

Supplementary Decision - ACP-2021-031

Airspace Change Proposal Title	Virgin Orbit Flight from Spaceport Cornwall (Southern TDA)
Airspace Change Proposal Reference	ACP-2021-031
Change Sponsor	Virgin Orbit UK Ltd
AIS Submission Target Date	N/A – the Aeronautical Information Circular (AIC) for the proposed airspace structure was published on 22 September 2022. At the date of this decision activation of the airspace structure approved on 14 November 2022 (by way of Notice to Aviators (NOTAM)) has not yet occurred.
CAA Decision Date	22 December 2022

This UK CAA decision is supplementary to the decision dated 14 November 2022 attached at **Schedule 1** (the November Decision).

Background

During the CAA's assessment prior to the November Decision, the target launch date was not before 11 November 2022, with backup dates of 12 and 13 November 2022. However, by the date of the November Decision, it was recognised that these dates were no longer feasible due to ongoing licensing procedures and operational matters. As a result, the sponsor was looking for, and the November 2022 decision enabled, a three-day launch window between the date of the November Decision (14 November 2022) and 6 January 2023.

The launch date has been delayed and the sponsor is now looking for a three-day launch window between 7 January and 28 February 2023.

The 6 January 2023 was specified as the end-date for the previous target launch window (and therefore the end date of the approval in the November 2022 decision) as this is the last date before the publication of the coordinates implementing, and associated with, the airspace change in the relevant Aeronautical Information Publications (**AIPs**) expires.

The sponsor has sought the UK CAA's approval to a temporary airspace change that extends the AIC for the proposed airspace structure to accommodate a launch date between 8 January and 28 February 2023. The sponsor proposes that this extension is issued by way of NOTAM.

That proposal by the sponsor is the subject of this supplementary decision by the UK CAA.

Assessment

The sponsor has submitted updated traffic forecasts and analysis (provided by Eurocontrol (**ECTL**)) based on the latest target launch window. The analysis shows that the impact continues to be relatively low for the bulk of the structure. The launch activity would still be conducted post-2200 Coordinated Universal Time (**UTC**) to minimise the impact of the launch activity on other airspace users transiting the North Atlantic (**NAT**). It would be largely conducted over the High Seas and deconflicted from aircraft in the NAT by the establishment of the Temporary Danger Areas (**TDA**s). The TDAs remain as described in the November

Decision. In line with the November 2022 decision, acceptance of specific launch dates within the AIC dates remains subject to the conditions laid out within the Letter of Agreement, where activation of the structures is subject to approval by all impacted States.

It is noted the AIC has already been extended in error by NOTAM prior to the submission of the traffic analysis to the CAA. Whilst we could have cancelled this extension by withdrawing the NOTAM, due to the coordination required, imminent expectation of submission of the traffic analysis and possible confusion we decided to differ the option to withdraw the NOTAM till after the traffic analysis was provided. This traffic analysis has now been provided.

Based on the new target launch date and available information (including the updated traffic forecasts and analysis), the UK CAA has assessed the proposed airspace design in accordance with its functions, duties and published process for considering a temporary airspace change of this nature in airspace managed by the UK. As the proposed operation requires decisions on temporary changes to the notified airspace structure to also be made by the Irish, Portuguese and Spanish National Aviation Authorities (**NAAs**), these NAAs will need to consider the CAA's assessment and recommendation before deciding to extend the AIC for the proposed airspace structure and ultimately whether to activate the TDAs within their respective jurisdictions.

The UK CAA has considered its statutory duties under the Air Navigation Directions 2017 and section 70 of the Transport Act 2000. The UK CAA affirms that this temporary ACP is considered to be in accordance with the Airspace Modernisation Strategy (**AMS**) and the draft AMS refresh. The UK CAA also affirms that it has considered each of the material factors in section 70 of the Transport Act 2000 and continues to adopt its assessment of those factors as set out in the November Decision.

Decision

Supplementary to the November Decision (which remains in force), the UK CAA has decided to:

- Approve an extension to the UK AIC until 28 February 2023 (inclusive); and
- Recommend to the Irish, NAAs to approve an extension to their AIC for the proposed airspace structure until 28 February 2023 (inclusive).


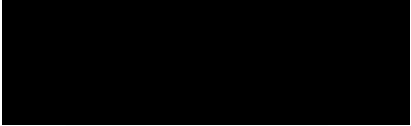
The UK CAA notes that:

- The launch window will be notified for activation by NOTAM issued 15 days in advance, or less if agreed in line with the extant LoA considered in the November 2022 decision
- If a launch within the target launch window (between 7 January and 28 February 2023) cannot be achieved, a separate UK CAA decision will be needed on whether to approve a further extension to, or new publication in, the AIC.

PART D – Final Regulatory Decision – Comment/Approval

Manager Airspace Regulation comments:

This AIC has been extended noting any activation of the proposed TDA structure is subject to the conditions outlined within the Letter of Agreement.

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