

CAA AIRSPACE CHANGE DECISION

INTRODUCTION OF BYPASS CONDITIONAL ROUTE Q63

Executive Summary

Organisation proposing the change: NATS (NERL)

Date of Airspace Change Proposal: 15th September 2016

Objective of the Proposal:

To formalise a temporary ATS routing by introducing a bypass conditional route (CDR) in the London FIR. This CDR will offset the impact of activity of the revised EGD201A danger area in Cardigan Bay, southwest Wales. The CDR (Q63) will present an unconstrained and efficient traffic flow for Dublin inbound traffic when MOD Aberporth activate EGD201A above 14,500 feet (FL145).

The CAA has determined that the airspace design is safe and provides satisfactory mitigation to offset the impact of the redesigned Aberporth danger area complex. The contingency CDRs will only be required when there is an activation of EGD201A above FL145 and the revised airspace will provide a route structure that deconflicts any range activities and provides an efficient and effective ATS operation when required.

Decision Process and Analysis

- 1. Aims and Objectives of the proposed change**
- On 25 May 2016 the CAA Safety and Airspace Regulation Group (SARG) received a formal Airspace Change Proposal (ACP) from NATS Airspace Change Assurance on behalf of the sponsor, NATS (NERL) to establish Q63, a contingency westbound only conditional ATS route (CDR) from Strumble (STU) to VATRY (on the London/Dublin FIR boundary) via PEMOB, in the southwest of the UK. Q63 will formalise a temporary direct routing which was introduced at short-notice to offset the impact of the reconfigured collocated danger area EGD201A off the west coast of Wales. EGD201A is required to satisfy Ministry of Defence (MoD) future operational developments. Short-notice targeted consultation with affected stakeholders, including the Irish Aviation Authority (IAA), was completed to accommodate the temporary direct route (DCT), which was introduced in May 2016. A collaborative process was taken, which satisfied the needs of both the civil ANSPs in the UK and in Ireland, and the MoD and their specialist technical teams from Qinetiq, which was overseen and coordinated by the CAA to ensure that the proposed temporary route structure and revised danger areas could coexist safely and effectively.
- Q63 will replace the temporary DCT and will be introduced as a westbound only CDR1 & 3 available H24 between STU and VATRY when danger area EGD201A is activated above FL145.
- Existing ATS routes (U)M17 and new link route N14 will be promulgated as CDRs. (U)M17 will be maintained as an H24 route, routinely available and only closed when the revised EGD201A is activated above FL145. Link route N14 will be a CDR1 & 3, which is also routinely available and only closed subject to any EGD201F activation.

5. CDR management through the UK Airspace Management Cell would mean that (U)M17 and Q63 are generally mutually exclusive, with Q63 being the contingency route used when (U)M17 is closed.
6. In 2015, a total of 22074 flights utilised the existing (U)M17 from PEMOB to VATRY. An average of 60 flights per day would therefore have to be rerouted if an alternative contingency solution had not been proposed to offset the impact of the EGD201A redesign.

7. Consultation

Documents considered by the CAA:

- Airspace Change Proposal dated 25th April 2016
 - CAA Operational Assessment (Annex C)
8. Sponsors must conduct their own consultation exercise in accordance with the criteria set out in the Cabinet Office's Consultation Principles (2013).
 9. As the airspace is being introduced to formalise a temporary arrangement that was implemented to offset a redesign of the adjacent danger airspace structures, stakeholder consultation and coordination requirements were conducted and agreed prior to the DCT airspace arrangements being introduced in May 2016. No further consultation was deemed necessary.

CAA assessment and decision in respect of Consultation

10. General Aviation and public consultation was not deemed necessary as the vast majority of the revised airspace arrangements are over the Irish Sea. In addition, the lowest useable flight level of the contingency route would be FL160 and all changes would occur in existing Class A or Class C controlled airspace. The CAA has nevertheless conducted its own assessment of the pre-consultation undertaken and is satisfied that the evidence supports the proposal and was conducted in accordance with the requirements of CAPs 724 and 725.

CAA Consideration of factors material to our decision whether to approve the Change

11. Explanation of statutory duties

12. The CAA's statutory duties are set out in Section 70 of the Transport Act 2000 (the Act), the CAA (Air Navigation) Directions 2001, as varied in 2004 (the Directions), and Guidance to the CAA on Environmental Objectives relating to the exercise of its air navigation functions.¹
13. In summary, the CAA's primary duty under section 70(1) of the Act requires that the CAA exercises its air navigation functions so as to maintain a high standard of safety in the provision of ATS. This duty takes priority over the remaining factors set out in section 70(2). Where an airspace change proposal satisfies all of the factors

¹ Revised in 2014 by the DfT (the Guidance).

identified in section 70(2) and where there is no conflict between those factors, the CAA will, subject to exceptional circumstances, approve the airspace change proposal. Where an airspace change proposal satisfies some of the factors in section 70(2) but not others, this is referred to as a conflict within the meaning of section 70(3). In the event of a conflict, the CAA will apply the material considerations in the manner it thinks is reasonable having regard to them as a whole. The CAA will give greater weight to material considerations that require it to “secure” something than to those that require it to “satisfy” or “facilitate”. The CAA regards the term to “take account of” as meaning that the material consideration in question may or may not be applicable in a particular case and the weight the CAA will place on such material considerations will depend heavily on the circumstances of the individual case. The analysis of the statutory duties in this case is set out below.

14. Conclusions in respect of Safety

15. The CAA's primary duty is to maintain a high standard of safety in the provision of ATS and this takes primacy over all other duties.²
16. In this respect, the CAA is content that as a condition of approval NATS will undertake an ATC Procedures Safety Assessment (APSA) before the proposed implementation on 15th September 2016. As the temporary DCT has raised no safety concerns, the CAA considers that the introduction of Q63 has no safety implications.

17. Conclusions in respect of securing the most efficient use of airspace

18. The CAA is required to secure the most efficient use of the airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic.³ The CAA considers that the most efficient use of airspace is defined as:

“Secures the greatest number of movements of aircraft through a specific volume of airspace over a period of time so that the best use is made of the limited resource of UK airspace.”

19. In this respect, the CAA is content the introduction of Q63 and link route N14 is aligned with this principle.

20. Conclusions in respect of taking into account the Secretary of State's guidance to the CAA on environmental objectives

21. In performing the statutory duties, the CAA is obliged to take account of the extant guidance provided by the Secretary of State,⁴ namely the 2014 Guidance to the CAA on Environmental Objectives.
22. The CAA has concluded that there are no environmental objectives or impacts associated with this change.

² Transport Act 2000, Section 70(1).

³ Transport Act 2000, Section 70(2)(a).

⁴ Transport Act 2000, Section 70(2)(d)

23. Conclusions in respect of the requirements of aircraft operators and owners

24. The CAA is required to satisfy the requirements of operators and owners of all classes of aircraft.⁵

25. In this respect, the CAA is content that new contingency route structure the will have no detrimental impact on any other airspace users.

26. The CAA's Operational Assessment will be published on the CAA's website before implementation.

27. Conclusions in respect of interests of any other person

28. The CAA is required to take account of the interests of any person (other than an owner or operator of an aircraft) in relation to the use of any particular airspace or the use of airspace generally.

29. In this respect CAA is content that no other persons will be adversely affected by the introduction the new formalised route structure.

30. Integrated operation of ATS

31. The CAA is required to facilitate the integrated operation of ATS provided by or on behalf of the armed forces of the Crown and other ATS.⁶

32. In this respect, the CAA is content that the revised contingency route structure is contingent on the operational requirements of the MoD and will provide successful integration of ATS operations in UK and Irish airspace where required.

33. Interests of national security

34. The CAA is required to take into account the impact any airspace change may have upon matters of national security.⁷

35. In this respect the CAA is content that here are no impacts for national security as a result of the establishment of the new route structure.

36. International obligations

37. The CAA is required to take into account any international obligations entered into by the UK and notified by the Secretary of State.⁸

38. In this respect the CAA is aware that there are international obligations as a result of the airspace changes, and is content that both UK and Irish stakeholders have been fundamentally involved in the redevelopment and introduction of the contingency routeing. There are no changes to the existing Delegated ATS arrangements with the IAA.

⁵ Transport Act 2000, Section 70(2)(b).

⁶ Transport Act 2000, Section 70(2)(e).

⁷ Transport Act 2000, Section 70(2)(f).

⁸ Transport Act 2000, Section 70(2)(g).

39. No conflicts

40. In accordance with section 70(3) of the Act and the CAA published policy, the CAA is required to consider whether the airspace change proposal produces any conflicts between the material considerations identified in section 70(2). For the reasons given above, the CAA does not consider that there are any conflicts between pertinent factors as a result of the establishment of the contingency route structure.

41. CAA's Regulatory Decision

42. The CAA is content that the proposed airspace design is safe, which satisfies our primary statutory duty. For the reasons given above, the CAA is also content that the proposed change has a positive or neutral impact on each of the other factors identified in section 70(2) of the Act. In addition, the contingency routes resulting from the revised danger area complex have had to be developed and introduced over a short time period because of the dynamic operational developments and requirements of MoD systems. In such a case, and in the absence of exceptional circumstances, it is CAA policy to approve the airspace change proposal. There are no exceptional circumstances in the instant case to justify departing from the CAA's standard practice.
43. We have made this decision and concluded that there are no applicable conditions placed on NATS for the implementation of this airspace change.
44. The revised airspace will become effective on 15th September 2016. Any queries are to be directed to the SARG Project Leader, [REDACTED] on 020 7453 [REDACTED] or via e mail: [REDACTED].
45. In accordance with the CAA standard procedures, the implications of the change will be reviewed after one full year of operation, at which point, CAA staff will engage with interested parties to obtain feedback and data to contribute to the analysis.

27th July 2016

Civil Aviation Authority

Appendix A:

Chart showing new airspace structure:

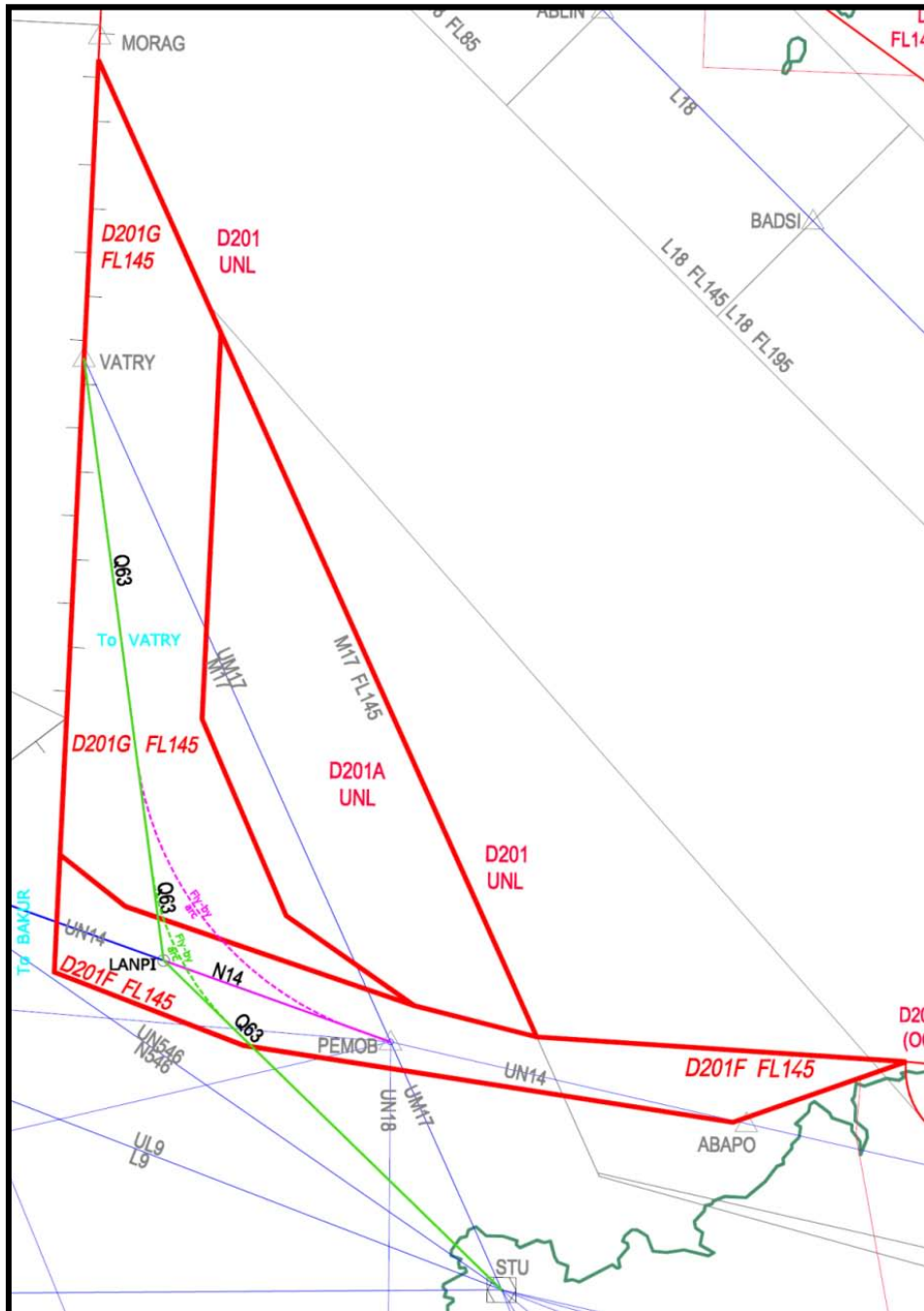


Chart showing new airspace structure