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## Chapter 1

# Overview

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## Background

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- 1.1 The air traffic services licence granted to NATS (En Route) plc (“NERL”) under the Transport Act 2000 (the “Licence”) requires NERL to use all reasonable endeavours to:
- provide the UK Airspace Design Service (“UKADS”, and referred to as the Airspace Design Service in the Licence); and
  - provide the UK Airspace Coordination Service (“UKACS” and referred to as the Airspace Coordination Service in the Licence) which is set out in CAP 3220.<sup>1</sup>
- 1.2 This document is CAA guidance to which NERL should have due regard when providing the UKADS and the UKACS.

## This document

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- 1.3 This guidance concerns provision of the UKADS and the UKACS. It covers:
- provision of the UKADS
  - provision of the UKACS
  - the strategic delivery plan (see Chapter 2)
  - the stakeholder engagement plan (see Chapter 3)
  - the Advisory Board (see Chapter 4).
- 1.4 This guidance does not relate to how NERL prepares and progresses an airspace change proposal, including those which NERL is sponsoring as the UKADS provider, or those subject to coordination by NERL as the UKACS provider. Such proposals must follow the CAP 1616 airspace change process<sup>2</sup>, which includes opportunities for stakeholders to engage with NERL and for them to be consulted about the proposal.

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<sup>1</sup> CAP 3220 Requirements for the UK Airspace Coordination Service and associated guidance [www.caa.co.uk/cap3220](http://www.caa.co.uk/cap3220).

<sup>2</sup> [Airspace change process | UK Civil Aviation Authority](#)

## Chapter 2

# Strategic delivery plan

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## Introduction

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- 2.1 The Licence requires NERL to develop, keep under review and update from time to time a strategic delivery plan for the UKADS and UKACS. The plan must also contain sufficient information to understand other matters on which delivery of the UKADS and UKACS depend, including Airspace Modernisation Strategy delivery elements for which NERL is responsible and NERL's plans to deliver its air traffic technology replacement and upgrade programme. NERL's Licence requires it to have due regard to the Secretary of State's published strategic objectives<sup>3</sup> (for NERL's UKADS and UKACS licence obligation) when doing so and to consult the CAA and Secretary of State for approval of the form, scope and level of detail of the plan.
- 2.2 The plan should as a minimum provide sufficient detail to ensure that:
- the Secretary of State can keep the strategic objectives under review
  - the Department for Transport (DfT) and CAA can assess the effectiveness and performance of NERL's provision of the UKADS and UKACS in meeting the objectives of the Airspace Modernisation Strategy, including the airspace design delivery elements
  - the CAA can keep this guidance (and the associated guidance in CAP 3220<sup>4</sup>, as well as its airspace change process CAP 1616) under review
  - the Advisory Board members (see Chapter 4) can provide advice, views, ideas and information that will assist NERL to meet the Secretary of State's strategic objectives and the overall objectives of the Airspace Modernisation Strategy, including the airspace design delivery elements
  - all stakeholders can understand how NERL proposes to deliver what it is required by its Licence to do.

## Development, approval and keeping under review

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- 2.3 The Licence requires NERL to consult the CAA and the Secretary of State for approval of the form, scope and level of detail of the strategic delivery plan and

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<sup>3</sup> <https://www.gov.uk/government/publications/ukads-and-ukacs-licence-obligations-strategic-objectives>

<sup>4</sup> CAP 3220 Requirements for the UK Airspace Coordination Service and associated guidance [www.caa.co.uk/cap3220](http://www.caa.co.uk/cap3220).

any update to it (in accordance with this guidance), to publish the plan and to review and update it.

- 2.4 NERL should also take advice from the Advisory Board (see Chapter 4) on the strategic delivery plan as NERL develops it, keeps it under review and updates it. NERL should submit the complete strategic delivery plan to the CAA and Secretary of State for approval within six months once the relevant Licence condition has come into effect, and similarly should subsequently submit to the CAA and Secretary of State for approval any updated versions of the complete plan. Any such approval by the CAA or Secretary of State of the strategic delivery plan and any updates to it is limited to the form, scope and level of detail of the plan.
- 2.5 NERL should determine an appropriate approach for consulting the CAA and the Secretary of State, as well as for taking advice from the Advisory Board, about any updates to the plan. That approach should at least be consistent with the approach NERL adopts to the development of its first strategic delivery plan. NERL should also provide detailed explanations for any proposed updates, including information on the actual and potential implications of such updates on the delivery of any strategic objectives issued by the Secretary of State for the purpose of the Licence.

## Content

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- 2.6 The content of the strategic delivery plan should be determined by NERL in accordance with the guidance above, but, in addition to the requirements set out in the Licence, should at the least include:
- for the UKADS and UKACS, NERL's plans to deliver or coordinate airspace change in the relevant areas, including its approach, assumptions, milestones, timescales and appropriate risk management allowances, critical path, float<sup>5</sup>, logic, completeness of activities and input or buy-in from partners or sponsors
  - any dependencies and/or coordination required between the above, NERL's capital investment plan, including its technology and airspace programmes (as described in its business plan and service and investment plan updates), DfT and CAA policy-making activity or any other elements delivered under the Airspace Modernisation Strategy, where appropriate
  - any areas where NERL requires DfT and CAA assistance with coordination for items outside NERL's control or responsibility for the delivery of the UKADS or UKACS

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<sup>5</sup> 'Float' means the amount of time an activity can be delayed without impacting the overall project completion date or the next dependent task.

- any other information to support the understanding of the CAA, DfT, the Advisory Board and other stakeholders of matters which may impact NERL in respect of the delivery or performance of the UKADS and UKACS.

## Chapter 3

# Stakeholder engagement plan

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## Introduction

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- 3.1 The Licence requires NERL to develop a stakeholder engagement plan that sets out written ways of working for its approach to engaging with key stakeholders with an interest in how NERL is providing the UKADS and UKACS. Engagement is a “catch-all” term for providing information to and developing relationships with stakeholders: this may be through mailshots, dedicated and up-to-date webpages, podcasts, vlogs or other electronic and social media.
- 3.2 The stakeholder engagement plan should not cover matters relating to the specifics of any airspace change proposal, such as consultation, engagement on or the justification of airspace design choices or their environmental impacts. This includes airspace change proposals which NERL is sponsoring as the UKADS provider, or those subject to coordination by NERL as the UKACS provider. Engagement with specific stakeholders for that purpose is required by the CAA’s CAP 1616 process and the associated guidance material to that regulatory process. NERL will have overall accountability for the CAP 1616 consultation for an airspace change proposal it is sponsoring as the UKADS provider.<sup>6</sup> Sponsors of the individual changes coordinated by NERL as the UKACS provider will conduct their CAP 1616 consultations. Engagement by NERL with stakeholders pursuant to its Licence requirement for a stakeholder engagement plan should clearly differentiate its purpose to stakeholders and distinguish it from CAP 1616 consultations.
- 3.3 The purpose of the engagement envisaged by the Licence condition for NERL to develop a written stakeholder engagement plan is to address the impact on stakeholders of the Secretary of State’s decision to introduce a UKADS provided by NERL. This requirement recognises that NERL-sponsored airspace change proposals prepared as part of its UKADS is a change from airspace change proposals being prepared by the local airport operator, air navigation service provider or any other sponsor of airspace change proposals. The stakeholder engagement plan must set out how NERL will keep stakeholders up to date on its approach to the matters and objectives set out in its strategic delivery plan (see Chapter 2).

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<sup>6</sup> While NERL has overall accountability, the division of tasks between NERL and its partners for a given airspace change proposal in respect of consultation and engagement is specified in the onboarding partnership arrangement. [www.caa.co.uk/cap3129](http://www.caa.co.uk/cap3129)

## Development and keeping under review

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- 3.4 The stakeholder engagement plan should transparently set out NERL's high-level approach to stakeholder engagement. When developing the stakeholder engagement plan, NERL should consult the CAA and Secretary of State, and take advice from the Advisory Board (see Chapter 4). The stakeholder engagement plan should be published so that it is available and accessible to all stakeholders. NERL should publish its initial stakeholder engagement plan within six months once the Licence condition has come into effect.
- 3.5 NERL should keep the stakeholder engagement plan under review. When considering whether to amend the stakeholder engagement plan, NERL should take into account any feedback it has received on whether the plan is meeting the purpose set out in this guidance.

## Stakeholders to be included in the scope of the plan

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- 3.6 NERL should determine which stakeholders, or class of stakeholder, are to be included within the scope of the stakeholder engagement plan, taking account of the service being provided (UKADS or UKACS) and where the service is being provided.
- 3.7 The stakeholder engagement plan should include, as a minimum, arrangements for engagement with:
- partners<sup>7</sup> to an airspace change proposal being sponsored by NERL as the UKADS provider
  - stakeholders potentially impacted by the airspace change proposal being sponsored by NERL as the UKADS provider, noting the guidance above that differentiation from a CAP 1616 consultation must be made clear in this engagement
  - sponsors of airspace change proposals subject to coordination by the UKACS
  - the National Air Traffic Management Advisory Committee (NATMAC)
  - the Joint Air Navigation Services Council (JANSC)
  - Future of Flight Industry Group
  - organisations and groups with an interest in the use of airspace or that are affected by it, including other air navigation service providers, General

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<sup>7</sup> An organisation, usually an airport or air navigation service provider, that is required to collaborate with the UKADS provider, where the UKADS provider will be the sponsor of the airspace change proposal.

Aviation<sup>8</sup> and military users, new airspace user groups such as drones and commercial space flights, airport consultative committees, organisations considering the impacts of noise and carbon (and other) emissions, interest groups and elected representatives.

## Content

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- 3.8 NERL should determine the content required to meet the purpose of the stakeholder engagement plan set out in this guidance including, as a minimum:
- stakeholder mapping for both the UKADS and UKACS which identifies relevant stakeholders and groups by contact levels, their levels of interest, and the potential effect they may have on NERL in respect of its delivery of the UKADS or UKACS
  - the principles of best practice engagement that NERL will adopt and how it will apply them
  - what general communications NERL proposes to publish, including:
    - how NERL will promote and explain the work of the UKADS and the UKACS and the benefits of airspace modernisation to a wide audience, including the general public and the media
    - how NERL's communications will cater for all audiences, as different stakeholders may be affected in different ways, and to different extents; where possible, NERL should take into account different engagement preferences of these stakeholders and a range of accessibility requirements
  - the activities of the Advisory Board
  - the content of the strategic delivery plan.
- 3.9 In doing so, NERL should provide the following information to stakeholders in a transparent and accessible way:
- signpost upcoming developments or updates or resources that stakeholder may want to be aware of
  - clearly articulate any issues and opportunities to enable stakeholders to participate in any airspace change process from an informed position, thereby enriching both the quality and relevance of consultation responses received in airspace change processes.

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<sup>8</sup> Although definitions vary, General Aviation essentially means all civil flying other than commercial airline operations, which therefore encompasses a wide range of aviation activity from paragliders, microlights, gliders and balloons to corporate business jets, including aerial survey, flying training and all sport and leisure flying.

3.10 Stakeholders that are not members of the Advisory Board (see Chapter 4) may request that a specific issue is placed on the agenda of the Advisory Board. Noting that the specifics (such as design choices or environmental impacts) of an airspace change proposal sponsored by NERL as the UKADS provider or coordinated by NERL as the UKACS provider are out of scope, NERL should ensure that its stakeholder engagement plan includes clear information on:

- how a relevant stakeholder may request that an issue relating to how NERL is providing either the UKADS or the UKACS is raised with NERL at the Advisory Board
- how NERL may raise issues with a stakeholder relating to how it is contributing to stakeholder engagement on NERL's delivery of the UKADS or the UKACS.

In some circumstances the Advisory Board may subsequently escalate issues to the CAA or DfT at the Joint Airspace Modernisation Programme Board (see Chapter 4).

## Chapter 4

# Advisory Board

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## Introduction

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- 4.1 The Licence requires NERL to appoint an Advisory Board to act as a forum to exchange views, ideas and information with, and obtain advice from, UKADS and UKACS stakeholders in order to assist NERL in contributing to the objectives of the Airspace Modernisation Strategy. This chapter is guidance on the structure, membership and terms of reference of the Advisory Board. NERL should publish final details of these within six months once the Licence condition has come into effect.
- 4.2 Although the Advisory Board can make recommendations to NERL, it is not a decision-making body. Nor is it the appropriate forum to discuss the specifics (such as design choices or environmental impacts) of any airspace change proposal sponsored or coordinated by NERL as the UKADS or UKACS provider, as these fall under the CAP 1616 process.
- 4.3 NERL should seek to use the Advisory Board as a means of supporting its delivery of modernised airspace, increasing the likelihood that this can successfully progress in accordance with its strategic delivery plan. The Advisory Board can be used to help to surface issues before they become obstacles to progression.

## Structure and membership

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- 4.4 NERL's Licence requires it to determine the structure and membership for the Advisory Board in consultation with the CAA and Secretary of State, and in accordance with the guidance below. When selecting and inviting members NERL should include a range of subject matter experts that can help NERL succeed in modernising airspace in accordance with the objectives of the Airspace Modernisation Strategy in a timely manner.
- 4.5 NERL should keep the membership of the Advisory Board to a size that permits productive discussions. NERL may consider the efficacy of setting up topic-specific working groups from within the wider membership of the board in order to progress certain matters expeditiously. Some members of a class of stakeholders in scope of the stakeholder engagement plan (Chapter 3) may be invited by NERL to participate as members of the Advisory Board, for example if they have a specific technical expertise. However, the distinction between the purpose of the stakeholder engagement plan, a CAP 1616 consultation process and the Advisory Board should be kept in mind by NERL.

- 4.6 NERL should keep the membership under review and, in consultation with the CAA and Secretary of State, should consider refreshing membership from time to time where to do so would help NERL succeed in modernising airspace in accordance with the objectives of the Airspace Modernisation Strategy in a timely manner.
- 4.7 A stakeholder can seek membership of the Advisory Board by contacting NERL directly or by submitting a request to the Advisory Board, which can make a recommendation to NERL. Ultimately, membership of the Advisory Board is for NERL to determine, subject to consulting the CAA and Secretary of State. A complaint that a person or class of person has not been invited to be a member of the Advisory Board is not a matter that can be escalated to the DfT and CAA at the Joint Airspace Modernisation Programme Board.
- 4.8 The Advisory Board chair should be elected from its membership, subject to the agreement of NERL, and should be a member other than NERL.
- 4.9 The membership should at least include the Ministry of Defence, subject matter experts and other representatives from airports and airlines.
- 4.10 The structure should include provision for the DfT and/or CAA to attend as observers should they choose.

## Terms of reference

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- 4.11 NERL's Licence requires it to develop terms of reference for the Advisory Board. The terms of reference should, in particular, address how, in order to meet the aims for the Advisory Board set out in the Licence and this guidance, the Advisory Board will be used to:
- obtain input from members to inform NERL's approach to developing and delivering its strategic delivery plan for the UKADS and UKACS
  - share and take advice on the draft strategic delivery plan with members, prior to consultation with the CAA and Secretary of State, and publication; additionally, keep it under review on an ongoing basis
  - provide transparency, assurance and scrutiny of NERL's provision of the UKADS and UKACS
  - obtain input from members to develop agenda and topics for discussion at Advisory Board meetings
  - consider what information the Advisory Board may consider publishing (if any)
  - discuss ways of working such as the establishment of smaller working groups on specific topics and how such groups will report

- advise NERL on the content of its stakeholder engagement plan
- consider what information should be provided by NERL and the Advisory Board to the DfT and CAA at the Joint Airspace Modernisation Programme Board
- demonstrate how NERL is taking a non-discriminatory approach in the provision of the UKADS and the UKACS.

4.12 In addition, the terms of reference should cover the following matters:

- how often the Advisory Board meetings take place, as agreed with the Chair of the Board
- how the Advisory Board makes recommendations to NERL and how these are made visible to the DfT and CAA
- how issues are raised to the Advisory Board including, as a minimum:
  - by stakeholders which are not represented on the Advisory Board
  - how matters should be submitted for consideration by the Advisory Board
  - the scope of matters that the Advisory Board will consider
- how and in what circumstances unresolved material issues may be escalated to the DfT and CAA by either NERL or the Advisory Board (see also below).

4.13 NERL should ensure appropriate publicity for the terms of reference, as a minimum publishing the latest version on its website.

### **Escalation to the Joint Airspace Modernisation Programme Board**

4.14 The terms of reference should note that NERL and Advisory Board members will use all reasonable endeavours to resolve at the Board any issues that arise over the approach NERL has taken to its delivery of the UKADS and UKACS. Nonetheless issues may arise in that context that would benefit from timely input from the CAA or DfT, or both, such that those issues can be addressed before they become obstacles to progression. Such issues may include differences of opinion on the meaning or impact of government policy and statutory guidance, or CAA process and guidance, but excluding issues relating to compliance with the CAP 1616 airspace change process or concerning specific design choices forming part of an airspace change proposal.

4.15 The terms of reference should make provision for any material issues that cannot be resolved through the Advisory Board to be escalated by either NERL or the Advisory Board to the Joint Airspace Modernisation Programme Board.<sup>9</sup> A

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<sup>9</sup> See [Appendix A of CAP 1711](#) and [AMS governance and progress reports | UK Civil Aviation Authority](#)

material issue is one which may impact NERL in respect of the delivery or performance of the UKADS or UKACS if not resolved, subject to the exclusion at the end of the previous paragraph.

- 4.16 The CAA and DfT may invite the Chair of the Advisory Board to attend relevant agenda items of the Joint Airspace Modernisation Programme Board, but the Chair will not be a member of the Programme Board.