

# CAA Decision Log

Airspace Change Proposal Title	Inclusion of Fast Jet Area (North) into UK AIP
Airspace Change Proposal Reference	ACP-2020-92
Change Sponsor	MoD
AIS Submission Target Date	9 June 2023
CAA Decision Target Date	2 June 2023

### Instructions

In providing a response to each question and/or status, the following colour coding should be used:

- COMPLIANT/NOT APPLICABLE
- NOT COMPLIANT/ACTION REQUIRED
- ISSUE/CONCERN TO HIGHLIGHT

### Executive Summary

The Change Sponsor sought an airspace solution that meets the requirements of Defence during Ex JOINT WARRIOR, a large scale multi-national military exercise that routinely takes place on a biannual basis. Over a number of years, this requirement was met utilising ‘Fast Jet Areas’ – segregated airspace that was published in the Military AIP but not in the UK AIP. In order for UK Danger Areas to comply with both the UK’s Airspace Modernisation Strategy (AMS) and Free Route Airspace (FRA), every danger area requires a “parent” danger area in the UK AIP in order for Flight Buffer Zones to be applied and thus enable FRA. The sponsor assessed that in an increasingly busy UK airspace, segregated airspace of a large enough size and in a suitable location would not exist after FRA implementation and extant solutions were untenable to deliver the required needs of Defence.

As a result, the sponsor raised a SoN to seek a solution that met a specific set of exercise requirements:

- Is within reach of Navy Forces, more specifically a Carrier Strike Group (with embarked 5th generation air systems) operating within Deep Water, which through the development of the scenario is likely to span hundreds of miles;

- Provides a sufficient mixture of overland and overseas areas which offers exercise planners flexibility to create more complex scenarios across both environments, for necessary littoral operations;
- Catered for kinetic and non-kinetic ranges within the area, which allows for necessary Air Land integration;
- Is of large enough size to accommodate representative operational numbers.

The airspace change process was used to consider opportunities against these criteria whilst ensuring the outcome was compatible with FRA. It also allowed the sponsor to consult new stakeholders such as space operators and launch sites on the proposed outcome.

If approved by the decision maker, implementation to include the FJA danger areas into the UK AIP is expected to occur at AIRAC 09/2023, implementation date Thu 7 Sep 2023.

#### PART A – Airspace Change Process - GATEWAYS

A.1	<a href="#">Airspace Portal Webpage</a>	
A.2	<a href="#">CAA SPO Site</a>	
A.3	<a href="#">Stage 1 DEFINE Gateway</a>	17/12/2021
A.4	<a href="#">Stage 2 DEVELOP &amp; ASSESS Gateway</a>	01/06/2022
A.5	<a href="#">Stage 3 CONSULT Gateway</a>	06/12/2022
A.6	<p>The change sponsor originally submitted a DAP1916 Statement of Need on 11 Nov 2020 and a revised SoN was submitted on 15 Jul 2021 which expanded the scope to include FJA(N) and FJA(s). An assessment meeting was successfully conducted on 10 August 2021 through MS Teams.</p> <p>In addition to ACP-2020-092, Ministry of Defence also submitted a SoN for an interim solution for FJAs to enable Ex JOINT WARRIOR prior to the permanent ACP being implemented (ACP-2021-051). This was raised on 24 Aug 2021 but subsequently withdrawn on 4 August 2022 due to cancellation of Ex JOINT WARRIOR that year.</p> <p>Gateways were passed in accordance with CAP1616 on the dates in A.3, A.4 and A.5. Stage 2 and 3 Gateways required</p>	


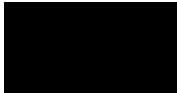
	<p>relatively minor follow up actions in order to pass, which the sponsor successfully achieved.</p> <p>The sponsor ran a 12-week consultation from 7 December 2022 to 24 February 2023. A limited number of stakeholder responses were received, although this would be expected due to the nature of the change proposal. The principal interested parties were NATS and spaceport stakeholders with some input from within MoD collated by DAATM.</p> <p>Originally stage 4B submission date was targeted for 17 Mar 2023, the sponsor requested a delay and submitted on 28 April 2023.</p> <p>Being a level M2, no DfT call-in window is required and the sponsor is seeking to implement at AIRAC 09/2023 with an implementation date of Thu 7 Sep 2023.</p>
A.7	<p><i>Are there any additional process requirements of the Civil Aviation Authority (Air Navigation) Directions 2017 (as amended) (the “Air Navigation Directions”) and/or the Air Navigation Guidance 2017 which apply to this airspace change, and have they been complied with?</i></p> <p>There are no extra process requirements for this ACP.</p>
<b>PART B – Airspace Change Process – STAGE 5</b>	
<b>B.1</b>	<b>Was a Public Evidence Session required for this proposal?</b> <span style="float: right;">N/A</span>
B.1.1	<i>PES does not apply to this ACP.</i>
<b>B.2</b>	<b>Were any requests made for this decision to be called-in by the Secretary of State?</b> <span style="float: right;">N/A</span>
B.2.1	<i>This is a Level M2 airspace change and is exempt from call-in.</i>
<b>B.3</b>	<b>Does the Secretary of State call-in criteria apply to this proposal?</b> <span style="float: right;">N/A</span>
B.3.1	<i>This is a Level M2 airspace change and is exempt from call-in.</i>
<b>B.4</b>	<b>Has the Secretary of State decided to call-in this proposal?</b> <span style="float: right;">N/A</span> <b>NOTE: if ‘Yes’ the content of this log concerns the recommendations linked to the ‘minded-to’ decision that has been presented to the Secretary of State.</b>

B.4.1	<i>This is a Level M2 airspace change and is exempt from call-in.</i>			
<b>B.5</b>	<b>Approval Status for SME Regulatory Assessments</b> <b>NOTE: this captures RAG status only – full details contained within each of assessment (hyperlinks inserted below)</b>			
<b>ATM Safety</b>	<i>APPROVED</i>	<b>Environmental</b>	<i>APPROVED</i>	
<b>Economic Assessment &amp; Statement</b>	<i>APPROVED</i>	<b>IFP</b>	<i>NOT APPLICABLE</i>	
<b>Engagement / Consultation</b>	<i>APPROVED</i>	<b>Operational</b>	<i>APPROVED</i>	
B.5.1	<p><i>Is there any other information outside of the regulatory assessments above which should be brought to the attention of the decision maker (e.g. outstanding Letters of Agreement)?</i></p> <p>The Sponsor has presented an acceptable draft (unsigned) version of “LETTER OF AGREEMENT FOR THE ACTIVATION OF EGD901 AND EGD713” defining the coordination, agreement and notification procedures for the use of EGD901 and EGD713 (formerly FJA(N) and FJA(S)).</p>			
<b>B.6</b>	<b>Other Relevant Documents (title and hyperlinks to be inserted)</b>			
	<a href="#">Consultation Review</a>	<a href="#">Categorisation of Responses</a>	<a href="#">Final Submission Document</a>	<a href="#">Final Options Appraisal</a>
	<a href="#">CAA Approved Aerodata Sheet</a>	<a href="#">Draft LoA (v1.1)</a>	<a href="#">Stage 5 Decide Assessments</a>	
<b>B.7</b>	<b>Has the relevant legal and policy framework to the airspace change process been taken into account, including:</b> <ul style="list-style-type: none"> <li>• the Air Navigation Directions;</li> <li>• the Airspace Modernisation Strategy;</li> </ul>			<b>YES</b>

	<ul style="list-style-type: none"> <li>• <b>section 70 of the Transport Act 2000;</b></li> <li>• <b>the Air Navigation Guidance 2017; and</b></li> <li>• <b>CAP 1616 and associated publications?</b></li> </ul>	
B.7.1	All relevant legislation as listed above has been taken into account and complied with. The proposal meets the objectives/ “ends” of CAP1711/AMS – primarily improving the safety of conducting a large multinational military exercise that meets the specific needs of the military in an area of transiting GAT. The CAP1616 process has been followed throughout.	
<b>B.8</b>	<b>CAA consideration of factors material to our decision whether to approve the change (Section 70 factors).</b> <b><u>NOTE:</u> the left column captures RAG Status only and the right column captures a summary of the rationale – full details will be contained within the regulatory decision document (CAP).</b>	
Safe operation of aircraft 70(2)(a)	The proposed change formalises two danger area structures to segregate military exercise activity from non-participating traffic, thereby contributing to the safe operation of aircraft. It is therefore assessed that the changes proposed in the ACP ‘maintain a high standard of safety in the provision of air traffic services’ iaw (S.70(1) Transport Act 2000).	
Efficient use of airspace and expeditious flow of air traffic 70(2)(a)	Whilst the change doesn’t represent a significant change to the structures previously used for Exercise JOINT WARRIOR, it formalises them in the context of free route airspace and has prompted the revision of the LoA which will be of benefit to all stakeholders. The LoA defines the coordination agreements that ensure a flexible and efficient use of airspace by civil and military users providing Level 2 and Level 3 ASM in accordance with CAP740.	
SoS guidance on environmental objectives 70(2)(d)	This ACP has been scaled as a Level M2, therefore the environmental priority is to reduce aircraft CO2 emissions in support of the objective to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions. The sponsor acknowledges that inclusion of the FJAs into UK AIP will have a negative environmental impact in a worst-case scenario. However, the airspace change is required to meet the sponsor’s military training objectives as stated in the Statement of Need and therefore the environmental costs are offset against the need to facilitate these joint tri-service training exercises in suitable and safe airspace.	
Satisfy requirements of aircraft operators/owners 70(2)(b)	The proposed change satisfies a safety requirement to maintain separation between military exercise traffic and other non-participating traffic. As a result of this non-participating GAT will be required to plan to route around the FJA danger areas when planned to be active. To minimise impact to non-participating (oceanic) traffic, limitations to the use of the danger areas have been proposed in the LoA,	

	with airspace management provided by the AMC.
Interests of any other person 70(2)(c)	The ACP has allowed the conversation between MoD and space ports to begin in order to ensure the flexible use of airspace with new entrants. It is anticipated that this coordination will continue as part of the ACP process for these new entrants.
Integrated operation of ATS 70(2)(e)	As a result of the change, the existing special use airspace will be captured within the UK AIP and will include a FBZ to account for the location within free route airspace.
Interests of National Security 70(2)(f)	The proposed airspace is solely used to safely facilitate a large-scale multinational military exercise, which in itself contributes to National Security.
International obligations 70(2)(g)	Nil.
<b>B.9</b>	<b>Conclusions in respect of requirement to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users is reflected on an equitable basis.</b> <b><u>NOTE:</u> this section only applies if the CAA is classifying or amending the classification of UK airspace.</b>
B.9.1	The proposed change seeks to establish SUA. The airspace classification remains unchanged.
<b>PART C – Stage 5 Recommendation</b>	
<b>C.1</b>	<b>Taking the above information into account, what is your recommendation to the decision-maker for this proposal?</b>
C.1.1	<i>Following a positive approval recommendation from Technical Regulator, Environmental Regulator, Economic Regulator and ATM Inspector, overall recommendation that the decision maker approves this proposal.</i>
<b>C.2</b>	<b>Are there any Recommendations and/or Conditions for the change sponsor to address prior to implementation (if approved)?</b>
	Y
C.2.1	<u>E&amp;C Recommendation</u> <i>In the post-consultation submission (categorisation), the sponsor realigns the consultation responses so they either did/did not change the final proposal and includes the response from MoD in analysis.</i>

	<p><u>Environmental Recommendations</u></p> <p>The sponsor should address the following recommendations before implementation of the ACP (if approved):</p> <ul style="list-style-type: none"> <li>• Update the traffic forecasts using the most up-to-date and credible, clearly referenced sources of data</li> <li>• Confirm the share of traded and non-traded emissions under the UK ETS applicable to the TAG assessment for CO2 emissions</li> <li>• Update the CO2 calculations and TAG assessment for CO2 emissions using this updated traffic forecast, share of traded and non-traded emissions considered, and using the most up-to-date version of the DfT's Greenhouse Gases Workbook</li> </ul>		
<b>C.3</b>	<b>Are there any specific requirements in terms of the data to be collected by the change sponsor for the Post Implementation Review (if approved)?</b>		<b>Y</b>
C.3.1	<p>The sponsor should collect the following data for the Post Implementation Review (if approved):</p> <ul style="list-style-type: none"> <li>• Number, timings, and duration of FJA(N) and FJA(S) activations</li> <li>• Number, type, and trajectories of aircraft rerouting around the FJAs</li> <li>• A re-assessment of fuel burn and CO<sub>2</sub> emissions using TAG with actual data if any of the 'worst case' assumptions considered in the assessment presented in the final submission have been exceeded after implementation of the ACP</li> </ul>		
<b>C.4</b>	<b>Are any other consents and approvals needed in order to permit the intended operation (title and hyperlinks to be inserted)?</b>		
<b>C.5</b>	<b>Are there any other comments/observations for the decision maker?</b>		<b>N</b>
C.5.1	<i>No external comments or communications regarding this airspace change proposal have been received.</i>		

PART D – Draft Regulatory Decision – Comment (for Level 1 Airspace Change Proposal’s only)			
<b>D.1</b>	<b>Was a Draft Regulatory Decision published for this proposal?</b>		Y/N/N/A
<i>If applicable, insert narrative providing a summary.</i>			
<b>D.2</b>	<b>Was any feedback received in relation to the Draft Regulatory Decision?</b>		Y/N/N/A
<i>If applicable, insert narrative providing a summary (numbers and themes) of the feedback received.</i>			
<b>D.3</b>	<b>Has the Draft Regulatory Decision been amended in light of feedback received?</b>		Y/N/N/A
<i>If applicable and answer ‘no’ insert narrative to confirm that the draft regulatory decision is the final regulatory decision.</i>			
<i>If applicable and answer ‘yes’, insert narrative to indicate what the amendments are and why, setting out the terms of the final regulatory decision and the reasons for it.</i>			
PART E – Final Regulatory Decision – Comment/Approval			
[Delete signatory rows below dependent on Decision Maker]			
Technical Regulator / Account Manager			8 June 2023
<b>Manager Airspace Regulation comments and regulatory decision:</b>			
<p>Within this proposal the MoD has set out a demonstrable requirement for this Airspace Change Proposal (ACP). Through the establishment of Danger Areas this proposal formalises a previous airspace sharing arrangement that facilitated critical complex military training. Through a separate ACP, Free Route Airspace (FRA) has recently been introduced in Scotland, the introduction of which was critical to the upgrading of UKs Airspace infrastructure. However, that change rendered the previous sharing arrangements unsuitable. This ACP looks to therefore address the MoDs requirement to facilitate complex military training within this new environment.</p> <p>Whilst only one design option was presented within the ACP, this is both logical and reflective of the specific requirements of the complex MoD training need. Significantly however, the impact of this proposal is environmentally negative. It is noted the</p>			



environmental analysis presented within the final submission was reflective of that provided earlier in the ACP process and may not have utilised the most recently published data and forecasts. Had this data been used this may have result in a different identified environmental benefit/disbenefits. The actual effect of an environmental disbenefit however is balanced against the fact this ACP reflects the formalisation of previous existing arrangements which enabled this activity to occur in the first instance prior to the introduction of FRA. In addition, this ACP is highlighted as having significant importance with regard to supporting National Security. Furthermore, this ACP maintains a high standard of safety and employs flexible use of airspace processes to maximise the efficient use of the airspace. On balance therefore I approve this ACP and the recommendations noted above which are aimed at improving transparency related to the change

Manager Airspace Regulation	[REDACTED]	[REDACTED]	8 June 2023
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