

# Aviation 2050: the future of UK aviation

## Personal details

Q1. Your name and email address (only used if we need to contact you).

**Your name** Pete Stratten

**Your email**

Q2. Are you responding as:

on behalf of an organisation?

## Organisation details

Q3. What organisation do you work for?

British Gliding Association

Q4. What type of organisation is this?

**Other:**

GA member organisation

## Chapter 2: Build a global and connected Britain

Q6. How should the UK use its global leadership and international influence to further the aims of the UK's aviation sector?

We have no comments on this section.

Q7. What should the UK's priorities be for strengthening existing connections and establishing links with emerging markets?

We have no comments on this section.

Q8. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

We have no comments on this section.

Q9. How should the proposals described be prioritised, based on their importance and urgency?

We have no comments on this section.

Q10. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)

We have no comments on this section.

Q11. What are the financial burdens that need to be managed and how might those be addressed?

We have no comments on this section.

Q12. What are the regulatory burdens that need to be managed and how might these be addressed?

We have no comments on this section.

Q13. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?

We have no comments on this section.

Q14. Looking ahead to 2050, are there any other long term challenges which need to be addressed?

We have no comments on this section.

Q15. Are you aware of any relevant additional evidence that should be taken into account?

No

### Chapter 3: Ensure aviation can grow sustainably

Q17. This section contains questions on chapter 3 of the consultation document - Ensure aviation can grow sustainably. Which of the following topic areas are of interest to you as an individual or to the organisation on behalf of which you are answering? (choose all relevant options)

A partnership for sustainable growth

Airspace modernisation

Safeguarding land

Q18. To what extent does the proposed partnership for sustainable growth balance realising the benefits of aviation with addressing environmental and community impacts?

The proposed partnership gives the strong impression of favouring CAT at the expense of other sectors of aviation and appears to consider CAT more important. However, CAT is predominantly in support of privately funded discretionary travel, which should have no higher priority than other sectors of aviation, particularly recreational. This is not to say that the regulatory frameworks for CAT should not be stricter, but that provision for such travel can not be allowed to sweep everything else out of its path.

Q19. How regularly should reviews of progress in implementing the partnership for sustainable growth take place?

Routinely, timescales TBD.  
And whenever it is proposed to change an existing associated policy.

Q20. Are there any specific 'triggers' (e.g. new information; technology development etc) that should be taken into account when planning a review?

Yes, where that could impact on existing policies. For example regulatory developments relating to airspace, technology developments eg re Electronic Conspicuity, and emergent changes around airspace use needs by any significant stakeholder., eg CAT, GA, mil, etc.

Q21. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

a.The issues identified have not all been quantified or validated and while some of them are easily understood and generally accepted (e.g. growth in demand for passenger journeys and freight), some are not . In particular the purported increase in CAT in class G, and the extrapolation of an expectation of increasing use of UAS to a scale which, though completely un-quantified, appears to be seen as a justification for significant impositions and potentially restrictions on the activities of other sectors, particularly GA.

b.Once properly articulated, the issues can be addressed by suitable and proportionate means rather than, as at proposed at present, over-engineered solutions with major costs and impacts to other sectors.

Q22. How should the proposals described be prioritised, based on their importance and urgency?

Difficult to say. Importance can be subjective. Clearly decisions of importance and urgency should be objectively balanced by a suitably independent oversight body. In the case of airspace modernisation, we remain deeply concerned that the oversight group is effectively an arm of NATS, which is an international corporation that sells and delivers air traffic services to airport owner and commercial air transport clients.

Q23. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)

Abatement options and limiting measures for environmental benefit including noise reduction must themselves be sustainable in terms of their impacts on communities including other sectors of aviation.

Q24. What are the financial burdens that need to be managed and how might those be addressed?

As we note in answer 17, the partnership is clearly designed to primarily meet the needs of Commercial Air Transport and the needs of other stakeholders are considered but of far lesser priority. On the basis that the benefactor pays, there is a need to establish through legislation a means of ensuring GA stakeholders that are negatively impacted by unavoidable change are recompensed by the benefiting entity. On a large scale, this could be associated with relocating a GA operation or equipping GA to meet the airspace needs of commercial air transport or drone operations.

Q25. What are the regulatory burdens that need to be managed and how might these be addressed?

There are existing burdens based on existing regulations and policy, as well as inevitable regulatory developments with associated policies.

Current airspace policies are inadequate. For example;

There is a need to establish a national policy on appropriate airspace classification and volume standards with regards to the scale and type of airport operation.

Separation policies are based on historic position accuracy that no longer reflects the reality enabled by existing technology resulting in vast volumes of empty and unusable airspace.

The differences between UK airspace deployment and that of other European countries will result in a significant problem as the UK is required to deploy Part ATS in the next few years. Unless the UK moves quickly to develop and adopt an appropriate policy, the existing uncontrolled lower airspace will be filled with controlled airspace to the detriment of all stakeholders and in particular GA, military and UAS operators.

The CAA appears to be unable to address these key issues in a strategic and timely fashion. It is clear that an independent body is needed to oversee the entire airspace modernisation process taking into account all aspects, including regulatory burdens.

Q26. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?

Lower speed limit for CAT in Class G if they really need to go there.

Deferral of EC implementation and equipage to be voluntary except perhaps in strictly limited locales and conditions.

UAS restricted to <500' until there is a better view of their volume growth and the plausible timetable for them developing beyond a few kilos and needing more than local distribution range. Once they start carrying passengers, the game changes. But it will be at least a decade before that will be allowed without a "pilot" even if all the pilot does is look out and calm the passengers! In which can they can operate on see and avoid like the rest of manned aviation.

Q27. Looking ahead to 2050, are there any other long term challenges which need to be addressed?

The partnership for sustainable growth is a long-term policy framework and will need to be flexible enough to respond to new information, developments and changing circumstances, while providing sufficient long-term confidence for the industry and communities.

Q28. Are you aware of any relevant additional evidence that should be taken into account?

Yes

## Sustainable growth evidence

Q29. Please give a brief summary of the additional evidence that you wish to provide. You can support your evidence by uploading a file, for example an MS Word file (max file size 1MB). Do not upload anything that is commercially sensitive.

- File: Additional evidence section 3.pdf

### Comments:

Please refer to the attachment.

## Chapter 4: Support regional growth and connectivity

Q31. To what extent do these proposals provide the right approach to support the complex and varied role that airports play in their regions?

We have no comments on this section.

Q32. To what extent are the proposals on skills the right approach to ensuring the aviation sector is able to train and retain the next generation of aviation professionals?

We have no comments on this section.

Q33. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

We have no comments on this section.

Q34. How should the proposals described be prioritised, based on their importance and urgency?

We have no comments on this section.

Q35. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)

We have no comments on this section.

Q36. What are the financial burdens that need to be managed and how might those be addressed?

We have no comments on this section.

Q37. What are the regulatory burdens that need to be managed and how might these be addressed?

We have no comments on this section.

Q38. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?

We have no comments on this section.

Q39. Looking ahead to 2050, are there any other long term challenges which need to be addressed?

We have no comments on this section.

Q40. Are you aware of any relevant additional evidence that should be taken into account?

No

## Chapter 5: Enhance the passenger experience

Q43. To what extent does the proposed Passenger Charter adequately address the issues that are most important to passengers?

We have no comments on this section.

Q44. How should the operating model for border service be designed to improve the passenger experience?

We have no comments on this section.

Q45. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

We have no comments on this section.

Q46. How should the proposals described be prioritised, based on their importance and urgency?

We have no comments on this section.

Q47. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)

We have no comments on this section.

Q48. What are the financial burdens that need to be managed and how might those be addressed?

We have no comments on this section.

Q49. What are the regulatory burdens that need to be managed and how might these be addressed?

We have no comments on this section.

Q50. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?

We have no comments on this section.

Q51. Looking ahead to 2050, are there any other long term challenges which need to be addressed?

We have no comments on this section.

Q52. Are you aware of any relevant additional evidence that should be taken into account?

No

## Chapter 6: Ensure a safe and secure way to travel

Q54. This section contains questions on chapter 6 of the consultation document - Ensure a safe and secure way to travel. Which of the following topic areas are of interest to you as an individual or to the organisation on behalf of which you are answering? (choose all relevant options)

General aviation safety

Regulatory burden

Electronic conspicuity

Q55. To what extent do these proposals sufficiently address existing and emerging safety and security risks in order to maintain the business and passenger confidence in the UK industry and as a destination?

The proposals address safety and security risks to Commercial Air Transport. However, it is incorrect to make assumptions or plans based on erroneously conflating Commercial Air Transport and GA safety performance. Please refer to our attached evidence.

Q56. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

The Electronic Conspicuity proposals are based on unquantified forecasts of growth of traffic in various aviation sectors. The proposals are not justified and the proposed timetable for them should be deferred until there is more reliable information of potential growth of, in particular, CAT in Class G airspace, and UAS traffic volumes and operational modes.

Please refer to the attached evidence referring to Electronic Conspicuity.

Q57. How should the proposals described be prioritised, based on their importance and urgency?

Deployment of mandated Electronic Conspicuity (EC) should be a lower priority than identifying and establishing appropriate EC technology and operational concepts that meet all airspace users needs.

**Q58. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)**

There is no overarching clarity about what problem EC is trying to solve, let alone how to do it. The characteristics of the collision risk are different across different sectors of aviation. Meanwhile, GA is deploying EC that addresses its primary mid air conflict risk and commercial air transport continues likewise. It would be entirely wrong to impose an inappropriate EC technology on all aviation sectors, regardless of whether the technology is new or decades old.

It's quite clear that a fundamental implementation issue is properly resourced and funded R&D and project management. The existing model that relies on a small element of existing CAA resource, and funding by the airlines to support airline-approved developments around airspace efficiency and safety is flawed.

**Q59. What are the financial burdens that need to be managed and how might those be addressed?**

There are two key financial burdens. The first is the cost of developing systems and processes and the second is the cost of implementation which falls on the end user.

As the air is a national asset and those that use it are subject to various taxes including on the fuel used (other than commercial air transport users), air safety should be supported in part by State funding. Airspace developments in efficiency and safety contribute to national infrastructure that should be State funded and overseen by an independent body ie independent of airlines, the air navigation service providers and the regulator.

**Q60. What are the regulatory burdens that need to be managed and how might these be addressed?**

It is very clear that regulation does not improve GA safety. In the past 20 years, GA has been subjected to large amounts of JAA and then EASA regulation. During this period, the GA safety record has remained essentially unchanged but the cost of compliance to the end user has increased significantly.

In terms of airspace, the imminent application of Part-ATS is the UK raises significant issues around the CAA's preparedness and awareness of the need to either maintain differences in the UK or rapidly develop wholesale changes to the UK's airspace. If the UK must fully comply with Part-ATS, airspace redesign and deployment of Electronic Conspicuity will need to accelerate. As previously noted, neither aspect is currently being managed to their full potential due to resource issues.

**Q61. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?**

Please refer to the attached evidence.

**Q62. Looking ahead to 2050, are there any other long term challenges which need to be addressed?**

Environmental issues are likely to become a greater issue, but we are not subject matter experts.

**Q63. Are you aware of any relevant additional evidence that should be taken into account?**

Yes

## Safety and security evidence



Q64. Please give a brief summary of the additional evidence that you wish to provide. You can support your evidence by uploading a file, for example an MS Word file (max file size 1MB). Do not upload anything that is commercially sensitive.

- File: Additional evidence section 6.pdf

**Comments:**

Please refer to the attachment.

## Chapter 7: Support general aviation

Q65. This section contains questions on chapter 7 of the consultation document - Support general aviation. Which of the following topic areas are of interest to you as an individual or to the organisation on behalf of which you are answering? (choose all relevant options)

Reducing regulatory burden

General aviation (GA) strategic network

Airspace

Safety

Training and skills

Safeguarding

Refreshing the GA strategy

Q66. To what extent do these proposals strike the right balance between the needs of general aviation and the rest of the aviation sector?

The proposals appear to be reasonable. We make comments later in this chapter to underline areas that we believe are not adequately addressed.

Q67. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

Safeguarding of airfields - routine and established co-ordination with other Govt departments is required, for example with MHCLG, to ensure that local government and planners are directed to appropriately interpret planning rules that protect airfields.

Regulation - there is a need to ensure that the loss of UK influence in European rulemaking brought about by EU-exit is mitigated.

Airspace - there is a need to ensure that the lower airspace, ie that below 8000', is developed strategically. That will only occur if the CAA and NATS, who are currently responsible for airspace modernisation, are provided with appropriate direction. The current direction of airspace modernisation appears to be reinforcing the ad-hoc and unsustainable approach to lower airspace development that benefits commercial airports and ANSPs but is damaging GA and increasing risk to GA outside controlled airspace.

Q68. How should the proposals described be prioritised, based on their importance and urgency?

The proposals can be prioritised in a refreshed GA strategy that itself should be subject to periodic review with stakeholders.

**Q69. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)**

GA is a broad church, with complex heavy multi engine business jet aircraft at one end, and lightweight recreational including soaring aircraft at the other end of the spectrum. The vast majority of GA aircraft fall into the recreational category.

As the strategy recognises, it is important to adopt a proportionate approach to regulating GA pilots and their equipment and in supporting GA. Given a proportionate regulatory framework, airfields to operate from and free airspace to operate in, recreational GA can thrive. GA strategy should focus on three key areas of need - people, airfields and airspace.

**Q70. What are the financial burdens that need to be managed and how might those be addressed?**

GA often finds that it is regulated to meet the needs of others. An example is equipment needed to comply with air traffic control requirements to serve the needs of commercial air transport. The associated cost burden can be significant, for example the total cost of re-equipping the GA fleet with 8.33 kHz capable radio equipment.

There should be an assumption that the beneficiary should pay for additional costs imposed on GA. Examples include airspace changes and equipage mandates that result in financial impact on GA owners and operators.

**Q71. What are the regulatory burdens that need to be managed and how might these be addressed?**

The strategy describes a proportionate approach to regulating GA. A key element of that should include deregulation resulting in self-regulation. Wherever appropriate, self-regulation should be the default position.

There is a specific regulatory burden that isn't addressed directly in the strategy. EASA pilot medical requirements are heavily influenced by the aeromedical examiner industry, which operates almost like a cartel. Thus recreational GA pilots across Europe including the UK are subjected to disproportionate medical requirements which result in cost to the end user.

There is no evidence to support the need for these medical requirements, but plenty of evidence to identify that it is disproportionate to apply them to all recreational GA pilots.

EASA recognises this issue and a few years ago proposed that national medical requirements - including the UK's self-declaration medical requirements for recreational GA pilots - should be permitted 'for a trial period'. Unfortunately, the EASA committee failed to support the proposal which was quietly shelved.

It is critically important for the future of recreational GA to ensure that national self-declaration medical requirements are available to all recreational GA pilots including those subject to EASA regulation. This can only be addressed through active engagement by UK government and its regulator.

**Q72. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?**

Yes. Please note previous comments about the need for effective future engagement and influence with European (and wider) aviation rulemakers.

**Q73. Looking ahead to 2050, are there any other long term challenges which need to be addressed?**

Environmental issues will become more pressing. However, we are not subject matter experts and cannot offer useful comments.

Q74. Are you aware of any relevant additional evidence that should be taken into account?

No

## Chapter 8: Encourage innovation and new technology

Q76. This section contains questions on chapter 8 of the consultation document - Encourage innovation and new technology. Which of the following topic areas are of interest to you as an individual or to the organisation on behalf of which you are answering? (choose all relevant options)

Electrification

Q77. To what extent are the government's proposals for supporting innovation in the aviation sector the right approach for capturing the potential benefits for the industry and consumers?

Air transportation's impact on global warming is estimated at around five percent through CO2 emissions and other substances, including nitrogen oxide and water vapour. As the number of air passengers is expected to almost double by 2036 to 7.8 billion per year, according to the International Air Transport Association's (IATA) projections, aviation's impact is on a course to increase substantially.

Whilst the UK government is making the right noises including statements about significantly reducing carbon emissions by 2050, it will take more than fine words to achieve that.

The aviation strategy should justify and state the need to encourage rapid development of alternatives to fossil fuel including electrification, and identify how the government can facilitate development through R&D funding and zero tax on electric powered aircraft and their fuel.

Q78. Do the proposals in this chapter sufficiently address the barriers to innovation?

Please see comment 73.

Q79. How could the policy proposals be improved to maximise their impact and effectiveness in addressing the issues that have been identified?

Please see comment 73.

Q80. How should the proposals described be prioritised, based on their importance and urgency?

We have no comment.

Q81. What implementation issues need to be considered and how should these be approached? (e.g. resourcing challenges, high levels of complexity, process redesign, demanding timelines)

We have no comment.

Q82. What are the financial burdens that need to be managed and how might those be addressed?

We have no comment.

Q83. What are the regulatory burdens that need to be managed and how might those be addressed?

We have no comment.

Q84. Are there any options or policy approaches that have not been included in this chapter that should be considered for inclusion in the Aviation Strategy?

We have no comment.

Q85. Looking ahead to 2050, are there any other long term challenges which need to be addressed?

Please see comment 73.

Q86. Are you aware of any relevant additional evidence that should be taken into account?

No

## Technical annexes

Q88. Do you want to answer the questions on the technical annexes?

Yes

## Annex A: Legislation to enforce the development of airspace change proposals

**Q89. Should government legislate for powers to direct individual ACPs identified as necessary in a masterplan to be taken forward?**

CAA has said that it does not have powers or mechanism to make airspace change of its own. We understand that no-one in government does (except in emergencies).

In the forthcoming situation where, under its responsibility for airspace strategy, it is intending to implement a major remodelling of UK airspace, it appears to be a necessity for government or CAA to have a reliable mechanism for initiating and ensuring the progress of airspace changes, as far as such controlled airspace is clearly part of UK national shared and common-use infrastructure.

With or without the Airspace Modernisation program, it is necessary to change the model under which control and supervision of airspace is allocated or delegated, from;

- one of effectively a grant in perpetuity to a successful ACP applicant.
- to
- one of fixed term licence to a qualifying entity (which may be the ACP applicant), with a periodic review mechanism under which both the licence holder and the continuing need for the airspace boundaries and classifications are reviewed. In default, the licence would cease.

The government should legislate for powers to achieve both the above, but this needs to be done in a way which leaves a clear, real, and effective separation between the power to direct and the responsibility to assess and control in the CAP1616 process. In use of power to direct, there is a strong risk of compromise of the CAP1616 process.

The question refers to “powers to direct individual ACPs”, but ACPs are intangible, and are not capable of being directed. A clearer definition of what or who the proposed powers will permit to be directed is needed before it is possible to comment fully on this.

It would not be acceptable for CAA to have power to direct an organisation to submit an ACP except where that organisation was in a position of supporting the common airspace infrastructure under an existing licence agreement and the “direction” comprised a reasonable adjustment to licence conditions such as the initiation of work for which there was already provision in the licence.

This question needs to be considered alongside the lack of any strategy or plan for lower airspace (ie below 8000’). Lower airspace is currently developed based entirely on ad-hoc airspace change proposals which are not required to consider the wider airspace situation. This results in well-documented inefficiency, unnecessary risk, limited access to airspace by most GA airspace users, and anti-competitive practices.

There are significant areas of controlled airspace that have been allocated to sponsors but are not used efficiently. Examples include the Glasgow CTR where a large proportion of that controlled airspace exists to serve a now defunct runway. There is no incentive for Glasgow to go through an expensive ACP process to remove controlled airspace that isn’t used. Similarly, Doncaster airport was allocated a large area of lower controlled airspace that ten years later the CAA identified should be reduced in size. However, there is no legislative requirement or incentive for Doncaster airport to remove the controlled airspace. It is clear that new powers, and/or a change to fixed term licencing as described above, are needed to ensure change of inefficient areas of controlled airspace.

We note the provisions of Section 70 of the Transport Act. Putting in place legislative powers to direct airspace could facilitate improved compliance with the Act. If the masterplan and resulting airspace developments are to be equitable and not a directed continuation of the battle between commercial airports and their interests over and above the interests of other airspace users, the masterplan must include a lower airspace strategy.

**Q90. What are your views on the above two proposals?**

**Option a.**

As in our answer to Q1, it appears to be a necessity for the Secretary of State or CAA to have power to initiate airspace change in the masterplan of the airspace modernisation program. Where and to what extent these powers would be applied depends on the contents of the masterplan, particularly in respect of the scope of each ACP identified and the extent of the technical framework within which its solution is to sit.

It must be among the objectives of the masterplan to;

- scope the ACPs and the relationships between them so that as many of the potential causes for delay are excluded as possible. This means resolving those causes within the masterplan
- define the relationships between ACPs and the common standards and guidance for implementation of controlled airspace, routings, etc in a way which encourages consistency and discourages divergence from the objectives of the modernisation strategy.

These two subjects should be covered in the forthcoming strategy and consultation mentioned in the question. The aim should be to deal with the complexity and conflict in the masterplan process, and to remove as many of the ACPs as possible from the critical path to delivery of the UK national shared and common-use infrastructure. This infrastructure includes upper and mid- airspace, but does not include every part of lower airspace, nor every route between lower and upper airspace.

Option “a” refers to a new masterplan of ACPs and notes that further detail on the masterplan and what NERL will be expected to deliver will be set out in the CAA’s Airspace Modernisation Strategy. To date, the CAA’s Airspace Modernisation Strategy does not include a lower airspace strategy. The masterplan must include and align with a lower airspace strategy.

**Option b.**

Accepting for the purpose of this paragraph, that NERL are to drive forward ACPs required by the masterplan, and if also they are to be considered the backstop provider for airspace design work (which must be in question considering the local community consultation considerations), then as above it seems necessary for the government to be able to command the transfer of ACPs from other sponsors to them.

However, the requirement should be laid on the provider of the masterplan (whoever that may be), to scope and define the standards and guidelines for the ACPs so as to minimise the risk of delay caused by conflict between ACPs and maximise convergence with Airspace Modernisation objectives, particularly those which will help to avoid conflict with local community or other non-CAT stakeholders. The standards and guidelines should include, in particular, a design standard for lower airspace (often referred to as Lower Airspace Strategy).

If NERL (or other 3rd party provider) are both the provider of the masterplan and the backstop provider for ACP preparation, they have a clear conflict of interest which will potentially distract them from the requirement to scope the ACPs and define standards as referred to in the previous paragraph. For this reason it is not acceptable for NERL to be both without some independent oversight.

Similarly, CAA (as “owner”) are both the architect of the masterplan and approver, in CAP1616, of the resulting ACPs, so CAA also has a clear conflict of interest which compromises the independence and balance of the CAP1616 decisions.

Furthermore, NERL, being largely owned by CAT interests, cannot be relied upon in any part of this process to achieve proper balance between the interests of all stakeholders.

A separate and independent oversight and assurance body is needed which, ideally, should report into DfT and should also own the standards and guidelines mentioned above.

**Q91. Do you agree that option a) should be the lead option?**

**Comments:**

The meaning of the question is not clear. It seems that there is not an order of preference but a conditional sequence of potential actions. 1. Airports just pick up the ACPs which relate to them and start work, presumably co-ordinated by the ACOG 2. If an airport does not progress a key ACP (i.e. one which is part of the UK national shared and common-use infrastructure), the government propose to use power (a) to direct someone to do it. 3. If an ACP sponsor (whether a volunteer or someone directed under power (a)) is faltering, then government proposes to make a direction under power (b).

**Q92. What are your views on the scope for the use of the powers?**

As above, the main scope item is UK national shared and common-use infrastructure. All the other points are necessary considerations of the CAP1616 process, and therefore implicitly required of anyone preparing an ACP, regardless of what triggered them to do so. If there are policies that it is considered might be excluded from an ACP which is initiated or redirected by the proposed powers, then this would require a change to CAP1616 which should be formally specified and consulted on before implementation.

The scope of the work carried out to develop the consultation on legislation to enforce the development of airspace change proposals included 'efficiency'. Efficiency in airspace terms is defined as the number of movements per volume of airspace. The scope of the powers needs to include removing inefficient controlled airspace or controlled airspace that is no longer required for the purpose for which it was allocated.

The powers should also include licencing of controlled airspace. Controlled airspace should be licenced to the controlling authority through a process regulated by the CAA. Periodic reviews by the CAA based on efficiency, safety and ongoing alignment with airspace strategy should result in a direction to change the airspace, unchanged continued operation, or cessation of the licence.

**Q93. What are your views on the use of the triggers for using the legislative powers?**

Clearly there will need to be triggers.

1. Trigger 1 makes sense, subject to the definition of "critical".
2. Trigger 2 is not defined clearly, and it may be difficult to because it is important that fair consideration be given to the level of control that the sponsor has over the reasons for falling behind schedule, which can probably not be articulated in advance.
3. It is also important to define who has the power to activate powers: This should be an independent entity, probably reporting to DfT, and probably the same entity which is responsible for the standards and guidelines as mentioned under Q2b.

**Q94. What are your views on the proposed sanctions and penalties regime?**

A key point here is that an entity which has not volunteered to sponsor an ACP might have chosen not to because it considered it not to be commercially justifiable, or not financially affordable to them, or that the risks (of sanctions) were too high. If they were subsequently directed under Power (a) then it would be unreasonable to impose financial penalties – the risk of which would have been part of the calculation in deciding not to volunteer.

The considerations to apply may differ between e.g. a major national infrastructure airport and a lesser airport which happens to be thought the obvious candidate to be sponsoring an ACP containing some UK national shared and common-use infrastructure. However, the ACP scoping and standards and guidelines of the masterplan should, as mentioned in Q2b, prevent the latter being exposed to this.

To fully answer this question, we would need to understand associated liabilities. For example, airport A is sanctioned for a slow ACP resulting in their lawyers suing a consulted stakeholder for delay costs caused by challenging the ACP. The legislation needs to protect consultees from liability.

**Q95. The government proposes that the airport/ANSP would be able to appeal in relation to the following matters: the validity or terms of an enforcement order the imposition of a financial penalty the timing of the payment of a penalty the amount of the penalty What are your views on the grounds for appeals?**

No comment other than there needs to be an appeals process.

Q96. What are your views on the best approach to funding an airspace change where a small airport may need financial support to do so?

The ACP scoping and standards and guidelines of the masterplan should, as mentioned in Q2b, prevent small airports being the subject of directions under Power (a) or (b) because they will not become responsible for critical ACPs. Their decisions whether or not to Sponsor ACPs which relate to their own airport and its access to UK national shared common infrastructure is a business decision for them and not subject to a funding debate under these powers.

## **Annex D: Proposed Public Service Obligation (PSO) assessment criteria**

Q97. The government is proposing a new two-stage process for assessing PSO applications: \* stage 1 – prerequisite criteria \* stage 2 – proposed full criteria Please review the details of these criteria in the Annex D document, and state below if you think they are the right criteria to judge PSO proposals against.

We have no comment.