



## Response Guide to CAA consultation on CAP1616

17<sup>th</sup> March 2023

CAP1616 is the CAA process that guides an airport that is seeking to make changes to how they utilise their airspace. All airports across London and the South East are currently committed to such changes as part of the Government funded Airspace Modernisation Programme.

The consultation contains 42 questions grouped into a number of these including: Structure of CAP1616, Scalability of Levels, Stages, Steps, and Gateways, Engagement, Consultation and Communications, Clarity, Instrument Flight Procedures and Temporary Airspace Changes/Airspace Trials.

You can respond on the consultation hub here: <https://consultations.caa.co.uk/safety-and-airspace-regulation-group/acp2022> or by emailing [airspace.policy@caa.co.uk](mailto:airspace.policy@caa.co.uk)

**Deadline for submissions is 5pm on Sunday 19<sup>th</sup> March 2023.**

If you have any issues or require further assistance, please get in touch with HACAN coordinator Paul Beckford on [paul@hacan.org.uk](mailto:paul@hacan.org.uk)

### Questions

Questions 1 and 2 are about you and your organisation/community.

### **3. Simplifying the structure of CAP1616.**

A number of options proposed which you need to state whether you agree, disagree with or are not sure.

#### **Option 1: Produce Separate Publications for related guidance.**

HACAN agrees with this and think reducing the size of CAP1616 to focus on what must be done will help improve community understanding of the regulatory requirements.

#### **Option 2: Produce separate publications for different parts of CAP1616**

HACAN disagrees with this option as this would create too many separate documents with the potential to cause confusion.

**Option 3: Create distinct sections within CAP1616 for different types of ACP or by scaling levels.**



HACAN disagrees with this. Instead, a separate document should be produced setting out guidance for different types of ACP.

**Option 4: Rename Parts**

HACAN agrees that it would make sense to remove the numbering of parts to avoid confusion with the different steps and stages of an airspace change process.

**Option 5: Do Nothing**

HACAN disagrees, do nothing is not an option that should be considered.

**4. Please tell us how the options described above may impact you (either positively or negatively)?**

HACAN response: The options described above in general should help to simplify the CAP1616 documentation and increase clarity of understanding.

**Make modifications to the scaling levels.**

**5. Please indicate if you agree, disagree or are not sure about the options:  
Assessment of baseline.**

**Option 1: Modify the scaling levels**

HACAN agree this modification makes sense. For the avoidance of doubt, all impacts that have the potential to affect communities should be assessed

**Option 2: Extend the definition of Level 0**

HACAN disagrees with this as long as the impacts of ACPs are properly assessed even if deemed low or negligible.

**Option 3: Do Nothing**

HACAN disagrees.

**6. Please indicate if you agree, disagree or are not sure about the following options:**

**Option 1: The current day scenario (baseline) should be fully described at Stage 1 (Define)**



HACAN agrees that this option would aid communities understand the impacts of current operations at an airport and ensure that they can raise their concerns about proposed changes at the earliest opportunity.

**Option 2: Do Nothing – The requirement to fully describe and assess the baseline remains at Step 2B (Optional Appraisal)**

HACAN disagrees.

**7. Please tell us how any of the high-level proposals for scaling may impact you (positively or negatively). You can also use this space to explain or express thoughts about your responses to questions in this section.**

HACAN believes that it is necessary in Stage 1 for a requirement to describe of the likely future environmental impacts of an airport under a ‘do nothing’ scenario where no change occurs. This would help provide a useful basis for comparison through the ACP process. In Stage 2, this could then be developed to help explore options for operational improvements that could be delivered based on the current flight paths. Again, this would provide useful opportunities to compare different impacts of existing routes and proposed changes.

## Stages, Steps & Gateways

### 8. Review/clarify DP requirements.

Please indicate if you agree, disagree or are not sure about the options below.

**Option 1: Inclusion of mandatory (core/required) and discretionary (optional/suggested) DPs**

HACAN disagree as this has the potential to reduce the opportunity for local communities to influence the design principles.

**Option 2: Requirement to test the DPs at each stage of the Options Appraisal**

HACAN agree that this would increase transparency and ensure that sponsors are testing their DPs robustly. We suggest that this should be strengthened by ensuring that ALL DPs are tested at each stage.

**Option 3: Do Nothing**

HACAN do not agree with this option.



**9. Please tell us whether, in principle, you agree with the proposal for removal of requirements (development of DPs, design options and/or application of the options appraisals process) for certain types of ACPs.**

HACAN can neither agree or disagree with this proposal as it will depend on the type of ACP that these requirements are removed from. It is imperative that these requirements remain in place for any changes to notified airspace design or planned and permanent redistribution at airports like Heathrow given the size of the population likely to be impacted.

**10. Which type of ACP do you think the removal of the requirements above could apply to?**

HACAN doesn't have a view on this – see answer to Q 9.

**Remove requirement to develop a 'comprehensive list' of design options which includes 'radical options'.**

**11. Should we remove the requirement to develop a 'comprehensive list' of design options (including 'radical options')?**

No – this could lead to some options that may have community benefits being discarded without a proper assessment of the option against the design principles and key policy objectives.

**12. Should we remove the requirement for engagement in Stage 2?**

No.

**13. Please use this space to explain or express thoughts about your responses to the questions about high-level proposals to remove/review the requirement for comprehensive list of options and engagement in Stage 2.**

Removal of these requirements may make sense in some cases, but we would be opposed to any attempt at reduce the amount of community engagement. Our members believe that engagement in Stage 2 is a vital part of the process to allow communities impacted by the ACP to have an input into the process, raise concerns, ask questions, and have an opportunity to learn about the detail of the ACP at the earliest stage of development.

The impact assessment should also be extended to include issues such as tranquillity, biodiversity, physical and mental health.



There may be benefit in more robust guidance in CAP1616 about how a sponsor develops and selects flight path options for further analysis. There is a risk under the current process that impractical options are included on the final CLOO because comprehensive analysis of the total changes on arrivals and departures has not been undertaken. Equally some practical options that deliver significant community benefit may be discarded because the sponsor believes it would impose disproportionate costs on their customers – without minimal transparency about this decision.

**14. Please tell us your views on proposals to introduce a checklist of requirements for sponsors separated by regulatory areas for each stage of the ACP process.**

HACAN think this is a sensible proposal and would clarify to the process.

**Modification of ACP stages, steps and gateways.**

**15. Please indicate if you agree, disagree or are not sure about the options below:**

**Option 1: Remove Stage 1 gateway and move requirements into single gateway at end of Stage 2.**

HACAN disagree with this as it would appear to reduce opportunities for early engagement with local communities.

**Option 2: Move Step 1B (Design Principles) into Stage 2 (Develop & Assess), with a single gateway assessment meeting at the end of Stage 2 (Develop & Assess)**

HACAN do not agree with this option as it appears to be unnecessary tinkering with the process for minimal benefit.

**Option 3: Move Step 2A (Options Development and Design Principle Evaluation) into Stage 1 (Define) into Stage 1 (Define) as new Steps 1C and Step 1D**

HACAN agree with this option as it would provide earlier insight into a sponsor's comprehensive list of options and offer increased opportunity for community scrutiny of the options against the Design Principles.

**Option 4: Combine Steps 2A (Options Development) and 2B (Options Appraisal) to create simply Stage 2 (Develop & Assess)**

HACAN disagree with this option as it is not compatible with Option 3 which we support. However, we recognise the benefits outlined of aligning Steps 2A and 2B.

**16. Please indicate if you agree, disagree or are not sure about the options below:**



**Option 5: Remove Step 3D (Collate and Review Responses) from the airspace change process and move current Step 3D requirements to Step 4A (Update Design)**

HACAN does not agree with this option as stakeholders should be given sight of how a sponsor has incorporated their feedback at the earliest opportunity and waiting until Stage 4 may produce unnecessary and lengthy delays, especially given the tens of thousands of responses that are likely from an ACP consultation at Heathrow.

**Option 6: Combine Steps 4A (Update Design) and 4B (Submit ACP) within Stage 4 (Update and Submit).**

HACAN agree with this option.

**Option 7: Move requirement to define baseline to Stage 1 (Define) (quantifying where applicable)**

HACAN agree with this option as it makes sense to have the baseline defined at the start of the process.

**Option 8: Do nothing**

HACAN disagree.

**17. Should we consolidate the options appraisal requirements for certain ACPs?**

No

**18. Please tell us why you have responded in this way.**

The current structure allows greater scrutiny of the options being proposed. If any change is to be made it is that Final Options Appraisal should be brought forward to Stage 4 and perhaps an additional round of consultation undertaken to ensure maximise public visibility of the ACP.

**19. Do you have any suggestions about the content or placement of flowcharts in the revised airspace change process (CAP1616)?**

The flowcharts are useful summaries of the processes involved and so would make sense to have these at the start of each section. If more detail can be provided that is concise and useful then that is to be welcomed.



**20. Please tell us how any of the high-level proposals for stages, steps and gateways may impact you (positively or negatively). You can also use this space to explain or express thoughts about your responses to questions in this section.**

HACAN recognise the CAA position of the inclusion of the option design in the statement of need but believe that it would be helpful to stakeholders and sponsors if this were made explicit to avoid any confusion.

HACAN disagree with the decision not to require sponsors to state their preferred option. At the very least this would increase transparency around decision making and may also help communities to understand more clearly where a sponsor has accommodated their specific concerns – it may be an airport has one preferred option but chooses not to pursue it in light of noise impacts.

### **Engagement, Consultation and Communications**

**21. Should we have a dedicated CAA point of contact for stakeholders on ACP related enquiries?**

Yes

**22. Can you tell us what the impact (positive or negative) would be if we were to establish a dedicated point of contact for ACP related enquiries?**

This would add clarity to all stakeholders about who to engage with in the first instance. HACAN believe this would be particularly useful for community groups and residents who aren't engaged with their airport via one of the formal structures but who will likely be impacted by an ACP.

### **ICCAN Consultation Toolkit.**

**23. We want to identify which aspects of advice on consultation practice from the toolkit to retain, if any. Please tell why which aspects of the advice you think we should retain and why in the box below.**

The toolkit produced by ICCAN was extremely valuable and should be retained in full. In particular ACP sponsors should note the explanation on the Gunning Principles on public consultation.

### **Categorisation of consultation responses.**



**24. Should the guidance on categorisation in the airspace change process (Appendix C, Table C2 of CAP1616) be retained?**

No.

**Remove any reference to 12-weeks being the 'accepted standard' for consultation.**

**25. Should we remove the requirement for an accepted standard of 12 weeks?**

No.

**Transfer the responsibility of moderating/publishing consultation responses from CAA to change sponsor.**

**26. Do you agree or disagree with the proposal to transfer the responsibility of moderating/publishing consultation responses from CAA to change sponsor?**

HACAN disagree.

**27. Please use the box below to tell us what the impact would be on you (positive or negative) if we were to remove the requirement for an accepted standard of 12 weeks and place responsibility for moderation on consultation to the sponsor.**

12 weeks is the minimum period that should be adhered to and if anything should be extended to 16 weeks for large ACPS such as the one being pursued at Heathrow as part of the Airspace Modernisation.

This would diminish the role of the CAA as a regulator and arbiter of airspace changes. Shifting responsibility places too much power in the hands of the sponsor to present consultation responses in a manner that supports their aims. At the very least this could result accusations of bias in the process.

**Better use of airspace change portal/CAA website.**

**28. Please tell us how we could improve our Airspace Change Portal and/or our website to make it easier to understand and follow.**

HACAN think the portal is useful but would benefit from a significant increase in public visibility so that the average resident is aware of its existence and the information it contains.

One improvement that could be made would be to segment the ACPs that have been paused from the ones that are live so that it is easier to navigate to the appropriate information.





Further clarity of the name of the ACP would be helpful as the majority of people using the site won't know what FASI south is for example.

## Clarify assessment requirements.

**29. Please indicate if you agree, disagree or are not sure about the options below.**

**Option 1: Providing templates for the baseline data collection, environmental assessments, options appraisals**

HACAN agree with this option. There does not seem to be any reason why a sponsor should not present all information it has to the CAA if the template includes a section for special or novel requirements.

**Option 2: Stating assessment requirements for permanent and temporary ACPs concerning new entrants (Space Operators/UAS).**

HACAN does not have a view.

**Option 3: Add requirement to analyse 'other costs' which may arise for airports/ANSPs**

HACAN agree with this option as it is vital that all costs and benefits are comprehensively assessed.

**Option 4: Do nothing**

HACAN disagree with this option.

## Introduction of guidance meetings at key points in the airspace change process and requirement for change sponsor-led briefing at point of submission (Gateways and Stage 4 - Update and Submit).

**30. Please use the space below to tell us your views on the suitability of guidance meetings at key points in the ACP process. You can also use this space to tell us more about your views on the suitability of sponsor-led briefing meetings at key points in the ACP process.**

HACAN believes that this proposal appears sensible. It would be helpful if such briefing meetings were also offered to stakeholders as this would have the benefit of increasing transparency of the process. Even if this was just a recorded session shared virtual it would aid potentially affected communities to improve their understanding.



## **Review of guidance contained within Stage 6 (Implement) and AIXM (Aeronautical Information Exchange Model).**

**31. We will review the guidance provided within Stage 6 of the CAP1616 airspace change guidance. Is there anything you think we should consider when reviewing Stage 6? Sponsors can also use the response box below to tell us what the impact may be of the change to Aeronautical Information Exchange Model (AIXM) format for AIP entry.**

HACAN believe that guidance on how best a sponsor is to contact communities impacted by the changes would be helpful, in particular for those who will be newly overflown. We recognise that there is a significant challenge in both providing information to so many people and ensuring that communications are understood about the detail of the changes.

HACAN would expect CAA guidance on this matter to be the minimum standard and not preclude the ACP sponsor undertaking additional engagement activity.

### **Provision of airspace change scope flowchart.**

**32. We would welcome your views on whether an airspace change scope flowchart should be developed and introduced:**

HACAN welcomes anything that can help to improve collective understanding of an ACP.

### **Clarify decision criteria.**

**33. Would examples of types of characteristics (similar to the one provided in Table G1 in Appendix G of the CAP1616 process) be useful to change sponsors to gauge to what extent their proposal is consistent with the Airspace Modernisation Strategy?**

Yes.

**Please tell us why you have responded in this way.**

Such examples would also be useful to communities to understand what specific benefits and impacts are envisioned to be delivered by the proposed change. The sharing of extant or newly prepared cost-benefit estimates will be invaluable to all stakeholders so that they can understand better how these expectations inform the modelling and other processes needed to develop modernisation proposals.

### **Instrument Flight Procedures (IFP).**

**34. We recognise that IFP is a technical subject that some respondents may not wish to give responses on. Do you wish to give your views about IFP?**



No.

### Temporary Airspace Changes/Airspace Trials.

**37. We propose all references to 'consultation' within the temporary airspace change process to be removed. Please tell us about your views on this proposal in the box below:**

HACAN believe that consultation with impacted communities is vital even if the change proposed is 'temporary'. It is essential that both robust engagement and consultation are undertaken with local communities whenever an airspace change is proposed. The lack of consultation at Heathrow during the 2014 airspace trials led to a significant public backlash and the trials finishing early. Consultation on this trial may have resulted in a different outcome and an increase in trust between the airport and its local communities rather than the opposite which continues to be as source of significant friction.

**38. Please give us your views on proposals to replicate the requirements of the airspace trials process on to the temporary airspace change process. Should we introduce the requirement to use 65 dB LAmax footprints within the temporary airspace change process?**

Yes.

**39. Please give us your views on proposals to broaden the noise assessments for temporary ACPs/trials (when a permanent change is likely to follow). How will this proposal impact you (positively or negatively)?**

HACAN believes that a broadening of the noise assessments for any ACP is important to fully capture the noise impacts of an airspace change. The academic evidence continually highlights that noise has health impacts at lower levels than previously thought safe. It is essential that noise impacts at lower levels than existing policy are assessed alongside the number of noise events which has long been known to cause significant disturbance, annoyance, and adverse health impacts.

### Rejected Options.

**40. The consultation document details options that we have rejected at this stage. We are keen to understand, what impacts and effects the removal of any of the options described will have on you or your stakeholders. Please use the box below to tell us of any impacts (positive or negative).**

See answer to Q20.



HACAN also believe there is merit in there being additional opportunities for stakeholders to be able to raise concerns directly with the CAA earlier in the CAP1616 process if it appears that a sponsor is either not complying with CAP1616 or is seeking to obfuscate their decision making.

## **Alternative or Additional Options.**

**41. Are there any additional options you would suggest? Please use the space below to describe them and why you would like to see them in place.**

Airspace changes are highly technical and complex. It is difficult for even those community groups who regularly engage on airspace issues to fully grasp all of the nuances arising from the proposals and the requirements placed on a sponsor. Consequently, some form of independent technical advice should be available to community groups to draw upon.

**42. Are there any other comments you'd like to share with us with regards to the CAP1616 Airspace Change process? Please share them below:**

### **Health**

The CAP1616 process pays insufficient attention to the impact of an airspace change on those suffering with serious mental illness (SMI). In fact, there is no specific reference to mental health at all.

Aircraft noise has a particularly negative impact on those people with SMI. Many environmental noise studies are indicating that many people suffering from, or who have suffered from, mental illness are increasingly annoyed, or very annoyed by aviation noise.

The need to feel safe in one's home is a basic human right and is especially crucial for those people with (SMI) who are particularly vulnerable to noise. Indeed, Public Health England and the Equality Commission have publicly stated the centrality of this to MH equality and good mental health generally.

HACAN would welcome the opportunity to engage with the CAA on how an ACP sponsor might develop solutions that help to provide support for the most vulnerable. The threat of a 'safe' home being rendered unsafe is deeply disturbing and destabilising and the impact of airspace modernisation is likely to be widespread so it is vital this issues is addressed.

### **Appraisal**

There is also an issue around the assessment and appraisal of the cumulative impact of arrival and departure paths not taking place until Stage 3 which risks eliminating some options from the CLOOs which may have significant community benefits in terms of noise reduction. It would make sense for this analysis to take place in Stage 2B so that a sponsor can explain why



it has decided to take certain options forward and reject others, based on actual analysis of how those flight paths would operate.

### **Timing**

HACAN understand that the CAA had an obligation to undertake a review of CAP1616 at this stage but believe that the timing is unhelpful and any changes to the process may well lead to confusion amongst sponsors and stakeholders alike.

Perhaps the airspace modernisation programme should have been paused until this review was complete so that all sponsors could start the process fresh upon the basis of any changes to CAP1616 and there would be clarity to all about the process. This is an opportunity missed and risks shifting the runway once the aircraft is already on the final approach path.