

CAP 1616 Review - Outstanding Answers from Questions and Answers Live session

Below is a compilation of questions and answers that were not initially answered live from the question and answer session delivered on 9 February 2023.

Q: Can you please clarify questions 31 and 32?

A: Question 31 refers to the Aeronautical Information Exchange Model (AIXM) which will become the primary format used for providing change data to the Aeronautical Information Service (AIS) in the medium-term future. The question is asking those stakeholders who have to upload information to the AIS whether they have the capabilities they need to meet this requirement, and if not what their requirements are.

Question 32 relates to the current provision of a flowchart for the PPR process for sponsors to identify whether a proposal is in or out of scope of the PPR process. We are asking whether stakeholders would like to see a similar type of scope flowchart at the beginning of CAP 1616 permanent airspace change proposals.

**Q: Is there a means by which we can submit views and comments that do not fit within one of the specific questions? How might we enclose, for example, a covering letter?
Thankyou.**

A: The facility to attach a document in PDF or Word was not activated in this consultation, since it is preferred, that respondents use the structure of the questionnaire. If further material needed to be submitted, we advised that it could be sent to the airspace policy mailbox (supplied during consultation).

Q: It is accepted that SoNA14 (on which current aviation noise policies are based) requires updating and the CAA has been commissioned to undertake this review. It is understood the new survey, ANAS, is due to be completed in 2024. Airspace Modernisation represents the most fundamental review of UK airspace probably ever. How and when will the outputs of the updated survey be reflected in CAP 1616 decision making (and national aviation noise policies)?

A: To clarify, the CAA does not accept that SoNA 2014 requires updating, however, the CAA has been commissioned by the Department for Transport (DfT) to conduct a new aviation noise attitudes survey, known as ANAS. The Air Navigation Guidance (ANG) 2017 is the statutory guidance to the CAA on environmental objectives in respect of carrying out its air navigation functions including approving changes to the UK's airspace design. The environmental

assessment requirements as given in CAP1616 v4 are therefore based on airspace and noise policy as given in the ANG 2017. The CAA will publish the ANAS results and their analyses as an evidence base which the DfT and/or DEFRA may then wish to use in order to inform the development of any new national aviation noise policy. Any such policy changes to update the statutory environmental guidance issued to the CAA and the aviation industry would be consulted upon by the DfT. This updated guidance would then be used to inform environmental assessment requirements and decision making with respect to future airspace change proposals. A suitable transition period will be determined for any such new policy to come into effect.

Q: Shouldn't it be a minimum of 12 weeks consultation not accepted standard?

A: We are interested to hear your consultation responses on this proposal and whether there is a need for us to specify a minimum/maximum period for consultation

Q: If a sponsor became responsible for moderating/publishing ACP responses, how would CAA ensure transparency and accuracy?

A: If a sponsor became responsible for moderating and publishing ACP responses, we would ensure that appropriate measures are put in place to review the moderation completed by the change sponsor to assure ourselves that they are limiting the moderation to only content that is deemed not suitable for publication

Q: This would free up the time and resources that the CAA expend on attending to ACP, which could result in the speeding up of the granting of approvals. So for instance stakeholder could be penalised for not agreeing to a reasonable demand in a timely manner, by making them pay costs. The reform brought about by the Civil Procedure Rules had borne wonderful fruits for the justice system. Maybe that model if adopted in CAP1616 will also do the same.

A: Thank you for your comments, we will keep them in mind.

Q: Consultation opened on 5th January and to date no responses have been published, is that because no responses have been received?

A: We have received responses to the consultation and would like to thank those who have responded so far. All those who consented to have their responses published have now been published.

Q: Re 12 weeks, can we not acknowledge the reality that local communities will be familiar with this standard and indeed expect it to be observed, whilst also making it clear that there may be sensible variations to this? Removing all references will cause you problems.

A: We are interested to hear your consultation responses on this proposal and whether there is a need for us to specify a minimum/maximum period for consultation.

Q: Will sponsors be given a period of time between publication of Ed 5 of the CAP1616 to review the implication on their submissions to ensure adherence?

A: The new process will be live as soon as it's published. Guidance to change sponsors will be made available, with a focus on those who are close to a gateway or Stage 4 submission.

Q: I believe providing more clarity between the regulatory side and the guidance side is a good idea. Will you commit that guidance to provide examples of where numbers aren't necessarily appropriate, for example guidance on 'inhabited area', and 'negligible impacts'?

A: We are interested in hearing your views on this issue via consultation and cannot comment at this stage about your points but acknowledge them.

Q: Feedback from a pre-consultation should not restrict your consultation, just guide it?

A: Thank you for your comments, we will keep them in mind.

Q: As confirmed above, responses have been received but have not been published, why is the CAA consulting in a different way to what is required of Airspace Change sponsors?

A: As above all those who consented to have their responses published have now been published.

Q: Traffic volumes make a huge impact. These can be changed out with CAP 1616. Should not Traffic Volumes need better inclusion in the decision process?

A: It is proposed that traffic volumes must be evidenced in the Statement of Need, dependent on the type of change. This will be used to support the development of the baseline (against which options are appraised). The process itself doesn't approve increases in traffic volumes; but asks for relevant evidence to support the nature of the change.

Q: Is there a maximum time period for a temporary change?

A: Currently, a temporary change to the published (notified) airspace design is usually less than 90 days, except in extraordinary circumstances. Clarification on extraordinary is included as part of the CAP 1616 review and we are keen to hear your views on this.

Q: The media has characterised this Consultation as 'Noise vs carbon'. How do you react?

A: We are interested in your views, as stakeholders on this matter as the consultation is a listening exercise for us to gather information on your thoughts. If you have any views on this issue we hope they have been expressed in consultation.

Q: A transition period from current to new CAP edition is extremely important. There must be clearly set out in advance, so sponsors know which edition is in force and when and how.

A: As above, the new process will be live as soon as it's published. Guidance to change sponsors will be made available, with a focus on those who are close to a gateway or Stage 4 submission. We will work with Change Sponsors to help them understand what the changes we are making to CAP 1616 mean for their Airspace Change Proposal, if any.

Q: There is a court case on involving the CAA pertaining what [redacted name] mentioned (R Lasham Gliding Society Vs Civil Aviation Authority)?

A: The case, Lasham Gliding Society Ltd, R (on the application of) v Civil Aviation Authority [2019] EWHC 2118 (Admin), has concluded. The application for judicial review was dismissed. The full judgment for that case can be found online.

Q: When the new CAP1616 v5 comes into effect, will it immediately apply to ACPs currently in progress? For example, an ACP about to upload its Stage 2 to the CAA portal will have to comply with v4, or the new v5?

A: As above, the new process will be live as soon as it's published. Guidance to change sponsors will be made available, with a focus on those who are close to a gateway or Stage 4 submission. We will work with Change Sponsors to help them understand what the changes we are making to CAP 1616 mean for their Airspace Change Proposal, if any.

Q: It's to simpler, quicker, cheaper - how do you measure this?

A: We will review and monitor this throughout the lifetime of the latest version of CAP1616 to understand what is working well and where improvements could be made.