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D I R E C T I O N S

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CIVIL AVIATION

The Civil Aviation Authority (Air Navigation) Directions 2017  
*(as amended by The Civil Aviation Authority (Air Navigation) (Amendment) Directions 2018)*

The Secretary of State for Transport and the Secretary of State for Defence, in exercise of the powers conferred by sections 66(1), 68 and 104(2) of the Transport Act 2000(a), give the following Directions:

**Citation, commencement and application**

1.—(1) These Directions may be cited as the Civil Aviation Authority (Air Navigation) Directions 2017 and come into force on 1st January 2018.

*As a result of the Civil Aviation Authority (Air Navigation) (Amendment) Directions 2018,*

- *directions in blue text come into force on 1st December 2018*
- *directions in green text come into force on 1st November 2019.*

(2) These Directions are given to the CAA.

**Interpretation**

2. In these Directions—

“the Act” means the Transport Act 2000;

“airspace design” means the structures of UK airspace and flight procedures within it;

“airspace structure” means a specific volume of airspace designed to ensure the safe and optimal operation of aircraft;

“airspace trial” means—

- changes to airspace design, or ATC operational procedures, for the purposes of investigating the feasibility of, or validating proposals for, innovative airspace design, technology or ATC operational procedures, or
- a test of an airspace design or an ATC operational practice, in order to assess its performance and effect;

“ANSP” means the holder of a licence granted under section 6 of the Act or of an exemption granted under section 4 of the Act;

“ATC” means Air Traffic Control;

“the CAA” means the Civil Aviation Authority;

“flight procedures” means a set of predetermined segments intended to be followed by a pilot when arriving to or departing from an aerodrome, which procedures are either instrument flight procedures or visual flight procedures;

“JANSC” means the Joint Air Navigation Services Council;

“planned and permanent” means other than a day-to-day or at the time decision taken by an air traffic controller or other decision maker;

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(a) 2000 c. 38.

“PPR” means planned and permanent redistribution of air traffic through changes in ATC operational procedure;

“relevant PPR” means a PPR which falls within the description in paragraph 1 of the Annex to these Directions;

“the MoD” means the Ministry of Defence;

“UK AIP” means the Aeronautical Information Publication for the United Kingdom;

“UK airspace” means airspace in managed areas (which has the meaning given in section 72(3) of the Act (interpretation)).

### **Airspace design**

#### **3. The CAA must—**

- (a) develop and publish a national policy for the classification of UK airspace;
- (b) classify UK airspace in accordance with such national policy, publish such classification, keep such classification under review and, as the CAA considers necessary, modify it;
- (c) develop and publish rules, guidelines, technical design criteria and common procedures for the use of UK airspace;
- (d) ensure that an Aeronautical Information Service is provided for UK airspace, including the CAA being responsible for the form and content of the UK AIP, in accordance with international obligations (including Annex 15 of the International Convention on Civil Aviation);
- (e) prepare and maintain a co-ordinated strategy and plan for the use of UK airspace for air navigation up to 2040, including for the modernisation of the use of such airspace;
- (f) consult the Secretary of State in relation to the preparation and maintenance of such strategy and the detail to be included in such plan; and
- (g) report to the Secretary of State annually on the delivery of the strategy referred to in sub-paragraph (e), the first such report to be provided by the end of 2018.

### **Airspace changes: procedure and guidance**

**4.—**(1) Subject to directions 6 and 9, the CAA must develop and publish procedures, and guidance on such procedures, for the development, making and consideration of a proposal—

- (a) for a permanent change to airspace design,
- (b) for a temporary change to airspace design, or
- (c) for an airspace trial.

(2) A procedure developed under paragraph (1) must be proportionate and reflect published Government policy.

(3) The procedure developed and published under paragraph (1)(a) must require the sponsor of the proposed permanent change to airspace design to—

- (a) assess whether the criterion referred to in direction 6(5)(c) would be met, and
- (b) provide such assessment to the CAA when making the proposal.

### **Proposed permanent change to airspace design**

**5.—**(1) Subject to direction 6, in accordance with its published strategy, procedures and policy on the design and classification of UK airspace, the CAA must decide whether to approve a proposal for a permanent change to airspace design.

(2) The CAA may make its approval of a proposal subject to such modifications and conditions as the CAA considers necessary.

### **Secretary of State's call-in power**

6.—(1) Subject to paragraph (5), the CAA must notify the Secretary of State where, in respect of a proposal received for a permanent change to airspace design, the CAA has received what it considers is a request to refer the proposal to the Secretary of State for determination on the grounds that one or more of the call-in criteria have been met.

(1A) After notifying the Secretary of State under paragraph (1) of a request received for a proposal to be referred to the Secretary of State, the CAA must provide to the Secretary of State an assessment of whether the CAA considers the proposal meets one or more of the call-in criteria.

(1B) An assessment for the purposes of paragraph (1A) must take account of any guidance which the Secretary of State has given to the CAA.

(2) Where following a notification under paragraph (1) the Secretary of State considers that one or more of the call-in criteria have been met, the Secretary of State may require the CAA to refer the proposal concerned to the Secretary of State for determination.

(3) The CAA—

- (a) is not to refer a proposal under paragraph (2) until it has considered the proposal and reached a view on whether or not it would be minded to approve the change proposed (with or without modification or conditions); and
- (b) is to inform the Secretary of State of its view when referring the proposal under paragraph (2).

(4) Where the Secretary of State has not requested the CAA to refer the proposal under paragraph (2), the CAA is to proceed to determine the proposal in accordance with direction 5.

(5) For the purposes 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, 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.

(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 the coming into force of these Directions.

### **Temporary changes to airspace design**

7.—(1) In accordance with its published strategy, procedures and policy on the design and classification of UK airspace, the CAA must consider and determine any proposal for a temporary change in airspace design.

(2) Where the CAA decides to approve any such proposal, it must either make a change to the UK AIP or issue a Notice to Airmen (NOTAM) in relation to such change.

(3) The CAA may make its approval of a proposal subject to such modifications and conditions as the CAA considers necessary.

(4) A temporary change approved by the CAA under this direction is to last for such fixed period as the CAA considers appropriate, which other than in exceptional circumstances is not to be for more than 90 days.

(5) In exceptional circumstances the CAA may extend the period approved for the temporary change for a further period of up to 90 days, provided that the CAA is satisfied that such an extension is not sought as a means to avoid making a proposal for a permanent change to airspace design.

### **Airspace trials**

**8.**—(1) In accordance with its published strategy, procedures and policy on the design and classification of UK airspace, the CAA may consider and determine any proposal for an airspace trial.

(2) Where the CAA decides to approve any such proposal, it must either make a change to the UK AIP or issue a Notice to Airmen (NOTAM) in relation to such change.

(3) The CAA may make its approval of an airspace trial subject to such modifications and conditions as the CAA considers necessary.

(4) Subject to paragraph (5), an airspace trial approved by the CAA under this direction is to last for such fixed period as the CAA considers appropriate, which is not usually to be for more than six months.

(5) The CAA may extend the period approved for an airspace trial, provided that the CAA is satisfied that such an extension is not sought as a means to avoid making a proposal for a permanent change to airspace design.

(6) The CAA may require an airspace trial to end before the end of the period for which it was approved where the CAA considers it appropriate, safe and practical to do so.

### **Airspace changes proposed by the MoD**

**9.**—In considering and determining a proposal referred to in direction 4(1) which is submitted by, or on behalf of, the MoD, the CAA must not take into account any impacts on the environment resulting from the use of aircraft by or on behalf of the armed forces of the Crown.

### **Proposed planned and permanent redistribution of air traffic**

**9A.**—(1) The CAA must develop and publish procedures, and guidance on such procedures, for the development, consideration and determination of proposals for relevant PPRs as set out in the Annex to these directions.

(2) A procedure developed and published under paragraph (1) must—

- (a) be proportionate and reflect published Government policy, and
- (b) require an ANSP to refer a proposal for a relevant PPR to the CAA for approval before the PPR is implemented.

(3) A PPR proposed by or on behalf of the MoD is to be exempt from the procedures developed under paragraph (1).

(4) In accordance with its published strategy and plan for the use of UK airspace, as well as the procedures published under paragraph (1), the CAA must decide whether to approve a proposal for a relevant PPR.

(5) The CAA may make its approval of a proposal subject to such modifications and conditions as the CAA considers necessary.

(6) The CAA must provide a report to the Secretary of State annually outlining, for each proposal for a relevant PPR referred to it under the procedures developed in accordance with paragraph (1), the specific type of the PPR, the relevant airport, and whether it was approved.

### **Lower Airspace Radar Service**

**10.**—(1) The CAA is to determine the extent and coverage needed for a Lower Airspace Radar Service for UK airspace and procure and administer such a Service.

(2) The CAA is to keep the provision of such a Service under review and provide a report to the Secretary of State on—

- (a) the costs and benefits of the current Service,
- (b) the extent and coverage it considers suitable for this Service in the UK, and
- (c) how the Service should be funded and recommendations for alternative means of funding it.

(3) The CAA is to provide a report under paragraph (2)—

- (a) by the end of 2019, and
- (b) on or before the third anniversary of such report and of every subsequent report.

### **Aeronautical radio frequencies and secondary surveillance radar codes**

**11.** The CAA must monitor and enforce national policy for the use and assignment of civil aeronautical radio frequencies and Secondary Surveillance Radar codes in accordance with international obligations.

### **Relationship with the Secretary of State for Defence**

**12.**—(1) The CAA is to agree arrangements with the MoD for the MoD's role in the joint and integrated civil and military provision of air traffic services.

(2) The CAA is to ensure that such arrangements are documented in a Memorandum of Understanding between the CAA and the MoD.

(3) The CAA is to agree arrangements with the MoD for the CAA to second and resource an appropriate number of personnel from the MoD, of the appropriate rank and experience, to contribute to the CAA's work on airspace-related matters.

(4) The CAA is to ensure that such arrangements are documented in a Resource and Interface Arrangement between the CAA and the MoD.

(5) Without prejudice to section 67 of the Act, paragraphs (6) to (8) apply where it appears to the CAA that there is a need to increase the volume, or alter the classification, of UK airspace, but to do so might, in the opinion of the CAA or the MoD, have an adverse effect on the ability of the armed forces of the Crown to maintain their operational capability.

(6) The CAA must seek the approval of the Secretary of State for Defence before proceeding with any such change to UK airspace.

(7) Where the Secretary of State for Defence is content with the proposed change, the CAA must ensure that such further consultation on the proposal is undertaken as required under these Directions.

(8) Where the Secretary of State for Defence is not content with the proposed change, the CAA may only approve the proposed change in accordance with directions given by the Secretary of State under section 68(3) of the Act.

### **Institutional arrangements, advice and support**

**13.**—(1) The CAA is to establish and operate such institutional arrangements with regard to air navigation as the CAA considers necessary to promote the safe, effective and efficient, integrated operation of air traffic in the UK.

(2) The CAA must provide or procure the provision of such advice in relation to air navigation as the Secretary of State may reasonably require.

(3) The CAA is to provide support to the UK Airprox Board for the analysis, categorisation and understanding of pilot and controller reported risk-bearing occurrences.

#### **The Joint Air Navigation Services Council**

14. The CAA is to ensure the continuation of JANSC in accordance with the Schedule to these Directions.

#### **Other functions relating to the environmental impact of the use of UK airspace**

15.—(1) The CAA must prepare and publish guidance on transparency and engagement for operational changes to airspace usage by aircraft (not covered by directions 4 to 8) which might have affected the noise impact on other persons.

(2) The CAA must establish and maintain a process to receive, classify and respond to complaints received by it in relation to the environmental impact (including noise) of the use by civil aircraft (including general aviation and helicopters) of UK airspace.

(3) On a request by the Secretary of State, the CAA must provide the Secretary of State with a summary of complaints received by it during a specified period, or of complaints relating to a particular issue.

#### **International relations**

16. The CAA—

- (a) must contribute to the development of international air navigation and provide such assistance as the Secretary of State may request, including (subject to section 2(4) of the Civil Aviation Act 1982(a)) international representation on behalf of the United Kingdom;
- (b) must maintain close co-operation in relation to air navigation with international organisations and the civil aviation authorities of other States; and
- (c) may consider and propose international agreements in relation to air navigation and notify the Secretary of State of any such agreements which would need to be approved by the Secretary of State.

#### **Revocations**

17. The following Directions are revoked—

- (a) the Civil Aviation Authority (Air Navigation) Directions 2001, and
- (b) the Civil Aviation Authority (Air Navigation) (Variation) Direction 2004.

Dated: 16 October 2017

Secretary of State for Transport

Secretary of State for Defence

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(a) 1982 c. 16.

## SCHEDULE

Direction 14

### Joint Air Navigation Services Council

**1.** JANSC is the principal mechanism for maintaining high-level oversight of arrangements between the CAA, NATS (En Route) plc and the MoD, for the continued provision of joint and integrated air traffic services (J&I ATS).

**2.** JANSC is to ensure compliance with the J&I ATS obligations placed on the CAA, the MoD and NATS (En Route) plc, as detailed in the Civil Air Publication 740: UK Airspace Management Policy.

**3.** JANSC is to seek to meet every 6 months and is to be chaired by the CAA Group Director, Safety and Airspace Regulation; with the other members of JANSC being the RAF Battlespace Management Force Commander (as representative of the MoD) and the Chief Executive of NATS Holdings Limited. Other persons may attend meetings at the request of JANSC.

**Annex**  
**Planned and Permanent Redistribution of air traffic (PPR)**

**Types of PPRs which are relevant PPRs for the purposes of these Directions.**

Interpretation and scope

1. A relevant PPR is a proposed PPR which both:
  - falls within one or more of Types 1, 2 or 3 below; and
  - relates to an airport which has a Category C or D (or both) approach landing procedure, and/or established standard instrument departure (SID) routes published in the UK AIP.

Additional information on interpretation and scope

2. The definition of relevant PPR in paragraph 1 is designed to capture only ATC operational procedures that relate to airports at which large commercial air transport and most business jets operate, whilst not capturing aerodromes or airports used only by small non-commercial aircraft.
3. Changes to ATC operational procedures that are planned and permanent will typically be recorded in writing and given as some form of instruction to an air traffic controller. An example would be a change to an Air Navigation Service Provider's (ANSP) MATS Part II.

**Type 1**

4. A PPR which is (or more than one PPR within 24 months whose cumulative effects are) anticipated to result in a lateral shift of aircraft from the pre-existing nominal centre line of the density of flight tracks of at least the horizontal distance shown in the second column of the table below at the heights shown in the first column of that table -

Height in feet above ground level (agl)	Horizontal distance from the centreline
1000ft	300m
2000ft	500m
3000ft	800m
4000ft	1100m
5000ft	1300m
6000ft	1600m
7000ft	1900m

*Additional information on Type 1*

5. The figures in the table are based on an approximate correlation to a 3dB change following advice from the CAA.
6. The ANSP will need to assess the lateral shift of traffic from the nominal centre of the density of flight tracks<sup>1</sup> to establish whether the expected lateral shift is equal to or greater than that shown in the table above. So a 1350m shift away from the existing centreline at 5000ft agl would be a Type 1 PPR, but not if the shift was 1200m at 5000ft agl. The CAA has discretion to interpolate if the height at which the change is being proposed falls in between those shown in the table above.

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<sup>1</sup> The nominal centre of the density of flight tracks should where possible be determined or interpreted from radar data, the sample of which should be sufficiently representative (two weeks to one month of data). Where radar data is not readily available, air traffic control expert judgement should be used.

7. It is recognised that ANSPs make air traffic control operational changes with the best of intentions and for safety reasons need some flexibility in doing so. At the same time, uncontrolled multiple changes that individually fall below the threshold could have a cumulative impact similar to a single change that does meet the threshold. To mitigate against this possibility, if a change below the threshold is made, any further operational change(s) proposed within 24 months of the first change must be judged against the Type 1 PPR criteria by adding together the lateral shift of each change. Where the cumulative effect of changes made within a rolling 24-month period meets or exceeds the threshold set out in the table above, the change that results in the threshold being met or exceeded will be judged to have met the criteria for a Type 1 PPR and will need to be considered as such. A PPR which has already been approved by the CAA is not to be included in assessing the cumulative effect of any further change.

### **Type 2**

8. **A PPR which is anticipated to increase air transport movements using a Standard Instrument Departure (SID) by at least 5000 movements per year as a result of a decision by an airport and/or its ANSP to redistribute air traffic from one SID to another at that airport.**

#### ***Additional information on Type 2***

9. Type 2 applies when there has been a conscious decision by the airport and or its ANSP to redistribute *existing* traffic at the airport.

10. Type 2 does not apply to an increase in the number of air transport movements on a SID which is a direct result of changing weather patterns, or airline operations, natural growth, or as a result of agreed (i.e. through the planning system) air transport capacity enhancements at the airport.

### **Type 3**

11. **A PPR which results from a significant change to the written specified landing arrangements of aircraft at a UK airport referred to in paragraph 1 (or more than one such change within 36 months whose cumulative effects are significant).**

12. “Change to the published *[sic]* specified landing arrangements” means a change to the established minimum, or where applicable maximum, distance of the joining point onto an airport’s Instrument Landing System (ILS) or any significant changes to the height at which aircraft must establish onto the ILS.

13. **Changes to the published minimum joining point at such airports greater than a cumulative total of at least 300 feet vertically or 1 nautical mile horizontally within a rolling 36-month period will be considered as “significant” and thereby constituting a Type 3 PPR.**

#### ***Additional information on Type 3***

14. In circumstances where multiple changes made within a 36-month rolling period have the cumulative effect of meeting or exceeding the threshold set out in Type 3, the change that results in the threshold being met or exceeded will be judged to have met the criteria for a Type 3 PPR and will need to be considered as such. A PPR which has already been approved by the CAA is not included in assessing the cumulative effect of any further change.

### **Power to determine whether a proposed change is a relevant PPR: consultation with the CAA**

15. If there is any doubt about whether a proposed PPR falls within Type 1, 2 or 3, the ANSP, or airport as appropriate, should consult the CAA. The CAA’s decision is to be determinative of whether or not the proposed PPR would be a relevant PPR.

**Guidance to CAA on its environmental objectives when carrying out its functions under Direction 9A**

16. In accordance with section 70(2)(d) of the Transport Act 2000, the CAA should take account of the Air Navigation Guidance 2017 when carrying out its functions under Direction 9A. In particular, the CAA should apply guidance that applies to its function to consider whether to approve permanent airspace changes (Direction 5) to its functions under Direction 9A.