



Prospect's Response to CAP 3190

NR28 Price Review: Draft method statement and business planning guidance

30th January 2026

This document outlines our response to CAP 3190, on behalf of Prospect's Air Traffic Control Officers (ATCOs') and Air Traffic System Specialists (ATSS) Branches. With 2050 members in the Air Traffic Control Officers' Branch, 800 members in the Air Traffic System Specialists Branch, and over 250 ATC workers in other branches – including the CAA - we effectively represent the entire workforce of professionals involved in UK ATM.

1. Regulatory Period

Whilst recognising the challenges from a regulatory point of view for the CAA, we believe that a 5 year control period is still the most suitable length of time. Should it be necessary to offset from Heathrow control periods, then a one off 6 year control period may be appropriate, but the magnitude and effort for a mid-point review could be overly burdensome for all stakeholders involved as well as the CAA themselves, and create uncertainty mid plan. Therefore, should a 6-year control period be deemed the most appropriate, we would advocate for no mid-point review and allow current processes and any new initiatives under NR28 to provide the required monitoring.

2. Traffic Forecast

We support NERL's position in the use of its own traffic forecast rather than the STATFOR forecast. NERL's forecast is more accurate, considers local intelligence, and is used to make operational staffing decisions. To use a less accurate forecast for regulatory purposes, which is then the driver for incentives and opex spend rather than NERL's forecast used for the daily operational plan seems confusing and may impact on NERL's ability to deliver. We understand the airlines nervousness that it is not independent, so we would support the appointment of an independent scrutineer to ensure the methodology and compiling of the UK NATS forecast is robust and fair.

3. Service Quality and Resilience

We support the continuing use of the existing C1-C4 metrics as we believe these are well understood and provide the right framework for incentivising NERL. That said the metrics or the incentives around them should have careful consideration so that they do not drive

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NERL's behaviour to focus on service quality at the expense of other critical areas such as delivery of the capex programme or investing for the future in areas such as ATCO training (key to building resilience), or providing resource for airspace design. We believe this is consistent with the objectives as set out in 2.105 of CAP 3190. As highlighted by NERL there is a balancing act to be had, and the interdependencies need to be carefully considered. Service quality targets should support the delivery of all areas of the plan, even if this means service quality targets linked to ATFM delay are not as stringent as they have been in previous reference periods.

We note the points the CAA makes around the passenger experience, and we would advocate that proper consideration is taken of the consumer research commissioned by NERL. Minimising disruption featured heavily as a passenger priority, and we would interpret this as not only avoiding undue delay, but also more serious disruption caused by technological failure or other large scale disruptive events. This would corroborate the need for continued investment in resilience, both from a staffing point of view to seek to maintain acceptable levels of delay, but also in the capex program to ensure reliable and modern systems. We would urge that the voice of the passenger is given due and appropriate consideration as it would be all too easy to dismiss the outcomes of the research, given NERL's relationships tend to business to business and they do not have a direct relationship with the passenger.

4. Environmental Sustainability

There is a fundamental policy question for the UK to answer that in our view needs resolving for NR28 and beyond.

The network manager of Eurocontrol issues guidance to aviation personnel about actions each profession in aviation should take to best support the network as a whole, citing the improvements to the operation of the network and predictability that following this guidance can deliver. This is promulgated as part of the Eurocontrol 2025 'think network' campaign¹, in which Eurocontrol states:

*Eurocontrol encourages all operational stakeholders to consider the impact of local decisions on the network as a whole (#thinkNetwork) and to focus on a set of priorities to minimise disruption to air traffic in Europe this summer. These priorities for the aviation sector include prioritising first rotation, disciplined flight plan execution, delivering agreed capacities, realistic schedules, and adverse weather management.*¹

Furthermore, its specific advice to en-route ATCOS is:

DO NOT DEVIATE THE FLIGHT FROM THE VERTICAL/LATERAL PROFILE AS FILED IN THE FLIGHT PLAN, UNLESS DICTATED BY WEATHER, SAFETY OR OTHER TECHNICAL REASON.²

¹ <https://www.eurocontrol.int/think-network>

² <https://www.eurocontrol.int/sites/default/files/2025-05/thinknetwork-guide.pdf>

We are unclear as to how specific advice from Eurocontrol's Network Manager is compatible with local incentivised targets of improving actual aircraft tracks and vertical profiles (thereby deviating the flight from its flight plan), which directly contradict the initiatives of the Eurocontrol Network Manager. It leaves our members in an impossible position in an operational environment with opposing pressures. We would ask the CAA to provide clarification on UK policy as to what its priorities are. Is the position of the CAA that the UK's commitments to Eurocontrol, the Network Manager and the efficient operation of the Network take precedence, or is it the incentivisation to provide environmental benefit by tactical alterations to aircraft lateral and vertical profiles, compromising the overall efficient operation of the network and contrary to Eurocontrol's request of operational controllers?

Should the CAA opt for the continued incentivisation of tactical track adjustments then will it be informing Eurocontrol of its position and asking it to seek to alter its guidance to UK controllers?

Should the incentivisation of tactical interventions to support environmental sustainability be included in NR28 then we support redesign of the metric(s) and the proposal outlined so far by NERL. Many of the existing inputs into 3DI are partly or wholly outside of NERL's control so it is appropriate to improve any environmental measures that are to be incentivised, to ones that NERL can influence.

That said we believe that the concept of measuring and incentivising environmental benefit on a tactical basis is time served and has become outdated. As we move closer to free route airspace, and the increased use of flight plannable direct routes becomes more prevalent, coupled with increased traffic, the opportunities for day-to-day improvement on a tactical basis is reducing year on year. (Notwithstanding damaging to the overall Network performance as outlined earlier). Indeed, the current metric could be argued to be a disincentive to airspace redesign. Improving airspace design and the use of more flight plannable direct routes, whilst welcome for less fuel burn, removes opportunity for ATCOs to improve on a tactical basis. You can't improve on an already direct route.

We would draw the CAA's attention to our response to the NR23 consultation on this topic, and as we have seen in NR23 so far with the 3DI target not being met our advice has been borne out.

We said -. 'The arbitrary nature of the proposed targets by a straightforward linear reduction is not linked to specific improvements through capex delivery or airspace modernisation. In short the proposals are divorced from reality and seem to be extrapolated from historical trends. The targets would be better aligned to the delivery benefits from the capex program and airspace modernisation, as these are the factors that will realise tangible benefits to environmental performance, rather than just extrapolating a graph.'

This is exactly what has happened. The arbitrary liner reduction seems to have been planned on hope rather than anything tangible, and the targets are impossible to deliver on, as evidenced to date. Therefore, in any future target setting, the targets arrived at must have a traceable and demonstrable path that shows what realistically will be implemented to deliver them, and how all components of the plan support and evidence this.

In our view the benefits to environmental sustainability need to move away from tactical intervention by ATCOs and should be aligned to benefits that would be derived as part of airspace modernisation and the capex program with new technology. The entire responsibility for environmental sustainability so far as it relates to emissions from aircraft would be well served by transferring to UKADS, and it is this body that should have incentives to bring proposals that reduce CO2 emissions and provide environmental benefit, as this will be much more effective than the increasingly limited and difficult to achieve (as well as contrary to good network performance) tactical interventions.

5. Costs

We have grave concerns about the deep dive and bottom-up approach to cost assessment. There are real risks of unintended consequences and is tantamount to regulatory overreach. We often hear the mantra that the cost envelope is set at a higher level and it is for NERL to decide where and how to efficiently spend its money, yet a bottom up approach targets specific cost areas which then very clearly directs NERL's actions around its spending. If this approach is to continue, it raises the question why NERL exists at all, and the logical extrapolation of this approach is for the CAA to assume direct control and run the en-route licence. If the CAA is directing specific areas of spend and using deep dives to judge if it is appropriate, it is effectively making NERL managerial decisions. This approach with respect to opex spending, as far as we can see, is unique amongst other government regulatory approaches, raising the question as to how it is an appropriate methodology. If we were to benchmark the CAA's regulatory approach amongst its comparators e.g. OFWAT, OFGEM, ORR etc, it would be an outlier. We accept that for capex spend similar scrutiny is applied by other regulators. We are also concerned however that a holistic approach to the overall settlement is required that must recognise the complex interdependencies that exist, both in terms of the Opex and Capex spend and also balancing delay and environmental performance, technical and staffing resilience with cost-efficiency.

Industrially, Prospect has been very patient with previous price controls and the bottom up approach, however should this concept continue to expand then there are real industrial risks. The decision the CAA took on the funding of NATS's DC scheme from 1st January 2024 is one such area where industrial risk remains very real, and we would suggest the CAA reflect on what other union's reactions in other industries might be to such an approach by another regulator, e.g. the RMT in rail.

The use of benchmarking is fraught with opportunity for inaccuracy, and often in the past the benchmarking comparators have been inappropriate. The methodology is also often flawed, and where true comparators to NERL (other large European ANSPs) are reluctant to supply data for benchmarking purposes, rather than acknowledge that benchmarking where lack of data is available is inappropriate, other less accurate areas of industry are used as a poor proxy. We would urge the CAA to consider carefully it's approach to cost assessment, particularly around deep dives into specific areas of spending.