

1 May 2015
EIR Reference: E0002295

Dear XXXX

I am writing in respect of your request, of 20 March 2015, for the release of information held by the Civil Aviation Authority (CAA). Having considered your request in line with the provisions of the Environmental Information Regulations 2004 (EIRs), we are able to provide the information below.

I acknowledge that we have not been able to respond to your request within the required 20 working days, and for that I apologise. The CAA is receiving a lot of correspondence on similar issues, including requests for information under the EIRs. The CAA is dealing with these requests in the order in which they are received. It is of course a matter of regret that the CAA has not been able to reply to your request within the time frame set out in the EIRs. However the CAA Board constantly monitors CAA's adherence to these time frames and keeps under consideration how it can meet its obligations under the EIRs whilst at the same time performing its other regulatory functions.

Could you please supply me with the following information in relation to Heathrow Airport?

Information that you possess about any change to any flight path or Noise Preferential Route "NPR" at Heathrow occurring within the last 18 months as well as the associated consultations, if any, in connection with those changes.

The word "change" is to be defined for the purpose of this question as any alteration to any flight path of a plane or planes within an NPR in and out of Heathrow either laterally or vertically to include any alteration in the positioning of an NPR, the narrowing or widening of an NPR,

Aircraft departing Heathrow are required to comply with specific flight paths called Noise Preferential Routes (NPRs) unless directed otherwise by Air Traffic Control (ATC). The NPRs at Heathrow are designated and overseen by the Secretary of State for Transport (and not by the CAA). NPRs were designed to avoid the overflight of built-up areas where possible. They establish a path from the take-off runway to the main UK air traffic routes and form the first part of the Standard Instrument Departure routes (SIDs). The Heathrow SIDs are illustrated in attachment 1.

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR www.caa.co.uk
Telephone 01293 768512 foi.requests@caa.co.uk

Associated with each NPR is a lateral swathe, leading to a corridor extending 1.5 km either side of the nominal NPR centreline. Within this swathe the aircraft are considered to be flying on-track. The swathe takes account of various factors that affect track-keeping, including tolerances in navigational equipment, type and weight of aircraft, and weather conditions – particularly winds that may cause drifting when aircraft are turning. Aircraft reaching an altitude of 4,000 ft at any point along an NPR may be turned off the route by ATC onto more direct headings to their destinations – a practice known as ‘vectoring’. ATC may also vector aircraft off NPRs below this altitude for safety reasons, including in certain weather conditions (for example, to avoid storms).

When aircraft depart Heathrow, they comply with one of a number of SIDs. Changes to SIDs is a function of the CAA. SIDs are contained within NPRs until reaching an altitude of 4,000 feet. In the context of your request, none of the NPRs or SIDs associated with Heathrow airport has changed within the last 18 months.

Changes to SIDs would require the application of the CAA’s Airspace Change Process, as explained in our previous response to you and summarised in attachment 2. In addition, as Heathrow Airport is designated under section 78 of the Transport Act 2000, any change to the dimensions of NPRs would require the approval of the Secretary of State for Transport.

.... the height of an aircraft within an NPR,

the number or size of aircraft using an NPR and

the greater or lesser use of aircraft that fly lower or higher within an NPR.

The altitude of aircraft within an NPR will vary from flight to flight. The departure procedures for Heathrow Airport are published within the UK Aeronautical Information Publication (UK AIP). Each departure procedure has a minimum rate of ascent associated with it and, provided the aircraft can maintain that rate of ascent, it can fly the procedure. In reality, short-haul aircraft will far exceed that minimum climb rate while long-haul aircraft will climb more slowly due to their fuel load. In all circumstances, however, all aircraft using the procedure will meet the minimum performance standards for that procedure.

How often any particular route is used will vary, and is an operational decision for Air Traffic Control, taking into consideration the final destination of each flight and factors such as the weather and overall air traffic conditions, both locally and along intended routes.

The CAA has access to data collected by Heathrow from which it would be possible to make the calculations you refer to. However the CAA does not monitor the data in this way and so does not hold the information that you have requested.

The NATS Customer Report 2014 issued by NATS Holdings Limited and / or its subsidiaries (together or individually referred to as "NATS") stated that "NATS is working with Heathrow, BA and community group HACAN on noise respite trials for people living under the airport flight paths. Linked to PBN and airspace changes being developed for LAMP, the aim is to exploit technology to create 'noise relief zones' for communities under the arrival and departure flight paths. The first early morning arrival trial was concluded in March 2013. It demonstrated that routing flights to avoid specified areas before 6am benefits thousands of people living under Heathrow's flight path, providing predictable noise respite. The departure trials - part of DEP above - include the concept of 'noise dispersion' for Heathrow departures to provide predictable noise respite underneath departure routes. The first trial started in December 2013 on Midhurst SIDs where, in addition to the existing noise preferential route up to 4,000 feet, new 'left' and 'right' routes that rotate on a weekly basis were introduced to see whether noise respite can be successfully achieved. This trial

of a single westerly (DOKENIA/B) and easterly (MIDIN-Q) departure routes concludes in June 2015. Further arrival and departure trials are planned by Heathrow." Please provide all information in your possession on such Trials and any consultations that have taken place ancillary to them.

The CAA does not hold information on further trials which Heathrow aspire to carry out in the future. While we are aware of an intention to carry out future trials, we are not currently aware of their intended scope, intended start date, or timescales.

The Heathrow Flight Performance Q3 Report 2014 sets out the infringements by airline of those aircraft that have failed to climb to either 900 feet or 1000 feet within 6.5 kilometres of take-off. During the period 1/1/14 to 30/9/2014, Heathrow records 550 such infringements. Please supply all information in your possession of the fines levied per infringement distinguishing each airline and state how many infringements relate to Airbus A380 aircraft

The CAA does not hold this information. The fines you refer to are levied by the Airport not by CAA.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with requests under the Environmental Information Regulations. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
www.ico.gov.uk/complaints.aspx

If you wish to request further information from the CAA, please use the form on the CAA website at <http://www.caa.co.uk/application.aspx?catid=286&pagetype=65&appid=24>.

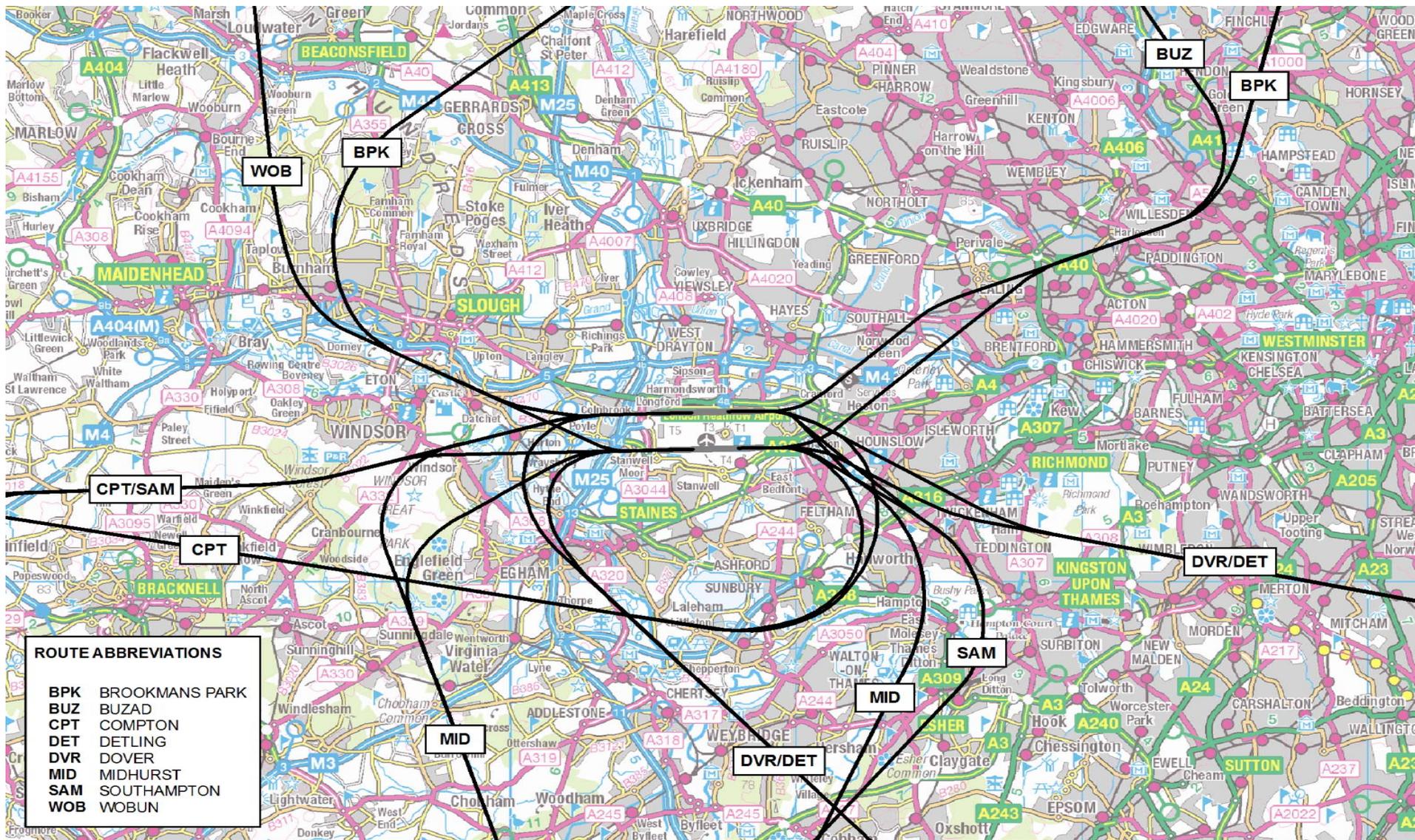
Yours sincerely

A handwritten signature in black ink, appearing to read 'M Stevens'.

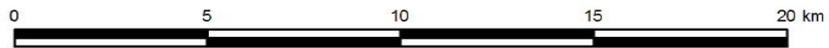
Mark Stevens
External Response Manager

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.



ROUTE ABBREVIATIONS	
BPK	BROOKMANS PARK
BUZ	BUZAD
CPT	COMPTON
DET	DETLING
DVR	DOVER
MID	MIDHURST
SAM	SOUTHAMPTON
WOB	WOBUN



The Airspace Change Process

Introduction.

The CAA's Directorate of Airspace Policy (DAP), as the national airspace approval and regulatory authority is responsible for airspace policy and planning in the UK. As such, the Director, Airspace Policy, is charged with approving changes to the dimensions, classification or use of UK airspace. These changes can vary from being straightforward, simple modifications that are easy to implement with little impact on airspace users, to changes that are complex, extensive and which impact on a variety of airspace users and the general public. Changes to airspace arrangements should only be made after consultation, only where it is clear that an overall environmental benefit will accrue, or where airspace management considerations and the overriding need for safety allow for no practical alternative. The process to be followed for amending the structure of airspace reflects the CAA's statutory duties as set out in the Ministerial Directions given by the Secretary of State for Transport and the Secretary of State for Defence under Section 66(1) of the Transport Act 2000, and the Environmental Guidance¹ provided by the Secretary of State for Transport. The Directions are reproduced in the Guidance which is available from the CAA website:

www.caa.co.uk/docs/7/DITLREnvironmentalGuidance.pdf

The Airspace Change Process, outlined in Civil Aviation Publication (CAP) 724 – *The Airspace Charter* and CAP 725 – *CAA Guidance on the Application of the Airspace Change*

¹ Guidance to the CAA on Environmental Objectives relating to the Exercise of its Air Navigation Functions, given by the Secretary of State for Transport under Section 70(2)(d) of the Transport Act 2000.

Process is available from the CAA website:

www.caa.co.uk/docs/33/cap724.pdf
www.caa.co.uk/docs/33/cap725.pdf

Roles & Responsibilities

The Change Sponsor:

- Owns, and is responsible for developing, the Airspace Change Proposal (ACP).
- Is accountable for identifying the stakeholders to be engaged during the consultation exercise.
- Designs and carries out consultation on the operational and environmental impacts of the proposed airspace change.
- Is accountable for the decisions to modify or not modify its proposed airspace design in light of the responses to the consultation exercise.

The CAA as Regulator:

- Owns, and is fully responsible for, the Airspace Change Process.
- Provides assistance on the application of the Process and guidance on fulfilling the operational, environmental and consultation requirements.
- Scrutinises and assesses the Formal Airspace Change Proposal against the regulatory requirements.
- Approves/Rejects the Formal Proposal.
- Is accountable for the regulatory decision-making.



The stages of the Airspace Change Process are outlined below.

Stage 1 – Framework Briefing. DAP representatives meet with the Change Sponsor to discuss the embryonic proposal, and highlight key stages and requirements of the Airspace Change Process. It provides the opportunity to discuss the structure of the formal ACP submission, as well as environmental and consultation requirements. A DAP Case Officer will be appointed.

Stage 2 – Proposal Development. The Change Sponsor develops initial draft proposals before conducting stakeholder analysis to identify 'people or groups of people who are, or might be, affected - either positively and negatively - by any action taken by the Change Sponsor'. The proposal is then developed by utilising such methods as Stakeholder Focus Groups. This leads to final design option(s) for consultation. At this stage, an Environmental Assessment of the proposal will be initiated which will be completed before the proposal goes to consultation.

Stage 3 – Preparing for Consultation. The Change Sponsor decides on the most appropriate consultation methodology needed to reach all consultees. These methods could include: questions in written consultation documents, Consultation questionnaires or questionnaire-based surveys, using Representative Groups, Focus Groups and Open/Public Meetings. DAP will monitor and advise the Change Sponsor on the scope and conduct of the consultation to be undertaken. However, it remains the Change Sponsor's responsibility to ensure that the

appropriate level of consultation is undertaken. This is a factor that will be taken into account during the Regulatory Decision taken at stage 5. Throughout, consultation must be undertaken in accordance with the **HM Government Code of Practice on Consultation**, which highlights seven criteria:

- **When to consult**
Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- **Duration of consultation exercises**
Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- **Clarity of scope and impact**
Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- **Accessibility of consultation exercises**
Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- **The burden of consultation**
Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- **Responsiveness of consultation exercises**
Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- **Capacity to consult**
Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Stage 4 – Consultation and Formal Proposal Submission.

The Change Sponsor distributes consultation material and conducts other consultation activities. Following the minimum 12-week consultation period, the Change Sponsor collates and analyses all responses and then decides on the final proposal. This may include airspace design modifications decided upon in light of the consultation responses. This may, in turn, lead to additional consultation that could last another 12 weeks. The Change Sponsor is required to publish feedback to consultees including information on how the final decision on the option selected was reached. The Sponsor will then submit a Formal Airspace Change Proposal to DAP.

Stage 5 – Regulatory Decision. DAP staff undertake a detailed assessment of the Formal Proposal in the form of a Case Study. The DAP Case Officer may seek clarification or supplementary information from the sponsor before making a recommendation to the Director of Airspace Policy on whether the proposal should be approved. The Director of Airspace Policy then makes a Regulatory Decision in accordance with the CAA's statutory obligations. The Change Sponsor is informed of the decision and this results in either the proposal moving to implementation or the Change Sponsor modifying the proposal for re-submission. In the case of the latter, it is likely that further consultation will be required.

Stage 6 – Implementation. Once the change is formally approved, the Change Sponsor will prepare changes to operational procedures and submit amendment to aeronautical information publications. Changes to aeronautical procedures, airspace structures and regulations are timed to start on internationally specified Aeronautical Information Regulation And Control (AIRAC) dates, which occur every 28 days. This ensures that the aviation community, as a whole, is aware of the changes and can prepare. Larger airspace changes may require a period of at

least 2 AIRAC cycles, i.e. 56 days, before they can be implemented following regulatory approval.

Stage 7 – Operational Review. DAP will undertake an operational review of the change approximately 12 months after implementation. The purpose of the Review is to determine if the airspace change, as approved, has been implemented and whether the anticipated benefits have materialised. Once complete, the findings of the review will be published on the CAA website.

Summary. The Airspace Change Process ensures that changes to the airspace structure or its use in the UK meet CAA regulatory requirements in respect of safety, consultation, environmental and operational factors, compliance with airspace design criteria, as well as ensuring that the proposal is operationally justified. The 7-stage process ensures that any proposal is properly developed, consulted upon and evaluated to ensure that it delivers the required benefits in terms of safety and airspace capacity, and the environmental impact of the proposal is fully understood.