

# CAA Consultation Assessment

Title of airspace change proposal	Inclusion of Fast Jet Area (North) into UK AIP
Change sponsor	MoD
Project reference	ACP-2020-92
Account Manager	[REDACTED]
Case study commencement date	12 May 2023
Case study report as at	6 June 2023

## Instructions

In providing a response for each question, please ensure that the 'status' column is completed using the following options:

- YES
- NO
- PARTIALLY
- N/A

To aid the SARG Lead it may be useful that each question is also highlighted accordingly to illustrate what is:

resolved YES not resolved PARTIALLY not compliant NO

## Executive Summary

### The Proposal

The MoD identified a requirement for a suitable and safe airspace in the UK to facilitate Exercise Joint Warrior (ex JW), the largest tri-service military exercise in Europe, allowing for modern military air systems to train to their full capabilities in a joint operating environment. The MoD and NATS agreed the use of FJA(N) and FJA(S) through the Mil AIP. The introduction of Free Route Airspace in December 2021 prevented this, and no other current airspace will provide the MoD viable airspace to facilitate this essential Defence and wider NATO training. This ACP was bore out of the necessity of inclusion of the FJAs into the civilian AIP to continue to use this airspace.

### The Consultation

The sponsor consulted over 12 weeks with a total of 52 stakeholders. In consultation, 3 respondents replied using the online questionnaire. Two additional responses were received via email. The sponsor consulted on two options: "Do nothing" (Option 0) or the preferred option (Option 1) "The

inclusion of FJAs in the AIP". The consultation documents laid out impacts for both options.

In total, 3 responses were received via the Citizen Space engagement platform. A further two were received via email. Of those responses, one was deemed to be impactful the final design. The other responses related to coordination and promulgation of FJA activities.

The impactful response related to the flight buffer zone (FBZ) and containment of high energy manoeuvres during exercises. This issues was resolved by reassuring NATS of containment of activities during high energy manoeuvres. It also related to the activation of MOR CTA 12 and 13 during exercises (now included as part of the LoA with NATS).

**Conclusions**

Revision to the design does not fundamentally alter the proposal consulted on and therefore there is no requirement for the sponsor to reconsult, as per Para 200, CAP1616.

**PART A – Summary of Airspace Change Process to date**

A.1		
A.2	Stage 1 DEFINE Gateway	17 December 2021
A.2.1	<p>The required documentation was presented on time, and we were satisfied that the change sponsor had met the requirements of the Process up to that point. Progress to the next Step of the Process was therefore approved.</p> <p><b>AT:</b> Stage 1 requirements were met. The sponsor selected a good set of stakeholders who were likely to be impacted or interested in the ACP and broadly showed how engagement with them influenced DP design and refinement. Two actions arose from gateway which required a new version of the submission from sponsors. In response, the sponsor added a new paragraph to explain how engagement with NATS and DAATM informed the final set of DPs; and explained how engagement outside of the formal timescales impacted DP design.</p>	
A.3	Stage 2 DEVELP & ASSESS Gateway	1 June 2022
A.2.1	<p>The required documentation was presented on time, and we were satisfied that the change sponsor had met the requirements of the Process up to that point. Progress to the next Step of the Process was therefore approved.</p> <p><b>AT:</b> At stage 2, the sponsor met the requirements of the process but had one outstanding action with regards to the issuing of forecasting data for the last 10 years. In response, the sponsor stated that such data was not available or feasible by the MoD to obtain</p>	

	<p>this data for this stage. They proposed obtaining this information for Step 3A in collaboration with the Network Manager. The Engagement and Consultation regulator queried the lack of engagement from Spaceport 1/spaceports in general (Spaceport 1 was included in engagement in stage 1 of the process).</p>	
A.3	Stage 3 CONSULT Gateway	6 December 2022
A.3.2	<p>The required documentation was presented on time, and we were satisfied that the change sponsor had met the requirements of the Process up to that point. Progress to the next Step of the Process was therefore approved.</p> <p>AT: At 3A, the sponsor submitted a Consultation Strategy, and FOA, draft offline/online questionnaires and a draft FAQ. Actions were required from the Engagement and Consultation SME perspective. The sponsor made minor amends for consistency and added further detail in the strategy, consultation document and online questionnaire. Other SME areas gave recommendations on the presentation of data.</p> <p>The sponsor went on to submit some consultation reports and evidence alongside a final options appraisal.</p>	
A.4	Stage 4 UPDATE & SUBMIT	5 June 2023
A.4.1	<p>The change sponsor formally submitted their proposal, which included all of the required documentation.</p> <p>AT: In stage 4, the sponsor initially submitted the following documentation:</p> <ul style="list-style-type: none"> <li>• Stage 4B Final Options Appraisal Phase III (V1.0)</li> <li>• Stage 4B Final Submission (V1.0)</li> <li>• LoA for Activation of EG 901 and EG713 V1.0</li> <li>• Aero Data</li> </ul> <p>Following a document check the Step 3D Consultation Review Document was also submitted, alongside a response from Spaceport 1 and MoD (DAATM)</p>	

<b>PART B – Consultation Assessment</b>		
B.1	<b>AUDIENCE</b>	
B.1.1	Did the consultation target the right audience?	YES

	<p>The sponsor detailed their approach to audience selection for consultation in several different places:</p> <ul style="list-style-type: none"> <li>• 3A Consultation Strategy (V.2.1)</li> <li>• Stage 4A Consultation Review (V1.0)</li> </ul> <p>The sponsor has provided a list of consultees in the Stage 4A Consultation Review V1.0 document (Annex A). The sponsor had honed the stakeholder (consultee) list as the ACP progressed. For consultation the sponsor had identified 52 consultees in total. The sponsor had selected a comprehensive and wide range of stakeholders including, low cost and heavy airlines, local GA airspace users, ANSPs and spaceports as well as internal MOD stakeholders. The breakdown of stakeholders is presented below:</p> <ul style="list-style-type: none"> <li>• 35 stakeholders from NATMAC</li> <li>• 4 local aviation stakeholders</li> <li>• 4 spaceports</li> <li>• 9 internal MoD stakeholders (facilitated by DAATM)</li> </ul> <p>The Consultation Review document explains the sponsor’s approach to reaching stakeholders using only email. Sections 1.2 – 1.5 of this document describes how ‘direct’ communication with the 52 stakeholders above was more likely to elicit response. So, the sponsor used emails (with a link to the Citizen Space platform, which had the consultation documents placed on it) and reminders to communicate the proposal and placed relevant consultation details on the Airspace Change Portal.</p>
B.1.2	Please provide a summary of responses below
	<p>The sponsor has provided a summary of responses in the Consultation Review document. Section 2 reflects on results and analysis of the consultation (but is not inclusive of the response from MoD, which they say is classed as ‘wider engagement’).</p> <p>Four responses were received in total. 2 survey responses were classed as aviation stakeholders, and one was from a NATMAC member. One response were received via email (MoD). A further email from Spaceport 1 was received (post-consultation), but classed as engagement. Section 2 of the Consultation Review document suggests that there is breakdown of responses by respondent. Instead, there is simply a list of stakeholders contacted. In fact, the raw data from the Citizen Space platform suggests 2 from the space industry (a spaceport and a launch operator) and one from an ANSP.</p>

Of those stakeholders, all supported the proposal. The sponsor then analysed those responses which impacted the final submission (section 3.2) and those which did not (section 3.3). There was only one response (from NATS) that impacted the final submission.

**NATS**

- Supports the principle of this ACP to support the safe segregation of military exercises from other airspace users.
- No mention of the FBZ- A requirement in order for MoD to contain activities.
- Assessment for FBZ are based on aircraft operating within SUA which may inadvertently leave this area (in particular those carrying out high energy manoeuvres).
- Whilst this is mentioned in the consultation document, NATS would seek details of activity used in the new danger area (in line with IAW CAP740, Appendix C).

**MoD (Collated by DAATM, representing MAUWG)**

- Formalising the airspace was a positive change that would further enhance understanding of the airspace used within the exercise to benefit air safety, whilst increasing exercise freedom of manoeuvre.
- Hebrides Range and the Air DAAM have expressed an interest in how the Exercise airspace would be booked and who would deconflict and prioritise a conflict between D701 and FJA bookings. They believe the solution is to liaise with Hebs Range as far in advance as possible (at least 6 months prior, preferably more) and book the airspace through the AMC.

**Shetland Space Centre (given anonymously)**

- The ACP will not affect SSC's airspace requirements and SSC planned to support the MoD wherever possible.
- Asked for direct (space) industry representation on NATMAC and at national level discussions regarding planned future airspace demands.
- Clarity was sought on who will be the nominated DAAM and assurances on safeguarding

**Spacehub Sutherland (Orbital Express Launch Limited), Given anonymously**

- Limited impact on spaceport activities expected, we support the proposed ACP
- Wanted to see clearly communicated timelines for FJA activation and co-ordination of spacehub activity

	<p><b>Engagement with Spaceport 1</b></p> <p>In previous rounds of engagement, Spaceport 1 was engaged with using a generic address, however on previous engagement for the Temporary Fastjets ACP process, the sponsor communicated directly with the director of operations who raised some issues. On 11 May 2023, correspondence was received from the Operations Manager from Spaceport 1, following a prompt to respond directly from the sponsor to address their concerns. The correspondence can be summarised in the following way:</p> <p><b>Sponsor (11 May 2023):</b></p> <ul style="list-style-type: none"> <li>• The sponsor highlights a concern raised by Spaceport 1 on the temporary ACP, administered by a predecessor of the current ACP team. The stakeholder requested ‘a bit of notice’ in order to manage launch operator’s expectations around launch times.</li> <li>• The sponsor says managing conflict of booking times 6 months, 1 month and 1 week prior to the exercise commencing was suggested in the final submission. The sponsor then gave potential dates for up and coming JTEPS activities in the immediate future.</li> <li>• The sponsor asked if the Operations Director would like to be the nominated email for notifications.</li> </ul> <p><b>Spaceport 1 (11 May 2023):</b></p> <ul style="list-style-type: none"> <li>• Agreed to the ‘pragmatic’ approach by the sponsor, and stated they were happy to act as the nominated email for correspondence.</li> <li>• Stated that since correspondence of the temporary ACP, the sponsor is focusing on suborbital launches and have more flexibility on launch times.</li> <li>• For transparency, the stakeholder cc’d the Local Authority Lead and the ACP lead for the Spaceport 1 ACP.</li> </ul> <p><i>Recommendation: The sponsor addresses the new correspondence with Spaceport 1 and the inconsistencies in reporting between the 3D Consultation Report and Consultation Review (with regards to making all consultees inclusive of reporting).</i></p>	
B.2	APPROACH	
B.2.1	Did the change sponsor consult stakeholders in a suitable way?	YES

	Yes, the sponsor’s approach to consultation is described in both the Consultation Strategy and the Consultation Review documents. The sponsor used email as the primary medium for communicating the consultation and used a questionnaire on the Citizen Space engagement platform (a mix of open and closed questions). In the Consultation Review document (Section 1.4), the sponsor describes why they chose to promulgate exclusively via email. The sponsor states that ‘direct’ communication with consultees was required because of the nature of the ACP purpose and the minimal impact expected. The Consultation Strategy and the Consultation Document describes how consultees could obtain consultation documents and tools in alternative formats, if requested.
B.2.2	What steps did the change sponsor take to encourage stakeholders to engage in the consultation?
	The sponsor sent several reminders out to stakeholders. Most stakeholders prior to Stage 3, would have also had awareness of the ACP and its intentions because of prior engagement on previous stages and existing stakeholder relationships impacting the current airspace constructs.
B.2.3	Was the change sponsor required to respond to any unexpected events and/or challenges?
	No, the consultation ran as expected within the expected timescales without event.
B.3	<b>MATERIALS</b>
B.3.1	What materials were used by the change sponsor during the consultation?
	<p>Materials were comprehensive and explained the proposal and it’s impacts fully and transparently. Information was relatively easy to follow for the intended audience. The following consultation materials were provided to all consultees.</p> <p><b>FOA:</b></p> <ul style="list-style-type: none"> <li>○ <b>Assessments</b> of environmental (CO2 emissions) and safety impacts (qualitative impact on flight safety)</li> <li>○ <b>Options Appraisals</b> for Options 0 (Do Nothing) and Option 1(including FJA(N) and FJA (S) into UK AIP</li> <li>○ Plans for the LoA- To deconflict the activation of local airspace.</li> <li>○ <b>Conclusions and a timeline.</b></li> </ul> <p><b>Consultation Document:</b></p> <ul style="list-style-type: none"> <li>○ A <b>Glossary</b> of terms</li> <li>○ An <b>introduction</b> including the purpose of the document, the scope of the consultation and the SoN.</li> <li>○ <b>Context-</b> A background to the proposal, clearly marked diagrams, dimensions, who the identified airspace users are and a rationale as to why the sponsor is including the FJA into the UK AIP.</li> <li>○ <b>The proposed options-</b> The two options are presented (Option 0- Do Nothing and Option 1 the option to include</li> </ul>

	<p>FJA(N) and FJA(S) into UK AIP; which is not clearly labelled. Their pros/cons are listed as well as how they perform against DPs. Operating principles are also provided alongside some details of what an LoA may look like based on a prior LoA.</p> <ul style="list-style-type: none"> <li>○ <b>A summary of the effect of the proposed options-</b> Traffic modelling, environmental impact, fuel burn analysis and reversal statement.</li> <li>○ <b>The consultation process-</b> Details of the consultation period, how to organise a virtual consultation outlining period of consultation is provided. This is followed by an explanation of what the consultation aims to achieve and how to respond. Contact details do not include the email address (as suggested in the strategy) Next steps post consultation are set out alongside a timeline.</li> <li>○ <b>Annex A-</b> A paper feedback form: This is meant to be a copy of the online form below attached to the consultation document. It asks for details of the respondent, whether they support the proposal, a request for an explanation of response, impact and other concerns/considerations. It's unclear how respondents can send this back.</li> </ul> <p><b>FAQ:</b></p> <ul style="list-style-type: none"> <li>○ A nine question and answer paper was supplied on the Citizen Space platform.</li> <li>○ Questions and answers about the construct ("What is being proposed?" "Why is segregation needed?") with diagrams provided.</li> </ul>	
B.3.2	Did the materials provide stakeholders with enough information to ensure that they understood the issue(s) and potential impact(s) on them?	YES
	Yes, as demonstrated above, the sponsor has clearly outlined the environmental and safety impacts via the FOA and the consultation document. Stakeholders were informed of next steps and what a potential LoA could contain as well.	
<b>B.4</b>	<b>LENGTH</b>	
B.4.1	Please confirm the start/end dates and the duration of the consultation below	
	The consultation lasted for 12 weeks between 7 December 2022- 24 February 2023. This afforded a good length of time for consultees to respond; and gave opportunity for new consultees to make representations.	
B.4.2	If duration was less than 12 weeks, what was the justification?	N/A
	n/a	
B.4.3	Was the period of consultation proportionate?	YES



	Yes. Although the consultation ran over the Christmas holiday period, the level of impact of the proposal was low and interest in the proposal was already demonstrably limited (from previous stages) audiences.	
<b>B.5</b>	<b>GENERAL</b>	
<b>B.5.1</b>	Was the conduct of the consultation aligned with the consultation strategy?	YES
	<p>Yes, the consultation aligned with the consultation strategy in the following ways:</p> <ul style="list-style-type: none"> <li>• <b>Timescales-</b> The consultation ran for the full 12 weeks at the time the sponsor said it would run.</li> <li>• <b>Communication and consultation method-</b> The sponsor emailed consultation materials as discussed.</li> <li>• <b>FAQ-</b> An FAQ was published and signposted in correspondence</li> <li>• <b>Online consultation-</b> The consultation was opened and closed on the times agreed on the consultation strategy.</li> <li>• <b>Audience-</b> The sponsor wrote to the stakeholders described in their consultation strategy. Spaceport 1 was targeted but did not response. On previous engagement for the Temporary Fastjets ACP process, the sponsor communicated directly with the director of operations. On this ACP, the sponsor wrote to a generic email address and did not receive response. On 11 May 2023, correspondence was received from the Operations Manager from Spaceport 1, following a prompt to respond directly from the sponsor (summarised above).</li> </ul>	
<b>B.5.2</b>	Has the change sponsor categorised the responses in accordance with CAP 1616?	PARTIALLY
	<p>The document “Stage 3D Categorisation of Responses” (V1.0) lays out how the sponsor categorised responses as influencing/not influencing the final design of the proposal. Here, the sponsor also added a category for ‘responses that did not change the final proposal’. They stated that this category applied to all responses that do not have the relevance to the final submission, either in terms of the overall airspace design future operation of the airspace itself or the nose impact or basing of military aircraft. Annexes A and B lays out the categorisation of responses and the MoD’s response.</p> <p>It does not appear that the MoD’s response (Annex B) was categorised. Also, it is unclear why a third category for ‘responses that did not change the final proposal’ was included. Such responses effectively fall in the list of responses that did not influence the final design of the proposal.</p> <p><i>Recommendation: The sponsor realigns the responses so they either did/did not change the final proposal.</i></p>	
<b>B.5.3</b>	Has the change sponsor correctly identified all of the issues raised during the consultation and accurately captured	YES

	them in the consultation response document?	
	<p>The sponsor has laid out their resolution to all issues raised during consultation in the Consultation Response Document.</p> <p><b>In response to NATS:</b> The sponsor has detailed the inclusion of a 5nm FBZ allowing for high energy manoeuvres in accordance with the Safety Buffer Polices for Airspace Design Purposes Segregated Airspace. Further to this, the sponsor’s draft LoA details the use of FLAs and the activation requirement of MOR CTA 12 and 13 to allow efficient air flow in and out of the Scottish TMA.</p> <ul style="list-style-type: none"> <li>• <b>In response to MoD (DAATM):</b> The sponsor explained that there is currently an extant LoA for the Hebrides Range, and in the Mil AIP, that covers the deconfliction between the two agencies, however an LoA at also confirms the responsibility of JTEPS and MAMC.</li> <li>• <b>In response to Shetland Space Centre (SSC):</b> Not applicable, as no objections raised, and proposal was fully supported.</li> <li>• <b>In response to Spacehub Sutherland:</b> The sponsor has agreed to notify Spacehub Sutherland to activity 6 months prior as 2 weeks, once the activity date is finalised.</li> <li>• <b>In response to Spaceport 1:</b> The sponsor has agreed to notify Spaceport 1 6 months, 1 month and 1 week prior to the activity, once the activity date is finalised.</li> </ul>	
B.5.4	Does the consultation response document detail the change sponsor’s response to the identified issues?	YES
	See above, the document has covered this.	
B.5.5	Is the change sponsor’s response to the issues raised appropriate/adequate?	YES
	Yes, the sponsor’s response is adequate and appropriate to what was being raised. The sponsor has closed most issues off by modifying the newest version of the extant LoA and agreeing notification timescales with spaceports.	
B.5.6	Is the formal airspace change proposal aligned with the conclusions of the consultation response document?	YES
B.5.7	Public Evidence Session Summary	N/A
<b>B.6</b>	<b>RECOMMENDATIONS/CONDITIONS/PIR DATA REQUIREMENTS</b>	
B.6.1	Are there any Recommendations which the change sponsor <b>should try</b> to address either before or after implementation (if approved)? If yes, please list them below.	

	<p><b>GUIDANCE NOTE:</b> Recommendations are something that the change sponsor <b>should try</b> to address either before or after implementation, if indeed the airspace change proposal is approved. They may relate to an area in which the change sponsor is reliant upon a third party to actually come to an agreement and consequently they do not carry the same 'weight' as a Condition.</p> <p>Address the issue of the way responses have been categorised as per B.5.2 of this document.</p>	
B.6.2	Are there any Condition(s) which the change sponsor <b>must fulfil</b> either before or after implementation (if approved)? If yes, please list them below.	N/A
	<p><b>GUIDANCE NOTE:</b> Conditions are something that the change sponsor <b>must fulfil</b> either before or after implementation, if indeed the airspace change proposal is approved. If their proposal is approved, change sponsors <b>must</b> observe any condition(s) contained within the regulatory decision; failure to do so <b>will usually</b> result in the approval being revoked. Conditions should specify the consequence of failing to meet that condition, whether that be revoking the ACP or some alternative.</p>	
B.6.3	Are there any specific requirements in terms of the data to be collected by the change sponsor for the Post Implementation Review (if approved)? If yes, please list them below.	
	<p><b>GUIDANCE NOTE:</b> PIR data requirements concerns any specific data which the change sponsor should be instructed to collate post-implementation, if indeed the airspace change proposal is approved. Please use this section to list any such requirements so that they can be captured in the regulatory decision accordingly.</p>	
	<p><b><u>STAKEHOLDER OBSERVATIONS</u></b></p> <p>The change sponsor is required to collate related stakeholder observations (enquiry/complaint data) and present it to the CAA. Any location/area from where more than 10 individuals have made enquiries/complaints must be plotted on separate maps displaying a representative sample of:</p>	

	<ul style="list-style-type: none"> <li>• aircraft track data plots; and</li> <li>• traffic density plots</li> </ul> <p>The plots should include a typical days-worth of movements from the last month of each standard calendar quarter (March, June, September, December) from each of the years directly preceding and following implementation of the airspace change proposal.</p>
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<b>PART C – Consultation Assessment Conclusion(s)</b>		
C.1	Does the consultation meet the CAA’s regulatory requirements, the Government’s guidance principles for consultation and the Secretary of State’s Air Navigation Guidance?	

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 proposals development. I am satisfied that these principles have been applied by the change sponsor before, during and after the consultation. I am also satisfied that the change sponsor has conducted this consultation in accordance with the requirements of CAP 1616, that they have demonstrated the Government’s consultation principles and that the consultation has:

- **Taken place when the proposal was at a formative stage** – The consultation document which proposed different possible options to achieve the need of the proposal, seeking the view of stakeholders on those different options and how any impact could be mitigated. Revisions were made by the sponsor on the LoA on account of stakeholder feedback.
- **Presented the consultation material clearly and outlined the potential impacts that needed to be considered** – The consultation documentation was written in way that could be understood by a reader without aviation knowledge or expertise. Military parlance was removed, acronyms and technical language were also explained in plain English. The consultation document was clear on the purpose of the proposal, with options explained in a comprehensive way with diagrams to illustrate points.
- **Provided a sufficient timeframe to allow considered responses** – evidenced by a consultation duration of 12 weeks, which is the accepted standard for consultation length outlined in CAP 1616. Considering that the consultees were already familiar the original construct and the corresponding LoA, the timeframe felt appropriate. Stakeholders were also familiar with the process, having been engaged at earlier stages in CAP1616 process and during the TDA in summer 2021.
- **Taken into account the product of the consultation** – evidenced by the sponsor correctly identifying and accurately capturing the issues raised by the consultees and revisions made to the final airspace design on account of stakeholder feedback, Specifically the sponsor has recognized the quantitative results supporting the proposal (all four respondents supported the proposal). The sponsor will also modify the LoA to address issues raised by MoD and NATS and give notification of activity in good time to spaceports (as a result of qualitative feedback).

**Level 2 ACP**

<b>PART D – Consultation Assessment sign-off</b>			
	<b>Name</b>	<b>Signature</b>	<b>Date</b>

Consultation assessment completed by Airspace Regulator (Engagement and Consultation)	[REDACTED]	[REDACTED]	6 June 2023
Consultation assessment conclusions approved by Manager Airspace Regulator	[REDACTED]	[REDACTED]	<b>8 June 2023</b>