

CAA assessment of the criteria for call-in by the Secretary of State of Swanwick Airspace Improvement Programme – Airspace Deployment 6 – August 2021 airspace change proposal

CAP 2233

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Chapter 1

Background

Introduction

- 1.1 On 5 July 2021, NATS and London Luton Airport (“the Sponsor”) jointly submitted an airspace change proposal to the CAA (“Swanwick Airspace Improvement Programme - Airspace Deployment 6¹”, ACP reference ACP-2018-65), proposing to reduce the complexity of London Luton Airport (LLA) arrivals and their interactions with Stansted arrivals, to decrease air traffic controller workload and assuring safe and efficient operations. Between 6 July and 3 August 2021, the CAA received requests for the airspace change decision to be called in by the Secretary of State². The CAA’s assessment has been made against the details of the proposal submitted on 5 July 2021 (hereafter called the “SAIP AD6 Proposal”).
- 1.2 The Civil Aviation Authority (Air Navigation) Directions 2017 (as amended) (“**the 2017 Directions**”) Direction 6(1A) require the CAA to provide an assessment of whether the CAA considers the proposal meets one of more of the call-in criteria set out in Direction 6. Direction 6(1B) requires the CAA to take account of any guidance the Secretary of State has given to the CAA when doing so. This report represents the CAA’s assessment of the call-in criteria as they apply to the SAIP AD6 Proposal, and will be provided to the Secretary of State (SofS) to inform his decision whether he has a discretion to exercise to call-in the Proposal for decision by himself rather than the CAA.
- 1.3 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 such that a discretion for the SofS to call-in the SAIP AD6 Proposal arises.

¹ Available on the CAA website at [SAIP AD6 ACP – 4B Airspace Change Proposal Issue 1.0](#)

² Available on the CAA website at: [SAIP AD6 ACP – Call-in feedback](#)

Relevant Directions and Guidance

1.4 The 2017 Directions contain the primary definition of the call-in criteria and the exceptions which the CAA must consider in this assessment.

- (5) 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 United Kingdom,
 - (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 or
 - (d) could lead to any volume of airspace classified as Class G being reclassified as Class A, C, D or E.
- (6) This direction does not to *[sic]* apply to a proposal which is –
- (a) submitted by, or on behalf of, the MoD,
 - (b) directly related to a planning decision which had already been determined by the Secretary of State,
 - (c) directly related to a planning decision 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, or
 - (d) submitted to the CAA for approval before coming into force of these Directions.

1.5 The Secretary of State’s Air Navigation Guidance 2017, providing 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 2017, published in October 2017, states that.

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.

1.6 The statutory guidance (version 1.2, dated October 2019³) which the 2017 Directions require the CAA takes into account when undertaking a call-in assessment is hereafter referred to as “the Guidance” and is set out below:

³ Available on the CAA website at [SofS call-in criteria](#)

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 DfT 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.

² This will only apply where the SofS has not already reviewed the change through a planning procedure, as per exception II(a)

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.

Call-in criterion (d) – Could lead to any volume of airspace classified as Class G being reclassified as Class A, C, D or E

16. A proposal would meet this criterion if it desired to reclassify a portion of Class G airspace into either Class A, C, D or E. To help with the determination of such proposals, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes full details on:
 - (a) what engagement it has undertaken with airspace users who may be affected; and
 - (b) the actions it is proposing to mitigate any concerns which may have been raised during this engagement.

³ Direction 6(6)(d)
⁴ Direction 6(5)(c)

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:**

(c) which has already been determined by the SofS; or

(d) 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 16 *[sic]* 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 SAIP AD6 Proposal.
- 2.2 It must first be ascertained whether the airspace change falls into any of the exception categories from 2017 Directions, Direction 6(6), since if it does then – irrespective of other considerations – no detailed assessment of the other call-in criteria needs to be made. If the proposal does not appear to be an exception, then it must be assessed against the four call-in criteria from 2017 Directions, Direction 6(5).

Exceptions

- 2.3 Direction 6(6) states the conditions under which a proposal is exempted from call-in. The proposal is exempted if it is:
- submitted by, or on behalf of, the MoD,
 - directly related to a planning decision which had already been determined by the Secretary of State, or
 - directly related to a planning decision made by 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 SAIP AD6 Proposal was submitted by the Sponsor and makes no mention of the proposed changes being made jointly with or on behalf of the MoD. Therefore, the CAA's assessment is that this exception is not met.
- 2.5 **Directly related to a planning decision already determined by SofS:** the CAA is not aware of any planning decision already determined by the SofS to which the SAIP AD6 Proposal is directly related. Nor is there any mention of such in the SAIP AD6 Proposal. Therefore, the CAA's assessment is that this exception is not met.
- 2.6 **Directly related to a relevant planning decision by another authority:** the CAA is not aware of any planning decision already determined by any other body to which the SAIP AD6 Proposal is directly related in the manner specified. Nor

is there any mention of such in the SAIP AD6 Proposal. Therefore, the CAA's assessment is that this exception is not met.

- 2.7 From the analysis above, the SAIP AD6 Proposal does not meet any of the conditions required to be an exception. The CAA has therefore considered each of the call-in criteria set out in the Directions 5(5).
- 2.8 The following sections will examine each of these criteria in turn.

Of strategic national importance

- 2.9 Direction 6(5)(a) states that an airspace change proposal shall meet one of the call-in criteria if it is of strategic national importance.
- 2.10 The Guidance provided to the CAA 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.
- 2.11 **An Airports NPS:** The Government's only Airports NPS was formally designated by the Secretary of State on 26 June 2018. Paragraph 1.12 of the Airports NPS⁴ 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". In the Airports National Policy Statement, LLA is mentioned in connection with the other four major South East of England airports, to provide a context of their noise requirements and capacity constraints by 2050 (see para 2.12). However, as stated in the SAIP AD6 Proposal, the purpose of the airspace change is to reduce the complexity of LLA arrivals and their interactions with Stansted ones, to decrease air traffic controller workload and to assure safe and efficient operations. (The SAIP AD6 proposal is not seeking to increase the capacity of airspace either for LLA or for the whole airspace system in the South-East of the UK. LLA has commenced an additional airspace change proposal

⁴ Department for Transport (2018): Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England.([link](#)).

that is related to delivery of the ANPS which is being developed in coordination with other sponsors and with ACOG as part of the commissioned masterplan). In conclusion, it is the CAA's view that the SAIP AD6 Proposal is not directly related to the ANPS's policy to increase runway capacity in the South-East of the UK and hence the CAA's assessment is that the approval or rejection of the SAIP AD6 Proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.

- 2.12 **Maintaining UK national security:** the CAA has not been advised by the Ministry of Defence or any other government department that the SAIP AD6 Proposal might have a national security impact on the operations of a site of critical national infrastructure. Nor is there any mention of such in the SAIP AD6 Proposal. 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 condition is not met.
- 2.13 **Space ports:** the SAIP AD6 Proposal makes no mention of the proposed changes being made in relation to space ports, nor does it appear to the CAA to be related to this. 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 condition is not met.
- 2.14 **Airspace zones for safe use of drones** the SAIP AD6 Proposal makes no mention of the proposed changes being made in relation to use of drones, nor does it appear to the CAA to be related to this. 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 condition is not met.
- 2.15 Since the CAA's assessment is that none of the above conditions have been met by the SAIP AD6 Proposal, our assessment is that the strategic national importance criterion is not met.

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

- 2.16 Direction 6(5)(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.
- 2.17 The Guidance provided to the CAA 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.

- 2.18 The SAIP AD6 Proposal⁵ and the Consultation Document⁶ state that this airspace change is not linked to any future growth plans at LLA, including the Development Consent Order (DCO) which might be the subject of a separate airspace change proposal sponsored by London Luton Airport Limited (LLAL), the owners of the airport. SAIP AD6 Proposal's primary aim is to reduce the complexity of the arrivals interacting with Stansted, in turn reducing workload for air traffic controllers and guaranteeing efficient and safe future operations.
- 2.19 Therefore, in the CAA's view the SAIP AD6 Proposal is not directly linked to an increase in capacity of more than 10 million passengers per annum. Therefore, 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(5)(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. In CAP 2902, the CAA indicated how it would interpret 'an identified adverse impact on health and quality of life'.
- 2.21 The Guidance provided to the CAA 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 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.
- 2.22 The SAIP AD6 Proposal⁷ and the Airspace Consultation Document⁸ include a description of the environmental impacts of the proposed airspace and show that the expected noise reduction would lead to a net positive impact.
- 2.23 Following the CAP1616 requirements, the noise contours (Leq) are based on LLA traffic data for a typical summer day (16 June – 15 September) over a 10-year appraisal period from 2021 to 2031. The noise modelling has been undertaken against the highest category of modelling (Category A) as described in CAP2091 "CAA Policy on Minimum Standards for Noise Modelling". LLA has

⁵ Available on the CAA website at [SAIP AD6 ACP – 4B Airspace Change Proposal Issue 1.0](#)

⁶ Available on the CAA website at: [SAIP AD6 ACP – Stage 3 Consultation Document \(see para 2.33 and 5.68\)](#)

⁷ Available on the CAA website at: [SAIP AD6 ACP – 4A\(iii\) LLA Arrivals Final Options Appraisal Issue 1.0](#)

⁸ Available on the CAA website at: [SAIP AD6 ACP – Stage 3 Consultation Document](#)

assumed a fleet replacement of aircraft with equivalent newer and quieter aircraft over the 10-year appraisal period⁹.

- 2.24 The Sponsor arranged for noise modelling, evaluating the noise impact between 2021 and 2031 using the Federal Aviation Administration's (FAA's) Aviation Environmental Design Tool (AEDT) version 3.0b. A.1.4. This modelling concluded that SAIP AD6 Proposal would result in a decrease in the noise impact on the size of the population inside the 51 dBA noise.
- 2.25 The CAA considers the largest change in the population exposed to a noise level of at least 54dB LAeq,16h in the 10 years following the introduction of the proposed airspace change when assessing against the first sub-clause of Direction 6(5)(c).
- 2.26 The noise results¹⁰ predict a net reduction in the total number of people exposed to a noise level of 54 dB LAeq 16hr, in the opening year (2022) and in the post-implementation year if the DCO is not approved (2032), of respectively 106 and 284 people. If the DCO is approved by 2032, it is expected that an additional 261 people would be exposed to a noise level of at least 54 dB LAeq 16hr. Table 1 below summarises the population affected by the proposed airspace change.

Table 1. Population counts variation with respect to the Do-Nothing

LAeq (dBA)	Population counts		
	2022	2032 without DCO	2032 with DCO
54	-106	-284	261
57	-30	54	115
60	0	-3	184
63	-85	-	-
66	-	-	-
69	-	-	-
>=72	-	-	-

Source: CAA elaboration, SAIP AD6 Proposal

- 2.27 The CAA concludes that the proposed change would not lead to a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr, and there is no requirement to assess whether the airspace change proposal has an identified adverse impact on health and quality of life. Therefore, the CAA's assessment is that this criterion is not met.

⁹ Available on the CAA website at: [SAIP AD6 ACP – 4A\(iii\) LLA Arrivals Final Options Appraisal Issue](#)

¹⁰ Available on the CAA website at: [SAIP AD6 ACP – 4B Airspace Change Proposal Issue 1.0 and Stage 3 Consultation Document](#)

Any volume of airspace classified as Class G being reclassified as Class A, C, D or E

- 2.28 Direction 6(5)(d) states that an airspace change proposal shall meet one of the call-in criteria if it could lead to any volume of airspace classified as Class G being reclassified as Class A, C, D or E.
- 2.29 The Guidance provided to the CAA states that a proposal would meet this criterion if it desired to reclassify a portion of Class G airspace into either Class A, C, D or E. To help with the determination of such proposals, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes full details on: (a) what engagement it has undertaken with airspace users who may be affected; and (b) the actions it is proposing to mitigate any concerns which may have been raised during this engagement.
- 2.30 SAIP AD6 Proposal¹¹ is proposing new controlled airspace (CAS) at and above FL75. Additionally, SAIP AD6 Proposal suggests a reduction in the area of controlled airspace at lower levels to minimise the impact on other airspace users. All new CAS is proposed as Class C and some others CAS would be reclassified to Class G airspace. Therefore, the CAA's assessment is that this criterion is met.
- 2.31 In the SAIP AD6 the Sponsor has provided details on (i) what engagement it has undertaken with airspace users who may be affected; and (ii) the actions it has already taken and proposes to take if the airspace change proposal is approved, to mitigate any concerns which may have been raised during this engagement. This information will be used by the decision maker when considering whether to approve the proposal (and if so on what conditions, if any) or not.

¹¹ Available on the CAA website at: [SAIP AD6 ACP – 4B Airspace Change Proposal Issue 1.0](#)

Chapter 3

CAA's overall assessment

- 3.1 The CAA has assessed the SAIP AD6 Proposal against the call-in criteria in the Directions, taking account of the DfT's Guidance, and advises that in the CAA's view the SAIP AD6 Proposal does not meet any of the exceptions in the 2017 Directions, but does meet call-in *criterion d*. Therefore, the CAA's overall assessment is that, in accordance with the terms of Directions and considering the Guidance, a discretion for the Secretary of State to call-in the SAIP AD6 Proposal for decision by himself rather than the CAA does arise.
- 3.1 In accordance with the terms of the Directions, it is a decision for the Secretary of State whether he agrees with the CAA's assessment and conclusions, or whether he agrees with the CAA's conclusion but for different reasons or whether he reaches a different conclusion. If the Secretary of State agrees with the CAA's assessment that he has a discretion to call-in the proposal for decision by himself it is a matter for the Secretary of State to decide whether to exercise that discretion.