


CAA assessment of the criteria for call-in by the Secretary of State of the CAA's December 2022 'Consideration of the Removal of Doncaster Sheffield Airport Airspace' airspace change proposal

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Chapter 1

Background

Introduction

- 1.1 Doncaster Sheffield Airport (DSA) informed the CAA that they intended to suspend certain operations including air traffic service (ATS) provision at 1500UTC 18 November 2022. As a result, the aerodrome information (AD2), controlled airspace (CAS) for which DSA is the nominated unit providing service, the DSA air traffic zone (ATZ) and associated procedures that were managed by DSAATC/Operations currently have no operator either managing them or responsible for their safe operation. The airspace structures are currently notified as not in use; however, the UK's international obligations do not permit that temporary situation addressing safety to continue. Therefore, the CAA is sponsoring an ACP ("Consideration of the Removal of Doncaster Sheffield Airport airspace", ACP reference ACP-2022-082) to consider options for the management of these airspace structures which options include the safe removal from the UK aeronautical information publication (AIP) of the airspace for which DSA is the nominated unit providing service (hereafter called the "Consideration of the Removal of DSA, EGCN Proposal"). The options also include another certified air navigation service provider (ANSP), subject to approval by the CAA, managing all or part of the current published construct.
- 1.2 The CAA opened the call-in window for Consideration of the Removal of DSA, EGCN Proposal on 18th May 2023 which was closed on 19th June 2023. No further updates to the airspace change proposal were submitted by the CAA before the deadline for call-in requests of 19 June 2023. The CAA received call-in requests on 24th May 2023 and 19th June 2023 (hereafter called the "relevant call-in requests"). The CAA initiated the call-in assessment for Consideration of the Removal of DSA, EGCN Proposal on 19th June 2023.
- 1.3 The Secretary of State has given the CAA Directions under their powers in sections 66, 68 and 104 Transport Act 2000. The previous version of the Directions were dated 2017 (and amended several times). On 1 April 2023 replacement Secretary of State Directions came into force. In the CAA's view the version of the Directions in force at the time of the relevant decision should be applied. The relevant decision is the Secretary of State's decision whether the call-in criteria give the Secretary of State a discretion to call-in this proposal for decision by them (and, if so, whether to exercise that discretion). Therefore,

the CAA's view is that the 2023 Directions are the set of Directions relevant to this CAA advice¹.

- 1.4 The Civil Aviation Authority (Air Navigation) Directions 2023 (“**the 2023 Directions**”) Direction 6(2) require the CAA to provide an assessment of whether the CAA considers the proposal meets one or more of the call-in criteria set out in Direction 6. Direction 6(3) requires the CAA to take account of any guidance the Secretary of State has given to the CAA when doing so. This report represents the CAA's assessment of the call-in criteria as they apply to the Consideration of the Removal of DSA, EGCN Proposal, and will be provided to the Secretary of State (SofS) to inform their decision whether they have a discretion to exercise to call-in the proposal for decision by themselves rather than the CAA.
- 1.5 The remainder of this chapter outlines the relevant Directions and Guidance given to the CAA. Chapter 2 sets out the CAA's assessment of each of the call-in criteria and Chapter 3 gives the CAA's overall assessment of whether any of the call-in criteria are met such that a discretion for the SofS to call in the Consideration of the Removal of DSA, EGCN Proposal arises.

Relevant Directions and Guidance

The 2023 Directions contain the primary definition of the call-in criteria and the exceptions which the CAA must consider in this assessment. Direction 6(7) states: For the purpose of this direction, the “call-in criteria” are that the proposed change

(a) is of strategic national importance,

(b) could have a significant impact (positive or negative) on the economic growth of the United Kingdom,

(c) could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life

(The 2017 Directions also included criteria (d) which stated:

Could lead to any volume of airspace classified as Class G being reclassified as Class A, C, D, or E)

Direction 6(9) states: This direction does not apply to a proposal which is –

¹ One material difference between the 2017 and 2023 Directions is that Call-in criteria (d) has been removed (and is no longer a call-in criteria in the 2023 Directions). For completeness the CAA has also considered whether previous criteria (d) is met.

- (a) submitted by, or on behalf of, the MoD,
 - (b) directly related to a planning decision which had already been determined by the Secretary of State,
 - (c) directly related to a planning decision made by the Secretary of State or another planning authority which involved detailed consideration of changes to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal
- Direction 6(8) states:
- For the purpose of assessing whether the requirement in paragraph 7(c) is met, the CAA shall-
- a. consider the largest noise increase expected in the 10 years following the anticipated implementation date of the proposed airspace change, and
 - b. identify whether any worsening of health and quality of life measurement is anticipated as a result of the airspace change.

- 1.6 The Secretary of State's Air Navigation Guidance 2017, providing guidance to the CAA on its environmental objectives when carrying out its air navigation functions and to the CAA and wider industry on airspace and noise management 2017, published in October 2017, states the following (which the CAA has applied as if it refers to the 2023 Directions):

6.7 In accordance with the call-in criteria as set out in the Air Navigation Directions 2017, the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.

- 1.7 The statutory guidance (version 1.2, dated October 2019²) which the 2023 Directions require the CAA takes into account when undertaking a call-in assessment is hereafter referred to as "the Guidance" and is set out below:

² Available on the CAA website at [Secretary of State call in process | Civil Aviation Authority \(caa.co.uk\)](#)

Call-in criterion (a) – Strategic national importance

10. The proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the **overall** delivery of one or more of the following government policies only:

- I. **an Airports National Policy Statement (NPS)**, for example, if the CAA considers that a proposed airspace change could prevent the successful delivery of on-going or future airspace changes that could increase future capacity as agreed in that NPS;
- II. **maintaining UK national security**, for example, a proposal that the CAA has been advised by the Ministry of Defence or another government department might have a national security impact on the operations of a site of critical national infrastructure, such as a nuclear installation or prison;
- III. **the UK's Industrial Strategy as it relates to space ports**, but only where a proposal establishes the airspace needed for operations from the first space ports designed for sub-orbital use and vertical launchers, and which therefore sets the precedent for future design and airspace change decisions;
- IV. **airspace zones specifically linked to the UK policy on the safe use of drones in the UK**, but only in respect of the first proposal to establish the airspace needed for the use of drones commercially (i.e. excluding testing) and which therefore sets the precedent for future design and airspace change decisions.

11. The DfT will notify the CAA at the point it no longer needs to take one or more of the bullet points in paragraph 10 into account.

Call-in criterion (b) – Could have a significant impact (positive or negative) on the economic growth of the United Kingdom

12. A proposal would have such an impact if it were directly linked to a plan to increase capacity at an airport or airports by more than 10 million passengers a year.² This is the passenger threshold used for an airport to be classed as a Nationally Significant Infrastructure Project.

² This will only apply where the SofS has not already reviewed the change through a planning procedure, as per exception II(a)

Call-in criterion (c) – Could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life

13. To enable this criterion to be assessed, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes either (a) an assessment of whether the 54 dB LAeq 16hr test set out in criterion c is met, based on satisfactory noise modelling, or (b) where agreed with the CAA, other satisfactory evidence demonstrating that the anticipated change in noise impacts will not meet this criterion.
14. The Air Navigation Guidance 2017 (section 6.7) states that “the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.” This assessment must be made for all proposals submitted to the CAA for decision after 1 January 2018³, including those that are being considered under CAP 725 and against the Air Navigation Guidance 2014.
15. This criterion⁴ concerns proposals that have both “a change in noise distribution ... **and** ... an identified adverse impact on health and quality of life”. For the purposes of this assessment, the CAA should consider whether any proposal leading to the specified change in noise distribution in criterion (c) will consequently have “an identified adverse impact on health and quality of life” and therefore will meet this criterion.

Call in Criterion (d) (now removed and no longer in 2023 Directions): Could lead to any volume of airspace classified as Class G being reclassified as Class A, C, D, or E

16. A proposal would meet this criterion if it desired to reclassify a portion of Class G airspace into either Class A, C, D or E. To help with the determination of such proposals, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes full details on: (a) what engagement it has undertaken with airspace users who may be affected; and (b) the actions it is proposing to mitigate any concerns which may have been raised during this engagement

³ Direction 6(6)(d)

⁴ Direction 6(6)(d)

Exceptions

17. Direction 6(6) specifies the following exceptions from the call-in process:

I. **a proposal which is submitted by, or on behalf of, the Ministry of Defence (MoD)**. This would include a proposal jointly submitted with a civilian sponsor;

II. **a proposal directly related to a planning decision:**

a. which has already been determined by the SofS; or

b. made by another planning authority which involved detailed consideration of changes to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal.

18. In the case of a proposal that is subject to an exception under paragraph 16 *[sic]* above, the CAA is requested to provide its views as to why the exception applies and no detailed assessment of the call-in criteria against the proposal is required.

Chapter 2

CAA's assessment of the call-in criteria

- 2.1 In this chapter, the CAA sets out its assessment of the various call-in criteria as they pertain to the Consideration of the Removal of DSA, EGCN airspace change proposal.
- 2.2 It must first be ascertained whether the airspace change falls into any of the exception categories from 2023 Directions, Direction 6(9), since if it does then – irrespective of other considerations – no detailed assessment of the other call-in criteria needs to be made. If the proposal does not appear to fall into any of the exceptions, then it must be assessed against the four call-in criteria from 2023 Directions, Direction 6(7).

Exceptions

- 2.3 Direction 6(9) states the conditions under which a proposal is exempted from call in. The proposal is exempted if it is:
- Submitted by, or on behalf of, the MoD,
 - Directly related to a planning decision which had already been determined by the Secretary of State, or
 - Directly related to a planning decision made by another planning authority which involved detailed consideration of changes made to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal, or
- 2.4 **Submitted by, or on behalf of, the MoD:** the Consideration of the Removal of DSA, EGCN Proposal was sponsored by the CAA, and makes no mention of the proposed changes being made jointly with or on behalf of the MoD. Therefore, the CAA's assessment is that this exception is not met.
- 2.5 **Directly related to a planning decision already determined by SofS:** the CAA is not aware of any planning decision already determined by the SofS to which the Consideration of the Removal of DSA, EGCN Proposal is directly related. Nor is there any mention of such in the Consideration of the Removal of DSA, EGCN Proposal. Therefore, the CAA's assessment is that this exception is not met.
- 2.6 **Directly related to a relevant planning decision by another authority:** the CAA is not aware of any planning decision already determined by any other body to which the Consideration of the Removal of DSA, EGCN Proposal is directly related in the manner specifiedⁱ. Nor is there any mention of such in the

Consideration of the Removal of DSA, EGCN Proposal. Therefore, the CAA's assessment is that this exception is not met.

- 2.7 From the analysis above, the Consideration of the Removal of DSA, EGCN Proposal does not meet any of the conditions required to be an exception. The CAA has therefore considered each of the call-in criteria set out in the Directions 5(5).
- 2.8 The following sections will examine each of these criteria in turn.

Of strategic national importance

- 2.9 Direction 6(7)(a) states that an airspace change proposal shall meet one of the call-in criteria if it is of strategic national importance.
- 2.10 The Guidance provided to the CAA states that a proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the overall delivery of one or more of the following government policies only:
- an Airports National Policy Statement (NPS)
 - maintaining UK national security
 - the UK's Industrial Strategy as it relates to space ports
 - airspace zones specifically linked to the UK policy on the safe use of drones in the UK
- 2.11 **An Airports NPS:** The Government's only Airports NPS was formally designated by the Secretary of State on 26 June 2018. Paragraph 1.12 of the Airports NPS³ states, "The Airports NPS provides the primary basis for decision making on development consent applications for a Northwest Runway at Heathrow Airport, and will be an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England." The purpose of the proposed airspace change as stated above does not relate to increased capacity in the South-East of the UK and therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.
- 2.12 **Maintaining UK national security:** the CAA has not been advised by the Ministry of Defence or any other government department that the Consideration of the Removal of DSA, EGCN Proposal might have a national security impact on the operations of a site of critical national infrastructure and hence there is no

³ Department for Transport (2018): Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England'[\(link\)](#)

mention of such in the Consideration of the Removal of DSA, EGCN Proposal. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.

- 2.13 **Space ports:** the Consideration of the Removal of DSA, EGCN Proposal makes no mention of the proposed changes being made in relation to space ports and we are not aware that it is in relation to space ports. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this industrial strategy and therefore this condition is not met.
- 2.14 **Airspace zones for safe use of drones:** the Consideration of the Removal of DSA, EGCN Proposal makes no mention of the proposed changes impacting airspace zones for the safe use of drones and we are not aware that the proposal will impact such zones. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of the UK policy on the safe use of drones and therefore this condition is not met.
- 2.15 Since the CAA's assessment is that none of the above conditions have been met by the Consideration of the Removal of DSA, EGCN Proposal, our assessment is that the strategic national importance criterion is not met.

A significant impact (positive or negative) on the economic growth of the United Kingdom

- 2.16 Direction 6(7)(b) states that an airspace change proposal shall meet one of the call-in criteria if it could have a significant impact (positive or negative) on the economic growth of the UK.
- 2.17 Despite the wording of the criteria in the Directions, the Guidance, which the CAA is directed (under Direction 6(3)) to take account of when assessing whether the proposal meets one or more of the call-in criteria (under Direction 6(2)), provided to the CAA states that a proposal would have such an impact if it were directly linked to a plan to increase capacity at an airport or airports by more than 10 million passengers a year.
- 2.18 The Consideration of the Removal of DSA, EGCN Proposal does not mention that it is associated with any increase in passengers served by the airport. In the CAA's view the Consideration of the Removal of DSA, EGCN Proposal is not directly linked to a plan to increase capacity by more than 10 million passengers a year.
- 2.19 CAA Airport Statistics for the DSA in 2022 show 15,847 total movements with approximately 1 million passengers. Annual Report and Financial Statements of

the DSA⁴ (hereafter called the “DSA Strategic Report”) for the financial year ended 31 March 2022 shows 119% increase in passenger numbers, from 184,141 to 403,896 due to pandemic restrictions easing even though the airport was disrupted significantly from diminished consumer demand when compared to a normal pre-pandemic year. It is stated in the DSA Strategic Report for the year ended 31 March 2022 that whilst passenger traffic improved due to lessened impact of the pandemic, air freight activity at DSA diminished from the record levels observed in the financial year ended March 2021; tonnage carried in 2022 was 17,815 down from 28,540 in 2021. According to the same report, total revenue of the DSA increased, by 38% in 2022 compared to the previous year, from £6.1million to £8.4million which is mainly due to higher passenger demand that is compensated by the lower freight volume and the absence of aircraft parking opportunities in the previous year as a result of pandemic restrictions. According to the DSA Strategic Report⁵ for the financial year ended 31 March 2018 passenger numbers increased from 1,236,691 to 1,240,618 from the previous year.

- 2.20 The CAA is aware e.g., from relevant call-in requests that there are stakeholder concerns that the proposal will have a negative impact on the economic growth of the local/regional economy, mainly due to the effects on regional employment. The Guidance does not guide the CAA to consider negative impact on economic growth when assessing whether this criterion is met. However, the CAA notes that the Consideration of the Removal of DSA, EGCN Proposal, if approved, would not have any direct impact (positive or negative) on the economic growth of the UK or of the regional economy in the vicinity of the airport: any impact is a result of the surrender by the operator of the airport licence and withdrawal of the provision of air traffic services by the former airport operator. In the event a new operator was identified and underwent a licensing process and looked to provide air traffic services, it does not follow that a similar construct of airspace would be required; the airspace is designed to support the specific nature of the intended operations. The CAA notes that these circumstances do not cause a reduction in capacity of 10 million passengers (based on the numbers of passengers using the airport both before the pandemic and afterwards). The CAA's assessment is that this criterion is not met.

⁴ Doncaster Sheffield Airport Limited Annual Report and Financial Statement for the Year ended 31 March 2022: [application-pdf](#)

⁵ Doncaster Sheffield Airport Limited Annual Report and Financial Statement for the Year ended 31 March 2022: [application-pdf](#)

A change in noise distribution and an identified adverse impact on health and quality of life

- 2.21 Direction 6(7)(c) states that an airspace change proposal shall meet one of the call-in criteria if it could both lead to a change in noise distribution resulting in 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.
- 2.22 Direction 6(8) directs the CAA, when assessing whether this criterion is met to (a) consider the largest noise increase expected in the 10 years following the anticipated implementation date of the proposed airspace change, and (b) identify whether any worsening of health and quality of life measurement is anticipated as a result of the airspace change.
- 2.23 The Guidance provided to the CAA states that to enable this criterion to be assessed, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes either (a) an assessment of whether the 54 dB LAeq 16hr test set out in criterion c is met, based on satisfactory noise modelling, or (b) where agreed with the CAA, other satisfactory evidence demonstrating that the anticipated change in noise impacts will not meet this criterion. The CAA is the sponsor of this change. The CAA has not produced noise contours (in accordance with (a)) because due to the nature of the proposed change the CAA has concluded that there is sufficient evidence that the proposal will not increase the number of people subjected to a noise level of at least 54 dB LAeq 16hr or have an identified adverse impact on health and quality of life.
- 2.24 The Consideration of the Removal of DSA, EGCM Proposal does not intend to introduce an increase in existing traffic levels. The nature of the proposed change is unlikely to alter noise exposure, exposing new people to noise levels of more than 54dB LAeq 16hr. Therefore, the CAA concludes that the proposed change would not lead to a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr, and there is no requirement to assess whether the airspace change proposal has an identified adverse impact on health and quality of life. Therefore, the CAA's assessment is that this criterion is not met.

Class G airspace being reclassified as Class A, C, D, or E

- 2.25 The proposal is not proposing to establish controlled airspace (Class A, C, D, or E) by reclassifying Class G. Therefore, the CAA's assessment is that this criterion is not met.

Chapter 3

CAA's overall assessment

- 3.1 The CAA has assessed the Consideration of the Removal of DSA, EGCN Proposal against the call-in criteria in the Directions, taking account of the DfT's Guidance, and assessed that it does not meet any of the exceptions in the 2017 Directions, and also does not meet any of the call-in criteria. Therefore, the CAA's overall assessment is that in accordance with the terms of Directions and taking into account the Guidance, a discretion for the Secretary of State to call in the Consideration of the Removal of DSA, EGCN Proposal for decision by themselves rather than the CAA does not arise.
- 3.2 In accordance with the terms of the Directions, it is a decision for the Secretary of State whether they agree with the CAA's assessment and conclusions, or whether they agree with the CAA's conclusion but for different reasons or whether they reach a different conclusion.

ⁱ The CAA notes that Doncaster City Council has stated an intention to apply for compulsory purchase of the airport in certain circumstances. However, no proceedings are ongoing at the time of this assessment.