



**ELECTRIC
AVIATION**

Section 7

Third Stakeholder Engagement

7.0 Third Stakeholder Engagement.

We were informed on the 9th of August 2022 by Airspace Regulation that:

Following our meeting yesterday, we discussed the changing of the implementation date of the proposed TDA. In line with what other sponsors have needed to do following a change in the implementation date, an additional 3 weeks of engagement will be required to identify whether the new time period for implementation will have different impacts to those already indicated in stakeholders' feedback.

It was pointed out verbally to Airspace Regulation that we have already been out to stakeholder engagement twice now and both times we have not received any legitimate objections from any airspace users.

We have spent considerable time working with the [REDACTED] and the [REDACTED] to establish that the claims of the British Microlight Aircraft Association are factually incorrect with regards the legality of landing on Morecambe Bay.

Furthermore the CAA, by notating both Pilling Sands and Middleton Sands as "Microlight Flying Sites" (which are clarified under ENR 5.5.5.1 which states that: "Those Microlight Flying Sites where flying is known to take place are listed at ENR 5.5 and are regarded as aerodromes.) on their charts, are condoning and encouraging pilots to commit common trespass by landing at these locations at their own liability.

We know that the landowners at these locations do not consent to the landing of any aircraft on their lands. Furthermore, and perhaps more alarmingly, the landowner at Middleton Sands has just, as part of the new cable laying for the windfarm activity, removed the WW2 anti-gliding metalworks, that were erected to prevent the sands being used by German aircraft in the second world war.

The illegal practice of landing aircraft on Morecambe Bay is however of little interest to the CAA, even though they are probably complicit in it, as it is common trespass which is land law and not air law.

7.1 The Need for more Stakeholder Engagement

We were advised on the 9th of August that we would require to go out for 3 more weeks of stakeholder engagement as we were changing the dates.

This was confirmed in paragraph 3 and 4 of a letter received by Electric Aviation from [REDACTED] (which in our opinion was obviously penned for him by Airspace Regulation) on the 18th of August which reads:

Engagement with stakeholders potentially impacted by the proposed TDA is a necessary element of the process for making a proposal for an airspace change. This is because the CAA is legally required to consider the needs of operators of other aircraft and the interests of any other person impacted by your proposed use of the airspace when making our decision whether to approve your proposal. It is fundamental that when you engage you are engaging on the actual TDA proposed. That is, its dimensions, location and timing. I acknowledge all the hard work you have done to assess impact based on analysis of historical use of the airspace, and the engagement you have had to date, but this does not negate the need that potentially impacted stakeholders are notified of the actual proposal.

*I note that in your email dated 14 July you were content to conduct a two-week engagement. I know that the CAA team asked for a three-week engagement. That time frame is based on the engagement window other operators have been asked to facilitate and is in my view an appropriate length of time to give a stakeholder to consider their response and write back to you. **I understand that it is normal practice for this engagement to be carried out at the same time that the CAA RPAS team is considering the proposal** and so a three-week rather than two-week window will not add to the length of time it will take for the CAA to reach its overall decision.*

Sadly the advice from the [REDACTED] contradicts the CAA's own Policy for Permanently Established Danger Areas and Temporary Danger Areas (SARG 21/07/2020) which states:

Annex A3 -5.

POST engagement, the sponsor should submit the following for consideration:

- a. Finalised proposed design, demonstrating consideration of the engagement conducted.
- b. Report summarising engagement to include: list of stakeholders, a summary of engagement approach and timeline (rationale to be provided if less than 6 weeks), original engagement documentation, original responses and analysis of the responses.
- c. Outline of the TDA management process. This should, were proportionate, consider the requirements stipulated within the main body of this Policy.
- d. Safety Assessment demonstrating how the hazard will be contained within the TDA.
- e. Draft Aeronautical Information Circular (AIC), if required.
- f. In addition, the sponsor should upload onto the airspace portal redacted copies of documents listed in points a-d above

So we were a little unsure as to whether we should be doing the third period of stakeholder engagement before submitting the Safety Assessment to the Airspace Portal as detailed in Annex3 – 5.f above, or during the submission of the Safety Assessment to the Airspace portal as detailed in Annex 3-5.f above, but then we received an email on the 22/09/22 from the Head of Airspace, Air Traffic Management and Aerodromes at the CAA which informed us that:

Additional Consultation: Part of the rationale for potential additional consultation is based on the passing of time since the original and subsequent work. Also, if the time of year is different then different stakeholders may be affected.

We acknowledge that it is not altogether clear what, if any additional consultation may be required, as we are not currently working towards any implementation date. We suggest this issue be resolved once a plan, timeline and operational safety case have been developed to a point of maturity, at which point it will be hopefully possible to discuss a modest and proportionate re consultation

The level of consultation is not clear and should be discussed once other plans are clearer.

Which contradicts both the CEO of the CAA and the author's own Airspace Regulation team.

Of note is the phrase "as we are not currently working towards any implementation date" despite dates having been agreed verbally with the principle Airspace Regulator who in an email to us on the 09 August 2022 11:35 states that:

You indicated on the phone that the most likely implementation date would now be in Spring 2023, given the likely weather restrictions over the autumn winter in Morecambe Bay and the requirement for Skylift to be in a position to use the updated version of their aircraft to enable the payload/distance capability to undertake the activity.

Notwithstanding the [REDACTED] advice which contradicts CAA Policy, nor the Head of AAA at the CAA who obviously hasn't been informed regarding the proposed dates of operation, we decided to proceed with the original 3 weeks of stakeholder engagement to inform them of the change to the proposed date of operations, of which Airspace Regulation had been informed earlier in the year.

7.2 Strategy for Engaging with Stakeholders

It was decided to use the www.morecambabaydrones.com portal for stakeholder responses to be collated through.

A reduced stakeholder list was compiled as in conversation with the Head of Airspace, Air Traffic Management and Aerodromes at the CAA it was agreed that there was the potential for stakeholder fatigue by repeatedly asking the same stakeholders their views for airspace that had not changed but maybe operated at different times of the year.

The [REDACTED] [REDACTED] were removed from the list as their feedback to date was factually incorrect and unrepresentative of local microlight pilots operating within the Morecambe Bay Area. Said local microlight pilots were kept in the list as their input has been incredibly useful and well received to date.

The adjusted stakeholder engagement list was compiled as follows:

- BAE Systems Warton – Military jet departures
- BAE Systems Submarines Walney – MOD transport to Barrow
- EDF Energy Heysham – R444 operator
- Office of Nuclear Regulation – R444 oversight
- MOD from NATMAC – RAF Valley sorties
- NATS – ANSP
- Blackpool Airport – Local GA Aerodrome operator
- Westair – EGNH RTO
- AirNav Flight Training – EGNH RTO
- Attitude Airsports – Microlight training at Rossall Field
- Bay Flying Club – Microlight flying club at Rossall Field
- Skydive NorthWest – Cark Parachute Transport
- Black Knights Parachute Club – Cockerham Parachute Transport
- NPAS – Police Rotary operator
- Babcock – Air Ambulances
- Lancaster Model Aircraft Flying Club – Local Model Aircraft Club
- PPLIR – For information only
- Airprox board – For information only
- UK Flight Safety Committee – For information only
- USAF – Operator of C130J (Mildenhall) low level operations

7.3 Stakeholder Email

The following email was sent to the stakeholders detailed in section 7.2.



Morecambe Bay TDA – ACP-2021-022

Dear Stakeholder,

28/09/22

We have raised a formal complaint with the CAA with regards the time taken by the Airspace Regulation team to respond to our submission of our Airspace Change Proposal for the Morecambe Bay Medical Shuttle Temporary Danger Area. This has now concluded both stages of the CAA complaint process and despite the application now in its 523rd day, the CAA did not uphold our complaint and as such it has been referred to the Parliamentary and Health Service Ombudsman, who will no doubt pass it to DfT.

You may recall that at the end of the first stakeholder engagement process we submitted our proposal and were sent back out for another round of stakeholder engagement as we had submitted our TDA dimensions in AGL and not AMSL. CAP1616 (Airspace Change) does not mention this requirement. Furthermore CAP722 (Unmanned Aircraft Systems Operations in UK Airspace) refers to drones only in terms of height (AGL) as they do not operate altimeters, nor have pressure settings, nor should they be operated above the transition level. So being sent back out to stakeholder engagement seemed rather strange, but we accepted it with good grace and undertook the process. The decision date for the TDA came and went and then we heard that as we had not submitted a Safety Assessment through our drone operator to the UAS department they could not approve the TDA. When we asked where it mentioned this Safety Assessment in CAP1616, we got no reply.

Whilst we worked to generate the Safety Assessment we asked for feedback on the second stakeholder engagement and were even more surprised when we were now informed that we would now have to undertake both noise analysis of the drones operation and provide a summary of the main themes and issues raised during the initial engagement as “there is no way of understanding the issues raised during the engagement without going through all the evidence.” Furthermore as the proposed dates for the operations of the single drone at 250’ (AGL) predominantly over water, with a DACS service available, have changed, they have demanded we undertake a third period of Stakeholder Engagement to check to see if there are any issues with the new dates (April-June ’23).

Remembering that quantum mechanics aside “Insanity is doing the same thing over and over and expecting different results.” And having been twice through the Stakeholder Engagement process with airspace at each time asking for ever more undertakings, I wrote to [REDACTED] and asked him if he thought I should carry on as I was close to losing the will to live (regarding ACP-2021-022). His office negated the requirement for the noise analysis, which is nice, and we have through the formal complaint process agreed to have a meeting between ourselves, airspace and UAS teams to try and move this forward but they are going to insist on this third period of stakeholder engagement to check that the change of date is okay with all stakeholders.

We have asked you about operating the drone December through February (Initial Stakeholder Engagement) and we have asked you about operating the drone between June and August (Second Stakeholder Engagement), but we now need to ask you your views on us operating the drone between April and June, next year, 2023. Nothing has changed route wise, nor airspace dimensions, only the seasons change and my levels of enthusiasm. Once again, we have opted to use the www.morecambebaydrones.com website from which all information about our proposed activities can be found. If you wish to provide any relevant feedback for the same drone operating at the same height, between April and June 2023, please send it through the website portal.

Many Thanks,

[REDACTED]
ELECTRIC AVIATION LTD.

7.4 Stakeholder Response

We did not expect to receive much in the way of stakeholder response to this consultation. We had discussed the concept of “Stakeholder fatigue” with [REDACTED], Head of AAA at the CAA prior and our concerns were confirmed in the small response received.

Within 8 hours of commencing the third period of stakeholder engagement we were contacted by [REDACTED] from the MOD who confirmed that:

From [REDACTED] on 2022-09-29 10:05

Details

Good morning [REDACTED]

The original MOD stakeholder feedback remains extant - no change as a result of ACP delay. Thank you for your continued engagement.

Best regards,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We also received the following response from the Chairman of the [REDACTED] Club.

From [REDACTED] on 2022-10-06 03:14

Details

Hi again Chris,

I have forwarded your email below onto our [REDACTED] members.

As we are just about to commence our winter season of indoor evening club meetings, let me know if you would like to speak directly to our members again.

Cheers,

[REDACTED]

We also heard from NATS:

From [REDACTED] on 2022-10-19 09:14

Details Plain text

Dear [REDACTED]

I received what appeared to be an error when I tried to use the web message system. Possibly due to corporate firewalls etc.

In any case, NATS has no further comments on this ACP as a result of the date change.

Kind Regards

[REDACTED]

NATS Internal

These were the only three stakeholders that responded and unsurprisingly none of them had any objections or opinions on the change of date.

7.5 Conclusions

We have conducted a further three-week stakeholder engagement and found that there are no implications for airspace users with regards the proposed date change and that operating the TDA from 1st of April 2023 through to 30th June 2023 will have little affect on aviation across Morecambe Bay.