

Safety and Airspace Regulation Group

Title of Airspace Change Proposal	Neart na Gaoithe and Inch Cape Offshore Wind Farm Transponder Mandatory Zone
Change Sponsor	Neart na Gaoithe Offshore Wind Limited / Inch Cape Offshore Limited – assisted by Osprey Consulting Services Limited
SARG Project Leader	[REDACTED]
Case Study commencement date	12 October 2015
Case Study report as at	21 April 2016
File Reference	

Instructions

In providing a response for each question, please ensure that the 'Status' column is completed using the following options:

- **Yes**
- **No**
- **Partially**
- **N/A**

To aid the Case Officer's efficient Project Management it may be useful that each question is also highlighted accordingly to illustrate what is resolved Green **not resolved** Amber or **not compliant** Red

Safety and Airspace Regulation Group

1.	Consultation Process	Status
1.1	<p>Is the following information complete and satisfactory?</p> <ul style="list-style-type: none"> • A copy of the original proposal upon which consultation was conducted. • A copy of all correspondence sent by the sponsor to consultees during consultation. • A copy of all correspondence received by the sponsor from consultees during consultation. • A referenced tabular summary record of consultation actions. • Details of and reasons for any changes to the original proposal as a result of the consultation. • Details of further consultation conducted on any revised proposal. <p>This consultation relates to proposals to establish a Transponder Mandatory Zone (TMZ) around the Neart na Gaoithe (NNG) and Inch Cape (IC) windfarms. Whilst it represented a targeted aviation stakeholder consultation, the associated documentation was hosted on the sponsor's websites and could easily be accessed by members of the public.</p>	<p align="center">YES</p> <p align="center">YES</p> <p align="center">YES</p> <p align="center">YES</p> <p align="center">N/A</p> <p align="center">N/A</p>

Safety and Airspace Regulation Group

1.2	Were reasonable steps taken to ensure all necessary consultees actually received the information e.g. postal/e-mail/meeting fora?	YES
	<p>Prior to the consultation launch, local aviation stakeholders were briefed that a consultation was imminent and provided with a summary of the detail to be included in the associated documentation. The consultation document was subsequently distributed electronically via email to a list of 62 pre-determined aviation stakeholders and published on each of the sponsor's websites. Whilst the sponsor has provided little evidence that they were proactive in terms of taking steps to confirm that stakeholders had actually received the consultation document, numerous reminders were sent out during the consultation to those stakeholders that had not responded (see Section 1.5 below).</p>	
1.3	What % of all operational consultees replied? (Include actual numbers).	18% (11)
	<p>A total of 11 responses were received from the pre-determined list of 62 aviation stakeholders, which equates to a response rate of 18%. Of the 11 responses, four (4) stakeholders confirmed that they <i>'support'</i> the proposal, whilst the remaining seven (7) stated that they <i>'did not object to the proposal'</i>.</p>	
1.4	What % of all environmental consultees replied? (Include actual numbers).	N/A
	<p>It is expected that the proposals will have a neutral impact on noise, fuel burn and local air quality and therefore it was agreed at the Framework Briefing (Stage 1) that there was no requirement to consult with environmental stakeholders (see Section 3 of the 'Framework Briefing Meeting Notes of Actions' document).</p>	
1.5	Were reasonable steps taken to ensure as much substantive feedback was obtained from the consultees e.g. through follow-up letters/phone calls?	YES
	<p>The sponsors were proactive in providing local aviation stakeholders with information briefs ahead of the consultation's launch and to promote maximum response during the consultation period, they distributed reminder emails on two separate occasions. A third and final reminder email was distributed on the final day of the consultation period to notify those stakeholders that had not responded that the consultation period had been extended (by a single day) to allow them additional time to do so.</p>	

1.6	<p>Have all objections to the change proposal been resolved (or sufficiently mitigated)?</p>	N/A
<p>Although there were no objections to the proposal, the following points were raised by stakeholders and are worth noting within this document:</p> <p>Lack of justification / proposal is disproportionate to the actual risk. Whilst they did not object to the proposal, the British Gliding Association included the following statement in their response to the consultation:</p> <p><i>“We find the proposal lacking in justification and suspect that a proper analysis would confirm that no action needs to be taken. The introduction of a TMZ would thus be seen as disproportionate to actual risk.”</i></p> <p>The CAA believes that the sponsor has presented a logical solution which, if approved, will be reviewed by the Authority at Stage 7 (Post Implementation Review (PIR)) of the airspace change process. The PIR will use evidence collated during a minimum period of 12 months of operation following implementation to determine whether or not the TMZ is a suitable solution; the change sponsor will be expected to respond accordingly to any recommendations that we may make upon completion of the Review.</p> <p>TMZ is an interim solution. The Ministry of Defence did not object to the proposal, but did highlight a number of caveats in their response to the consultation. Of particular note is their statement that the TMZ represents an <i>“interim solution”</i> and that the <i>“developers honour their agreement to provide funding to identify, trial and subsequently implement a long-term technical solution and, once operational, cancel this TMZ as part of the ongoing Post Implementation Review process”</i>.</p> <p>Should the proposal be given our regulatory approval, the subsequent PIR process will determine what action (if any) should be taken by the change sponsor with regards to the ongoing use of the TMZ.</p>		

Safety and Airspace Regulation Group

Outstanding Issues

Serial	Issue	Action Required
1	Procedure/system changes and controller training/briefing.	Change sponsor needs to ensure that any planned implementation date for the TMZ is fully co-ordinated with NATS (NATS Aberdeen and NATS Prestwick ACC).
2		

Additional Compliance Requirements (to be satisfied by Change Sponsor)

Serial	Requirement
1	
2	

Recommendations

Yes/No

Does the Consultation Report and associated material meet SARG requirements?

YES

Although the consultation report and associated material does meet regulatory requirements, section 3 (Analysis of Responses) of the Consultation Report could have been enhanced by including a comment from the change sponsor in response to each of the key issues that were highlighted within this section. It was also noted that the consultation record (an excel spreadsheet) failed to detail whether or not any action was required or indeed taken by the change sponsor in response to these key issues/ themes.

NOTE: Evidence was subsequently provided by the Sponsor to confirm that they had contacted the MoD and BGA concerning the key issues that had been raised by them in their responses to the consultation. The Sponsor acknowledged receipt of their feedback and confirmed their intentions in terms of addressing the key issues presented by each stakeholder.

General Summary

Despite the best efforts of the change sponsor to obtain substantive feedback from stakeholders, this consultation generated a relatively low response rate and it's possible that this may be a reflection of the fact the consultation document itself was extremely detailed and very lengthy. Although there were no objections to the proposals, a number of stakeholders raised some concerns in relation to the establishment of a TMZ and these were identified as 'key issues' in the consultation report by the stakeholder. Whilst the change sponsor did not provide any comment in response to these 'key issues' within the consultation report, evidence was subsequently provided to confirm that each stakeholder was contacted directly and informed of the change sponsors intentions in terms of addressing the key issues presented by them.

Comments & Observations

Nil.

Safety and Airspace Regulation Group

Consultation Assessment Sign-off/ Approvals	Name	Signature	Date
Consultation Assessment completed by:	 AR Representative		21/3/2016
Consultation Assessment approved by:	 Mgr AR		15/04/2016
Mgr AR Comments:			

Hd AAA Comment/ Approval	Name	Signature	Date
Consultation Assessment Conclusions approved:	 Hd AAA		29/04/2016
Hd AAA Comments: Nil			