

THE LORD KIRKHOPE INQUIRY INTO UK LOWER AIRSPACE

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SECRETARIAT TO THE INQUIRY: GEORGE LAWLEY

The Lord Kirkhope Inquiry

The Lord Kirkhope Inquiry into Airspace change was commissioned by the All-Party Parliamentary Group on General Aviation (APPG-GA) to examine the management and design of lower airspace in the UK. The APPG-GA has 222 members from across all parties in the House of Commons and the House of Lords.

Membership of the Inquiry Panel

Lord Kirkhope of Harrogate (*Conservative Peer*) (*Chair*).

Patrick Naegeli

Alix Pentecost

Pauline Vahey

Powers

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Contacts

All correspondence should be addressed to the office of the Lord Kirkhope of Harrogate, House of Lords, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8599; the Committee's email address is kirkhopeinquiry@generalaviationappg.uk

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Foreword from the Chairman – The Lord Kirkhope of Harrogate



Airspace has long been an element of British infrastructure ignored by Government and Parliament. This complacency has resulted in the UK having some of the most complex lower airspace in the world and as a matter, of course, a major review has been required for some time.

The conclusions of this inquiry are, I believe, proportionate and fair not only on the subject of General Aviation use of Lower Airspace but also to all Aviation. Whilst this inquiry has been looking at lower airspace through the General Aviation ‘prism’, we have been mindful throughout to ensure that our proposals create a system that works for military and commercial aviation as well.

I would especially like to thank all those who have provided evidence to our inquiry and those who gave up so much of their time to answer the oral questions from the panel.

Finally, I would like to send a special thanks to the members of the Inquiry panel themselves who have brought a fresh and fair perspective to this large piece of work. This task would have been impossible without their time, good humour and hard work.

Lord Timothy Kirkhope of Harrogate

June 2019

2 - INTRODUCTION

2.1 The Inquiry takes place against the backdrop of clear policy statements that have been set out by Government and Ministers.

To “make the United Kingdom the best country in the world for General Aviation”

Government 2015 GA Strategy

“Key policy objective is to ensure that the UK has the minimum volume of controlled airspace consistent with safe and efficient air traffic operations.”

Response from Baroness Sugg, Parliamentary Under Secretary of State for Aviation, March 2019

2.2 Underpinning these aims is the long-established principle that UK airspace is considered, to the maximum extent possible, to be free and available to all users commercial and non-commercial alike. Over time, there has been a very substantial increase in the type and number of aircraft needing to make use of UK airspace. As a result, the Government has had to segregate volumes of airspace in order to ensure that all aircraft can operate in a safe, but accessible environment.

2.3 The ultimate responsibility for the effective design and efficient use of UK airspace resides with the Civil Aviation Authority (CAA). The CAA is required to discharge these duties, under the Transport Act 2000. The CAA operates as an Independent Regulator.

2.4 The policies and procedures that the CAA uses in exercising its regulatory duties are laid out in a number of Civil Aviation Publications (CAPs). A number of these, for example, CAP1616 (Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements) and CAP1711 (Airspace Modernisation Strategy) deal specifically with airspace-related matters.

2.5 The Department for Transport is the Government department responsible for Airspace and as a result sets legislation. It is then the role of the Civil Aviation Authority to interpret all legislation, guidance and regulations. The Government cannot require a change in the CAA’s interpretation, only the courts can.

2.6 The CAA must also create the process and enforce the law as set by legislation. Currently, the CAA must follow the relevant sections of the Transport Act 2000, other items of primary and secondary legislation, military requirements, Ministerial directives and Court

rulings. Within the Transport Act 2000, Section 70 lays out the primary duties involved in the provision of air navigation and air traffic services.

2.7 As airspace is a critical part of the UK's infrastructure, the Government is under an obligation to ensure that airspace is structured, operated and regulated in such a way as to be not just fit for purpose, but efficient and effective.

2.8 As a consequence of the growth in UK aviation, the CAA and the Department for Transport both recognise that UK airspace has become some of the most "complex in the world" and that much of the design and the underpinning design principles have not changed significantly since the 1950s and 1960s.¹ In recent years, in particular, it has become clear that the Government's approach to the design and management of airspace has failed to keep up with the changing requirements of the various types of airspace user and the modernisation of the aircraft they fly.

2.9 It is the view held by many in the civil aviation community that the current legislation, policies and procedures laid out by the Department for Transport and the CAA are out of date and fail to adequately or properly balance the needs of all sectors of aviation. There is also a belief that the Department for Transport and the CAA are not properly recognising or exploiting advancements in aircraft capabilities, technology and new safety devices that have the potential to help address some of the issues that impact on airspace design and access. For example, GPS locating provides pilots of all aircraft with the ability to more accurately gauge their position with respect to airspace and so can help minimise the risk of airspace infringements. It is generally accepted that the technological advancements will continue apace. The airspace will be required to meet the needs of an increased usage both in numbers and types of aircraft.

¹ Airspace Modernisation Strategy (CAP 1711), Civil Aviation Authority, December 2018, page 5.
<http://publicapps.caa.co.uk/docs/33/CAP%201711%20Airspace%20Modernisation%20Strategy.pdf>

3 - BACKGROUND AND REMIT

3.1 In the summer of 2018, the All-Party Parliamentary Group on General Aviation (APPG-GA) stated that the mechanism behind the design of UK airspace seemed to be “out of date and draconian in nature”. The APPG-GA resolved to commission an Inquiry into the current practices, procedures and governance of UK airspace design and changes.

3.2 The Inquiry was given a broad remit, looking at the design, governance and the future of UK lower airspace.

3.3 The written call for evidence, received 48 replies from a broad range of national, regional and local community bodies, including the CAA, Heathrow Airport, the British Gliding Association, the British Helicopter Association, and the industry body of Air Traffic Controllers GATCO. A full list of those that submitted written evidence is provided in Appendix 1.

3.4 Oral witnesses were also invited to four different hearing sessions, which saw groups such as the Light Aviation Association, Biggin Hill, ARPAS, A4A, GASCo and the CAA answer questions from the members of the Inquiry panel. A full list of those that provided oral evidence is provided in Appendix 2.

3.5 The members of the Inquiry met subsequently on a number of occasions following the last of the oral hearings to summarise their conclusions, consider their findings and draft recommendations. These are laid out in this report.

4 - EXECUTIVE SUMMARY

4.1 The current Airspace design model, on all levels, is unfit for purpose. The Department for Transport should seek to radically change or replace Section 70 and the CAA should replace all relevant guidance. This should lay out clear direction and objectives, as well as the methodology used to arrive their conclusion.

4.2 The CAA should look to radically change the policy objective behind airspace design changes. The Inquiry recommends that the Department for Transport and the CAA adopt, or base their policy on, ‘safety, proportionality and need’.

4.2 The CAA should look to ensure that all future airspace proposals make the most efficient use of airspace. The most obvious way this can be achieved is through the introduction of a ratchet down process for classed airspace. This would give the CAA the powers to either lower the class of controlled airspace or make airspace uncontrolled.

4.3 The Government should seek to extend the powers of the CAA, so they can make formal alterations to Airspace Applications. This will bring Airspace into line with all other forms of infrastructure and planning processes. Planning applications in the UK can be altered by the local planning authority and the CAA should be given equivalent powers to make alterations to airspace design proposals.

4.4 The CAA should remove airspace design changes from an individual process internally to a corporate one. This will allow for a more transparent design system, that will see input from broader points of view, thus giving greater scrutiny and better recommendations. This board must have indemnity from prosecution in case an accident deemed to be due to airspace design were to occur but follow the policy and guidance as set out in Section 70.

4.5 The CAA should have an independent review procedure, which must be undertaken after the implementation of an airspace change after 12 months and 3 years of a proposal being implemented. This review must look to match the criteria and reasoning given at the time of the change and look to see if this has been achieved, and if not, why not? The board must also have the power to revoke an airspace design change proposal.

4.6 The Department for Transport should immediately exempt the Airspace Department at the CAA, from the 3% financial return requirement. The Department for Transport and Her Majesty’s Treasury must ensure that the Airspace Design team has adequate resources to ensure that Post Implementation Reviews (PIR’s) can occur in the required timeframe. This can be done through a Section 12 grant.²

² Section 12 of the 1982 Civil Aviation Act.

4.7 The CAA should implement a more flexible approach to airspace design. Looking at factors including the power to ‘turning on and off’ of Airspace depending on the time of day and time of the year. The Inquiry recognises that this is already being done through the Airspace Modernisation Strategy, but this requires expediting and introducing.

4.8 All pilots of all kinds of aircraft, must remember that a large burden remains on them. If they want a more flexible airspace system, pilots must be willing to follow the rules and keep up to date with any and all changes.

5 – SECTION 70, 2000 TRANSPORT ACT

5.1 The Inquiry recognised and was pleased that the then Parliamentary Under Secretary of State for Aviation, Baroness Sugg, confirmed that it is a “key policy objective to ensure that the UK has the minimum volume of controlled airspace consistent with safe and efficient air traffic operations”.³

5.2 Currently the decision process behind airspace changes is set out in Appendix G of CAP 1616. The Inquiry welcomes the inclusion of this section as a step in the right direction in trying to create a more transparent system.

5.3 The Transport Act 2000 sets out the legislative requirements that govern how the CAA must manage lower airspace in the United Kingdom. Section 70 lays out how the CAA when exercising its function, should consider safety, efficiency, the equitable treatment of all airspace users, proportionality, and a requirement to impose minimum restrictions.⁴

5.4 All parties that provided evidence to the Inquiry believed appropriate regard needed to be paid to the subject of safety in all airspace-related decisions. There is, however, a widespread and clear concern among the General Aviation community that the CAA allowed its concerns for safety to be the over-arching factor when making an airspace-related decision without being able to demonstrate a clear and balanced base of supporting analysis and evidence. General Aviation’s concern is especially acute when the airspace-related decision takes place where commercial/business interests and those of GA are in opposition. The General Aviation Awareness Council, for example, states that there is “actual, and perceived, bias” in favour of certain, specific parts of aviation.⁵

Translating Section 70 into effective operation

5.5 Whilst the Inquiry does not believe that there is any form of deliberate bias in CAA decision making, the lack of transparency in the CAA’s compliance with Section 70 has led to this belief being widely held amongst large sections of the aviation community.

5.6 It is the Inquiry’s view that an appropriate level of trust must be restored in the way in which the CAA enacts its function. The Inquiry believes there should be clearer Government policy direction. Such direction must include a clear methodology for the appropriate consideration of all Section 70 items, and a requirement that this methodology is used by those that oversee changes to airspace design. This methodology should be put into the guidance that

³ Written Question, to Lord Kirkhope of Harrogate, response from Baroness Sugg - <https://www.theyworkforyou.com/wrans/?id=2019-02-19.HL13870.h&s=speaker%3A18019#gHL13870.q0>

⁴ A copy of section 70 can be found here: <https://www.legislation.gov.uk/ukpga/2000/38/section/70>

⁵ GAAC written evidence.

supports Section 70 and be incorporated into any future Civil Aviation Publications (CAPs) on the Airspace Change Design Process.

5.7 Whilst the Inquiry welcomes some policy objectives from the Department for Transport, all the evidence the Inquiry received made it clear that this did not go nearly far enough in providing an adequate outcome. The evidence received suggests that the ‘carte-blanche’ policy, fails to reinstate trust and that a new system is implemented that ensures that airspace is designed in a manner that is scientific, methodical, efficient and most importantly safe.

5.8 A clear methodology would go a long way to create a system that is and is perceived to be, far more ‘transparent’. Allowing those that propose airspace designs, and those challenging any design, to have a greater insight into and understanding of the process behind the reasons for the final approval, change or failure of any proposal.

5.9 This new direction must also take a far more scientific approach that is built on a three-pillared principle, which the Inquiry recommends: ‘safety, proportionality and need’, before any airspace change.

5.10 The Inquiry has considered some examples of airspace policy in use in other countries that the UK might consider when formulating future UK airspace policy. Several of these were referenced in both the written and oral evidence. Models repeatedly referenced, included: The United States, Canada and Germany.

5.11 The Inquiry believes that the German model is worthy of particular consideration given its concern for creating the minimum volumes of airspace for a given, demonstrated need, whilst ensuring that maximum amount of flexible use of those volumes to cater for the needs of the widest range of airspace users. That model appears to make more use of specific and quantitative criteria in deciding whether or not, and on what condition-controlled airspace is introduced.

5.12 It is clear, therefore, that a new legislative framework is required along with a new methodology. This change should be built around the three-pillar approach of: ‘safety, proportionality and need’. Section 70 and associated guidance should be amended to make this possible. This will mean that for the first time the Government will have set clear (and fair) direction, and as a result, created an enhanced level of transparency that reduces concern.

5.13 Any policy changes must also take into consideration any and all environmental factors, including population and noise. It is clear from the evidence received by the Inquiry and other recent events in the UK, that environmental effects on non-aviation users must be considered by all policymakers, parliamentarians and government.

5.14 The Inquiry recognises that the elements set out in Subsection 2, of Section 70 are necessary and to ensure the minimum of bureaucracy possible when considering any changes

to lower airspace. However, the Inquiry believes that the ethos requires radical changing and a complete overhaul. As a result, Section 70 needs re-writing or replacing.

(2) The CAA must exercise its air navigation functions in the manner it thinks best calculated—

(a) to secure the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic;

(b) to satisfy the requirements of operators and owners of all classes of aircraft;

(c) to take account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally;

(d) to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section;

(e) to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services;

(f) to take account of the interests of national security;

(g) to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification).

5.15 It is, therefore, necessary to amend or replace the legislation so that the focus is shifted specifically around the philosophy of ‘safety, proportionality and need’. This change in legislation will then require a change in interpretation from the CAA and finally a new Airspace Change Process.

5.16 Any other changes (or any replacement to) Section 70, or the other recommendations from this report, should allow for a more flexible approach to airspace, particularly around procedure for certain areas of airspace. The Inquiry believes that Section 70 should either be replaced or amended to allow for these changes.

5.17 The Inquiry does, however, call for a complete review and removal of the guidance associated with Section 70 and its replacement with elements as set out previously in this section.

6 – GOVERNANCE AND STRUCTURE

6.1 The Inquiry identified from the evidence a number of potential issues with the ways in which the CAA considers ‘Airspace Change Proposals’ and reviews previous decisions. These related to a perceived concern that individual CAA staff might bear direct liability in the event of a safety-related event occurring in connection with an airspace decision; the ad-hoc and untimely nature of post-implementation reviews (PIRs); and, all airspace-related decisions ultimately being taken by a single CAA post-holder.

6.2 Evidence provided by a number of respondents – including from organisations that deal frequently with the CAA team that considers ACPs, and a former CAA employee – suggested that airspace-related decisions were influenced by concerns over personal liability for potential future events. As a consequence of which, it was felt that some CAA staff would err unduly on the side of caution and grant rather than decline airspace. Some believe that this has resulted in the CAA approving, at what has at times been considered, “ridiculous” airspace designs and making “simply strange controlled airspace” decisions.⁶

6.3 This point was further reinforced in oral evidence from the CAA, where it was clearly stated that, due to this “individual model”, decisions had been protracted, and potentially unnecessarily large and complex areas of airspace have in the past been granted because the individuals responsible took an overly cautious approach to ensure that they would not be personally responsible for any accidents that may occur, had the airspace remained uncontrolled.⁷

6.4 The Inquiry recognises that the CAA have rejected Airspace Change Proposals, most notably Exeter. Whilst the Inquiry is pleased that the CAA exercised its power in this regard, the Inquiry hopes that a new system will make it easier for the CAA to reject or request a change in a proposal.

6.5 Evidence provided to the Inquiry clearly showed that the current approach to scheduling and undertaking PIRs is also totally inadequate. The required timeframe as set out in CAP 712 has, by some significant margin, not been met.

6.6 The delays to the post-implementation review mechanism have also led to a complete deterioration of trust and faith in the CAA’s CAP1616, and the significant build-up of either unjustified or under-utilised/un-used airspace.

6.7 There is a view, from the evidence that the Inquiry has received, that all the main airspace related decisions are ultimately taken by the CAA Director Safety and Airspace Regulation. The CAA’s oral evidence confirmed that Director Safety and Airspace Regulation did so on the advice and recommendations of the CAA airspace team. The Inquiry considered

⁶ GAAC written evidence.

⁷ CAA Oral evidence

this to be a potential weakness in the operation of the CAA given the aforementioned concern of CAA staff for potential personal liability and the increasingly multi-faceted nature of airspace proposals.

6.8 For the reasons outlined in 6.2-6.6, the Inquiry concluded that the CAA must, and as quickly as possible, establish a formal Airspace Change Board, reporting to the Director Safety and Airspace Regulation, that has the authority to consider and approve, or otherwise, ACPs, and to manage and deliver a timely PIR programme.

6.9 This Board and all CAA staff involved in the process of assessing ACPs and PIRs should, in the view of the Inquiry, be protected by indemnity, allowing them to operate freely and objectively, working in accordance with all relevant policy areas and using the best of their knowledge and combined experience.

6.10 The Board must ensure that any airspace design proposals that they adopt are safe for all aviation users. The Board must also ensure that any adopted airspace designs are evidentially proportionate and necessary.

6.11 The Board's responsibility for PIRs will include: the requirement to ensure that an initial PIR is undertaken for all ACPs within 12 months of implementation; the requirement to implement an appropriate schedule of PIRs to follow the initial PIR, the frequency to be determined by the Board but not greater than every 36 months. Furthermore, the Inquiry believes that the costs of all PIRs, and any subsequent airspace changes that are required, should be at the expense of the original ACP sponsor or their successors.

6.12 These reviews, will look at the original application made by the Airspace Change proposer and take forward the need and justification of the change from the original application, as the criteria to which they will weigh against the current use of new airspace design.

6.13 A number of those that submitted evidence suggested that some ACPs were motivated by a desire to 'bank' airspace. It is the Inquiry's opinion that the adoption of a more rigorous and transparent ACP and PIR assessment process will reduce the possibility that an airspace proposer would seek the grant or retention of a greater volume of airspace than can be properly justified.

6.14 Evidence provided to the Inquiry highlighted the fact that many ACPs were submitted based on the need for airspace to support future projected traffic levels. In many cases, actual traffic levels fell materially short of the projections used to support the ACP. The Board should, therefore, pay close attention to such factors both as part of the initial ACP decision and subsequent PIRs. The Inquiry believes that the CAA should be more assertive in taking action on airspace that has been granted on the basis of a set of working assumptions in an ACP that has failed to significantly materialise.

6.15 The Inquiry acknowledges the resource constraints that the CAA operates under and which result in insufficient staff to carry out all of its airspace-related duties in a timely manner. The CAA should prepare a proper resourcing plan to ensure that it can meet its statutory and other operational obligations. To facilitate this, consideration should be given to the removal of the requirement for the CAA to achieve a 3% financial return requirement on all airspace and safety-related activities.

6.16 The CAA should be formally tasked by the Department for Transport to regularly review the overall efficiency and effective use of UK airspace to ensure that the principles of: ‘safety, proportionality and need’ are maintained.

6.17 This nationwide review, must regularly provide a full and adequate consideration of all airspace. Particular notice should be taken dealing with overly complex pieces of airspace design and areas of intense commercial and general aviation activity. The reviews should apply the relevant policy objectives and methodologies to controlled lower airspace.

6.18 These regular reviews, the Inquiry has concluded, must be presented to the Secretary of State for Transport (or the relevant Cabinet-level Minister who has responsibility for the CAA) at least once in every 5 years.

6.19 If required the Department for Transport must legislate or if appropriate with changes in regulations, make this a requirement on the Secretary of State.

Independent Review and Complaints

6.20 At present, the CAA neither permits nor has any form of mechanism in place for an appeal against an airspace decision. Furthermore, there is no external complaint or appeals mechanism available to stakeholders other than the costly prospect of a Judicial Review. The Inquiry considers this to be an entirely inappropriate state of affairs. The lack of any form of review mechanism, the Inquiry has concluded, has resulted in frustration with the system.

6.21 The CAA should either adapt its current complaints procedures or establish a new function, separate from the Safety and Airspace Regulation Group, for this purpose. It should be convened as and when required. This function should be able to consider any complaints in a fair and free manner, basing the review within the context of the original application as well as those basic policy objectives of: ‘Safety, Proportionality and Need’.

6.22 The function should refer any decision it takes to the CAA’s Airspace Change Board to decide on an appropriate course of action, including the amendment, acceptance or rejection of an ACP.

6.23 Through the CAA adopting these proposals, the Inquiry believes that there will be a significant improvement in the management and ultimate design of lower airspace throughout the UK. This is will go a very long way in restoring trust in the system. It will also ensure that

all airspace applications are fully scrutinised within the policy objectives as set out by the Department for Transport and the CAA.

6.24 The Airspace Change Board's national review process should also have the power to look at Regions and the UK at large to assess areas where airspace is not 'safe, proportionate and needed'. The CAA should also consider how 'safe, proportionate and needed' a current airspace design is. The board will then have the right to enter discussions with aerodromes regarding downgrading or freeing up controlled airspace. A consensus should always look to be found. What powers the CAA has in regard to forcing an aerodrome that doesn't want to relinquish airspace should be set down, if necessary, by regulation or legislation by the Department for Transport and Parliament.

6.25 A review/complaints board will result in greater and more transparent scrutiny of airspace design changes. These changes will result in an airspace design application process that not only fulfils this Inquiry's suggested policy objectives but will ensure that lower airspace design fulfils any Government objective.

6.26 The Inquiry fully appreciates the administration and resources required to make these proposals happen and recognises the need to avoid undue 'red tape'. The Inquiry recommends the publication of a new CAP, which should lay out in direct terms not only the methodology and processes of the design change board but also ways to keep and new 'red tape' to a minimum.

7 – CIVIL AVIATION AUTHORITY POWERS.

7.1 The Inquiry has identified a fundamental gap in the CAA’s airspace-related powers. At present, the CAA can rule on an application for airspace but has limited ability to directly adjust or materially change an ACP. Furthermore, it is severely limited in what it can do to force a change in previously granted airspace, for example, following a ‘Post Implementation Review’ (PIR). As a consequence, changes in UK airspace have mostly been in the direction of increasing volumes of controlled airspace, and rarely in the opposite direction, for example, following the closure of an airfield (e.g. Lyneham).

7.2 This gap severely limits the CAA’s ability to ensure that UK airspace reflects demonstrated need and changes in line with the application of new technologies such as the creation of effective electronic conspicuity devices. These devices are making the skies safer for all users, relaying real-time data to pilots and air traffic controllers. This will mean that all aircraft are always visible and can be monitored and as a result, the amount of controlled airspace can be reduced, as the monitoring and tracking requirement will be applied universally, no matter the class of airspace.

7.3 The Inquiry recognised that the burden of safe interoperability doesn’t solely lie with the CAA and the Government. All aviators and users of airspace must obey the rules of the skies and all airspace classes no matter how much any group may disagree with them. It was clear from the evidence provided to the Inquiry by GASCo, for instance, that pilots have actively violated airspace because of personal views on the subject.⁸

7.4 The CAA must ensure that all pilots undergoing their training are adequately taught how airspace is governed, the differences in the types of airspace and what requirements they need to fly within restricted airspace.

7.5 The power of removal of controlled airspace should be built into the review process as discussed in Chapter 6. If the CAA Airspace Change Board views a piece of airspace that is overly complex and underutilised, they should consider entering discussions with the airspace owner/controller and investigate ways in which the airspace class can either be lowered or removed.

7.6 The ongoing review process that is undertaken by the Airspace Change Board, should not treat airspace change as a binary decision. The process should follow the policy objectives of ‘safety, proportionality and need’.

7.7 The airspace class removal power must also be used to streamline airspace design. There is no point, and nor should it be the objective of this power to reduce or remove classed airspace which results in a more complicated airspace design.

⁸ GASCo Oral Evidence.

Changing Airspace Design

7.8 Under the current system the CAA may only accept or refuse an Airspace Change Proposal. It is clear to the Inquiry, that it is completely inadequate that the only way an airspace change proposal can be altered is by the applicant themselves working with external stakeholders or by a separate body putting in their own Airspace Change Proposal.

7.9 The CAA has in recent years created an airspace design portal. This has worked much in the same way as local planning application portals. This has resulted in a far more transparent application system and is welcomed by the Inquiry. However, unlike planning authorities the CAA has no obligation to accept the comments made through its portal, nor apply necessary 'common sense' decision making. Whilst the CAA may take all this information on, they are still restricted to simply accepting or declining an ACP.

7.10 By giving the CAA the power to alter an airspace design application, much in the same way as planning applications do in the UK, based on the principals of discussion with the bodies responsible for airspace change, the system will better support modern requirements.

7.11 The CAA and the airspace applicant should work, as far as possible, to achieve consensus. All applicants must accept this as a term of condition for applying for an airspace change.

7.12 A clear, pro-active and simple policy objective should allow airspace design applicants to approach any future application with a far better understanding of what is appropriate for an application, but also what needs to be done for this application to be accepted with possible changes.

7.13 It is clear to the Inquiry, that a reason for such burdensome design applications that have been accepted in the past by the CAA has been because the applicant has been unaware of the Government's airspace policy objectives and has therefore asked for an over-expansion of controlled airspace. By giving the CAA the power to alter an application, we can ensure that all future outcomes from the Airspace Change Process provide better and more efficient airspace for the whole of the UK based on 'proportionality, safety and need.'

7.14 Should an applicant find that they are dissatisfied with the outcome of any Airspace Change Proposal as put forward by the CAA, they would have the right to request a review from the Independent Airspace Change Review Panel, as discussed in section 6. Again, a consensus, working with all parties should be the aim of all parties. The Airspace Change Review Panel should have the final say on any decisions.

7.15 The Inquiry, believes, that the CAA should ensure that any new process and powers are then laid out in a new Civil Aviation Publication.

7.16 It is the understanding of the Inquiry, that for the CAA to take on these new powers, new regulations would need to be applied to the Air Transport Act 2000, through a Statutory Instrument. If the Department for Transport are advised that these new powers require Primary Legislation then they should, as quickly as Parliamentary time allows, introduce the necessary Primary Legislation containing the required changes.

7.17 The Inquiry suggests that should the Department for Transport fail to action the recommendations of this report, then the All-Party Parliamentary Group for General Aviation should consider the recommendations for possible Private Members Legislation.

8 – A FUTURE ORGANIC FLEXIBLE AIRSPACE POLICY

8.1 In almost all the evidence received by the Inquiry, the future nature of airspace use will anyway be significantly different from how it is today. The likelihood of a surge in the number of remotely piloted aircraft systems, UAV's and 'drones' using lower airspace is perhaps the most significant and obvious upcoming change facing airspace design and perhaps more significantly the Regulators.

8.2 The Inquiry welcomes the Airspace Modernisation Strategy that has been published by the CAA. This is a hugely important step forward from the CAA and the Inquiry feels that it could result in huge reforms to the UK lower airspace design.

8.2 The Inquiry recognises that the CAA, NATS and the Department for Transport are working to ensure that drones can be fully integrated into lower airspace and operate safely alongside current airspace users. This is warmly welcomed.

8.3 However, the incorporation of drones should not result in pilots facing even more complicated airspace. Instead, the full adoption of technology should provide for safe airspace for all users.

8.4 In their evidence to the Inquiry GATCO (the Air Traffic Controllers Body) voiced their concerns over the creation of a "data overload" that future technology could create. The Inquiry fully recognises that this is a significant issue for Air Traffic Controllers. The Inquiry has not made a recommendation on this issue as it is outside of the remit of the Inquiry, however, it is hoped that it is recognised by the authorities.

8.5 As technology rapidly improves, it makes it possible to create far more flexible airspace. The Inquiry has concluded that systems such as Pilot Aware and others, coupled with the digitisation and ease of access of NOTAMS (Notice to Airmen) means that pilots are far better prepared than they have ever been in the past.

8.6 The CAA in their oral evidence to the Inquiry, believed that any 'on/off' process for airspace could further complicate airspace. Whilst the Inquiry recognises this as a valid argument, the Inquiry, as a body of varied aviation backgrounds doesn't share that view.

8.7 The CAA must continue working in partnership with EASA, the Department for Transport and other Non-Governmental Organisations to ensure that the UK remains a world leader in the design and hence safety and utilisation of its airspace.

9 - CONCLUSION

9.1 In conclusion, the Inquiry recognises that the CAA, in its role as a regulator, must ensure that its conduct is of a sensible authority acting with due appreciation of its responsibilities. Whilst it is not in the remit of the Inquiry to examine or conclude whether the CAA is fulfilling its duties as required by statute, it is clear to the Inquiry that the CAA is failing all users of airspace in its current approach to airspace design and management.

9.2 Whilst this is the case, the fault also lies at the Department for Transport who are responsible for the policy setting, legislating and ensuring good operation of airspace. The Department for Transport, the Inquiry has concluded, is clear that airspace is a major part of the UK's infrastructure, but is not treated in the same way by the Department, the Government, or Parliament. The Inquiry concludes that airspace should be treated like any other piece of national infrastructure such as roads, broadband and railways.

9.3 The Inquiry can see that without adequate policy direction from Government and the legislator the CAA will always fail to reform.

9.4 The Inquiry is pleased to conclude, however, that the Government appears serious about urgently reforming airspace in the UK.

9.5 Whilst concluding that current policy is wrong, the Inquiry has also concluded that the methodology in which airspace design changes occur is antiquated and in need of radical reform on every level, involving simplification and more transparency.

9.6 The Inquiry concludes that the creation of brand-new policy objectives is essential. The Government should make its new policy as precise, open and clear as possible. The Inquiry fully endorses and recommends suggestions as laid out in this report.

9.7 Finally, the Inquiry concludes that the demands made by airspace users are constantly evolving. Consequently, airspace should never be treated as fixed and unbending, but instead, as an organic and flexible piece of strategic national infrastructure that is constantly evolving in response to increasingly rapid changes in technology and other external factors.

10 - APPENDIX

Appendix 1 – Written Evidence Received.

For environmental purposes, we have not published the written evidence received, instead this is available on the APPG-GA Website.

| Evidence Log | Organisation |
|---------------------|--|
| LK1-01 | Inverness Airport |
| LK1-02 | GAAC |
| LK1-03 | Cotswold Gliding Club |
| LK1-04 | Personal |
| LK1-05 | British Helicopter Association (BHA) |
| LK1-06 | Personal |
| LK1-07 | British Gliding Association (BGA) |
| LK1-08 | Nutfield Conservation Society (NCS) |
| LK1-09 | Personal |
| LK1-10 | British Microlight Aircraft Assoc (BMAA) |
| LK1-11 | Personal |
| LK1-12 | Lasham Gliding Society |
| LK1-13 | British Model Flying Association |
| LK1-14 | Personal |
| LK1-15 | RSAG |
| LK1-16 | Helicopter Club of Great Britain |
| LK1-17 | Darley Moor Airfield |
| LK1-18 | London Gliding Club |
| LK1-19 | Oxford Gliding Club |
| LK1-20 | Burn Gliding Club |
| LK1-21 | Scottish Gliding Club |
| LK1-22 | Yorkshire Gliding Club |
| LK1-23 | Personal |
| LK1-24 | Derbyshire and Lancashire Gliding Club |
| LK1-25 | Redhill |
| LK1-26 | Devon And Somerset Gliding Club |
| LK1-27 | Heathrow Airport |
| LK1-28 | Cambridge Gliding Centre |
| LK1-29 | Light Aircraft Association |
| LK1-30 | Honourable Company of Air Pilots |
| LK1-31 | AOA |
| LK1-32 | Biggin Hill Airport |
| LK1-33 | CAA |

| | |
|--------|-------------------------------|
| LK1-34 | North Wales Gliding Club |
| LK1-35 | Airlines UK |
| LK1-36 | Swanson Aviation Consultancy |
| LK1-37 | Herefordshire Gliding Club |
| LK1-38 | PPL/IR Europe |
| LK1-39 | Personal |
| LK1-40 | Stobart Aviation |
| LK1-41 | The Sky's the Limit |
| LK1-42 | Airspace for All (A4A) |
| LK1-43 | London City Airport |
| LK1-44 | British Parachute Association |
| LK1-45 | The Air League |
| LK1-46 | NATS |
| LK1-47 | GAA |
| LK1-48 | SASIG |

Appendix 2 – Oral Evidence Sessions.

Complete audio versions of our all oral evidence sessions can be found on the APPG-GA website.

| Evidence Log | Date | Organisation & Witness 1 | Organisation and Witness 2 | Organisation and Witness 3 |
|---------------------|-------------|---|---|-----------------------------------|
| LK2-01 | 5/12/18 | Light Aircraft Association: Steve Slater | British Gliding Association: Pete Stratten | N/A |
| LK2-02 | 29/01/10 | A4A: Tim Hardy John Brady | GASCo: Mike O'Donoghue | N/A |
| LK2-03 | 05/02/19 | Biggin Hill: Will Curtis | GATCO: Jeremy Pigden | ARPAS: Rupert Dent |
| LK2-04 | 07/03/19 | CAA: Tony Rapson Stuart Lindsey | N/A | N/A |