

12 June 2019



**CAA RESPONSE TO HEATHROW ACP TECHNICAL NOTE 01**

As indicated in CAP 1616 (para 30)<sup>1</sup>, the Account Manager or Technical Regulator is available to act as a focal point to provide additional clarification and advice to the airspace change sponsor on how to apply the process to a specific proposal where needed. However, the CAP 1616 process contains minimum requirements and the sponsor is solely responsible for compliance with the requirements of the process.

HAL's compliance with Stage 2 of the Airspace Change process will be assessed at the Stage 2 gateway and we cannot prejudge whether steps you propose will prove sufficient to pass the gateway. We cannot therefore 'assure' HAL's proposed approach to Stage 2 as you have requested. However, we can provide clarification on the requirements of CAP 1616 where the particular circumstances of the proposed airspace change are not anticipated by the guidance.

In this regard, this proposed change is of course one identified as a key milestone in the NATS Feasibility Report into Airspace Modernisation<sup>2</sup>. Consequently, this proposal will be one of the key proposals identified in Iteration one, phase one of the Airspace Modernisation Masterplan which has been co-commissioned by CAA and DfT<sup>3</sup>.

The CAA will be publishing guidance on how the development and assessment of the Masterplan will run alongside the development of the individual proposals within it and identify the touch points in those sets of processes.

We anticipate this guidance will be published later this year and we will keep you informed on that. Nonetheless, we have considered the questions posed by HAL. As indicated above the CAA cannot give assurance to HAL's approach which risks prejudging the gateway process and therefore we are not responding directly to HAL's questions but instead are identifying what we consider to be the key issue in each section and providing clarity on the requirements of CAP 1616.

**The use of 'Groups of operationally dependent routes':**

Depending of course how the groupings have been arrived at (and HAL's ability to transparently demonstrate that process) and the actual groupings arrived at, we consider that an approach to options development which considers 'groups of operationally dependent routes', rather than individual routes in isolation, is not inconsistent with the requirements of CAP 1616 for the sponsor to develop initial options and conduct an initial appraisal of the impact of each option.

**The requirement for a 'comprehensive list of options':**

Regarding the CAP 1616 requirement to produce a comprehensive list of options, we anticipate that the development of options will take account of the various parameters to the airspace design including safety, flyability and any other parameters to the range of possible options. The requirement to identify all possible options should be considered as being aligned with the requirement to develop a comprehensive list of options. We consider that the correct interpretation of 'all possible options' accords with the ordinary meaning of those words, is not literally all options and should not place a disproportionately onerous burden on sponsors for little or no benefit to stakeholders. However,

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<sup>1</sup> November 2018 edition

<sup>2</sup> NATS Feasibility Report into Airspace Modernisation in the South of the UK dated May 2018.

<sup>3</sup> CAA Airspace Modernisation Strategy – Chap 6

transparency on how the list has been arrived at will be key to the CAA agreeing this is a comprehensive list or whether options have been discounted too early and without justification. Furthermore, this will be a key area where the work on the Masterplan (and the CAA assessment of that work) will run alongside the development of this and the other individual airspace design change proposals.

The adaptation of options and development of new options through the design process:

CAP 1616 (Table C2 - page 145) clearly envisages that consultation with stakeholders could lead to an adaptation in a lead design option or a new design option. Where an adaptation in a design option or a new design option emerges, whether as a result of consultation or otherwise, we would expect the sponsor to clearly articulate the basis for this and if necessary explain why the option was not identified at initial options stage if that is not clear to stakeholders.

Options development and evidence base:

As you have identified in your note, paragraph E10 of CAP 1616 indicates that the evidence base for options development is a “proportionate approach”, that “the detail matures in line with the proposal” and that “a reasonable evidence base is made available to all stakeholders early on and increasingly throughout the process”. At E12 there are further indications of the requirements on sponsors to provide, as a minimum, “an indicator of the likely noise impacts” and “a high-level assessment of other costs and benefits involved”. Again, HAL should apply the ordinary meaning of these words in order to conclude and transparently justify what is reasonable and proportionate in the circumstances and what aspects are important to stakeholders based on engagement to date.

Airspace Regulator