

Llanbedr Danger Area ACP-2018-59

Airspace Change Decision

CAP 2189

Published by the Civil Aviation Authority, 2021

Civil Aviation Authority
Aviation House
Beehive Ring Road
Crawley
West Sussex
RH6 0YR

You can copy and use this text but please ensure you always use the most up to date version and use it in context so as not to be misleading, and credit the CAA.

First published 2021

Enquiries regarding the content of this publication should be addressed to:

airspace.policy@caa.co.uk

Airspace, Air Traffic Management and Aerodromes, Safety and Airspace Regulation Group, Aviation House,
Beehive Ring Road, Crawley, West Sussex RH6 0YR

The latest version of this document is available in electronic format at: <https://airspacechange.caa.co.uk/>

Contents

Contents	3
Chapter 1	5
Executive Summary	5
Objective of the Proposal	5
Summary of the decision made	5
Next steps	6
Chapter 2	8
Decision Process and Analysis	8
Chronology of the Proposal Process	8
Statement of Need and Assessment Meeting	8
Process followed to arrive at the Proposal's Design Principles	9
Define Gateway	9
Options development and appraisal	9
Develop and Assess Gateway	9
Consult Gateway	10
Public consultation and consultation responses	11
Proposal update and submission to CAA	11
Secretary of State call-in	12
Public Evidence Sessions and written statements	12
Revised Submission and Supplementary Documents	12
CAA assessment of the Change Sponsor's Final Options Appraisal	13
CAA analysis of the material provided	13
CAA assessment and decision in respect of consultation	13
CAA consideration of factors material to our decision whether to approve the change	14
Explanation of Statutory Duties	14
Conclusions in respect of safety	14
Conclusions in respect of securing the most efficient use of airspace	15
Conclusions in respect of aircraft operators and owners	16

Conclusions in respect of the interests of any other person	16
Conclusions in respect of taking into account the Secretary of State's guidance to the CAA on environmental objectives	17
Integrated Operation of Air Traffic Services	17
Interests of National Security	17
International Obligations	18
Chapter 3	19
CAA Regulatory Decision	19
Decision	19
Conditions	19
Period Regulatory Decisions Remain Valid for Implementation	21
Implementation	21
Post Implementation Review	21
Annex	23

CHAPTER 1

Executive Summary

Objective of the Proposal

- 1.1 This Airspace Change Proposal (ACP) considers the establishment of a permanent Danger Area (DA) in the vicinity of Llanbedr Airfield to provide an area of segregated airspace for the Research, Development, Test and Evaluation (RDT&E) of novel aerospace systems and to provide an air corridor to link Llanbedr Airfield with the existing Danger Area D201 for extended range, altitude and endurance testing.

Summary of the decision made

- 1.2 The airspace proposed is complex, and the lack of a Danger Area Crossing Service (DACS) by way of mitigation, further complicates the airspace arrangement. This complex arrangement is contrasted against the potential for the continual request to utilise Temporary Danger Areas (TDAs), and is reflective of the CAA's commitment to support the development of innovation. The CAA has decided to approve the establishment of a permanent DA, with conditions, in the vicinity of Llanbedr Airfield (ACP-2019-58).
- 1.3 The conditions of approval, which also apply to the ongoing operation of the structures, are summarised in paragraphs 1.3.1 to 1.3.5 below and further detailed in section 3.2.
- 1.3.1 **Limitation on the number of calendar days of activation.** Two conditions have been placed on the total number of calendar days any element of the structure can be activated within a calendar year; multiple activations could occur within the same calendar day where the Change Sponsor would necessarily balance this against avoiding overcomplicating the 'airspace picture'. Any proposed activation that was however cancelled prior to the initial start time, and were no other activation of that element occurs, would not be counted toward that total. These conditions are reflective of the complexity of the overall airspace arrangement, combined with lack of provision of a DACS and potential effect of the cumulative impact.
- 1.3.2 **Limitation on which areas can be activated and when.** Two conditions have been placed on the concurrent activation of selected areas. These conditions are reflective of the lack of provision of a DACS, complexity of airspace arrangement and the potential consequential impact of selected combinations of activations.

- 1.3.3 **Area D activation.** Noting the importance of this area to Military aviation training, a specific condition on activation of Area D has been included. Within the ACP it was clear the activation of Area D could impact Military activities within the local area, where the use of Flexible Use of Airspace (FUA) and airspace design were used to address this issue. In the absence of evidence of an agreed process to mimic the role of Collaborative Decision Making (CDM) within the application of FUA, a requirement was placed on the Change Sponsor to obtain permission from the Ministry of Defence (MoD) to activate Area D. Subsequently the Change Sponsor has presented a Letter of Agreement (LOA), which has been agreed in principal, to address this requirement. The condition within this Decision Document has been amended accordingly to: *Area D may only be activated in line with the conditions outlined within an extant LOA between the MoD and the Change Sponsor, where any activation must be consistent within other extant conditions imposed within this document.*
- 1.3.4 **Area E activation times.** Due to the potential impact the activation of Area E could have on other airspace users, a specific condition on activation has been included. The timing of any activation within the total number of permitted days is further limited. Area E may only be activated between Monday-Friday excluding Public Holidays and only between the times 0900-1700 local.
- 1.3.5 With the exception of the details within the LOA between the MoD and the Change Sponsor, any amendment to the conditions outlined would require the Change Sponsor to undertake a subsequent ACP.

Next steps

- 1.4 Implementation of the Llanbedr DA will be notified through a single Aeronautical Information Regulation and Control (AIRAC) cycle (AIRAC 09/21), which will be effective from 09 September 2021.
- 1.5 The CAA's Post Implementation Review (PIR) of the changes approved by the CAA in this decision will commence at least one year after implementation of those changes. It is a condition of the CAA's approval that the Change Sponsor provides data required by the CAA throughout the year following implementation to carry out that PIR. The Change Sponsor will be advised in due course of the specific data sets and analysis required, and the dates by when this information must be provided.

- 1.6 There is an update to the CAA's PIR requirements in response to COVID-19 on the CAA website¹.

¹ <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Reviews/Airspace-changes-post-implementation-reviews/>

CHAPTER 2

Decision Process and Analysis

Chronology of the Proposal Process

Statement of Need and Assessment Meeting

- 2.1 The Change Sponsor notified the CAA of their proposal to establish a permanent DA with the submission of a single Statement of Need (SoN) to the CAA on 25 July 2019; the SoN also included a proposal for an Aerodrome Traffic Zone (ATZ). An initial meeting (please note this was not an Assessment Meeting as per CAP1616), between the CAA and Change Sponsor was held on 15 October 2019, during which the Change Sponsor discussed their proposal for a DA and ATZ at Llanbedr Airfield. During the initial meeting the CAA explained to the Change Sponsor that the two distinct airspace issues could be managed as two separate ACPs; the meeting concluded with the Change Sponsor advising that they would consider how to proceed. A revised SoN (V2) was received by the CAA on 7 January 2020, for the establishment of a DA only. A separate SoN was also received on 7 January 2020 for the establishment of an ATZ; this is ACP-2020-02 and it is currently paused. The DA ACP-2019-58 and ATZ ACP-2020-02 are two independent ACPs. This proposal (ACP-2019-58) considers the establishment of a permanent DA in the vicinity of Llanbedr Airfield to provide an area of segregated airspace for the RDT&E of novel aerospace systems and to provide an air corridor to link Llanbedr Airfield with the existing Danger Area D201 for extended range, altitude and endurance testing.
- 2.2 An Assessment Meeting for the proposed permanent DA (ACP-2019-58) was held on 23 January 2020 during which the Change Sponsor discussed with the CAA the issues giving rise to the proposed change, how the change would address those issues, and how the Change Sponsor intended to proceed.
- 2.3 The CAA determined that the proposal was in scope of the CAP1616 airspace change process. The SoN (V1 and V2), initial meeting agenda, presentation and minutes (from 15 October 2019) and Assessment Meeting agenda, presentation and minutes (from 23 January 2020) have been published on the CAA Airspace Change Portal.
- 2.4 As stipulated in CAP 1616 (para 78), the CAA is under a legal duty not to apply the Airspace Change process in a manner that cannot accommodate any flexibility and the CAA will therefore consider scaling the process when there is a good reason and it is proportionate to do so. The Change Sponsor requested scaling in respect of the ACP timeline and provided justification that the CAA

accepted. The scaling justification document has been published on the Airspace Change Portal.

Process followed to arrive at the Proposal's Design Principles

- 2.5 The Change Sponsor developed a suitable set of Design Principles (DPs) through appropriate engagement with over 200 aviation and local stakeholders. Stakeholders included industry stakeholders, GA stakeholders and local councils and communities. The final list of 10 DPs was submitted to the CAA as part of CAP 1616 step 1b and the Design Principals Report (V1, V2 and V3) was uploaded to the Airspace Change Portal.

Define Gateway

- 2.6 A Define Gateway assessment was conducted on 31 July 2020. The CAA concluded that the submission had not sufficiently explained how stakeholders' feedback had influenced the DPs and the Change Sponsor did not pass the gateway.
- 2.7 A second Define Gateway assessment took place on 28 August 2020. The CAA was content that the DPs had been developed through appropriate engagement and that the requirements of CAP1616 had been met.
- 2.8 The following statement was uploaded to the CAA Airspace Change Portal:
- '28/08/20 - 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.'*

Options development and appraisal

- 2.9 The Change Sponsor developed two design options and stakeholders were given an opportunity to comment and feedback on the options. The Design Options Report (with a design principal evaluation) (V1, V2 and V3) was submitted to the CAA as part of CAP 1616 step 2a and uploaded to the Airspace Change Portal.
- 2.10 The Change Sponsor completed an initial qualitative appraisal of each option against the 'do nothing' baseline (the continuation of temporary DA requests). The 'Do Nothing' option was discounted due to reduced capacity limiting operations. The Initial Options Appraisal was submitted to the CAA as part of CAP 1616 step 2b and uploaded to the Airspace Change Portal. The CAA's Initial Options Appraisal Assessment has been uploaded to the Airspace Change Portal.

Develop and Assess Gateway

- 2.11 A Develop and Assess Gateway assessment was conducted on 31 July 2020. The CAA concluded that the submission had not adequately demonstrated how

stakeholders' feedback on the design options had been accounted for and the Change Sponsor did not pass the gateway.

- 2.12 A second Develop and Assess Gateway assessment took place on 28 August 2020. The CAA was content that the Change Sponsor had demonstrated that sufficient stakeholder engagement had been undertaken during this stage, stakeholders' feedback on the design options had been accounted for and that the options presented had been assessed in a satisfactory manner.
- 2.13 The CAA determined that this was a Level 1 airspace change.
- 2.14 The Change Sponsor retained 2 options for further consideration in CAP 1616 Stage 3.
- 2.15 The following statement was uploaded to the CAA Airspace Change Portal:
- '28/08/20 The CAA has completed the Develop and Assess Gateway Assessment and is satisfied that the change sponsor has met the requirements of the Process up to this point. The CAA has determined that the confirmed level will be a Level 1. The CAA approves progress to the next Step.'*

Consult Gateway

- 2.16 The Change Sponsor submitted a justification document to the CAA requesting that the CAP 1616 environmental metrics and assessment requirements be scaled, to enable a qualitative approach to describe the environmental impacts of the proposed change. The justification and scaled approach requested by the Change Sponsor was accepted by the CAA. The justification document (V1 and V1.1) has been published on the Airspace Change Portal.
- 2.17 The Change Sponsor completed a Full Options Appraisal that the CAA accepted as a proportionate and reasonable approach with consideration of the scaling agreed (para 2.16). Both the Full Options Appraisal and CAA's Full Options Appraisal Assessment have been uploaded to the Airspace Change Portal.
- 2.18 A Consult Gateway assessment was conducted on 30 October 2020 where the CAA reviewed the Change Sponsor's consultation strategy and consultation materials against the criteria set out in CAP 1616. The CAA identified that further work was required by the Change Sponsor in order for the submission to meet the requirements of CAP1616 and the Change Sponsor did not pass the gateway.
- 2.19 A second Consult Gateway assessment was conducted on 27 November 2020 where the CAA reviewed the Change Sponsor's consultation strategy and consultation materials against the criteria set out in CAP1616. The CAA determined that the documents met the best practice consultation principles in that it was targeting the right audience, communicating in a way that met the requirements of the stakeholders and provided sufficient information to enable

stakeholders to make informed judgements. Furthermore, it was acknowledged that mechanisms for stakeholder consultation feedback were appropriate. The CAA concluded that the requirements of CAP 1616 had been met.

2.20 The consultation strategy included justification for a reduced consultation period (7-weeks); this was accepted by the CAA.

2.21 The following statement was uploaded to the CAA Airspace Change Portal:

'The CAA has completed the Consult 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.'

Public consultation and consultation responses

2.22 The Stage 3 consultation commenced on 7 December 2020 for a planned 7-week duration. The Change Sponsor held both pre-launch and post-launch online briefings and meetings with key local stakeholder groups and the consultation launch was notified via several means, including a launch email in Welsh and English, press release, public promotions and social media channels. Stakeholders were invited to attend Snowdonia Aerospace Centre on selected dates, with one day being a dedicated Welsh language event. The consultation was conducted through Citizen Space, the Government's consultation platform, with moderation of stakeholder comments carried out by the CAA in accordance with CAP 1616.

2.23 The Change Sponsor maintained Frequently Asked Questions (FAQs) on the Airspace Change Portal and provided responses in Welsh and English.

2.24 The Change Sponsor sent reminder emails to stakeholders at appropriate intervals during the consultation period to ensure maximum participation before it concluded on 22 January 2021. A total of 140 responses were received; 137 were submitted via Citizen Space and 3 were received via post.

2.25 The Change Sponsor's analysis of the consultation responses was presented in the Consultation Review and Response Categorisation document (combining CAP 1616 step 3d and 4a), which was uploaded to the Airspace Change Portal.

Proposal update and submission to CAA

2.26 The Change Sponsor submitted the Consultation Review and Response Categorisation document and supporting annexes (CAP 1616 step 3d and step 4a) to the CAA on 8 February 2021 and uploaded them to the Airspace Change Portal on 11 February 2021. The conclusions of the Consultation Review and Response Categorisation document (V2) align with the final Airspace Change Proposal and the CAA was content that re-consultation was not required.

- 2.27 The Final Options Appraisal (CAP 1616 step 4a) was submitted to the CAA on 8 February 2021 and uploaded to the Airspace Change Portal on 11 February 2021.
- 2.28 The Revised Design (CAP 1616 step 4a) was submitted to the CAA on 8 February 2021 and uploaded to the Airspace Change Portal on 11 February 2021. The Change Sponsor made two adjustments to the final airspace design to incorporate the revisions suggested from the Consultation (see Annex, figure 1).
- 2.29 The final Airspace Change Proposal and supporting annexes (CAP1616 step 4b) were submitted to the CAA on 8 February 2021 and uploaded to the Airspace Change Portal on 11 February 2021. The CAA completed an initial document check on 12 February 2021 and the Change Sponsor was asked to provide additional information to support the proposal; draft LOAs and further detail describing the surrounding airspace and the potential impact of the change on other airspace users. The Change Sponsor provided the additional information to the satisfaction of the CAA and the document check was concluded on 22 February 2021.

Secretary of State call-in

- 2.30 The Secretary of State call-in window was initiated on 22 February 2021 via the CAA Airspace Change Portal and closed on 22 March 2021 with no feedback having been received.

Public Evidence Sessions and written statements

- 2.31 The CAA determined that there had not been sufficient interest to justify holding a Public Evidence Session, and that it was not proportionate to hold a session in accordance with the scaled approach that had been applied throughout the progression of the ACP.

Revised Submission and Supplementary Documents

- 2.32 As part of the CAA's assessment of the proposal, the Change Sponsor was asked to provide additional details, clarification and technical corrections; the corresponding documents were revised and reissued to the CAA and uploaded to the Airspace Change Portal, as detailed in the following paragraphs.

- 2.33 The Airspace Change Proposal was reissued (V2) with further detail describing the surrounding airspace and the potential impact of the change on other airspace users.
- 2.34 The Final Options Appraisal was reissued (V2) to include additional clarification that the comparison against the 'do-nothing' option presented in the Full Options Appraisal (CAP1616 stage 3) remained unchanged.
- 2.35 The CAA's assessment of the Consultation Review and Response Categorisation document identified some inconsistencies in the categorisation of consultation responses. The Change Sponsor was asked to review their categorisation of responses and subsequently made some adjustments to ensure that consistent categorisation had been applied. The Consultation Review and Response Categorisation document was reissued (V2) and the corresponding documentation that referenced the response categorisation data was also reissued, to ensure numerical consistency across the full document set (Airspace Change Proposal V2.1, Final Options Appraisal V2.1 and Revised Design V1.1).

CAA assessment of the Change Sponsor's Final Options Appraisal

- 2.36 The CAA is satisfied that the Change Sponsor has completed the Final Options Appraisal (V2.1) in accordance with CAP 1616 process.

CAA analysis of the material provided

- 2.37 As a record of our analysis of this material the CAA produced the following:
- Consultation Assessment.
 - Final Options Appraisal Assessment.
 - Environmental Assessment.
 - Operational Assessment.
- 2.38 The CAA Assessments have been published on the CAA Airspace Change Portal.

CAA assessment and decision in respect of consultation

- 2.39 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. The CAA is satisfied that these principles have been applied by the Change Sponsor before, during and after the Stage 3 consultation.

- 2.40 The CAA is also satisfied that the Change Sponsor has conducted this consultation in accordance with the requirements of CAP1616 and that they have demonstrated the Government's consultation principles and the Gunning Principles.

CAA consideration of factors material to our decision whether to approve the change

Explanation of Statutory Duties

- 2.41 The CAA's statutory duties relating to air navigation are laid down in Section 70 of the Transport Act 2000.

Conclusions in respect of safety

- 2.42 The CAA's primary duty for air navigation is to maintain a high standard of safety in the provision of air traffic services and this takes priority over all other duties².

In this respect, with due regard to safety in the provision of air traffic services, the CAA is satisfied that the proposal maintains a high standard of safety for the following reasons:

- i. Temporary Danger Areas have been routinely used at Llanbedr to support trialling of novel technology and thus local users are familiar with the establishment of DAs. The establishment of a permanent structure regularises the use of DAs in that area enabling them to be effectively chartered. Thus, enabling appropriate consideration by other airspace users at planning stages.
- ii. The design of the structure, operating processes and mandated conditions are designed to minimise displacing other aircraft users to the extent they would be required to fly over high ground, significantly out to sea or climb into an Area of Intense Aerial Activity.
- iii. The activity approved within the DA is limited to Unmanned Aircraft Systems (VLOS/BVLOS), Balloons and Test and Evaluation operations. The Change Sponsor has in place safety management processes to ensure the hazards are contained. These processes in many instances rely upon specific

² Transport Act 2000, Section 70(1)

approvals from the CAA to approve set activity within the newly described Areas and will be supported by routine oversight by the CAA ATM Inspectors.

- 2.43 Noting the limitations of the structure dimensions, it would not be appropriate to have approved High Energy Manoeuvres as it is likely they could not be safely contained. Thus, a new Descriptor 'Test and Evaluation' has been established within the Aeronautical Information Publication (AIP) to better define the requirement of the Change Sponsor.
- 2.44 Test and Evaluation is defined as: 'Single or Multiple aircraft conducting manoeuvres that may not be able to comply with the Rules of the Air'. This new definition is understood to cater for relatively low Energy Manoeuvres for the testing of Electric Vehicles, etc. The strict limitation on the enabled activity reflects both the structure design and the proposed safety management process.
- 2.45 There are strict limitations over activation requirements which include operating arrangements with Royal Air Force Valley to limit potential conflicting activities within a known Military Jet training area.
- 2.46 Snowdonia Aerospace is the delegated Danger Area Authority (DAA). In accordance with the DA Policy Statement, the DAA is required to ensure only approved activities that can be contained with the DA are conducted and the DA is the minimum size required. This responsibility is subject to regulatory oversight by CAA Airspace Regulation, thus ensuring the structures are safely managed.

Conclusions in respect of securing the most efficient use of airspace

- 2.47 The CAA is required to secure the most efficient use of the airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic³.
- 2.48 The CAA considers that the most efficient use of airspace is defined as that which 'secures the greatest number of movements of aircraft through a specific volume of airspace over a period of time so that the best use is made of the limited resource of UK airspace'.
- 2.49 The CAA considers the expeditious flow of air traffic to involve each aircraft taking the shortest amount of time for its flight. It is concerned with individual flights.
- 2.50 In this respect the CAA is satisfied that efficient use of airspace is not compromised by this proposal because:
- i. This is providing a commercially available space for the development of novel technology to help support growth in areas such as Unmanned Air Systems

³ Transport Act 2000, Section 70(2)(a)

and Electric Vehicles. This will further help reduce the use of Temporary DAs by providing a potentially viable alternative.

- ii. The Sponsor will provide a Danger Area Activity Information Service (DAAIS) at all times when any element of the DA is active.
- iii. The Sponsor has a complex arrangement of segments which ensure that specified elements of the DA cannot be activated concurrently reducing impact to other airspace users. This arrangement is discussed in the conditions below (see para 3.2).
- iv. DAs will only be activated by NOTAM and only when required. Thereby ensuring the DA will be activated for the minimum amount of time required.
- v. There are LOAs with other relevant stakeholders to help support planning processes to reduce the associated impact.

Conclusions in respect of aircraft operators and owners

2.51 The CAA is required to satisfy the requirements of operators and owners of all classes of aircraft⁴.

2.52 In this respect the CAA is satisfied that the proposal limits impact to aircraft operators and owners by:

- i. Limiting the number of activations in line with the conditions stipulated below (see para 3.2).
- ii. Segmentation of the design to ensure only the required portion of airspace is activated at any specific point. This is again subject to conditions stipulated below (see para 3.2).
- iii. Removing the reliance on Temporary DAs to enable novel activity at Llanbedr aerodrome, by creating a 'charted' structure.

Conclusions in respect of the interests of any other person

2.53 The CAA is required to take account of the interests of any person (other than an owner or operator of an aircraft) in relation to the use of any particular airspace or the use of airspace generally⁵.

2.54 In this respect the CAA considers that the proposal will not negatively impact other interests and will not have a discernible impact on the general public. This is because the proposal foresees the implementation of a permanent Danger Area (DA) that would significantly enhance the UK RDT&E capability in environmentally friendly aircraft and electric technologies and, would support the

⁴ Transport Act 2000, Section 70(2)(b)

⁵ Transport Act 2000, Section 70(2)(c)

CAA Airspace Modernisation Strategy by creating a test zone in which to explore the airspace integration issues associated with new airspace users, i.e. Unmanned Air Systems. The permanent DA would enable UK businesses to retain future flight test programmes within the UK rather than operating abroad, thereby retaining economic activity and jobs in the UK economy.

Conclusions in respect of taking into account the Secretary of State's guidance to the CAA on environmental objectives

- 2.55 In performing the statutory duties, the CAA is obliged to take account of the extant guidance provided by the Secretary of State⁶, namely the 2017 Guidance to the CAA on Environmental Objectives.
- 2.56 In this respect the CAA is satisfied that there will be no discernible adverse environmental impact as a result of this proposal and all relevant environmental factors have been considered in line with government policy.
- 2.57 Noise levels generated by the largest drones anticipated to be operated are likely to be above background noise levels, however the small number of events means that they are unlikely to lead to adverse impacts on health and quality of life. Direct CO₂ emissions resulting from operations within the proposed Danger Area are estimated to be 3 tonnes per year, and thus have a negligible overall impact on aerodrome CO₂ emissions. For tranquil areas, the sponsor has adopted a multi-layered approach to mitigate and minimise the impact. In addition, due to the location nature of the proposed change the proposal is unlikely to lead to a breach of legal air quality limits.

Integrated Operation of Air Traffic Services

- 2.58 The CAA is required to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services⁷.
- 2.59 In this respect the CAA is content that subject to the conditions stipulated below (see para 3.2) this proposal will not impact the operational requirements of Crown or other air traffic service providers, and that sufficient measures have been taken to integrate the Llanbedr operation with existing operations.

Interests of National Security

- 2.60 The CAA is required to take account of the impact any airspace change may have upon matters of national security⁸.

⁶ Transport Act 2000, Section 70(2)(d)

⁷ Transport Act 2000, Section 70(2)(e)

⁸ Transport Act 2000, Section 70(2)(f)

- 2.61 In this respect the CAA is satisfied that the proposal has no impact on national security.

International Obligations

- 2.62 The CAA is required to take account of any international obligations entered into by the UK and notified by the Secretary of State⁹.
- 2.63 In this respect the CAA is satisfied that the proposal has no impact on international obligations.

⁹ Transport Act 2000, Section 70(2)(g)

CHAPTER 3

CAA Regulatory Decision

Decision

- 3.1 Subject to the conditions below, this proposal maintains a high standard of safety, does not introduce any discernible negative environmental impacts, and supports RDT&E of novel aerospace systems. Noting the anticipated impacts on the material factors we are bound to take account of, we have decided to approve the implementation of the proposed Llanbedr DA.

Conditions

- 3.2 The following sets out the conditions of operation of the structure, where the Change Sponsor must satisfy the following:
- 3.2.1 The maximum number of activations within a calendar year for each area is as follows:

Area A – 107 days

Area B – 35 days

Area C – 24 days¹⁰

Area D – 12 days

Area E – 6 days

Area F – 6 days

Within this definition, a day's activation occurs within one calendar day and cannot be split over numerous calendar days. Multiple activations may occur within that calendar day. The Danger Area Authority (DAA) should however consider the requirements stipulated within the Danger Area Policy when considering activation duration versus complexity.

If, however, a pre-notified activation is cancelled prior to the start time of the first notified activation, and no further activations occur that day, this would not count as a day's activation.

Activation beyond this number would require approval from the CAA where it will be necessary to demonstrate appropriate engagement with effected stakeholders

¹⁰ The Published CAA Operational Assessment indicates 12 days however this should have reflected 24 days in accordance with the ACP submission.

through a new ACP¹¹ and would likely require the provision of a DACS. The maximum activation numbers should be reflected within the CONOPS and the respective LOAs (agreed and signed prior to implementation).

- 3.2.2 The DA complex must not be activated above 2,000ft AMSL for more than 36 days within a calendar year. Activation beyond this number would require approval from the CAA where it will be necessary to demonstrate appropriate engagement with effected stakeholders, including the MoD. The maximum activation numbers should be reflected within the respective LOAs (agreed and signed prior to implementation) and will be subject to review within both the PIR and as part of the 3 yearly DA audit. The DA audit is a generic requirement of the DA Policy and not specific to this ACP. As part of the DA Policy the Change Sponsor will also be required to provide monthly activation statistics.
- 3.2.3 In accordance with DA Policy, only activities for which the DA has been approved may be conducted with the DA. Any additional activity, such as Electronic/Optical interference and High Energy Manoeuvres, would require assessment through a separate ACP. In addition, the DA should not be activated for activity which does not require a DA, e.g. standard circuits, etc.
- 3.2.4 Area E must not be activated when any of the following areas are activated: Area B, C, D or F. This condition should be included within both the CONOPS and relevant LOAs (agreed and signed prior to implementation). If concurrent activation is required, then approval from the CAA would be required where it will be necessary to demonstrate appropriate engagement with effected stakeholders through a new Airspace Change Proposal and would likely require the provision of a DACS.
- 3.2.5 Noting the potential impact to Area D activation to Military aviation training a specific condition was outlined with the Operational Assessment. The Sponsor attempted to address these concerns through partial structural redesign and implementation of FUA. When considering the ACP, the condition outlined below was introduced due to the absence of an agreed management process to account for the CDM element of FUA. The Original condition was as follows:

'Due to the potential impact to military operations, consent from RAF Valley is required to activate Area D. This condition should be included within both the CONOPS and relevant LOAs (agreed and signed prior to implementation) and addressed through the proposed planning process.'

Post decision a LOA has been presented for consideration where the provisions outlined the interactions between the MoD and the Change Sponsor, thus

¹¹ The Airspace Change Process offers a proportionate mechanism to ensure that appropriate engagement is conducted, and mitigations considered for any proposed increase in activations beyond that which have been approved through this ACP.

addressing the management process concerns. This condition has therefore been amended where the specific requirement for consent has been removed, the condition is therefore as follows:

‘In addition to the conditions noted in this document, Area D may only be activated in accordance with procedures outlined within an extant and agreed LOA between the MoD and the Sponsor.’

- 3.2.6 Due to the potential impact to General Aviation (GA) and the lack of DACS provision, Area E should only be activated within the period Monday-Friday 0900-1700 excluding Public Holidays. This condition should be included within both the CONOPS and relevant LOAs (agreed and signed prior to implementation). If activation is required on a public holiday or weekend, then approval from the CAA would be required where it will be necessary to demonstrate appropriate engagement with effected stakeholders through a new Airspace Change Proposal and would likely require the provision of a DACS.
- 3.2.7 Area B will not be activated when Area C is activated (due to the overlapping nature); this must be clearly identified in the CONOPs and LOAs.
- 3.3 Whilst not a specific condition of the ACP, within the DA policy the Change Sponsor is required to annually consider the size and requirement of the DA. This alongside the management processes are subject to a 3-yearly audit by CAA Airspace Regulation. To support this, as part of the DA Policy, the Change Sponsor will also be required to provide monthly activation statistics to Airspace Regulation via airspace@caa.co.uk

Period Regulatory Decisions Remain Valid for Implementation

- 3.4 The Change Sponsor is to discuss with the CAA any anticipated delays to implementation so that any potential impacts can be assessed.

Implementation

- 3.5 The revised airspace is expected to become effective on 9 September 2021 and will accord with the AIRAC schedule for the proposed implementation date, notified by a single AIRAC period. Any queries are to be directed to the Airspace Change Account Manager via airspace.policy@caa.co.uk

Post Implementation Review

- 3.6 In accordance with standard CAA procedures, the implications of the change will be reviewed after approximately one full year of operation, at which point CAA staff will engage with interested parties to obtain feedback and data to contribute to the analysis. The PIR is a separate requirement to the DA Audit, where the DA audit is an enduring requirement to monitor the effective management of the DA, whereas the PIR focuses on considering the implementation and effect of the airspace change.

- 3.7 There is an update to the CAA's PIR requirements in response to COVID-19 on the CAA website¹².
- 3.8 CAP 1616 provides post implementation review guidance and lists potential post implementation review data requirements (Appendix H, table H1).

¹² <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Reviews/Airspace-changes-post-implementation-reviews/>

Annex

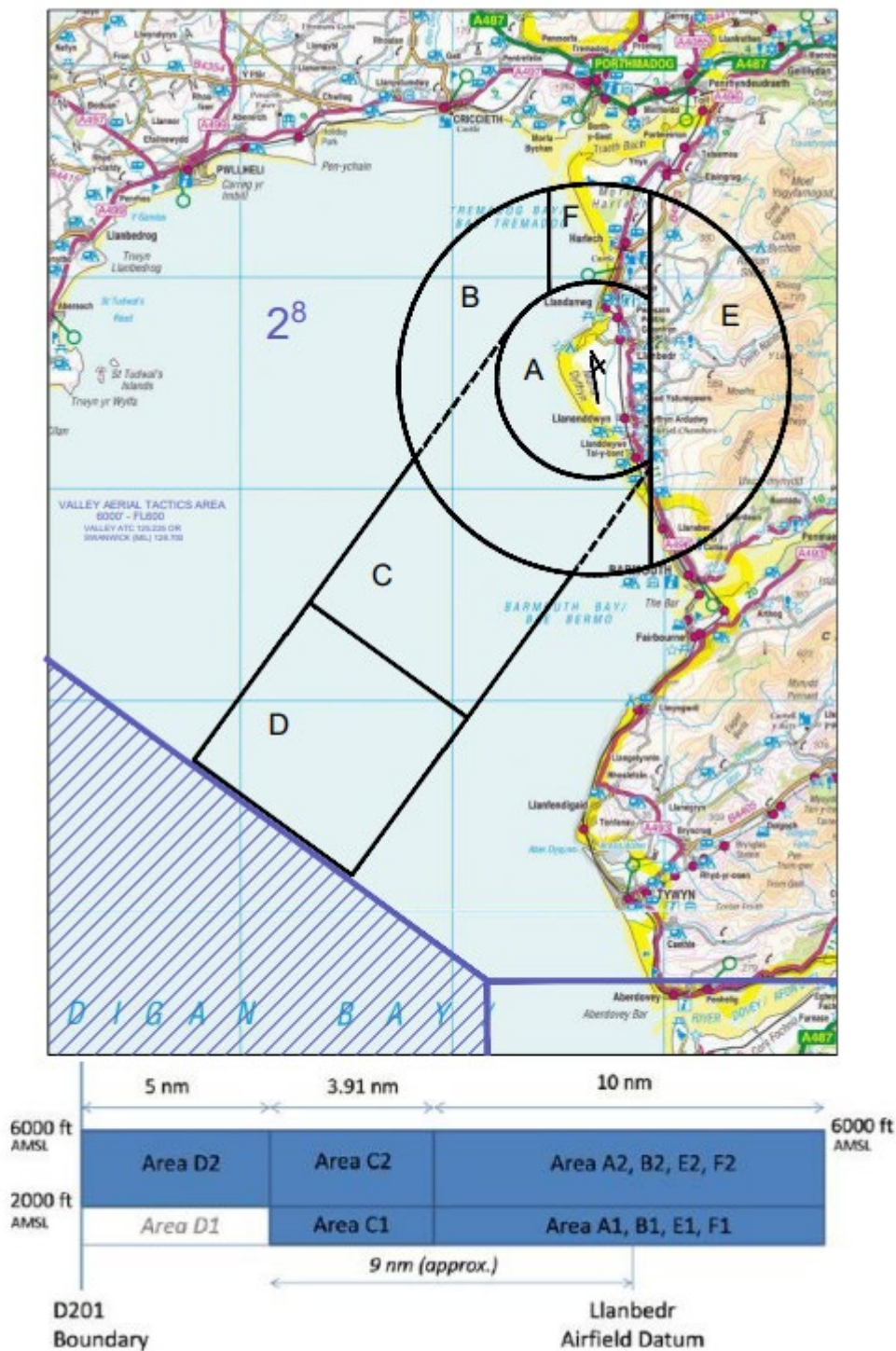


Figure 1. Llanbedr DA, Final Airspace Design

Figure copied from ACP-2019-58 Revised Design V1.1