

BGA RESPONSE TO CAA CONSULTATION DRAFT PROCEDURE FOR REVIEWING THE CLASSIFICATION OF AIRSPACE

Question 1 (General)

General impression

There seems to be a general thread in the document, supported by numerous caveats (eg MoD objections, ANSP objections, CAA resource constraints, the airspace has been touched by an ACP, there could be 'potential issues' from changing the classification, etc), that indicates the CAA is providing itself with the opportunity to not pursue reclassification.

On a more positive note, the document notes in several places that the CAA must *'seek to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users is reflected on an equitable basis'*.

The process appears to lack any obvious route for stakeholders to input their proposals and needs.

Issue re role of MOD 2.11(P17)

The CAA states in the consultation: *We may therefore need to consult the Ministry of Defence on a proposal to change airspace classification, and seek its approval where appropriate, before proceeding with any consultation.*

This wording is extremely weak and almost invites the MoD to not give its approval. The MoD should be required as part of the process to quantify (in so far as is possible) any MoD objection to any reclassification proposal.

Question 2 (Consider Stage)

Significant amendment needed.

'Consider phase' summary (P25)

The CAA states:

*The CAA regularly (normally every two years) considers whether to carry out a review of airspace classifications, and makes a yes/no decision at an internal meeting of **senior airspace colleagues**, based on, for example:*

- (a) whether there are international obligations to meet within a certain timeframe*
- (b) whether there are airspace safety, efficiency, environmental or access benefits that a review might help to define and deliver*
- (c) **our workload/resources***
- (d) any outstanding priorities from previous reviews*
- (e) **a specific request from the Department for Transport.***

This proposal could result in a gradual watering down of the requirement and in due course a reversion to the status quo, ie no routine reviewing of airspace classification.

The process would be significantly more credible and robust if there is a requirement for a transparent two-year review that takes into consideration various data points including feedback from airspace users.

As in any other known future activity, CAA workload/resource issues should be addressed through planning and should not be a factor in deciding whether or not to review airspace classifications.

The specific request from the DfT is ominous. Does this indicate that CAA is unwilling to do the right thing without prompting by DfT?

Question 3 (Review Stage)

Significant amendment needed.

'Review phase' Summary (P25)

The CAA states:

We would not pursue an amendment that was the subject of an ongoing or recent airspace design change.

At any time, there can be scores of active ACP's. Many of these are paused or unlikely to be pursued for a variety of reasons. A reasonable proposal for reclassification suggested by a stakeholder should not be dismissed just because the airspace has recently been touched by an ACP, particularly if the ACP has been paused or is not progressing. Sections 5.16-5.18 on P34-35 only partially address this issue. There should be a safeguard written into the process.

Issue re review times and expertise. 4.9 (P28)

The CAA states:

The Directions do not oblige the CAA to adhere to any particular timing. Any amendment to classification will involve extensive analysis of data, stakeholder consultation, design work, cooperation with the airspace controlling authority, and implementation arrangements. This could easily take most of the two-year period between reviews, excluding the need to review the effectiveness of the change after it has been implemented.

Although the CAA needs to protect its resource, this process should allow stakeholders who have proposed reclassification to supply the CAA with appropriate evidence albeit perhaps within a template/framework that the CAA can easily review.

C. Issue re Review Processes (5.7 P31)

The CAA states:

The CAA will have access to various forms of safety data. We also want to give strong encouragement to airspace users to express any airspace access or utilisation concerns, including refusals of crossing of controlled or managed airspace, via a relaunched Use of UK airspace report online CAA form (FCS1521). This will give us continuous feedback throughout the year, rather than us asking a one-off question. The CAA will raise awareness among airspace users through a wide publicity, education and awareness campaign of the importance of appropriate and accurate reporting of safety, access or utilisation concerns, and in particular focusing on the purpose of the online form and how to use it.

Airspace related data capture is predominantly from an air traffic control perspective, which is unsurprising given the nature of CAA resources and interests. The relaunched (FCS1521) needs to be designed in a way that it captures how GA pilots and operations are affected by airspace classifications.

D. Re Electronic Conspicuity Evidence (5.11 P33)

The CAA states:

Air traffic service surveillance data. We are still considering the available surveillance data and its applicability at the Review stage. The various methods of electronic conspicuity combined with radar sources means there are a number of options to consider to fully inform the use of the UK's airspace. Some are likely to incur a cost as well as legal agreement on the use and access to the data, as it is not owned by the CAA. Where we can obtain data, we will need to make a judgement on how best to use it with the limited resources available.

We would expect the CAA to commit to accessing and using FLARM and ADS-B data. The initial CAA airspace classification consultation during 2020 adopted a *lasses-faire* approach in the way it only utilised NATS supplied radar data and how it presented the data. A credible decision-making process can be supported with properly analysed data from multiple sources.

Question 4 (Amend Stage)

Significant amendment needed.

A. Re work and cooperation of the ANSP (6.5 P45)

The CAA States:

In this procedure the CAA is responsible for identifying volumes of airspace and amending the classification correctly, with the airspace controlling authority owning the safety risk by having to prepare the operational procedures and safety case, with our assistance. We collect evidence supporting the amendment, presenting this to the airspace controlling authority, tasking them with the operational procedures and safety case.

This sounds fine in theory. However, this issue underlines a significant risk to the credibility of this process. If the proposal is taken forward to a controlling authority that does NOT want the change and is motivated to thwart the change, there is a real risk that a sensible and appropriate airspace reclassification fails due to process. While the stalled 'Air Traffic Management and Unmanned Aircraft Bill' would give the Secretary of State (or the CAA if powers are delegated) new powers to compel the input from the airspace controlling authority, that is far from guaranteed. Unless this issue is resolved, the airspace classification review process is likely to be ineffectual.

B. Flexible Changes (6.32 P50)

The CAA States:

A more dynamic, real-time variant of flexible airspace management is a longer-term aspiration. For safety and efficiency reasons this would first require new procedures and supporting enabling technology such as real-time information sharing using electronic conspicuity. This longer-term aspiration will be built into future airspace structures once the CAA is satisfied that a safe and tested regulatory solution is in place. It will be important to have dissemination and assurance-of-receipt of the status of a particular block of airspace. For example, if VFR traffic is using airspace while the airspace classification is 'off' but needs to be contacted before it can be switched back 'on', thereby allowing IFR operations to be safely resumed, it must be possible to correctly identify and communicate with that VFR traffic. This longer-term aspiration will be built into future airspace structures once the CAA is satisfied that a safe and tested regulatory solution is in place.

Flexible-use airspace, which is used extensively in other countries airspace environments, is clearly an effective tool. However, this CAA statement appears to define a previously unseen CAA's policy on flexible-use airspace, ie flexible-use airspace is predicated on a known EC environment. Flexible-use airspace is needed now as a tool to support airspace modernisation as well as reclassification of airspace. It is misleading to conflate the availability of flexible-use airspace with mandated EC.

Question 5 (Costs)

It is unclear from the consultation who will pay for airspace reclassification both in terms of CAA resources and controlling authority activity.

What is clear is that the costs should fall on the controlling authority and the industry it supports. The CAA should not side-line or defer the activity pending revised RP3 budget agreements and should request interim funding from DfT.