

Taken from BGA online response to NATS OpenAir consultation Jan 24

1.To what extent do you agree or disagree with our assessment of the requirements for a UK-wide SWIM data network for UK lower airspace as outlined in Tables 1 and 2? [ref. Chapter 2, 2.4.2]

Neither agree nor disagree

Please explain your comments or provide any alternative suggestions

"S08 appears to be an add-on to ensure GA is mentioned.

Whilst recognising that NATS view the UK's airspace as a commercial commodity rather than a national asset for all, maintaining access to airspace by existing users is critically important to those airspace users, including GA including gliding. We propose this need is addressed either within an amended S01 or S02.

B07 proposes that fair and efficient use of airspace should be encouraged by a commercial funding model. 'Encouraged' waters down a requirement to support equitable access to airspace (also an issue later in section 3.4 of the document where reference is made to 'equitable service provision' in the context of fair access to airspace). B07 needs strengthening and moving up the priority order."

2. To what extent do you support our OpenAir proposition as a response to the requirements for a UK-wide SWIM data network for UK lower airspace? [ref. Chapter 3, 3.4 – see also Chapter 2]

Don't support

If you don't support our OpenAir proposition, is there an alternative you favour?

"NATS, as an international corporation, is required to prioritise the needs of NATS shareholders. There is no 'firewall' that indicates that NERL is insulated from the same requirement.

Detail contained up to and including Chapter 3 reinforces assertions that OpenAir provides a foundation for seamless airspace integration and supports ANSPs in managing airspace integration across all regions of the UK, and that participation will not be optional.

This indicates that the NATS/NERL view is that the way integrated airspace will be managed and regulated will be built from this OpenAir enabling foundation. This will result in existing users that wish to continue to fly in volumes of class D, E and G airspace being forced to participate in OpenAir data-led airspace management, including use of flight plans, etc. Or not use the previously used airspace.

Developing FRZs is not integrating UK airspace. Rather, that indicates a patchwork of semi-segregated airspace that crewed aircraft can access given permission by a controlling authority.

Ground based DAA is clearly an element of a layered mitigation to MAC risk. However, as noted in the CAA's DAA policy, collision avoidance at the late state (layer 3) can only be assured by airborne DAA. As uncrewed aircraft airborne DAA technology is not currently required to enable BVLOS operations, it is likely that semi-segregated airspace that will need to include both ground based DAA and surveillance/control remain necessary. Given the cost of developing assured airborne DAA, there is some doubt that the uncrewed aviation industry would feel the need to invest; the semi-segregated airspace contract and management that will emerge from the OpenAir foundation would meet that industry and other NATS shareholders needs.

Proposing a timeline for implementing OpenAir leading to full operational use along with the associated FRZs etc by 2028 indicates that the concept is running ahead of the available implementing technology that can enable integrated airspace, including airborne DAA. In other words, the foundations are being laid for semi-segregated airspace that primarily benefits the uncrewed aviation industry and NATS shareholders."

Option 2 4

Option 3 3

Please explain your views.

The questions are mandatory, so they have been answered from the perspective of if the system exists, which service is useful.

Airspace authorisation service Unsure

Flight notice board Unsure

Geographical awareness service Unsure

Traffic information service Unsure

Discovery and synchronisation service Unsure

Strategic deconfliction Unsure

Communication service Unsure

Registration management service Unsure

Remote identification service Unsure

Fairness monitoring and negotiation service Unsure

Weather service Unsure

Advanced air mobility network service Unsure

Please explain your views

These mandatory questions appear to be aimed at those who will ultimately be buying into OpenAir to sell on their ANSP or uncrewed aviation services.

5. To what extent do you agree or disagree with the proposed service priorities outlined above? [ref. Chapter 4, 4.4.1]

Neither agree nor disagree

If you disagree, please explain your views

6. To what extent do you agree or disagree with the provisional timescale outlined above? [ref. Chapter 4, 4.

Disagree

If you disagree, please explain your views

Please see our response to question 2.

7. To what extent do you agree or disagree with the data sharing obligations we propose? [ref. Chapter 4, 4.5.1]

Neither agree nor disagree

If you disagree, what alternative solution do you suggest?

8. To what extent do you agree or disagree that OpenAir would deliver benefits to you or your organisation? [ref. Chapter 5]

Neither agree nor disagree

If you disagree, please explain your views

8. To what extent do you agree or disagree with the PwC estimates for total commercial BVLOS and eVTOLs by 2035? [ref. Chapter 6, 6.4]

Disagree

If you disagree, please explain your views

The figures have been presented in this consultation in much the same way they are presented by the uncrewed aviation sector. The PwC report in fact highlights several challenges that need be overcome to reach the quoted POTENTIAL estimates. Many of those challenges are in addition to those that OpenAir aims to help overcome.

9. To what extent do you agree or disagree with our proposed cost recovery model? [ref. Chapter 7, 7.6]

Disagree

If you disagree, please explain your views

The proposed cost recovery model is obviously aimed at the Openair customer. As such, it doesn't identify the potential or likely passed on charges to end users.

10. To what extent do you agree or disagree with our preferred tariff structure? [ref. Chapter 7]

Disagree

If you disagree, please explain your views

Please see our response to question 9.

11. What are your views on our preferred economic regulatory framework? Please explain. [ref. Chapter 8, 8.3.1]

No comment.

12. To what extent do you agree or disagree with our preferred fair, reasonable and non-discriminatory (FRAND) regulatory model? [ref. Chapter 8, 8.4.1]

Neither agree nor disagree

If you disagree, please explain your views

13. Do you have any other comments about our OpenAir proposition that have not been covered by your answers to the above questions?

"The BGA recognises the need for technology in support of safe integrated airspace and the need for associated accurate and suitably formatted data.

As described in our response to this consultation, our significant concern is that OpenAir is being proposed as the foundation of a wider airspace structure and management system that will deliver a semi-segregated airspace environment that will be sub-optimal but useable by uncrewed aviation but negatively impact GA airspace users and in some cases be unusable by GA airspace users."

14. Would you like to provide any additional thoughts in a document?

Entry Date 13/01/2025

BGA extract from web-submission