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**Summary of meeting between MoD and Newcastle International Airport 3 December 2021**

Dear Keith,

Many thanks for hosting us last Friday; it was a really valuable meeting. I have written a summary of the main points we discussed and agreed on and also given a response to the letter from Jet 2 you kindly shared.

Following introductions, NIA gave a brief overview of traffic patterns. They are twice as busy in Summer as in Winter and on a typical morning have as many as 18 departures in 90 minutes.

Commercial airlines operate on tight margins and require predictability, not flexibility. There have been examples of luggage being removed from the aircraft to conserve fuel due to airspace restrictions. For this reason, the following condition was proposed:

**The minimum notification period for bookings and process for cancellation and level of flexibility must be agreed and included in a LOA.**

MoD explained that for Large Force Exercises, the date will be known 6 months prior to the exercise and the time of day should be known 2-3 months prior. A mechanism for exercise planners to have a 2-way dialogue with NIA should be implemented.

A draft LOA for D597 has been proposed, however this states that 78 Sqn will control NIA traffic outside CAS when the TDA is active. 78 Sqn are routinely unable to provide a service to civil aircraft even when LFEs are not active.

**Newcastle propose a CTA so that there is no reliance on 78 Sqn for a service on this route. This is not part of the ACP as it would be for planned and permanent change in ATC procedure.**

NIA expressed concern over the route taken by exercise participants to the SUA. It was discussed that Spadeadam is also likely to be active with rotary wing, fast jet and unmanned aircraft activity.

**Entry and exit points and levels from the SUA should be agreed, published and briefed with aircraft instructed to hold Bingo +5 minutes to cater for any delays.**

Some definitions were explained and the sponsor recognises the need to include a glossary in ACP documentation. Particular phrases which require clarification are Large Force Exercises and 5<sup>th</sup> generation.

It is the opinion of NIA and Jet 2 that this proposal, due to the proposed re-routes in operation when the SUA is active, falls under the definition of a planned and permanent change in air traffic control operational procedure (PPR). This type of change requires the sponsor to be an Air Navigation Service Provider.

**CAA will be asked confirm the type of ACP to ensure it continues to be correctly staff.**

**MoD offered to brief and consult those airlines which operate from Newcastle.**

NIA shared a letter from Jet 2 which articulated their concerns over the proposal and the process. This will be uploaded to the portal, however the MoD response to some of the points raised is as follows.

***The statement of need defines this as a change to Notified Airspace rather than a planned and permanent Redistribution of Air Traffic. Given the significant frequency, and currently undefined periods of activity, this should be considered as a permanent redistribution of Air Traffic.***

The frequency of activations is the most common question asked by stakeholders and has been answered as:

Exercise COBRA WARRIOR Held twice a year. (~12-15 missions per exercise lasting up to 3 hrs per mission). STORM WARRIOR Held twice a year. (~6 missions lasting 3 hours each). RISING PANTHER is held 6 times per year, twice a month in Feb, June and Nov with 3 missions per exercise lasting 3 hours each.

As detailed above, if the concern is about the short-notice nature of the activations, coupled with the frequency of those activations, Jet2 and NIA can be assured that there will be plenty of notice. Furthermore, holiday periods will be avoided.

CAA have much of this detail in the 2a documentation, MoD is proposing a change to airspace design rather than a PPR.

***Given the substantial changes required to the airspace it seems at odds with the level of technical expertise held by the sponsor. This development really should be driven by an Air Navigation Service Provider (ANSP), or Aerodrome, where the correct level of expertise lies to fully assess and deliver the impact of the change proposed.***

The CAP doesn't specify qualifications required to be a sponsor for an airspace design ACP. CAA and NATS will be consulted throughout and especially during the technical stages of the ACP.

***Lack of transparent consultation.***

The proposal was sent to all addressees on the CAA National Air Traffic National Advisory Committee (NATMAC) distribution list. However, we accept that certain addressees could have been identified as likely to have a high interest and we acknowledge that follow up action could have been more pro-active.

***Changes to the published requirement above that specified in the Statement of Need***

The change proposal makes no change to the Design Principles, but reflects the caveat that future requirements may change both up and down. The sponsor felt it better to manage expectations by indicating the top end of requirements. Consultation to consider the impact is part of this stage of the ACP.

***There is no apparent mechanism for an airspace users or stakeholder, who weren't initially included and may wish to engage at a later stage of the process, to proactively submit information or engage with the working group.***

All documentation is available on the Airspace Change Portal, the sponsor can be contacted through the "have a question?" link.

***There is no official statement, or documentation, that the first Gateway (stage 1 being Define / Design Principles) was approved and signed off to move on to the next stage in the process, Develop and Assess.***

#### CAA response to Define Gateway

05/05/2021: 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.

**Screenshot taken from the Airspace Change Portal.**

***Given that there has also been a material alteration in the sponsor (change in personnel) during the ACP, and that other airspace stakeholders have also raised concerns regarding this process, we request that a full audit is undertaken to assess the work completed thus far.***

CAA were notified of a change of sponsor. All Gateway documentation is available on the CAA Airspace Change Portal.

***The ACP documents frequently refer to the trial ACP-2020-42 as a source of data in support of there being minimal impact on airspace users. It has been consistently pointed out by stakeholders that data collected during the period of this trial was during a period when commercial movements were circa 5-10% of normal operations and will therefore skew the conclusions.***

This is acknowledged by the sponsor however there has been use of a pseudo-TDA prior to C-19, evidence from which was used in the implementation of ACP-2020-042. It must be noted that ACP-2020-026 is a new proposal and, although it will look to learn lessons from trial and temporary activations of airspace, the effects of the proposal will be analysed in their own right.

***. .no further consideration has been made to extend the trial or compensate for the minimum data set that is being used for the appraisal of this ACP. It must also be noted that the data of this trial, how it has been analysed and the conclusions drawn have not been included on the ACP portal therefore it prevents suitable scrutiny and challenge by stakeholders.***

A valid point however there is no CAA process to convert a trial into a permanent change. This ACP should be viewed as a change in its own right and the stakeholders should rest assured that consultation will take place with stakeholders in order to predict the impact.

***Safety – Military operations within the proposed area will include multi-national forces, and multiple aircraft types, of which a proportion will be engaged in high energy manoeuvres with associated simulated weapon delivery. Aircraft operating under such circumstances are likely to stray outside of the proposed area. It was noted in the trial ACP, by NATS, that there were two such occurrences whereby military aircraft operated outside of the MDA. Whilst no AIRPROX was noted, on either occasion, given the low volumes of commercial traffic during the trial and as per my previous comments on skewing data/conclusions, it is likely no AIRPROX was submitted purely as result of low commercial traffic volumes. There is no indication as to any follow up investigations into these two occurrences. However, it would be amiss of the ACP process if these two incidents are not followed up and thoroughly investigated to prevent them occurring again.***

A Defence Aviation Safety Occurrence Report (DASOR) was raised and investigated for one of the events noted by NATS; the sponsor will upload this to the ACP portal (although for this event it should be noted that the aircraft involved were subject to co-ordination). Aircraft operating outside of the MDA are not necessarily a reportable event, although if it results in a TCAS RA it is a mandatory report. The airspace subject to this ACP is mainly Class G and C, military aircraft will operate here regardless of whether there is segregated airspace. Surely it is safer to have some segregation. The assertion that the lack of commercial traffic was the reason for there being no AIRPROX cannot be proven. There was no AIRPROX report because there was no AIRPROX.

***To provide further layers of safety around this area requires NATS to add a “flight plan buffer zone” adjacent the defined zone. The effectively expands the unusable area available to commercial traffic. Any operational buffer zones should be included within the defined areas in ACP proposal, not in addition, to allow sufficient separation from commercial traffic, this concept or discussion appears to be lacking in the documentation so far.***

There are no defined areas yet for this proposal as stage 2 requires only design options. Detailed areas will be developed during stage 3 following consultation with stakeholders and airspace designers.

***Predictability – given the expanded frequency requirements, above the original statement of need, this significantly reduces the predictability for our operations into Newcastle airport. We are also led to believe that these activations could also be made at an hours’ notice on the day. This lack of predictability will impact upon our routings, increasing fuel up lift and fuel burn. The sponsor consistently fails to understand why the stakeholders need a greater level of prediction in these activations.***

The sponsor fully understands why stakeholders require predictability and suspects that Jet 2 assumed this from the draft LOA for D597 activations. ACP-2020-026 is for a permanent solution and, following consultation will aim to provide as much predictability as possible. Notionally the following timelines are possible. 6 months prior to activation – date, 3 months prior, time of day (AM or PM).

MoD will continue to consult with stakeholders throughout the CAP 1616 process with the CAA examining the MoD’s adherence to the process at regular gateways. The face-to-face meeting was extremely valuable and, where possible, in person meetings will be the preferred method of consultation.

Yours Sincerely,

Mike Parker