

CAA Decision Log

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| Airspace Change Proposal Title | Enabling RPAS and RAF Aerobatics Team Operations Out of RAF Waddington |
| Airspace Change Proposal Reference | Ministry of Defence |
| Change Sponsor | ACP-2019-18 |
| AIS Submission Target Date | 1 September 2023 |
| CAA Decision Target Date | 31 August 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 original intent of this ACP was to establish suitable airspace structures in the vicinity of RAF Waddington to enable the operation of the RAF's new large remotely piloted air system (RPAS), known as Protector, from the unit. Protector is expected to enter Service with the RAF with an approved capability to operate beyond visual line of sight (BVLOS) in controlled airspace (CAS); however, it is not expected to have an approved detect and avoid (DAA) capability that could enable the potential for operating BVLOS in class G airspace. Therefore, as RAF Waddington sits in class G airspace, suitable airspace structures are necessary to enable the transit of Protector through the class G airspace into nearby CAS, requiring the proposed airspace structures to adjoin existing CAS.

During stage 2 of the ACP process, it was agreed that the MOD could amalgamate the emergent requirement of a new training location for the RAF aerobatic team (RAFAT), the Red Arrows, into this ACP. A process to achieve this, while remaining in-process of CAP1616, was agreed and completed during stage 2 with Gateway sign-off.

The proposal developed and evolved during the ACP process, in response to stakeholder feedback and to the inclusion of the RAFAT requirement, and now consists of a proposal to introduce 2 danger area (DA) structures, one 'low airspace' DA from SFC to FL105 and one

'medium airspace' DA from FL105 to FL195. The low airspace DA will need to be activated by NOTAM to enable RAFAT training sorties and both DAs will need to be activated by NOTAM to enable the operation of Protector and its transit into nearby CAS. In addition, the Sponsor seeks dispensation from the CAA's SUA Buffer Policy to enable operation of Protector in both the low and the medium airspace structures.

A number of LoAs associated with the proposal are at a mature stage of development but remain to be finalised.

The recommendation of the SME assessment team is that the proposal is approved for notification of the two DAs; however, approval for activation of the DAs should be conditional upon the Sponsor finalising the outstanding LoAs. In addition, the SME team recommend the request for dispensation from the SUA Buffer Policy be approved in full.

Implementation of the proposed DAs is planned to be completed through AIRAC 12/2023, which has an AIS submission deadline of 1st September 2023 and becomes effective 30th November 2023.

PART A – Airspace Change Process - GATEWAYS

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| A.1 | CAA Airspace Change Portal Link: Airspace change proposal public view (caa.co.uk) | |
| A.2 | CAA SPO Link: Enabling Remotely Piloted Air System Operations Out of RAF Waddington - Project - All Documents (sharepoint.com) | |
| A.3 | Stage 1 DEFINE Gateway | 31/01/2020 |
| A.4 | Stage 2 DEVELOP & ASSESS Gateway | 28/04/2022 |
| A.5 | Stage 3 CONSULT Gateway | 23/08/2022 |
| A.6 | <p>7 March 2019 – SoN v1 uploaded to SPO and ACP initiated.</p> <p>23 May 2019 – Assessment Meeting (AM) held at Aviation House.</p> <p>6 June 2019 – AM Minutes and initial timeline agreed and published to ACP Portal.</p> <p>24 July 2019 – Define Gateway delayed from September 2019 to January 2020.</p> <p>7 January 2020 – Stage 1 Define documents submitted by Sponsor.</p> | |

31 January 2020 – Stage 1 Define Gateway approved to progress.

1 April 2020 – Impact of global COVID pandemic on the conduct of stakeholder engagement considered.

6 July 2020 – Stage 3 Consult Gateway target date amended; overall timeline and target AIRAC remain unchanged.

25 November 2020 – Timeline amended; Stage 2 Develop & Assess delayed from December 2020 to March 2021.

29 January 2021 – Timeline amended; Stage 2 Develop & Assess delayed from March 2021 to April 2021. Further stages adjusted to suit and target AIRAC slipped from 01/2023 to 02/2023.

16 February 2021 – Timeline further amended to deconflict engagement activity for this ACP from that required for the visit of the SkyGuardian RPAS, which took place in Summer 2021; Stage 2 Develop & Assess delayed to June 2021.

23 April 2021 – Timeline amended again to delay Stage 2 Develop & Assess to August 2021; no other changes required.

30 July 2021 – Possible requirement to integrate RAFAT requirements into this ACP highlighted by Sponsor.

15 October 2021 – Meeting to discuss integration of RAFAT requirement into this ACP within CAP1616 process.

4 November 2021 – Timeline updated to allow work to be completed to integrate the RAFAT requirements into this ACP; Stage 2 Develop and Assess Gateway delayed to January 2022, decision delayed to February 2023 and implementation through AIRAC 05/2023.

17 November 2021 – SoN v2, amended to include the requirement to facilitate RAFAT training at RAF Waddington, agreed and published to the CAA ACP Portal.

14 January 2022 – Document submission for Stage 2 Develop and Assess Gateway.

28 January 2022 – Submission unsuccessful at Stage 2 Develop and Assess Gateway first attempt due to a number of process issues, including a lack of a defined 'Do-Nothing' option, no traffic forecast or indication of likely noise impact and no discounting mechanism or shortlisting of the options presented.

21 February 2022 – Timeline amendment approved to include second attempt at the Stage 2 Develop and Assess Gateway in April 2022, Decide delayed to July 2023 and implementation to AIRAC 12/2023.

14 April 2022 – Document submission for second attempt at Stage 2 Develop and Assess Gateway.

28 April 2022 – ACP approved to progress through Stage 2 Develop and Assess Gateway at second attempt.

29 July 2022 – ACP withdrawn from the July Consult Gateway due to CAA AR staff sickness impacting assessment.

23 August 2022 – Ad-Hoc Stage 3 Consult Gateway meeting conducted as a result of the CAA AR-led withdrawal from the planned July 2022 Gateway due to staff sickness. The outcome of this Gateway was a Decision Pending, which required a number of actions and recommendations to be completed by the Sponsor.

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| | <p>6 September 2022 - ACP was approved to progress through this Gateway and for the formal consultation to proceed.</p> <p>7 September 2022 – Formal Consultation opened.</p> <p>30 November 2022 – Formal Consultation closed.</p> <p>8 March 2023 – Step 3D Categorisation of Consultation Responses submitted by Sponsor.</p> <p>6 April 2023 – Step 3D Categorisation completed.</p> <p>11 April 2023 – Stage 4 formal submission documents received for Stage 5 Decide.</p> <p>18 April 2023 – Formal submission document check complete. Assessment period commenced.</p> <p>27 June 2023 – Sponsor informed of requirement to delay formal decision relating to this ACP due to prioritisation of resource within CAA AR. Decision was originally expected 31 July 2023, with an AIS submission deadline of 1 September 2023. Revised formal decision date 31 August, intended to allow AIS submission as planned 1 September.</p> | |
| A.7 | <p><i>Are there any additional process requirements of the Civil Aviation Authority (Air Navigation) Directions 2023 (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> | |
| A.7.1 | <p>No.</p> | |
| <p>PART B – Airspace Change Process – STAGE 5</p> | | |
| B.1 | <p>Was a Public Evidence Session required for this proposal?</p> | <p>N/A</p> |
| B.1.1 | <p>This airspace change proposal is sponsored by the MOD and, as such, no public evidence session was required.</p> | |
| B.2 | <p>Were any requests made for this decision to be called-in by the Secretary of State?</p> | <p>N/A</p> |
| B.2.1 | <p>This airspace change proposal is sponsored by the MOD and, as such, is not in scope for call-in by the Secretary of State.</p> | |
| B.3 | <p>Does the Secretary of State call-in criteria apply to this proposal?</p> | <p>N/A</p> |
| B.3.1 | <p>This airspace change proposal is sponsored by the MOD and, as such, is not in scope for call-in by the Secretary of State.</p> | |

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| B.4 | Has the Secretary of State decided to call-in this proposal? 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. | | | N/A |
| B.4.1 | This airspace change proposal is sponsored by the MOD and, as such, is not in scope for call-in by the Secretary of State. | | | |
| B.5 | Approval Status for SME Regulatory Assessments NOTE: this captures RAG status only – full details contained within each assessment (hyperlinks inserted below) | | | |
| | ATM Safety | <i>APPROVED¹</i> | Environmental | <i>APPROVED</i> |
| | Economic Assessment & Statement | <i>APPROVED</i> | IFP | <i>NOT APPLICABLE</i> |
| | Engagement / Consultation | <i>APPROVED</i> | Operational | <i>APPROVED</i> |
| B.6 | 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)? | | | |
| B.6.1 | A number of LoAs have been provided in the final submission by the Sponsor in mature draft form. These LoAs must be finalised prior to the commencement of RAFAT and Protector flying operations from RAF Waddington. It is therefore considered appropriate that the ACP is approved for implementation through the target AIRAC cycle, with approval for activation of the structures withheld pending completion of the LoAs. | | | |
| B.7 | Other Relevant Documents (title and hyperlinks to be inserted) | | | |
| | Stage 5 Operational Assessment | Stage 5 Environmental Assessment | Stage 5 Consultation Assessment | Stage 5 Final Options Appraisal Assessment |
| | Special Use Airspace - Safety Buffer Policy for Airspace Design | Safety Buffer Policy Dispensation Application | ATM Oversight Approval¹ | |
| | 1. Due to the nature of the airspace change, and the lack of impact to the ATM network, a full ATM Regulatory Assessment was considered disproportionate. An ATM oversight review confirmed there were no objections to the safety assessments as submitted. | | | |

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| <p>B.8</p> | <p>Has the relevant legal and policy framework to the airspace change process been taken into account, including:</p> <ul style="list-style-type: none"> • the Air Navigation Directions 2023; • the Airspace Modernisation Strategy; • section 70 of the Transport Act 2000; • the Air Navigation Guidance 2017; and • CAP 1616 and associated publications? | <p>Y</p> |
| <p>B.8.1</p> | <p>The formal submission prepared by the Sponsor provides information that is considered to appropriately address the relevant policy and legal framework.</p> <p>This proposal is for a permanent change to the notified airspace design through the introduction of two DA structures, as well as dispensation from the CAA’s SUA Buffer Policy. The detailed process requirements are published in CAP 1616. Further, the CAA’s Policy for Special Use Airspace – Safety Buffer Policy for Airspace Design Purposes applies to the proposal.</p> <p>As per direction 5(1) of the Air Navigation Directions 2023, the CAA must consider and determine any permanent ACP in accordance with its Airspace Modernisation Strategy (CAP 1711) (AMS). In making that decision, the CAA has a duty to consider the material factors in section 70 of the Transport Act 2000. This includes a requirement to take into account the Air Navigation Guidance 2017, which sets out the Government’s key environmental objectives with respect to air navigation. How the proposal performs against the material factors in section 70 of the Transport Act 2000 is analysed in the following section.</p> <p>The AMS lays out the overall vision for airspace modernisation by setting out the ends (strategic objectives), ways (delivery elements) and means (delivery plans) of modernising airspace. That vision is to deliver quicker, quieter, and cleaner journeys and more capacity to the benefit of those who use and are affected by UK airspace. It is underpinned by four strategic objectives (or ‘ends’) to be achieved from airspace modernisation: safety, integration of diverse airspace users, simplification of the airspace system and environmental sustainability.</p> <p>The integration strategic objective states that: “airspace modernisation should wherever possible satisfy the requirements of operators and owners of all classes of aircraft, including the accommodation of existing users (such as commercial, General Aviation, military, taking into account interests of national security) and new or rapidly developing users (such as remotely piloted aircraft systems, advanced air mobility, spacecraft, high-altitude platform systems).”</p> <p>The AMS recognises that the military has requirements to use both types of airspace, to secure the UK’s borders and carry out training, and also operates within the confines of segregated training or danger areas. Remotely piloted aircraft systems will want to make use of lower levels, both inside and outside controlled airspace, with an increasing number looking to use higher levels for longer-distance, beyond visual line of sight operations. The AMS also identifies that there will be an ongoing</p> | |

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| | requirement to provide areas of restriction in the airspace for safety reasons when certain activities are underway, such as military or emergency services operations and training. |
| B.9 | CAA consideration of factors material to our decision whether to approve the change (Section 70 factors). <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). |
| Maintain a high standard of safety in the provision of air traffic services s.70(1) | <p>The purpose of the proposal is to introduce appropriate airspace structures that will enable the safe BVLOS operation of the Protector RPAS from RAF Waddington, and the safe conduct of RAFAT display flying training, through segregation of these activities using DAs. Segregation of these activities is appropriate, proportionate and in accordance with CAA and MAA policy. The application includes the assertion that the proposed DAs will only be activated when RAF Waddington ATC is available and able to operate DACS and DAAIS; if RAF Waddington ATC is unable to provide these services, the related activities will be ceased, and the airspace deactivated.</p> <p>The CAA notes that operation of the Protector RPAS requires segregation from other airspace users and, as such, any arrangements for the provision of a DACS must recognise this requirement. Therefore, at this stage, requests to cross active DAs, within which the Protector RPAS is being operated, are not to be approved and operating procedures must reflect this position.</p> |
| Efficient use of airspace and expeditious flow of air traffic s.70(2)(a) | Through agreement with NATS, the Sponsor confirms that the proposed airspace structures will have no impact on CAT in adjacent airspace. The impact to other airspace users has also been minimised through the establishment or amendment of LoAs, and through the commitment of the Sponsor to provide efficient DACS and DAAIS. Analysis of the traffic density of GA in the vicinity, that may be impacted by the proposed airspace, has shown the traffic levels to be low and, therefore, the consequential impact is considered to be negligible. |
| Requirements of operators and owners of all classes of aircraft s.70(2)(b) | The Sponsor has responded appropriately to stakeholder feedback that indicated a likely impact to operations. In particular, the requirements of the local gliding, parachuting and model aircraft communities were taken into consideration. This feedback was used to influence the design of the proposed structures to minimise their impact and to initiate the development of appropriate LoAs with the impacted communities. |
| Interests of any other person in relation to the use of airspace | The Sponsor has taken account of feedback in proposing mitigations to minimise the impact of the airspace design on stakeholders including locally situated GA clubs. New LoAs, revisions to existing LoAs and ATM procedures have been agreed. In some instances, engagement activities have |

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| s.70(2)(c) | concluded that some extant LoAs can remain in place without revision, for example regarding Skydive Langar paratropping activities. The sponsor has made efforts to minimise impact on local military and civil airspace users that include provision of a DACS, minimisation of activation periods and deactivation as soon as practicable. Notification procedures will enable all airspace users to be aware of the status of the proposed airspace. NOTAMs will be promulgated as early as possible to assist in flight planning. |
| Secretary of State guidance on environmental objectives ss.70(2)(d) | <p>The CAA is required to take into account the Air Navigation Guidance 2017. In the Air Navigation Guidance 2017, the Government has set environmental objectives with respect to air navigation. These environmental objectives are 'designed to minimise the environmental impact of aviation within the context of supporting a strong and sustainable aviation sector. The objectives are, to:</p> <ul style="list-style-type: none"> • limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise; • ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions; and • minimise local air quality emissions and in particular ensure that the UK complies with its international obligations on air quality. <p>The ACP is scaled as a Level M1 as it has potential to alter civil aviation traffic patterns below 7,000 ft. over an inhabited area and is being sponsored by the MoD. For Level M1 ACPs, the CAA is directed to disregard the environmental impacts that are a direct result of military aircraft or military operations (including civil aircraft carrying out military function under contract). However, consequential environmental impacts from other airspace users (i.e., civil aviation) that are a result of the proposed change must be assessed in accordance with Level 1 requirements.</p> <p>The sponsor submitted a rationale and supporting evidence regarding the consequential impacts on civil traffic and thereby the resulting environmental impacts which the sponsor concludes to be negligible. The CAA agrees with this conclusion. This is based on the minimal number of aircraft consequentially affected by the change, the anticipated activation (i.e., not continuously activated), the Danger Area designs having the minimal dimensions required and that any impact will be further mitigated through the introduction of a Danger Area Crossing Service (DACs) and other mitigation measures proposed and implemented.</p> |
| Integrated operation of air traffic services provided by or on behalf of the armed services of the | The Sponsor has provided mature draft copies of LoAs that define the cooperative ATM procedures that will be used to enable the integrated operation of Protector in CAS. This includes a LoA between NATS and 78 Sqn that will define the notification, coordination and communication procedures, |

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| Crown s.70(2)(e) | including “lost-link” communication failure. |
| Interests of National Security s.70(2)(f) | This airspace change proposal has been developed to introduce the appropriate airspace structures required to enable the operation of the Protector RPAS BVLOS in UK airspace. In turn, this will facilitate the training of Protector crews to be conducted in the UK, leading to the establishment and development of the operating capability of the air system. Therefore, the Sponsor considers the approval of this ACP to be in the interests of National Security. The Sponsor has also highlighted the requirements of other local RAF units potentially affected by the proposed airspace, including the Typhoon aircraft operated out of RAF Coningsby that hold QRA; this is clearly a critical National Security asset. LoAs have been developed to incorporate activation of the proposed airspace structures into the operation of all local RAF units and to provide appropriate mitigations to the potential impacts. However, the Sponsor also stated the impact of the ACP on military air traffic is to be managed internally by the MOD and, therefore, no additional detail was included in the submission document. |
| International obligations s.70(2)(g) | N/A – no such international obligations have been notified to the CAA under section 70(2)(g) of Transport Act 2000. |
| B.10 | 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. <u>NOTE:</u> this section only applies if the CAA is classifying or amending the classification of UK airspace. |
| B.10.1 | Not applicable – background airspace classification remains unchanged by the proposal. |
| PART C – Stage 5 Recommendation | |
| C.1 | Taking the above information into account, what is your recommendation to the decision-maker for this proposal? |
| C.1.1 | This ACP has evolved over time to absorb the RAFAT training requirement, which was originally a standalone ACP, alongside the original requirement to enable Protector RPAS BVLOS operation at RAF Waddington. CAA AR has been robust throughout the ACP process, reiterated at each Gateway, that the status of the adjacent RAF Scampton RA, EGR313, will be taken into consideration as part of the decision making related to this airspace application. This has recently been resolved to a limited extent through the approval of an ACP, ACP-2023-036, changing the activation of EGR313 from daily operating hours to |

activation by NOTAM only. In addition, it has been confirmed that, recognising the negative impact to other airspace users, and the stakeholder feedback received during engagement and consultation in relation to this application, the MOD does not intend to activate EGR313, and the low airspace DA proposed in this ACP, simultaneously. However, the MOD proposed that the option remain available and, should concurrent activation be required on occasion, this would be discussed and assessed on a case-by-case basis between RAF Waddington and the CAA.

The purpose of the proposal is to introduce appropriate airspace structures that will enable the safe BVLOS operation of the Protector RPAS from RAF Waddington, and the safe conduct of RAFAT display flying training, through segregation of these activities using DAs. Segregation of these activities is appropriate, proportionate and in accordance with CAA and MAA policy. Mitigations are proposed to reduce the impacts of segregation caused by these activities. The proposal is therefore considered to be in accordance with the vision and strategic objectives of the AMS.

The 2 DAs have been shown to be sized efficiently to contain both proposed activities, with the designs amended in response to stakeholder feedback to minimise their impact on other airspace users. The MOD provided assurance that the structures will only be activated when RAF Waddington ATC is available to provide a DACS, further minimising the potential impact of the structures on other airspace users.

The Sponsor submitted rationale and supporting evidence that indicated the level of civil air traffic that is operated in the area and potentially impacted by the proposed airspace would be very low. The sponsor reasoned that the majority of those potentially impacted will continue to request, and obtain, a DACS to cross the low airspace structure, with only a very few requiring to re-route or hold. GA will also be able to access other airspace over RAF Scampton, EGR313, which is not intended to be activated simultaneously. The sponsor also states that the proposed ACP will not result in an increase in the number of aircraft operating in the local area or alter aircraft types. The sponsor concluded that all environmental impacts will be negligible and the CAA agrees with this conclusion. This is based on the minimal number of aircraft consequentially affected by the change, the anticipated activation (ie, not continuously activated), the DA designs having the minimum dimensions required and that any impact will be further mitigated through the provision of a DACS and other mitigation measures proposed and implemented through LoAs. The CAA notes that the operation of the Protector RPAS requires segregation from other airspace users and, as such, any arrangements for the provision of a DACS must recognise this requirement. Therefore, at this stage, requests to cross active DAs, within which the Protector RPAS is being operated, are not to be approved and operating procedures must reflect this position.

The sponsor conducted a consultation, aimed at aviation and non-aviation stakeholders and including members of the wider local community, over a sufficient timeframe of 12 weeks from 7 September 2022 to 30 November 2022. This timeframe accords with the accepted standard for consultation length set out in CAP 1616. The sponsor demonstrated a willingness to be influenced by feedback, making it clear at consultation launch that feedback would help to shape the final proposal. Although the sponsor did not revise the airspace design in response to consultation feedback, they proposed mitigations to reduce the impact of the airspace when activated. The sponsor continued to engage with stakeholders once the consultation had closed to resolve issues and to agree procedures for the management of the proposed airspace, new LoAs, and revisions to existing LoAs. As a

result, it is concluded that meaningful consultation has been achieved.

The Sponsor also requested dispensation from the SARG [Special Use Airspace - Safety Buffer Policy](#). The associated safety assessment and operating procedures detailed in the final submission document, the [Safety Buffer Policy Dispensation Proposal](#) document and the draft LoAs have been analysed and accepted by NATS, the AR Technical Regulator and the ATM Inspector ATS.

Recommendation 1

It is recommended that this airspace change application should be approved for notification-only at this stage. A further approval, to activate the notified airspace structures by NOTAM, should be conditional upon the sponsor providing completed and signed copies of all relevant LoAs to CAA AR.

Recommendation 2

It is recommended that the application for dispensation from the Safety Buffer Policy, as described in the document [20230313_ACP-2019-18 SBP Dispensation Proposal.docx](#), is approved in full.

Recommendation 3

It is recommended that concurrent activation of the low airspace DA and EGR313 is not permitted unless the following criteria have been met:

- The requested activation is not a routine request but is in extremis.
- The MoD submits to the CAA the reasons for and impacts of simultaneous activation.
- Any such application seeks to minimise the duration of simultaneous activation.
- The application is submitted with a reasonable amount of time allowed for the case to be assessed by the CAA.
- The CAA provides its written authorisation for simultaneous activation at its sole discretion.

Recommendation 4

At the point of Decision for this ACP, there remained uncertainty related to the future of EGR313 due to a change of use of the former RAF Scampton site. Continued notification of EGR313 was agreed while the longer term plans for the site, and viability of EGR313 to support RAFAT training activity, were confirmed. It is recommended that, prior to the first activation of the new Danger Area, the MoD confirms to the CAA the planned timelines for assessment and withdrawal of EGR313. If EGR313 has not been withdrawn prior to the submission of the Post Implementation Review, a report will be submitted as part of that review to detail future/removal plans. Any consideration for continued notification of EGR313 beyond the Post Implementation Review period will require robust justification to be presented and accepted by the CAA. Analysis of the impacts of EGR313 continued notification and concurrent activation with the new Lower Danger Area will be required as part of the report.

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| C.2 | Are there any Recommendations and/or Conditions for the change sponsor to address prior to implementation (if approved)? | Y |
| C.2.1 | <p>The following 4 conditions are taken directly from the SME assessment documents and all relate to completion of the LoAs associated with this airspace change:</p> <p>Operational / Technical</p> <p>Condition 1</p> <p>The Danger Areas may not be activated until all LoAs have been completed and signed copies provided to CAA Airspace Regulation.</p> <p>It is further recommended the Sponsor is advised that operation of the Protector RPAS requires segregation from other airspace users and, as such, any arrangements for the provision of a DACS must recognise this requirement. Therefore, at this stage, requests to cross active DAs within which the Protector RPAS is being operated, are not to be approved and operating procedures and LoAs must reflect this position.</p> <p>Engagement & Consultation</p> <p>Condition 1</p> <p>All new Letters of Agreement be finalised, agreed, and signed.</p> <p>Condition 2</p> <p>All changes to existing Letters of Agreement be finalised, agreed, and signed.</p> <p>Condition 3</p> <p>All Air Traffic Management Procedures be finalised and agreed.</p> <p>Should the ACP be approved, it is recommended that the Operational/ Technical condition 1 and the Engagement and Consultation Conditions 1-3 are captured in a single Condition for communication to the Sponsor, as follows:</p> <p>Combined Condition.</p> <p>The Danger Areas may not be activated by NOTAM until all ATM procedures and LoAs, in development or undergoing amendment, have been agreed, finalised and signed. Any further conditions proposed as part of this ACP should be reflected in</p> | |

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| | <p>the appropriate LoA. Copies are to be provided to CAA Airspace Regulation and written approval to activate the airspace structures provided to the Sponsor.</p> <p>The Sponsor is advised that operation of the Protector RPAS requires segregation from other airspace users and, as such, any arrangements for the provision of a DACS must recognise this requirement. Therefore, at this stage, requests to cross active DAs within which the Protector RPAS is being operated, are not to be approved and operating procedures and LoAs must reflect this position.</p> | |
| C.3 | <p>Are there any specific requirements in terms of the data to be collected by the change sponsor for the Post Implementation Review (if approved)?</p> | Y |
| C.3.1 | <p>Operational</p> <p>If the ACP is approved for implementation and activation, it is recommended that the sponsor is provided with a copy of the Stage 7 PIR Data Request Form to use as a guide to the data that will be required to inform the PIR. It should also be emphasised that the following will be of particular interest and should be included within the Sponsor's PIR submission:</p> <ul style="list-style-type: none"> • Separate record of activation data for each DA, including publication details of NOTAM, time of activation, duration and intended activity. • Record of occurrences of any airspace activation period that is subsequently unused, including duration of activation prior to cancellation and reasons for cancellation, ie weather, air system unserviceability, etc. • Requests for DACS, supported and unsupported, with reasoning if unsupported. • Separate record of applications, approved and rejected, for the simultaneous activation of Waddington Low and EGR313. <ul style="list-style-type: none"> ○ If approved, record of activation data, including publication details of NOTAMs, times of activation, duration of concurrent activation and intended activities. ○ Requests for DACS during period of concurrent activation, supported and unsupported, with reasoning if unsupported. • Separate detailed records of any and all inadvertent excursions from each DA. • Separate detailed records of any and all unauthorised incursions of each DA. • Noting the approval for dispensation from the SARG SUA Safety Buffer Policy, a report will be required to indicate compliance with the dispensation criteria, to include detailed records of any and all deviations from the dispensation to the Safety Buffer Policy. • The CAA required the Sponsor to note that requests to cross active DAs, within which the Protector RPAS would be operating, were not to be approved and that operating procedures were required to reflect this position. A | |

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| | <p>report will be required to indicate whether this restriction remains valid, or the operating procedures require amendment.</p> <p>Environmental</p> <p>The sponsor should collect the following data for the Post Implementation Review (if approved):</p> <ul style="list-style-type: none"> • Number, timings and duration of the Low and Medium Danger Area activations • Number, type, and altitude of aircraft re-routing around and overhead the Danger Areas, aircraft requesting a Danger Area Crossing Service (DACS) and number of aircraft refused a DACS • Location where re-routed aircraft operate. | |
| C.4 | Are any other consents and approvals needed in order to permit the intended operation (title and hyperlinks to be inserted)? | |
| <p>Recommendation: Safety Buffer Policy Dispensation Proposal</p> <p>As detailed in the Stage 5 Operational Assessment, at para 2.17, it is recommended that the application for dispensation from the Safety Buffer Policy, as described in the document 20230313 ACP-2019-18 SBP Dispensation Proposal, is approved in full.</p> | | |
| C.5 | Are there any other comments/observations for the decision maker? | <i>N</i> |
| C.5.1 | <p><i>Use this section to provide a short summary (by numbers and themes) of any correspondence that we have received directly in relation to the airspace change proposal. Relevant data can be obtained from the Airspace Specialist (Correspondence).</i></p> | |

| PART D – Draft Regulatory Decision – Comment (for Level 1 Airspace Change Proposal's only) | | | | |
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| D.1 | Was a Draft Regulatory Decision published for this proposal? | | | N |
| A draft regulatory decision was not published for this proposal as, to do so, would have delayed its implementation against the agreed timeline and required an alternative temporary solution to enable the MOD activity to be conducted. In making this decision, the CAA took account of the simple nature of the proposal, the minimal consequential impact expected from its implementation, and the limited benefit that would be reasonably expected from the publication of a draft decision. | | | | |
| D.2 | Was any feedback received in relation to the Draft Regulatory Decision? | | | N/A |
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| D.3 | Has the Draft Regulatory Decision been amended in light of feedback received? | | | N/A |
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| PART E – Final Regulatory Decision – Comment/Approval | | | | |
| Technical Regulator | | | | 10/08/23 |
| Manager Airspace Regulation comments and regulatory decision: | | | | |
| <p>The drivers for this change proposal evolved over the course of the process; this resulted in a proposal that satisfies two distinct Ministry of Defence requirements, supporting Protector RPAS operations and the Red Arrows training. This combining of requirements informed the overall design, where the mitigations and proposed management processes align with the concepts of Flexible Use of Airspace. Furthermore, the requirement for the provision of a Danger Area Crossing Service whenever the Danger Areas are active, both increases accessibility and supports mitigating the dispensation to the Buffer Policy.</p> <p>This evolution of the proposal was in part driven by the emergent Red Arrow requirement and the uncertainty related to EGR313. Throughout the course of the change process the CAA has highlighted the future use of EGR313 is intrinsically linked to this proposal and in particular the proposed lower Danger Area. The combined effects of these two structures necessarily needs to be considered when judging this change request. Unfortunately, at the end of this change process there remains a level of uncertainty related to the future of EGR313. In considering this point, it is noted a recent ACP amended the activation times of EGR313 to, 'by NOTAM', thereby ensuring it is only activated when needed and de-activated at other times. Alongside this, the Sponsor confirmed throughout consultation they do not plan to operate the new over Danger Areas concurrently with EGR313. However, the Sponsor has clarified that although not planned, on occasion they may wish to</p> | | | | |

operate both EGR313 and the new lower Danger Area concurrently. Whilst mitigating to an extent, the combined activation of the structures should be avoided. In addition, it should be considered that, whether activated or not, the notification of a structure in the first instance has the potential to effect other airspace users which necessarily needs to be considered.

Through the change process the Sponsor has clearly demonstrated a requirement for this proposed change. Alongside this, the proposal sufficiently addresses the requirements of Section 70 of the Transport Act and is consistent with the Airspace Modernisation Strategy, in so far as the requirement for MoD to require segregated airspace for certain purposes. To remain aligned with the Airspace Modernisation Strategy, however, the future of EGR313 should be addressed by the Ministry of Defence as soon as possible. For clarity, I have consolidated the list of conditions below and, subject to these conditions, I support the technical regulators assessment and would recommend approving this change proposal, including accepting the proposed dispensation from the Safety Buffer Policy.

The conditions proposed are:

Prior to the first activation of the new Danger Areas.

- Condition 1 – Aligned with the conditions proposed above, completion of the ‘Combined Condition’ as described in C.2.1.
- Condition 2 – Noting the intrinsic link between this ACP and EGR313 I amend the technical regulator’s recommendation and propose the following: Prior to the first activation of the new Danger Areas the MoD confirms to the CAA the planned timelines for assessment and withdrawal of EGR313. If EGR313 has not been withdrawn prior to the submission of the Post Implementation Review, a report should be submitted as part of that review to detail **removal plans. Any consideration for continued notification of EGR313 beyond the Post Implementation Review period will require robust justification to be presented. This justification should be based upon the planned removal of EGR313 and limited to the time required to complete any associated work to enable its removal e.g. the completion of an Airspace Change Proposal if needed etc.** Analysis of the impacts of EGR313 continued notification and potential for concurrent activation with the new Lower Danger Area would be required as part of a report.

Post implementation

- Condition 3 – Aligned with the technical regulator’s recommendation; I would add the following condition. The concurrent activation by NOTAM of the lower Danger Area proposed and EGR313 is not permitted unless the following criteria have been met:
 - The requested activation is not a routine request but is in extremis.
 - The MoD submits to the CAA the reasons for and the anticipated impacts of simultaneous activation.
 - Any such application seeks to minimise the duration of simultaneous activation.
 - The application is submitted with a reasonable amount of time allowed for the case to be assessed by the CAA.
 - The CAA provides its written authorisation for simultaneous activation at its sole discretion.

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| Manager Airspace Regulation | | | | 29 Aug 23 |
| <p>Head AAA comments and regulatory decision:</p> <p>This airspace change has been made more complex by the addition of the Red Arrows requirements halfway through. I am content to approve the 2 new Danger Areas associated with Waddington which facilitate Protector, including the alleviation from the Buffer Policy. The Conditions concerning the removal of EGR313 in the Mgr ARs summary above are important. The maintenance of a restricted area at the now closed Scampton is a disproportionate use of airspace in the long term. Our expectation is that immediate attention is applied to agree an alternative arrangement at another site.</p> | | | | |
| Head AAA | | | | 31 Aug 23 |