

30 October 2018

SUBMISSION TO THE APPG-GA - INQUIRY INTO LOWER AIRSPACE

Devon and Somerset Gliding Club Ltd at North Hill Airfield

The Club is grateful for the opportunity to contribute to aspects of the Inquiry. Some of the terms of reference which are bullet-pointed in the Inquiry Purpose and Scope are clearly beyond the expertise of a single club; for example, overall airspace strategy and delegation of powers. However, as DSGC (in combination with other aviation stakeholders) successfully challenged an Airspace Change Proposal in the last year, the Club's experience may be helpful. This is set out overleaf (relatively briefly, as the CAP 725 ACP process is now superseded), followed by more general comments in relation to the Inquiry's terms of reference, in the light of the ACP experience.

1. BACKGROUND

- 1.1. **About DSGC.** DSGC is the largest gliding club in the south west. It is located 9 nm north-east of Exeter Airport in Class G airspace, and 6 nm north of the ILS feathers for Runway 26.
- 1.2. **Current arrangement with Exeter Airport.** DSGC has historically (for more than 60 years) had a good working relationship with Exeter Airport. However due to the close proximity, normal gliding activities include an area within 5nm of the extended runway centre-line. In view of this, DSGC has a Letter of Agreement with the Airport: subject to a daily phone call, gliding is permitted without making radio contact to ATC, southwards to an agreed clearly visible topographic boundary (the A30 trunk road and the Honiton-Exeter Railway line).
- 1.3. **ACP consultation process.** In March 2017, following (unresolved) preliminary consultations, Exeter and Devon Airport Ltd (EDAL) published consultation proposals for a very substantial volume of Class D Airspace, including overhead and surrounding North Hill Airfield. [See Annex 1 for initial Class D proposal].
 - 1.3.1. DSGC considered that these proposals would make the club unviable and objected strongly in writing in June 2017.
 - 1.3.2. In August 2017, EDAL held meetings with a few stakeholders where it offered unsatisfactory limited mitigation by raising the bases of some CTAs. In early September 2017, DSGC made a further written strong objection.
 - 1.3.3. EDAL submitted the ACP to the CAA in December 2017, under the old CAP 725 process.
- 1.4. **CAA decision.** In April 2018, the CAA rejected the 2017 ACP submission.
- 1.5. **Start of a new ACP process.** Two months later, in June 2018, EDAL's aviation consultancy has submitted a 'Statement of Need' for controlled airspace for Exeter Airport to the CAA, that is, the opening step in a fresh/second ACP, this time under CAP 1616 (the revised ACP process).

Note: At time of writing, this second Exeter ACP had not been recorded on the CAA webpage listing CAP 1616 proposals

<https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Permanent-airspace-change-proposals-under-CAP1616/>,

nor is it recorded in the new Airspace Change Portal. [see also Annex 2]

2. SUMMARY OF EXETER ACP 2017 – THE EXPERIENCE AND VIEWPOINT OF DSGC

2.1. A valid criticism of the CAP 725 process was the lack of provision for affected stakeholders to see the finalised ACP submission after closure of the consultation process. However, in late January 2018 EDAL released a copy of the Exeter ACP 2017 submission. This contained factual errors and confirmed that some of the requirements of the CAP 725 procedure had not been followed. Accordingly, DSGC wrote a Complaint direct to the CAA in its letter of 11 February 2018. This is enclosed with this Submission and is recommended reading, as it provides substantiation for DSGC's complaint which may be summarised as follows:

- “The ACP is incomplete – it relies on completion of Letters of Agreement to mitigate its effects
- Failure to comply with a key CAP 725 requirement i.e. by dismissing alternative options with inadequate justification
- Failure to respond to safety concerns within the submitted ACP
- Failure to meet design objectives
- Misrepresentation, misleading statements and abuses of process”

2.2. **DSGC perspective on the CAA Decision** Very strong objections were put forward to the ACP proposals, particularly by the BGA, DSGC and the Devon Strut. NATS and DSGC criticised the sponsor's proposals as negatively impacting both safety and airspace efficiency. DSGC welcomes the endorsement of this position by the CAA in its Decision.

3. COMMENTS RELATING TO THE APPG INQUIRY TERMS OF REFERENCE:

3.1. “The underlying principles that should be used to guide all airspace matters”

Current ‘high level’ general principles for the guidance of airspace designers/change sponsors and the CAA as regulator are understood by DSGC to be set out in 2 locations:

- **Section 70 of the Transport Act 2000.** This sets out the well-established hierarchy of priorities on which the CAA must adjudicate ACPs, and by which change sponsors should consider designs.
- **SARG's Policy Statement dated 14 August 2015 for Radio Mandatory Zones and Transponder Mandatory Zones,** paragraph 1.2: “The CAA's statutory obligations...include the need to ‘satisfy the requirements of all airspace users’, and to ‘secure the most efficient use of airspace consistent with the safe operation of aircraft and expeditious flow of air traffic. This has enabled the principle that the least restrictive categorisation of airspace should be the norm in UK airspace design, with more restrictive classifications only being established where necessary when the safety need is clearly demonstrated”.

3.1.1.**General Comment:** DSGC believes the combination of these principles is a sound basis for the guidance of airspace design. DSGC's experience was that the change sponsor failed to abide by these principles, but the CAA recognised this failure:

- In the Exeter case, regarding the principle that “*the least restrictive categorisation of airspace should be the norm...with more restrictive classifications only being established where necessary when the safety need is clearly demonstrated*” both the BGA and DSGC (in its letter of 8 September 2017) proposed an RMZ at Exeter. It is the view of DSGC that the ‘safety need’ for setting aside this less-restrictive categorisation in favour of Class D airspace was not “clearly demonstrated” by the change sponsor in its Exeter ACP submission.
- Regarding “*the efficient use of airspace*”, the CAA in its Decision found that “*...there is a significant impact on other airspace operators. The size and classification of the proposed airspace is disproportionate when considering the potential efficiency benefits of CAT operating at Exeter. The proposal falls short on facilitating access for as many other types*

of aircraft movements. The size of the final design is not predicated on a safety argument, (unlike the protection afforded to CAT in the critical stages of flight element of the proposal,) but on the containment of existing instrument flight procedures, which is not required. The misapplication of the Containment Policy has led to a design which is disproportionate and therefore fails to secure the most efficient use of airspace.” [Decision in CAP 1654, para 15].

Note: The plan in Annex 1 to this submission, together with noted bullet points, illustrates clearly the very low scheduled traffic numbers in relation to size of the Class D construct proposed by the sponsor.

3.2. “Current and potential future issues relating to...policy and principal mechanics guiding airspace design...”

Much of UK airspace is of course very crowded. DSGC wishes to make two proposals on design and utilisation of airspace which it believes would assist in integrating the needs of CAT and the GA community so as to co-exist safely and (relatively!) harmoniously. **DSGC believes these issues should be explored at the Inquiry.**

3.2.1. Realistic ATZs for smaller airports.

3.2.1.1. In its Decision on Exeter, the CAA understandably accepted the need for some controlled airspace *“in respect of providing protection to Commercial Air Transport (CAT) in the critical stages of flight.”* [ACP Operational Assessment, OA, para 1.2; OA 1.4, first line; OA 2.9 first two lines]. The justification for this acceptance by the CAA was illustrated during the ACP process: analysis showed that 97% of recorded ‘controller interventions’ arose from traffic which crossed the extended centreline, or flew within 3nm of it without contacting ATC. [DSGC Response 8 June 2017 paras 5.3 & 5.4, based on information from SATCO].

3.2.1.2. For smaller airports such as Exeter, a MATZ-style ATZ with stubs beyond a slightly enlarged CTR, would provide these airports with the enhanced safety they seek, without the significant impact on surrounding GA users arising from a larger Class D construct. This was an option put forward by DSGC in its Response of 8 June 2017 [para 5.6 and plan in Appendix 6] and its letter of 8 September 2017 [para 6.3], to which no response at all was received.

DSGC believes this is a workable compromise for smaller airports and requests that it is considered at the Inquiry.

3.2.2. Flexible Use of Airspace (FUA). As indicated above, congested airspace and competing airspace users mean a flexibility of approach is needed to help find solutions.

3.2.2.1. The majority of GA traffic flies during daylight hours, and in particular, between 10.00am and 6.00pm. Performance Based Navigation (PBN) enables the concept of flexibility of/between defined routings, in and out of airports. In Areas of Intense Aerial Activity and other cases such as Exeter, designated areas could be classified as Class G from say 10.00am to 6.00pm, and Class D from 6.00pm to 10.00am, with arrival and departure routes for commercial traffic varied dependent upon time of day.

3.2.2.2. An alternative form of FUA is a switchable airspace designation. DSGC proposed this in its letter of 8 September 2017 [para 8.0] and cited the example of Innsbruck where this type of FUA is in operation. As this FUA is ICAO and European ATM Regulation compliant, it should have been given proper examination and response: however, it was apparent from the submitted ACP that this was given only token consideration by the change sponsor.

DSGC believes this is a workable compromise for airports and requests that it is considered at the Inquiry.

4. **GENERAL POINTS**

4.1. A lower level FRTOL radio licence.

- 4.1.1. Whilst it is illegal to speak to ATC without a licence, many ATC units prefer a call from an unlicensed pilot in close proximity to CAS to be advised of intentions, rather than to receive no call.
- 4.1.2. Most glider pilots and many other 'unpowered' recreational pilots who do not fly out of licenced airfields don't need the majority of the syllabus for gaining a radio licence. The large quantity of unnecessary material that the glider pilot needs to learn and to be conversant with, puts off many from seeking to obtain a licence.
- 4.1.3. For glider pilots who wish to become proficient in the basics of advising of intentions or of requesting a transit, it would be beneficial to have a lower level licence. This would encourage both take-up and radio proficiency, which is surely to the benefit of all. (This should perhaps be limited to pilots who have already passed the EASA licence or UK equivalent and thus have necessary knowledge of airspace issues).

DSGC believes there is strong case for a lower level of radio licence for position reporting and requests that it is considered at the Inquiry

4.2. Letters of Agreement. A number of recent ACPs including Exeter have been predicated upon the change sponsor completing Letters of Agreement with Stakeholders. These are to mitigate the effects of their proposals by, for example, allowing them temporary access into specified zones of CAS.

- 4.2.1. Letters of Agreement are fundamentally unsatisfactory from a stakeholder viewpoint as they are, by their nature, not permanent and any review of access arrangements would be at the whim of the Controlling Authority, who could withdraw them at any time.
- 4.2.2. Stakeholders are required to negotiate under duress, knowing that if they do not agree, they may have an 'even worse' solution imposed upon them than if they do agree, dependent upon whether the ACP is approved – which it usually is. It thus becomes a game of Russian roulette where the bullets are either bad or very bad, you won't know which until the ACP is approved, or rejected.

It is the view of DSGC that Letters of Agreement imposed for the sole reason of securing an airspace change should not be necessary and have no place in a permanent airspace re-classification.

4.3. CAA's webpages – very slow updating. A small, but concerning point on the mechanics of ACP transparency. On a number of occasions, the CAA has been extremely slow to update its webpages showing the submission of documents. This is contrary to the ethos of the transparent and accountable process that would be appreciated by stakeholders. Two examples are given in Annex 2.

Jill Harmer

Secretary

Devon and Somerset Gliding Club Ltd

on behalf of the DSGC Management Committee

Attachments:

DSGC letter of complaint to CAA, 11 February 2018

Annex 1 - Exeter ACP 2017: Initial Proposal for Controlled Airspace



Notes:

1. Proposal plan from *Aviation Stakeholder Consultation Document* issued 9 March 2017.
2. North Hill Airfield is situated within the partially obscured circle on south-west side of Dunkeswell ATZ, i.e. 'beneath' the CTA 4 caption.
3. After receiving formal Responses to this consultation proposal from stakeholders, the sponsor made a modest change to the proposals by raising the bases of some of the CAS and discussing this selectively with a limited number of stakeholders in August 2017. The changes were subsequently included in the submitted ACP.

Exeter ATMs affecting North Hill Airfield

- Approximately 30% of Exeter's Air Transport Movements (ATMs – movements of commercial air traffic, CAT) connect northwards to the north-south Airway N864 which is positioned immediately adjacent to the western boundary of the DSGC's North Hill Airfield with a base of FL65.
- However, during DSGC's normal operating hours of 10.00 to 6.00, only about 13% of Exeter's commercial traffic uses this routing, as most flights to/from the north are early morning or late evening. DSGC undertook a count of scheduled flights from 20 May to 4 June 2017 and found that the average number of scheduled movements between 10.00am and 6.00pm was 5.5 movements.

Annex 2 – Examples of slow updating of CAA information pages.

1. EDAL submitted the Exeter ACP in mid December 2017, and emailed DSGC on 19 December to advise it had just been submitted. However, the CAA did not update its Exeter ACP-progress <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Decisions/Exeter-proposal-for-controlled-airspace/>

until around 23 March 2018, which at last showed “Sponsor's formal airspace change proposal (date received by CAA) – 15 December” – **that is, over three months after it had received the final ACP submission.**

2. On 22 June 2018 EDAL’s aviation consultancy submitted a Statement of Need to the CAA as the new first step

<http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=8538>

under the new process . However, as at 26 October, Exeter is still not included in the list of current ACP applications under the new CAP 1616 process

<https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Permanent-airspace-change-proposals-under-CAP1616/>

It is hidden away under a heading

Airspace Changes awaiting an indication of appropriate scaling level

nor is it recorded in the newly launched Airspace Change Portal.

[**Note:** CAP 1616, page 31 para 95, states that following the Statement of Need, a CAA Assessment Meeting takes place, with Minutes placed on the online portal. It seems surprising that this meeting has not yet taken place. Is the June Statement of Need to be amended? Or the whole proposal to be withdrawn?].