

By Email



06 October 2023

Airspace Change Proposal Regulatory Decision Letter

ACP-2022-049 BVLOS demonstration of Cargo UAV within the Orkney Islands

Dear German/Yvette,

I am writing to you today in relation to the Airspace Change Proposal (ACP) titled 'BVLOS demonstration of Cargo UAV within the Orkney Islands' (ACP-2022-049).

Following the Assessment Meeting on 20 October 2022 and in accordance with the 'Guidance on Application to establish Temporary Danger Areas through the Temporary Airspace Change Process' you have conducted targeted stakeholder engagement and you have provided evidence of your engagement in a Summary Report. We have reviewed your engagement report, final proposal and all associated documentation. We have determined that the level of engagement undertaken is proportionate for this airspace change proposal. The engagement report meets the requirements set out in the process and the summary of feedback is a fair and accurate representation of stakeholders' views.

We note that through the use of a Concept of Operations (ConOps) and Letter of Agreement (LoA) you have agreed processes and procedures with key stakeholders to ensure that their requirements are considered, and impacts are minimalised where possible. This combined with the limitations proposed on duration, timing and number of activations, the provision of a DAAIS and the use of pre- and inflight contact telephone numbers ensures a low impact to stakeholders, thus embracing the core principles of Flexible Use of Airspace (FUA).

With that in mind, I can confirm that the decision has, noting the conditions and restrictions outlined below, been to **approve** the request for a Temporary Danger Area complex in relation to ACP-2022-049. You are therefore approved to activate the TDA complex from 18 November 2023 until 22 December 2023, a period of 37-days (Monday to Friday), in accordance with the timings specified in your final submission. If you are satisfied that you have met the criteria for project success before the end of the ACP applicability period, you are to withdraw the AIC for the TDA complex immediately.

The following conditions shall be met prior to any NOTAMs being promulgated to activate any of the TDAs:

1. In order to demonstrate the safe management of the operation, the safety assurance documentation which includes an Impact Assessment, joint HAZID, CONOPS, LoA and ATSU MATS Part 2 TOIs shall be finalised and agreed by the CAA:

All Documentation:

- An Impact Assessment is required to ensure changes to any documents are captured and reflected across all submitted documents. Any changes to the documents must be highlighted clearly to enable the CAA to review any amendments efficiently.

- References to 'ATC' should state 'ATS' where both ATC and AGCS are affected.
- Should emergency services request to enter any of the TDAs, the GCS Operator shall be instructed by Kirkwall ATC to vacate via the nearest adjacent TDA. The GCS Operator shall hold the RPAS at a loiter point until released by ATC. The GCS Operator must confirm TDA is vacated and confirm which loiter point the RPAS is holding at. This must be agreed and reflected where appropriate in the CONOPS, LoA, OSC and ATSU MATS Part 2 TOIs.

Concept of Operations V3.2 issued 29/09/2023 and LoA V1.1 issued 29/9/2023 (references are similar in both documents);

- **Paragraph 'ATC':** Communications by UAS Pilot. Paragraph misses out how UAS Pilot communicates with ATS during the start-up and taxi phase and when GCS Operator experiences communications failure with ATS.
- **Paragraph 'Position Reports':** Cloud Distributed Avionics (CDA) is not an approved system for use as Flight Information Display (FID). As such, Kirkwall cannot use this source to provide any information, control or separation. Position reports from the GCS Operator are a must to ensure ATS can provide information to pilots. No information from this can be passed to a pilot by ATS. This section should be expanded to include 'information' as well as 'control or 'separation'.
- **Paragraph 'Operating Procedures' 'Standard Operating Procedures':** Paragraph 2 Reference to CAA Operation Authorisation. The CAA Operational Authorisation is purely RPAS approval regarding the configuration of the flight operation. This CAA Authorisation does not cover the configuration at a licensed airfield where CAA Aerodrome Licensing requirements apply. The HAZID and Airport's safety assurance documents would also need to cover this operation of standing within the runway strip.
- **Paragraph 'Operating Procedures' 'Taxiing and Departure':** Check for consistency with Paragraph 'ATC': UAS Pilot communications.
- **Paragraph 'Airborne Operations':** *"Where required due to LoganAir inter-island or other traffic the GCS Operator may be instructed by ATC to orbit (UAS can fly a 300m orbit) the UAS at a loiter point or any point within the TDA until the traffic situation allows the flight to continue. ATC will make this decision with regard to the prevailing traffic conditions and the position of the UAS within the TDA."* Understanding is required regarding provision of Air Traffic Services. ATC at Kirkwall who can issue instructions to hold in the air. AGCS at OIC cannot issue instructions to hold in the air. Windracers must ensure that UAS activity above 400ft is not integrated with manned licenced flights. A statement is required that RPAS will hold whenever manned flight is operating within a set distance or time of the airfield. The responsibility for this non integration is Windracers not OIC. The OSC should ensure this responsibility is clearly appointed.

Hazard ID Report V1.1 issued 24th August 2023:

- In several places OIC mitigation has been omitted. Mitigation from OIC must be entered where the hazard has been identified.
 - HZ-A-13 Mitigation is required. 'TBC' is currently stated.
2. The Operational Safety Case for this activity shall be accepted and an Operational Authorisation granted.
 3. The ConOps and LoA shall be agreed and signed by all parties.

4. In order to reduce the impact on other airspace users and in accordance with FUA principles, the sponsor must deactivate the TDAs at the earliest opportunity should they no longer be required.
5. The sponsor shall provide the CAA with an explanation regarding how they will inform relevant community stakeholders of the impact, assessed as minimal, to traffic re-distribution below 7,000 ft over inhabited areas.
6. The sponsor shall inform communities that may be affected using operational diagrams overlaid on Ordnance Survey maps (or similar). The level of detail should be sufficient to enable affected communities to easily identify their location in relation to the changes in traffic patterns, proportionate to the assessed level of impact.
7. The sponsor shall inform stakeholders of the decision (when published), likely impacts and what will happen next.
8. The sponsor is required to collate, monitor, and report to the CAA on the level and contents of feedback received during the period of the TDA. The CAA expect reporting on the level and contents of any stakeholder feedback received on a fortnightly basis throughout the duration of the TDA (this should include nil returns). The sponsor should send these reports to the assigned Account Manager.

Next Steps

The designators will be **EGD598A**, **EGD598B** and **EGD598C** for TDA-A, TDA-B and TDA-C respectively.

The CAA has submitted an Aeronautical Information Circular (AIC), which has been drafted from the information you provided in the Final Design Proposal V1.5, to AIS, on **Friday 06 October 2023**. The AIC will be published on **16 November 2023**. A copy of the submitted AIC is attached to the email for reference.

For the purposes of transparency, the CAA will, in due course, update the Airspace Portal accordingly including the publication of the final submission, regulatory assessments and decision. Please can you advise, as soon as possible, whether any of the submitted documentation are commercially sensitive.

Responses to the approval conditions above along with any updated documentation must be submitted to the CAA by **Friday 10 November 2023**. Failure to do so may result in the ACP approval being rescinded. The CAA will confirm acceptance of the approval conditions by **Friday 17 November 2023**.

Lastly, in order to activate the required Temporary Danger Areas, please contact Airspace Regulation Operations using ARops@caa.co.uk quoting the activity number and TDA references, with the required activation timings.

For example:

Activation Request:

Activity Number: 2023-11-0158

Date: 18 November 2023

Timings: 0900-1200L (it is important to specify local (L) or UTC (UTC or Z))

TDA: EGD598A/EGD598B/EGD598C

Please ensure that at least 24 hours' notice is provided noting Airspace Regulations operating hours are Mon-Fri 0830-1630L. NOTAM promulgation is usually between 0900-1600L. Please provide as much lead in time as possible to ensure the required TDA(s) can be activated with sufficient notice for other airspace users.

If you have any queries or questions relating to the above, please do not hesitate to contact me.

Best Regards



Civil Aviation Authority