will happen next.</p>	
B.6.2	Are there any Condition(s) which the change sponsor <b>must fulfil</b> either before or after implementation (if	YES

	approved)? If yes, please list them below.	
	<p><b><i>GUIDANCE NOTE:</i></b> Conditions are something that the change sponsor <b><i>must fulfil</i></b> either before or after implementation, if indeed the airspace change proposal is approved. If their proposal is approved, change sponsors <b><i>must</i></b> observe any condition(s) contained within the regulatory decision; failure to do so <b><i>will usually</i></b> result in the approval being revoked. Conditions should specify the consequence of failing to meet that condition, whether that be revoking the ACP or some alternative.</p> <ul style="list-style-type: none"> <li>LoA between Wick Airport and RAF Lossiemouth must be agreed and signed prior to implementation.</li> <li>Confirmation must be provided to the CAA that agreement between the MOD and the change sponsor regarding radar mitigation for RAF Lossiemouth has been reached.</li> </ul>	
B.6.3	Are there any specific requirements in terms of the data to be collected by the change sponsor for the Post Implementation Review (if approved)? If yes, please list them below.	YES
	<p><b><i>GUIDANCE NOTE:</i></b> PIR data requirements concerns any specific data which the change sponsor should be instructed to collate post-implementation, if indeed the airspace change proposal is approved. Please use this section to list any such requirements so that they can be captured in the regulatory decision accordingly.</p> <p>The change sponsor is required to collate related stakeholder observations (enquiry/complaint data) and present it to the CAA.</p>	
<b>PART C – Consultation Assessment Conclusion(s)</b>		
C.1	Does the consultation meet the CAA’s regulatory requirements, the Government’s guidance principles for consultation and the Secretary of State’s Air Navigation Guidance?	YES
	<p>The fundamental principles of effective consultation are targeting the right audience, communicating in a way that suits them, and giving them the tools to make informative, valuable contributions to the proposal’s development. I am satisfied that these principles have been applied by the change sponsor before, during and after the consultation. I am also satisfied that the change sponsor has conducted this consultation in accordance with the requirements of CAP 1616, that they have demonstrated the Government’s consultation principles and that the consultation has:</p> <ul style="list-style-type: none"> <li><b>Taken place when the proposal was at a formative stage</b> – whilst the scope of this consultation was limited to a single option (TMZ Option C), the sponsor encouraged stakeholders to provide relevant and timely feedback on the impact</li> </ul>	

this proposal might have on their operations, and any mitigations they might suggest, supported by evidence where possible. The removal of other options (in this case the 'do nothing' option) did not remove the scope for formative feedback.

- Presented the consultation material clearly and outlined the potential impacts that needed to be considered** – evidenced by the airspace change online portal (Citizen Space) consultation webpage which provided an overview of the proposal and clearly articulated the scope of the consultation. Also evidenced by the 17-page consultation document which set out the purpose/scope of the consultation, provided details on the current and proposed airspace operations and included the predicted impacts/benefits of TMZ option. This has allowed consultees to make informed decisions and give meaningful responses based on the material that they were presented with.
- Provided a sufficient timeframe to allow considered responses** – evidenced by a 10-week consultation which was entirely appropriate and proportionate for the scale and impact of the proposal. The engagement activities conducted by the sponsor during the 'DEFINE' and 'DEVELOP & ASSESS' stages of the Airspace Change Process helped to ensure that stakeholders were both prepared and informed. The CAA accepted MOWWL's rationale due to the limited number of aviation stakeholders affected by the proposed change, the geographical location of the proposed wind farms and TMZ, as well as the negligible impact on non-aviation stakeholders.
- Taken into account the product of the consultation** – the sponsor's response in determining why none of the consultation responses require any amendment to the final proposed design is both justified and appropriate.

**PART D – Consultation Assessment Approval**

	Name	Signature	Date
Consultation assessment completed by (Airspace Regulator – Engagement and Consultation)	[REDACTED]	[REDACTED]	05/07/2021
Consultation assessment approved by (Manager Airspace Regulation)	[REDACTED]	[REDACTED]	30/07/2021