

Future Combat Airspace Temporary (2022/2023)

Airspace Change Decision

CAP 2362



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Chapter 1

Executive Summary

Objective of the Proposal

1. The Ministry of Defence (MoD) has identified a requirement for a new airspace structure, within the UK's Flight Information Regions and Upper Information Regions, to better accommodate large-scale exercises that integrate and test, to their fullest possible capability, modern military aircraft and other systems. In order to enable large-scale exercises planned for August and September 2022 and March, August and September 2023, the MoD has submitted a temporary airspace change requesting the implementation of a Temporary Danger Area (TDA) in accordance with the Airspace Change Process (ACP) CAP 1616. This proposal is progressed ahead of a permanent change (ACP-2020-026) and follows a two-phase airspace trial (ACP-2020-042) and temporary airspace change (ACP-2021-007).
2. A diagram of the TDA, designated EG D597, for the MoD exercises scheduled to take place in August and September 2022 and March, August and September 2023 (as described in their airspace change proposal) is shown in Appendix A.

Summary of the decision made

3. Noting the anticipated impacts on the material factors we are bound to take into account and the conditions being met, we have decided to approve the Temporary Airspace Change (EG D597) for the August and September 2022 and March, August and September 2023 activations.

Next steps

4. An Aeronautical Information Publication Supplement (AIP SUP) will be issued on 28 July 2022 for the airspace change.

5. The change sponsor must inform Stakeholders of this decision.
6. Satisfy the seven approval conditions as detailed in the Regulatory Approval within this decision document.

Chapter 2

Decision Process and Analysis

Chronology of Proposal Process

Statement of Need and Assessment Meeting

7. The MoD submitted a Statement of Need on 1 July 2021. An Assessment Meeting was held on 2 September 2021 at which the MoD outlined the following military requirements for the airspace change:
 - Minimising the risk of Mid-Air-Collision to the maximum extent whilst enabling;
 - i. Full tactical employment of aircraft and weapons capability
 - ii. Supersonic flight and rapid height changes
 - iii. Overflight and loiter of rural overland (target) areas
 - iv. Use high and low altitude activity concurrently
 - v. Representative employment ranges of simulated air-air and air-surface weapons
 - vi. Representative operational numbers
 - vii. Ability to oppose from ground and air simultaneously
 - viii. Contested in electromagnetic environment
8. The CAA determined that the proposal was in scope of CAP 1616 and assessed the proposal as a temporary airspace change. Minutes of the Assessment Meeting were published on the Airspace Portal.
9. Following the Assessment Meeting, the MoD submitted a request to extend the 90-day maximum duration for temporary airspace changes (as defined in CAP 1616) to cover the interim period between the previous temporary airspace change (ACP-2021-007) and the permanent proposal (ACP-2020-026). The CAA agreed that it would be disproportionate to request that separate temporary airspace changes were conducted for each of the

planned exercises and agreed that the airspace design solution proposed in ACP-2021-048 could be utilised for the following planned exercises in 2022 and 2023:

- August 2022 – Ex STORM WARRIOR
- September 2022 – Ex COBRA WARRIOR 22-2
- March 2023 – Ex COBRA WARRIOR 23-1
- August 2023 – Ex STORM WARRIOR
- September 2023 – Ex COBRA WARRIOR 23-2

10. The CAA's decision to consider greater than 90-day period (which includes associated conditions) is available on the Airspace Change Portal¹.

Engagement

11. As detailed above, this proposal is closely linked to a previous airspace trial (ACP-2020-042), temporary airspace change proposal (ACP-2021-007) and an ongoing permanent airspace change proposal (ACP-2020-026). The change sponsor has therefore already established relationships with relevant aviation stakeholders prior to the commencement of their engagement activities in support of this proposal. To reduce the potential for 'engagement fatigue', they determined that it would be beneficial to seek feedback from relevant aviation stakeholders on the activations of EG D597 which occurred as part of the separate temporary airspace change proposal (ACP-2021-007), and the proposal for two future activations of the same airspace structure as part of this temporary airspace change proposal (ACP-2021-048), at the same time.
12. The change sponsor contacted relevant aviation stakeholders through written correspondence on the 7 October 2021, providing an explanation of the separate, but related airspace change proposals, along with an explanation of the purpose and status of each one. The change sponsor used questions to prompt feedback from stakeholders specifically with regards to safety, operational impact, airspace and ATM management and

¹ [Agreement to Extension of 90 days \(Airspace Portal\)](#)

- environmental impacts. Stakeholders were also invited to provide any general observations about the operation of EG D597 during the airspace trial and its potential reuse. The change sponsor provided a link to the AIP Supplement (039/2021) used for previous activations of EG D597 so that stakeholders could understand the airspace dimensions and operating principles and practices associated with the activation, operation and de-activation of EG D597.
13. Stakeholders were given a deadline of 29 October 2021 and thereby a period of 3-weeks to consider and respond (via email) accordingly. Stakeholder feedback was collated and analysed by the change sponsor and related evidence has been submitted as part of their formal airspace change proposal.

Proposal update and submission to CAA (Stage 4)

14. The change sponsor submitted the ACP together with supporting material to the CAA on 5 April 2022.
15. Copies of the documents submitted are available on the Airspace Portal².

CAA Analysis of the Material provided

16. As a record of our analysis of this material, the CAA has produced the following, which will be published on the CAA Airspace Change Portal:
- Operational Assessment
 - Targeted Engagement Assessment
17. The CAA has also assessed the following aspects, the findings of which are included in the associated sections of this decision document:
- Environmental

² [Airspace Change Portal ACP-2021-048](#)

CAA assessment and decision in respect of Engagement

18. Before the CAA will agree to a temporary airspace change, the change sponsor must demonstrate that they have engaged with aviation stakeholders (specifically, that is airspace users, air navigation service providers and airports only³) to establish that the temporary change will be safe and operationally viable. If the temporary change is approved, the change sponsor must identify and inform the full range of relevant stakeholders that the temporary change will be taking place, and during the period of the temporary change undertake regular engagement with them whilst collating, monitoring and reporting on the level and contents of any related complaints.
19. Given that the change sponsor was engaging with well-informed stakeholders on an airspace structure that had already been utilised, and pre-established operating principles and practices that had already been tested, the 3-week engagement period is acceptable and proportionate.
20. Related evidence has been provided within the change sponsor's formal airspace change proposal submission and this includes a summary of the feedback received. The change sponsor did not highlight what they believe to be the key issues, nor did they summarise how they have responded to the substantive feedback provided by each stakeholder within their formal airspace change proposal submission. However, from the supporting evidence provided, it has been possible to determine that the change sponsor has responded to the substantive feedback in an appropriate and adequate way.
21. In summary and notwithstanding concerns held regarding the way in which the change sponsor has presented and summarised the engagement undertaken in support of this temporary airspace change proposal, the evidence provided demonstrates that they have satisfied the engagement requirements of the temporary airspace change process i.e. to engage

³ CAP 1616 Para 301 requires targeted engagement or consultation with aviation stakeholders only. CAP 1616 Para 302 states that where a temporary change to the airspace design would affect the distribution of traffic below 7,000 feet, it is vital that the communities that may be affected are informed prior to the change being implemented. There are no anticipated impacts below 7000ft as a result of this Temporary Airspace Change.

relevant aviation stakeholders on the safety and operational viability of their proposal. The change sponsor has also stated their commitment to facilitate ongoing engagement with relevant aviation stakeholders ahead of and during the proposed periods of activation.

22. Feedback was sought on proposed activation dates in August and September 2022. As detailed above, it was subsequently agreed that the 90-day maximum duration for temporary airspace changes would be extended for this proposal, to ensure that it also covered planned activations in March, August and September 2023. These dates were not specified in the engagement materials and therefore a condition has been added to the regulatory approval to ensure that the change sponsor engages with stakeholders on the proposed activation dates in March, August and September.

Explanation of statutory duties

23. The CAA's statutory duties are laid down in Section 70 of the Transport Act 2000.

Conclusions in respect of safety

24. The CAA's primary duty is to maintain a high standard of safety in the provision of air traffic services and this takes priority over all other duties.⁴
25. In this respect, with due regard to safety in the provision of air traffic services, the CAA is satisfied that the proposals maintain a high standard of safety for the following reasons:
- Exercise aircraft outside the segregated airspace will operate in accordance with the appropriate Rules of the Air.
 - Pilots of exercise aircraft will be provided with air traffic services during ingress to and egress from the segregated airspace.
 - Temporary airspace structures will be notified to other airspace users and air traffic service providers.

⁴ Transport Act 2000, Section 70(1).

- Temporal and geographical buffers will be utilised where appropriate to ensure separation between exercise traffic and general air traffic.
- Temporary changes to operating procedures will be in place to segregate and coordinate air traffic appropriately, including the application of Air Traffic Flow and Capacity Management processes and tactical re-routing.
- The agreements relating to the temporary structures can be suspended in the event of any safety-related issues that cannot be resolved.

Conclusions in respect of securing the most efficient use of airspace

26. 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 traffic.⁵
27. The CAA considers that the most efficient use of airspace is defined as ‘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’.
28. 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.
29. In this respect, the CAA is satisfied that efficient use of airspace is considered appropriately due to:
 - Segregated airspace only being activated when needed.
 - The prevention of concurrent activation of adjacent Danger Areas.
 - The establishment of temporary operating procedures to facilitate tactical rerouting of non-exercise aircraft.

⁵ Transport Act 2000, Section 70(2)(a).

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

30. 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 its Environmental Objectives when carrying out its air navigation functions⁷.
31. The Air Navigation Directions 2017⁸ enable the CAA to disregard the environmental impacts of military aircraft when the proposal has been submitted by, or on behalf of, the MoD. Therefore, the MoD need only ever assess the anticipated environmental impacts of the consequential changes on civil aviation patterns.
32. In line with Government guidance, in respect of a temporary change that would affect the distribution of traffic below 7,000 feet, the CAA is required to consider the change sponsor's assessment of the noise impact, unless we are satisfied that the specific details of the proposal mean that this is not needed. Due to the short-term nature of temporary changes, there is normally no requirement for the change sponsor to assess longer-term environmental impacts (i.e. CO2, local air quality, tranquillity, biodiversity), because these are expected to be negligible for such a short-term change.
33. A temporary change to airspace design, typically lasts for a fixed period that is not usually to be for more than 90 days. Should the temporary change be extended beyond 90 days, the environmental assessment requirements would need to be re-assessed and possibly expanded. Although this temporary airspace change extends beyond the usual 90-day period (as described in paras 9 and 10 of this document), the number of activations is still considered to fall within the scope of a temporary airspace change.
34. The CAA is satisfied that this temporary airspace change is not expected to impact the typical behaviour of civil aircraft below 7,000ft, and thus is not anticipated to result in adverse noise impact on health and quality of life.

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

⁷ Air Navigation Guidance 2017

⁸ The Civil Aviation Authority (Air Navigation) Directions 2017, Direction 9

Conclusions in respect of aircraft operators and owners

35. The CAA is required to satisfy the requirements of operators and owners of all classes of aircraft.⁹
36. In this respect, the CAA is content that the requirements of operators and owners of all appropriate classes of aircraft have been considered.

Conclusions in respect of the interests of any other person

37. 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 generally.
38. In this respect, the CAA considers that the proposal has no impact on the interests of any other person.

Integrated operation of ATS

39. 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 services.¹⁰
40. In this respect, the CAA is content that the proposal satisfactorily considers the integrated operation of air traffic services.

Interests of national security

41. The CAA is required to take account of the impact any airspace change may have upon matters of national security.¹¹
42. In this respect, the CAA is satisfied that the proposal has no negative impact on national security.

International obligations

43. The CAA is required to take account of any international obligations entered into by the UK and notified by the Secretary of State.
44. In this respect, the CAA is satisfied that the proposal has no direct impact on international obligations; however, in accordance with the provisions in ICAO

⁹ Transport Act 2000, Section 70(2)(b).

¹⁰ Transport Act 2000, Section 70(2)(e).

¹¹ Transport Act 2000, Section 70(2)(f).

Annex 11, paragraph 2.1.2 and the established procedure for amendment of the European Air Navigation Plan, an ICAO notification letter must be sent to the ICAO EUR/NAT Office to ensure any interested international parties are informed of the establishment of the Temporary Danger Area in the High Seas.

Chapter 3

CAA's Regulatory Decision

CAA's Regulatory Decision

45. Noting the anticipated impacts on the material factors we are bound to take into account and the conditions being met, we have decided to approve the Temporary Airspace Change subject to the approval conditions being met.

Conditions

46. The regulatory decision is dependent on the following conditions being met:
- The change sponsor is required to engage with stakeholders on the proposed activation dates in March, August and September 2023. The change sponsor should also provide updates on the exact dates and times of activation. Furthermore, the change sponsor must confirm to the CAA the details of the engagement conducted and any subsequent changes to the anticipated impacts. Additionally, the change sponsor should detail any changes to the operating protocols. This must be submitted in writing no later than 13 February for the March 2023 activation and no later than 17 July 2023 for the August and September 2023 activation.
 - In accordance with para 11 of the CAA Decision to consider greater than 90-day period and the change sponsor's assurance that sufficient, dedicated resource to the task of progressing ACP-2020-026 will be allocated¹², the change sponsor must ensure that sufficient resource is allocated to the permanent airspace change (ACP-2020-026).
 - In accordance with para 12 of the CAA Decision to consider greater than 90-day period, should the permanent airspace change (ACP-2020-026) be approved and implemented prior to any of the 2023

¹² [Letter to CAA - Resource Assurance](#)

activations, the change sponsor must withdraw this temporary airspace change (ACP-2021-024).

- Any Letters of Agreement (LoA) are to be finalised and signed before the first activation in August 2022.
- In accordance with CAP 1616 (paragraphs 304 and 305), the change sponsor must collate, monitor and report to the CAA on the level and contents of complaints associated with the temporary airspace arrangement once it has been implemented and throughout its period of operation.
- Throughout the analysis of the proposal, the CAA noted that a non-compliant designator was used for the previous activation of EG D597. Given the extended period of the temporary airspace change, if the use of a non-compliant designator cannot be easily rectified, the CAA requires sufficient rationale justifying the use of a non-compliant designator for the Temporary Danger Area. This must be submitted in writing to the CAA and accepted prior to the first activation in August 2022.
- The change sponsor must inform Stakeholders of this decision and next steps.

Implementation

47. An Aeronautical Information Publication Supplement (AIP SUP) will be issued for the airspace change on the 28 July 2022.
48. Any queries relating to this airspace trial are to be directed to the SARG Project Officer via airspace.policy@caa.co.uk.

Period of the Temporary Airspace Change

49. The period of activation for August 2022 (Ex STORM WARRIOR) will be between:
 - 9 August 2022 and 11 August 2022 between 2000-2315.
 - 18 August 2022 and 23 August 2022 between 0800-1115.

50. The period of activation for September 2022 (Ex COBRA WARRIOR 22-2) will be between:
- 5 September 2022 and 23 September 2022. Nominally this is expected to consist of eight activations of four hours. Exact dates and times to be agreed closer to the exercise dates.
51. The period of activation for March 2023 (Ex COBRA WARRIOR 23-1) will be between:
- 6 March 2023 and 24 March 2023 nominally consisting of eight activations of four hours. Exact dates and times to be agreed closer to the exercise dates.
52. The period of activation for August 2023 (Ex STORM WARRIOR) will be between:
- 7 August 2023 and 24 August 2023 nominally consisting of eight activations of four hours. Exact dates and times to be agreed closer to the exercise dates.
53. The period of activation for August 2023 (Ex COBRA WARRIOR 23-2) will be between:
- 4 September 2023 and 22 September 2023 nominally consisting of eight activations of four hours. Exact dates and times to be agreed closer to the exercise dates.
54. Exact timings for each activation will be specified by NOTAM and by the Airspace Use Plan (AUP).

On-going engagement and monitoring post-implementation

55. The change sponsor has stated their commitment to facilitate ongoing engagement with relevant aviation stakeholders ahead of and during the two specified periods of activation proposed for this temporary airspace change. They are also required to collate, monitor and report to the CAA on the level and contents of any related complaints in line with the requirements of the temporary airspace change process.

56. If the basis of stakeholder feedback received during the temporary airspace change suggests that EG D597 is not achieving the anticipated outcomes, the CAA will investigate accordingly and take appropriate action.
57. The change sponsor must also ensure that stakeholders are informed about and given the opportunity to comment on the safety and operational viability of proposed activation dates in March, August and September 2023.

Post Implementation Review

58. Post Implementation Reviews are not required for temporary airspace changes.

Civil Aviation Authority

15 June 2022

Appendix A

Temporary Danger Area EG D597



