

CAA assessment of the criteria for call-in by the Secretary of State of the CAA's 'Consideration of Spaceport 1 Scolpaig North Uist' airspace change proposal

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Chapter 1

Background

Introduction

- 1.1 Spaceport 1 Scolpaig, North Uist, is an airspace change proposal (ACP-2021-012¹) at the Stage 5 – Decide stage of the CAP 1616 process (“the Proposal”). The next step would be for the Civil Aviation Authority (“CAA”) to review and assess the proposal and decide whether or not to approve it.
- 1.2 The sponsor is QinetiQ on behalf of the Spaceport 1 consortium. This consortium includes QinetiQ, Highlands and Islands Enterprise, a private enterprise and Comhairle nan Eilean Siar, the local council (which also has responsibility for planning, culture and transport).
- 1.3 No spaceport licence has yet been granted to an operator of Spaceport 1. Spaceport applications are made in accordance with the Space Industry Regulations 2021 and CAA policy CAP 2212 Guidance² for spaceport licence applicants and spaceport licensees.
- 1.4 The statement of need for this Proposal states that the proposed airspace design is required to provide an area of segregated airspace that will enable adequate protection for the spaceport activities and connect the spaceport with the EGD701 danger area complex, known as the Hebrides Range Danger Areas. The space activity currently proposed, and for which the proposed airspace is designed, is vertical suborbital launch.
- 1.5 The Spaceport 1 site at Scolpaig currently lies beneath Class G unregulated airspace and is a few miles from the Hebrides Range Danger Areas. The Statement of Need states there is a requirement to safely segregate rocket launch activities to minimise the risk posed to other airspace users.
- 1.6 The CAA received the Proposal on 22 November 2024 and opened the call-in window for the Proposal on 28 November 2024. The call-in window was closed on 2 January 2025. On 17 December 2024 the sponsor submitted an amendment to the Proposal to the CAA which was published on the CAA portal. As call-in requests had already been received, the CAA did not extend the period the call-in window was open.
- 1.7 The CAA received seven call-in requests. The CAA initiated the call-in assessment for the Proposal on 8 January 2025.

¹ CAA Airspace Change Portal - <https://airspacechange.caa.co.uk/PublicProposalArea?pID=344>

² CAA Publications Page - <https://www.caa.co.uk/our-work/publications/documents/content/cap2212/>

- 1.8 The Civil Aviation Authority (Air Navigation) Directions 2023 (“the 2023 Directions”) set out the process for the Secretary of State’s call-in power under Direction 6. Direction 6(2) requires the CAA to provide an assessment of whether the CAA considers the proposal meets one or more of the call-in criteria under Direction 6(7). Direction 6(3) requires the CAA to take account of any guidance the Secretary of State (“SofS”) has given to the CAA in its assessment.
- 1.9 This report is the CAA’s assessment of whether the Proposal meets any of the call-in criteria. The Secretary of State will consider the CAA’s assessment and decide if any of the call-in criteria have been met. If the Secretary of State decides the call-in criteria have been met, she will have a discretion to call-in the Proposal. In which case, the Secretary of State will decide whether she will exercise that discretion, i.e. whether she will call-in the Proposal and make the decision whether to approve the Proposal herself, rather than the CAA.
- 1.10 The remainder of this chapter outlines the relevant Directions and guidance given to the CAA. Chapter 2 sets out the CAA’s assessment of each of the call-in criteria and Chapter 3 gives the CAA’s overall assessment of whether any of the call-in criteria are met.

Relevant Directions and Guidance

The 2023 Directions contain the primary definition of the call-in criteria and the exceptions which the CAA must consider in this assessment. Direction 6(7) states:

For the purpose of this direction, the “call-in criteria” are that the proposed change-

(a) is of strategic national importance,

(b) could have a significant impact (positive or negative) on the economic growth of the UK, or

(c) could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.

Direction 6(9) states:

This direction does not apply to a proposal which is –

(a) submitted by, or on behalf of, the Ministry of Defence, or

(b) directly related to a planning decision made by the Secretary of State or another planning authority which involved detailed consideration of changes to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal.

Direction 6(8) states:

For the purpose of assessing whether the requirement in paragraph 7(c) is met, the CAA shall-

- (a) consider the largest such noise increase expected in the 10 years following the anticipated implementation date of the proposed airspace change, and
- (b) identify whether any worsening of health and quality of life measurement is anticipated as a result of the airspace change.

- 1.6 The Secretary of State's Air Navigation Guidance 2017 provides guidance to the CAA on its environmental objectives when carrying out its air navigation functions, and to the CAA and wider industry on airspace and noise management. This guidance states the following (which the CAA has applied as if it refers to the 2023 Directions):

6.7 In accordance with the call-in criteria as set out in the Air Navigation Directions 2017, the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.

- 1.7 The 2023 Directions require the CAA take into account the Department for Transport's statutory guidance³ ("the 2019 Guidance") when undertaking a call-in assessment. The 2019 Guidance includes guidance on the meaning of the call-in criteria as set out below:

³ Version 1.2, dated October 2019, which is available on the CAA website at <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Secretary-of-State-call-in-process/>

Call-in criterion (a) – Strategic national importance

10. The proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the **overall** delivery of one or more of the following government policies only:

- I. **an Airports National Policy Statement (“NPS”)**, for example, if the CAA considers that a proposed airspace change could prevent the successful delivery of on-going or future airspace changes that could increase future capacity as agreed in that NPS;
- II. **maintaining UK national security**, for example, a proposal that the CAA has been advised by the Ministry of Defence or another government department might have a national security impact on the operations of a site of critical national infrastructure, such as a nuclear installation or prison;
- III. **the UK’s Industrial Strategy as it relates to space ports**, but only where a proposal establishes the airspace needed for operations from the first space ports designed for sub-orbital use and vertical launchers, and which therefore sets the precedent for future design and airspace change decisions;
- IV. **airspace zones specifically linked to the UK policy on the safe use of drones in the UK**, but only in respect of the first proposal to establish the airspace needed for the use of drones commercially (i.e. excluding testing) and which therefore sets the precedent for future design and airspace change decisions.

11. The Department for Transport will notify the CAA at the point it no longer needs to take one or more of the bullet points in paragraph 10 into account.

Call-in criterion (b) – Could have a significant impact (positive or negative) on the economic growth of the United Kingdom

12. A proposal would have such an impact if it were directly linked to a plan to increase capacity at an airport or airports by more than 10 million passengers a year.² This is the passenger threshold used for an airport to be classed as a Nationally Significant Infrastructure Project.

Call-in criterion (c) – Could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life

13. To enable this criterion to be assessed, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes either (a) an assessment of whether the 54 dB LAeq 16hr test set out in criterion c is met, based on satisfactory noise modelling, or (b) where agreed with the CAA, other satisfactory evidence demonstrating that the anticipated change in noise impacts will not meet this criterion.
14. The Air Navigation Guidance 2017 (section 6.7) states that “the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.” This assessment must be made for all proposals submitted to the CAA for decision after 1 January 2018³, including those that are being considered under CAP 725 and against the Air Navigation Guidance 2014.
15. This criterion⁴ concerns proposals that have both “a change in noise distribution ... **and** ... an identified adverse impact on health and quality of life”. For the purposes of this assessment, the CAA should consider whether any proposal leading to the specified change in noise distribution in criterion (c) will consequently have “an identified adverse impact on health and quality of life” and therefore will meet this criterion.

Exceptions

17. Direction 6(6) specifies the following exceptions from the call-in process:

I. a proposal which is submitted by, or on behalf of, the Ministry of Defence (MoD); this would include a proposal jointly submitted with a civilian sponsor;

II. a proposal directly related to a planning decision:

a. which has already been determined by the SofS; or

b. made by another planning authority which involved detailed consideration of changes to flight paths in UK airspace consequential on the proposed development, which the sponsor has taken into account when developing its proposal.

18. In the case of a proposal that is subject to an exception under paragraph 17 above, the CAA is requested to provide its views as to why the exception applies and no detailed assessment of the call-in criteria against the proposal is required.

Chapter 2

CAA's assessment of the call-in criteria

- 2.1 In this chapter, the CAA sets out its assessment of the various call-in criteria as they pertain to the Proposal.
- 2.2 The CAA has assessed whether the Proposal falls into any of the exception categories under Direction 6(9) of the 2023 Directions. Then, if any of the exceptions apply, no detailed assessment of the call-in criteria needs to be made. If the Proposal does not appear to fall into any of the exceptions, then it must be assessed against the call-in criteria under Direction 6(7) of the 2023 Directions.

Exceptions

- 2.3 Direction 6(9) sets out the criteria under which a proposal is excepted from call-in. The Proposal is excepted if it is:
- Submitted by, or on behalf of, the MoD, or
 - Directly related to a planning decision made by the Secretary of State or another planning authority which involved detailed consideration of changes made to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal.
- 2.4 **Submitted by, or on behalf of, the MoD:** The Proposal is sponsored by QinetiQ on behalf of the Spaceport 1 consortium. It has not been submitted by or on behalf of the MoD. The CAA's assessment is that this exception is not met.
- 2.5 **Directly related to a planning decision made by the Secretary of State or another planning authority which involved detailed consideration of changes made to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal:** The proposal relates to Spaceport-1. Planning permission for a spaceport for sub-orbital launches was granted (subject to conditions) by the local planning authority, Comhairle nan Eilean Siar, on 26 July 2023⁴. However the decision does not indicate that detailed consideration of changes that would need to be made to flight paths in UK airspace in order to

⁴ [National, Major and/or EIA Development Applications | Comhairle nan Eilean Siar](https://www.cne-siar.gov.uk/planning-and-building-standards/planning/planning-applications/view-planning-applications/national-major-andor-eia-development-applications/determining-authority/2100646ppd-sub-orbital-vertical-launch-spaceport-facility) - <https://www.cne-siar.gov.uk/planning-and-building-standards/planning/planning-applications/view-planning-applications/national-major-andor-eia-development-applications/determining-authority/2100646ppd-sub-orbital-vertical-launch-spaceport-facility>

utilise the proposed development (i.e. the spaceport) were made during that application. The CAA's assessment is that this exception is not met.

- 2.6 From the analysis above, the CAA's assessment is that the Proposal does not meet the criteria under Direction 6(9) to be excepted from Secretary of State call-in. The CAA has therefore considered each of the call-in criteria set out under Direction 6(7). The following sections will examine each of these criteria in turn.

Of strategic national importance

- 2.7 Direction 6(7)(a) states that an airspace change proposal shall meet one of the call-in criteria if it is of strategic national importance.
- 2.8 The 2019 Guidance states that a proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the overall delivery of one or more of the following government policies only:
- an Airports National Policy Statement ("NPS")
 - maintaining UK national security
 - the UK's Industrial Strategy as it relates to space ports
 - airspace zones specifically linked to the UK policy on the safe use of drones in the UK
- 2.9 **An Airports NPS:** The only Airports NPS was formally designated by the Secretary of State on 26 June 2018. Paragraph 1.12 of the Airports NPS⁵ states, "The Airports NPS provides the primary basis for decision making on development consent applications for a Northwest Runway at Heathrow Airport, and will be an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England." The purpose of the Proposal as stated above does not relate to increased capacity in the South-East of the UK and therefore, the CAA's assessment is that the approval or rejection of the Proposal will **not** impact the overall delivery of this national policy and therefore this criterion is not met.
- 2.10 **Maintaining UK national security:** the CAA has not been advised by the Ministry of Defence or any other government department that the Proposal might have a national security impact on the operations of a site of critical national infrastructure. The Proposal confirms that priority for access to airspace required for aircraft operating on national security grounds will take precedence and launches will be delayed if necessary. Therefore, the CAA's assessment is that

⁵ Department for Transport (2018): Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England'[\(link\)](#)

the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this criterion is not met.

- 2.11 **UK's Industrial Strategy (space ports):** The Proposal proposes a volume of airspace to enable suborbital vertical launches from a spaceport, Spaceport 1. In addition to appropriate airspace design, Spaceport 1 will need a spaceport licence granted by the CAA to carry out such launches. Spaceport 1 does not yet hold a spaceport licence and if any airspace design were to be approved by the CAA (or the Secretary of State if the application is called in) the airspace decision would necessarily contain pre-conditions on implementation of the airspace that relate to a spaceport licence being granted and compliance with any conditions of that licence.
- 2.12 The Proposal contains an airspace design the sponsor considers necessary for sub-orbital launches only.
- 2.13 Spaceport 1 is not the first Spaceport whose airspace change proposal has been considered by the CAA.
- SaxaVord Spaceport was the first UK spaceport and associated airspace design considered for vertical launches (both sub-orbital and orbital). SaxaVord Spaceport has been granted a Spaceport licence by the CAA. However, the associated airspace proposed to safely contain launches, the SaxaVord Spaceport Vertical Launch Safety Area, sponsored by the Shetland Space Centre Ltd (ACP-2017-79⁶) has reached Stage 5 of the Airspace Change Process; a final CAA decision for this airspace change proposal has been paused, awaiting completion of additional air traffic management agreements.
 - Spaceport Cornwall is designed for horizontal launches. Spaceport Cornwall has been granted a spaceport licence granted by the CAA. The associated airspace proposed by Spaceport Cornwall sponsored by Virgin Orbit UK Ltd (ACP-2021-031⁷) to safely contain launches was granted a temporary airspace change approval by CAA for the purpose of a launch in 2023.
- 2.14 In the CAA's assessment this proposal "*establishes the airspace needed for operations from the first spaceports designed for sub-orbital use and vertical launchers*". The first detailed consideration of the airspace needed for vertical launches (orbital and sub-orbital) was in relation to SaxaVord spaceport as set out above (and no request was made to call that decision in). However, the CAA has not made a final decision in relation to the SaxaVord airspace change proposal as further work is ongoing with the UK's international partners. In the CAA's assessment no airspace change decision sets a "*precedent for future design and*

⁶ CAA Airspace Change Portal - <https://airspacechange.caa.co.uk/PublicProposalArea?pID=92>

⁷ CAA Airspace Change Portal - <https://airspacechange.caa.co.uk/PublicProposalArea?pID=373>

airspace change decisions” as each proposed operation and its geographical location are unique. Therefore, in the CAA’s assessment it is not the case that this airspace change decision will set a precedent. Nonetheless on balance, because this airspace change proposal considers the airspace design needed for one of the first vertical launch spaceports in the UK it is the CAA’s assessment that this call-in criterion is met.

- 2.15 **Airspace zones for safe use of drones:** The options in the proposal include a permanent Flight Restriction Zone around the Spaceport to prevent the unauthorised flight of drones in the vicinity of the spaceport and its protected airspace. Notwithstanding this, the Proposal makes no mention of the proposed changes impacting airspace zones designated for the safe use of drones and we are not aware that the proposal will impact such zones. Therefore, the CAA’s assessment is that the approval or rejection of the proposal will not impact the overall delivery of the UK policy on the safe use of drones and therefore this criterion is not met.
- 2.16 Since the CAA’s assessment is that on balance the guidance on one of the call-in criteria have been met; our assessment is that the strategic national importance criterion has, on balance, been met.

A significant impact (positive or negative) on the economic growth of the United Kingdom

- 2.17 Direction 6(7)(b) states that an airspace change proposal shall meet one of the call-in criteria if it could have a significant impact (positive or negative) on the economic growth of the UK.
- 2.18 Despite the wording of the criteria in the 2023 Directions, the 2019 Guidance states that a proposal would have such an impact if it were directly linked to a plan to increase capacity at an airport or airports by more than 10 million passengers a year.
- 2.19 The Proposal does not involve an increase in passengers served by the spaceport or any adjoining airports. In the CAA’s view, the Proposal is not directly linked to a plan to increase capacity by more than 10 million passengers a year. The CAA’s assessment is that this criterion is not met.

A change in noise distribution and an identified adverse impact on health and quality of life

- 2.20 Direction 6(7)(c) states that an airspace change proposal shall meet one of the call-in criteria if it could both lead to a change in noise distribution resulting in 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.

- 2.21 Direction 6(8) directs the CAA, when assessing whether this criterion is met to (a) consider the largest noise increase expected in the 10 years following the anticipated implementation date of the proposed airspace change, and (b) identify whether any worsening of health and quality of life measurement is anticipated as a result of the airspace change.
- 2.22 The 2019 Guidance states that to enable this criterion to be assessed, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes either (a) an assessment of whether the 54 dB LAeq 16hr test set out in Direction 7(c) is met, based on satisfactory noise modelling, or (b) where agreed with the CAA, other satisfactory evidence demonstrating that the anticipated change in noise impacts will not meet this criterion.
- 2.23 The sponsor has not produced noise contours (in accordance with (a)) from re-routed aircraft because in accordance with (b) it was agreed with the CAA on the basis of sufficient evidence that the proposal will not lead to a change in noise distribution resulting in 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.
- 2.24 The CAA has assessed this is due to the low population densities in the vicinity of the spaceport. There would also need to be a minimum of approximately 60 aircraft movements per day to result in noise levels above 54 dB LAeq, 16hr. Current-day traffic movements in the vicinity of the spaceport are well below this threshold, and the Proposal does not intend to introduce any kind of increase in existing traffic levels directly or indirectly through the rerouting of flights. When assessing distinct and infrequent noise, such as noise from rocket launches, measures of single events such as the maximum noise level (L_{Amax}) and the sound exposure level (SEL) are most appropriate and equivalent continuous noise level metrics (LAeq, 16hr) are not applicable. The CAA's assessment is that this criterion is not met.

Chapter 3

CAA's overall assessment

- 3.1 The CAA has considered each of the call-in criteria under Direction 6(7) of the 2023 Directions in turn, taking account of the relevant guidance, and the CAA's opinion is that the Proposal does not fall within the exceptions under Direction 6(9) of the 2023 Directions, but the Proposal has, on balance, met the call-in criterion of strategic national importance.
- 3.2 In exercise of our function under Direction 6(2), this document sets out the CAA's assessment of whether the call-in criteria are met. It is for the Secretary of State to decide whether the call-in criteria are met. If the Secretary of State decides the call-in criteria are met she has a discretion to decide whether to call the Proposal in to be determined by her rather than the CAA⁸.

⁸ Paragraph 6(4) of the 2023 Directions