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Edinburgh Airport Limited
Scotland
EH12 9DN

29 October 2018

[REDACTED]

CAA MINDED TO REJECT EDINBURGH AIRSPACE CHANGE PROPOSAL

Introduction

During the CAP 725 Airspace Change Process, Stage 5 Regulatory Decision case study analysis, issues have become apparent relating to information shown in Edinburgh Airport Limited's ("EAL") Stage 4 consultations and the airspace change proposal submitted to the CAA for decision.

In addition, as you may be aware, on 6 September 2018, the CAA received a request for the EAL airspace change decision to be called in by the Secretary of State under Direction 6 of the *Civil Aviation Authority (Air Navigation) Directions 2017*. Until the Secretary of State makes a determination in accordance with Direction 6(2) that the call-in criteria have or have not been met, and if so, whether to call-in the airspace change proposal, the CAA cannot make a decision on a proposal.

However, in order to appraise you of developments as soon as possible, we are issuing this letter setting out our intended decision, or should the proposal be called in by the Secretary of State, our view in accordance with Direction 6(3)(a).

As a result of the issues identified in this letter the CAA intends to reject EAL's airspace change proposal dated 15 October 2018.

This is not a request for further submissions or changes to the proposal, merely notification of the CAA's intention whilst the procedure for determining whether the decision will be called in by the Secretary of State completes.

It should be noted that the CAA has not completed its review of the Proposal and there may be additional issues to those identified here, however, those identified to date are such that the CAA will reject the Proposal.

Chronology and Documents

As there have been a number of consultations and proposals submitted to the CAA by EAL, we briefly set out those relevant or referenced herein for ease of reference:

'Consultation 1' commencing June 2016

'Consultation 2' commencing January 2017

'Consultation 2 Report' dated July 2017

'Consultation 3' commencing May 2018

'Consultation 3 Report' dated August 2018

Airspace Change Proposal v1.0 dated 3 August 2017

Airspace Change Proposal v1.1 dated 9 August 2017 ("**ACP v1.1**")

EAL document titled "What we have proposed and why" dated October 2017 ("**ACP Rationale**")

Airspace Change Proposal v2.0 dated 3 August 2018 ("**ACP v2.0**")

Airspace Change Proposal v2.1 dated 15 October 2018 ("the **Proposal**")

Reasons the Proposal cannot be approved

In summary, EAL has submitted a Proposal that does not accord with the material that was provided to stakeholders in consultation or the outcomes of those consultations.

As outlined in further detail below, the average daily number of flights for a number of the proposed Standard Instrument Departures (SIDs) in the Proposal have not been adequately reflected in Consultations 2 and 3. In particular, the proposed changes to SID utilisation (primarily on routes B2, E7a and G5) propose a substantial increase in daily average number of flights to that reached through consultation.

Before making its decision, the CAA raised this issue with respect to ACP v2.0 with your consultant, NATS by telephone and in an email to which you were copied on 26 September 2018, including a request for an explanation as to why it had occurred, and where it had been communicated in feedback reports. NATS's response did not address the consultation issue and indeed, in EAL's further revision to its proposal, the number of flights per day were increased again, without additional explanation in the Proposal. A copy of the email and response are included at Annex A.

Consequently, the CAA is of the view that the material relied upon and presented to stakeholders for consultation substantially differs from that submitted to the CAA in the Proposal.

For your reference, we have enclosed a consolidated overview of the average daily number of flights published for each departure routes B2 (LIKLA1C), E7a (EMJEE1D) and G5 (VOSNE1D) based on figures extracted from consultation and submitted material. (Annex B)

Route B2

In Consultation 2 EAL indicated that route B2 could expect 36 flights per day in 2016 rising to 49 flights per day in 2023.¹ Following its consideration of stakeholder feedback from Consultation 2, EAL stated in the ACP Rationale:

¹ Consultation 2 page 54

*“B2 would only be used during the day time (06:00-22:59). It is expected that there would be approximately **six flights using this flight path per day** in 2018 when R24 is in use and seven flights using this flight path per day in 2024. This is a reduction in the number of flights proposed to use this flight path during the second consultation.”² (emphasis added)*

In the Proposal, EAL now suggests a number of flights per day of 69.3 in 2019, rising to 74.4 by 2024, this coincides with a reduction of flights per day on route B5 from 93 in 2018 in the ACP Rationale to 23.1 in the Proposal.

Although the proposed switch of departures from B5 to B2 appears to reduce the impact on Livingston it increases overflight close to other areas such as Uphall, Broxburn and Dechmont before reaching the less populated areas to the northwest. Whilst these latter areas may have a smaller population, the CAA consider that those populations have not been effectively engaged on the impacts the increase in traffic may have nor the extent and effects of the proposed change properly communicated to all stakeholders.

Additionally, the B2 LIKLA 1C SID Leq contours submitted with the Proposal differ from those used in consultation and show a different population affected. Coupled with the significantly increased traffic, stakeholders would not be in a position to understand the effect of the change as submitted.

It is not uncommon for a submitted airspace change proposal to be brought forward with some changes to the material that was consulted on, indeed we would expect tweaks to designs based on stakeholder feedback. Any feedback taken forward from a consultation (which does not significantly change design/impacts enough to warrant further consultation/targeted engagement) should be highlighted to stakeholders in a post consultation feedback report (an example, whilst not CAP725, would be the CAP1616 principle of ‘We asked, you said, we did’).

However, the Proposal does not explain the changes in traffic figures at all, and indeed even if it did so, the difference in number of flights is so significant to that consulted upon and reached through consultation that the CAA considers EAL has not consulted with stakeholders in a manner that would allow them to adequately consider and respond to the Proposal as made, rendering the consultation nugatory.

Route E7a

In Consultation 2 EAL indicated that route E6 (then the preferred option) could expect 41 flights per day in 2016 rising to 49 flights per day in 2023.³ Following its consideration of stakeholder feedback from Consultation 2, EAL stated in its ACP Rationale that E7 was preferred, and flights would increase to 99 and 111 flights per day respectively.⁴

As route E7 suffered from operational design flaws and required redesign following the submission of ACP v1.1, EAL consulted for a third time on route E7a, indicating in Consultation 3 that the actual number of departures per day in 2016 was 41, rising to 47 in 2024.⁵ No reason is provided for this reduction from those figures attained in the ACP Rationale, however, we would regard Consultation 3 as providing the definitive flight numbers, being the final consultation on this route.

² ACP Rationale at page 25

³ Consultation 2 at page 84

⁴ ACP Rationale at page 30

⁵ Consultation 3 at page 5

In the Proposal, EAL indicates the number of flights per day operating on E7a as 64.4 in 2019, rising to 69.4 by 2024, a 57% increase on the figures consulted upon in Consultation 3.

In response to the CAA query on increased flight numbers (Annex A) NATS stated as follows: *'the EMJEE1D figures between the ACP 1.1 and 2.0 are relatively small. These are due to a combination of updated forecasts, and the changes to the traffic allocations.* That EAL had also submitted figures that had not been derived from consultation in its ACP v1.1 does not address the concern regarding a lack of consultation on the flights per day in the Proposal i.e. NATS have provided only an answer as to the differences between ACP v2.0 and ACP v1.1, not Consultation 3 as requested.

EAL has not documented the change of usage on E7a, with the increased number of flights, and this has not been subjected to adequate consultation. The recent Consultation 3 in 2018 did not reflect the number of flights shown in the Proposal. Consequently the CAA considers EAL has not consulted with stakeholders in a manner that would allow them to adequately consider and respond to the Proposal as made.

Route G5

As highlighted in Annex B, route G5 also suffers from similar issues to those highlighted in relation to routes B2 and E7a. Specifically, that the number of flights per day appears to bear no relation to those figures that were provided to stakeholders for consultation. In the case of route G5, the number of flights per day in the Proposal has increased by 76% to those figures derived from consultation in the ACP Rationale document.

There is also little detail relating to route usage other than Route G is for jets to the south via waypoint HAVEN which, given the existing usage of the TALLA SID, the impression is that G5 VOSNE 1D flights would also be using the SID to either leave Controlled Airspace (CAS) at HAVEN or continue to route via Air Traffic Services (ATS) route Y96 to Newcastle as per today's TALLA SID.

This appears to be a change in usage from what was portrayed in Consultation 2. It is unclear how these flights (assuming re-routed from E7a) will be integrated into the en-route network. Again, no reasoning has been provided for the change and stakeholders have not had the opportunity to consult on the Proposal as made.

Route A3

Consultation 2 states:

*"Route A will replace the current TALLA SID. The proposed route will only be available for non-jet aircraft (as is the case for the current TALLA route)."*⁶

This statement does not accord with the actual use of TALLA or the UK AIP (AD 2-EGPH-6-2) nor the ACP Rationale:

*"Flight path A3, which is an RNAV replication of our current TALLA flight path would be introduced during phase 1 and used by both jet and non-jet route"*⁷

Because A3 will now be used by jets routeing via N57, L612 and N864 southbound from 1400-2259 in addition to the current use from 2300-0559L, this is a change of use of this

⁶ Consultation 2 at page 41

⁷ ACP Rationale at page 22

route, as currently, jets only use these three routes after flying the TALLA SID on departure between 2300-0600L. Therefore, this is contrary to the statement in the ACP at paragraph 6.4.1 stating: 'A3 was consulted upon and is equivalent to the current conventional TALLA SID'.

Unless further track dispersion evidence indicating the current use of jets on the RWY 24, TALLA SID confirms that there will be no change to impacts below 7000ft when jets use the route between 1400-2300L, and that there is no increase in the use of jets in this period, EAL have not consulted on impacts of use by jets routeing via N57, L612 and N864 between 1400-2300L.

We also note that as Route A3 was selected following feedback from consultation, no SEL footprint for the most frequent aircraft type was consulted upon, and the SEL footprint for the noisiest aircraft (A330) in the Proposal was not consulted upon.

Conclusion

In accordance with CAP 725, once a proposal is submitted, the CAA is the arbiter of whether the Change Sponsor has acted 'reasonably' in meeting the needs of stakeholders⁸. It is noted that EAL has now undertaken three consultation exercises and submitted four versions of its proposal.

Despite this, EAL has submitted a Proposal that does not accord with the material that was provided to stakeholders in consultation. The magnitude and severity of the defects mean that stakeholders have not been able to consider and respond to the actual Proposal put forward to the CAA for consideration and consequently the CAA will not approve the Proposal.

Nonetheless the CAA is happy to place on record that Edinburgh carried out extensive consultation in relation to the proposed changes and the views of stakeholders were demonstrably taken into account in documents such as the ACP Rationale. However, in some important respects as detailed above, the Proposal was different to that which was consulted upon, and it is the Proposal upon which the CAA must base its decision.

If, in due course, the Secretary of State decides to call this Proposal in for decision we will send this letter to the Secretary of State as our 'minded to' decision and the final decision will be a matter for the Secretary of State. If the Secretary of State decides not to call this Proposal in for decision, we will publish our decision to reject the Proposal. This will bring an end to the CAP725 process.

In that event, if EAL wishes to progress the changes proposed, it will need to do so in accordance with the CAP1616 process and Air Navigation Guidance 2017.

Please contact me at the earliest opportunity to confirm your next steps.

Yours sincerely

A large black rectangular redaction box covers the signature and name of the sender. Below the box, there is a horizontal line.

⁸ CAP 725 at 4.13

Annex A Email to NATS EAL

From: [REDACTED]
Sent: 26 September 2018 12:22
To: [REDACTED]@nats.co.uk>
Cc: [REDACTED]@edinburghairport.com>
Subject: EDI ACP Route Usage

[REDACTED]

I mentioned yesterday on the phone that I had a query with the route usage on Route B 2 – the LIKLA1C SID, and you advised you would investigate. I have another query this time on E7a, so here are both together – can you please get back to me soonest with a response.

Route B 2

In consultation, page 39, B2 was for 36 flights in 2016, growing to 49 in 2023.

After consultation, the 2nd consultation feedback page 5 stated that B 2 would be an offload route in daytime (0600-2259) for 6 flights a day in 2018 and 7 in 2024, and this also stated this would be a reduction of 36 flights which was proposed in the second consultation. (not sure if the sums are right?)

The 2017 ACP (page 21 Table 7) showed 4 flights a day.

The 2018 ACP (page 25 Table 8) now shows 66.6 flights a day in 2019 and 74.4 flights a day in 2024.

Can you please confirm why there is a difference as I have noted the B5 flights are now considerably less. (You mentioned this was because of the issues with PC and that the Ireland traffic etc had been switched over to B2).

Also, has this change on usage been made clear anywhere as I have yet to see if there is anything about this in any subsequent feedback reports, but it could well be somewhere which I have yet to read?

Route E7a

I am also curious about this route usage (noted all figures averages):

The usage in consultation 2 was:	41 flights per day in 2016 growing to 49 in 2023.
The usage in consultation 2 feedback report (page 3) was:	97 flights in 2018 growing to 111 in 2024.
The figures in the 2017 ACP dropped to:	51 flights in 2018 growing to 55 in 2024.
In the third consultation, the figures were:	41 flights in 2016, growing to 42 in 2019 and 47 in 2024.

My query is, why do we now see 62.1 flights for 2019 and 69.4 for 2024 in the 2018 ACP which is quite a change from what was shown in the third consultation?

If I have mis-read something, please do advise.

Regards,

[REDACTED]

Annex A Email to NATS EAL

Telephone Question	ACP v2.0 Table 8 – traffic figures are different from ACP v1.0. Can you describe why this has occurred, and where has it been communicated in feedback reports?	The route traffic allocation was changed between ACP versions. Also the times of use were modified.																				
	<p>(from email 26/09/2018) I mentioned yesterday on the phone that I had a query with the route usage on Route B 2 – the LIKLA1C SID, and you advised you would investigate. I have another query this time on E7a, so here are both together – can you please get back to me soonest with a response.</p> <p>Route B 2</p> <p>In consultation, page 39, B2 was for 36 flights in 2016, growing to 49 in 2023.</p> <p>After consultation, the 2nd consultation feedback page 5 stated that B 2 would be an offload route in daytime (0600-2259) for 6 flights a day in 2018 and 7 in 2024, and this also stated this would be a reduction of 36 flights which was proposed in the second consultation. (not sure if the sums are right?)</p> <p>The 2017 ACP (page 21 Table 7) showed 4 flights a day.</p> <p>The 2018 ACP (page 25 Table 8) now shows 66.6 flights a day in 2019 and 74.4 flights a day in 2024.</p> <p>Can you please confirm why there is a difference as I have noted the B5 flights are now considerably less. (You mentioned this was because of the issues with PC and that the Ireland traffic etc had been switched over to B2).</p> <p>Also, has this change on usage been made clear anywhere as I have yet to see if there is anything about this in any subsequent feedback reports, but it could well be somewhere which I have yet to read?</p> <p>Route E7a</p> <p>I am also curious about this route usage (noted all figures averages):</p> <p>The usage in consultation 2 was: 41 flights per day in 2016 growing to 49 in 2023. The usage in consultation 2 feedback report (page 3) was: 97 flights in 2018 growing to 111 in 2024. The figures in the 2017 ACP dropped to: 51 flights in 2018 growing to 55 in 2024. In the third consultation, the figures were: 41 flights in 2016, growing to 42 in 2019 and 47 in 2024.</p> <p>My query is, why do we now see 62.1 flights for 2019 and 69.4 for 2024 in the 2018 ACP which is quite a change from what was shown in the third consultation?</p> <p>If I have mis-read something, please do advise.</p>	<p>There were changes in the traffic allocations between the ACPv1.1 submission and v2.0 which resulted in changes to the traffic figures forecast per route (as is shown in Table 8). The routes with significant changes are as follows:</p> <table border="1" data-bbox="1576 436 2297 630"> <thead> <tr> <th rowspan="2">Route</th> <th colspan="2">Flights/day (2024)</th> </tr> <tr> <th>ACPv1.1</th> <th>ACPv2.0</th> </tr> </thead> <tbody> <tr> <td>LIKLA1C (B2)</td> <td>4</td> <td>74</td> </tr> <tr> <td>MAVIX1C (B5)</td> <td>75</td> <td>25</td> </tr> <tr> <td>VOSNE1D (G5)</td> <td>25</td> <td>65</td> </tr> <tr> <td>KRAGY1D (H2)</td> <td>32</td> <td>52</td> </tr> </tbody> </table> <p>These changes have been motivated by a combination of our highest priority aim which is to minimise noise impact on communities below 7000ft and minimise the total number of people impacted, and maximising the efficiency of the airspace.</p> <p>The shift in use from the MAVIX1C to LIKLA1C improves capacity and also reduces overflight of Livingston, since the LIKLA1C routes over less densely populated rural areas to the north of Livingston.</p> <p>The VOSNE1D routes flights over the water until aircraft are well above 10,000ft. (in preference to the EMJEE)</p> <p>The KRAGY1D routes flights over the water until aircraft are well above 7,000ft.</p> <p>In comparison the changes in the EMJEE1D figures between the ACP 1.1 and 2.0 are relatively small. These are due to a combination of updated forecasts, and the changes to the traffic allocations.</p>	Route	Flights/day (2024)		ACPv1.1	ACPv2.0	LIKLA1C (B2)	4	74	MAVIX1C (B5)	75	25	VOSNE1D (G5)	25	65	KRAGY1D (H2)	32	52			
Route	Flights/day (2024)																					
	ACPv1.1	ACPv2.0																				
LIKLA1C (B2)	4	74																				
MAVIX1C (B5)	75	25																				
VOSNE1D (G5)	25	65																				
KRAGY1D (H2)	32	52																				

Annex B Comparison Table

EDINBURGH ACP – ROUTE UTILISATION COMPARISON FROM CONSULTATION TO ACP SUBMISSION

The average flights per day traffic numbers have been extracted from the consultation and ACP material and are shown below in Table 1.

Note 1: Figures from consultation one reflect the existing traffic usage on the GOSAM, TALLA and GRICE SIDs prior to consultation, and show the numbers in the departure envelopes with and without any individual breakdown depending on the route (e.g. the Rwy 24 westerly route shows figures for Rwy 24 Red and Blue routes combined and the Rwy 06 right turn out envelope shows 53 without a breakdown); no doubt because final routes were unknown at that time.

Note 2: The average flights shown from consultation 2 onwards reflect on route usage at time of consultation, on implementation and for growth in 5 year's time.

Table 1 – Average daily flights per day in ACP consultation material and 2017 and 2018 Change proposals.

Proposed Route	Consultation 1 (See Note 1)		Consultation 2		Consultation 2 Feedback Report (ACP Rationale)	ACP v1.1 2017 Table 7 Page 20	Consultation 3	Consultation 3 Feedback Report	ACP 2018 V 2.0. Red denotes an issue	ACP 2018 V 2.1	Time Restrictions	Remarks
	Page 36 (existing SID)	Proposed envelopes										
Year	2015		2016	2023	2018/19/ 24	2018/19/24			2019 / 2024	2019 / 2024		
Rwy 24												
A3 ARLER1C	53 (TALLA)	53	A6 was preferred		83 / 65 / 72	59 / 50 / 54			50.8 / 56.8	52.9 / 56.8	1000-0559 1400-0559 H24	Turbo props w/days Jets – TALLA-HAVEN w/d Weekends
A6 EVTOL1C			40	52	-- / 11 / 12	-- / 09 / 09			11 / 12.3	11.4 / 12.3	0600-0959 weekdays	New route
B2 LIKLA1C		Red + blue 81	36	49	06 / 06 / 07	04 / 04 / 04			66.6 / 74.4	69.3 / 74.4	0600-2259	New route. The highlighted sections show the issues.
B5 MAVIX1C	81 (GOSAM)		55	66	93 / 95 / 107	70 / 70 / 75			22.2 / 24.8	23.1 / 24.8		
C5 GRICE	05 (GRICE)	05	15	19	13 / 13 / 15	10 / 10 / 11			12.6 / 14.1	13.1 / 14.1		
D0 VOSNE1C		53	40	56	-- / 09 / 11	-- / 07 / 07			12.7 / 14.2	13.2 / 14.2	0600-1359	New route
Total	139	192	186	242	2018 – 195 2019 – 199 2023 – 224	2018 – 143 2019 – 150 2024 - 160				2019 – 183 2024 - 200		
Year	2015		2016	2023	2018/19/ 24	2018/19/24			2019 / 2024	2019 / 2024		

Annex B Comparison Table

Proposed Route	Consultation 1 (See Note 1)		Consultation 2		Consultation 2 Feedback Report (ACP Rationale)		ACP v1.1 2017 Table 7 Page 20		Consultation 3		Consultation 3 Feedback Report		ACP 2018 V 2.0. Red denotes an issue		ACP 2018 V 2.1		Time Restrictions		Remarks	
	Page 36 (existing SID)	Proposed envelopes																		
Rwy 06																				
E7a EMJEE1D	81 (GOSAM)	81	41	49	97 / 99 / 111	51	55	41 / 42 / 47	?			62.1 / 69.4	64.4 / 69.4		0600-2259					Probably increase in Cons 2 feedback report because of H2W withdrawal?
F2a GRICE	05 (GRICE)	05	14	18	13 / 13 / 15	06	07					10.2 / 11.3	10.6 / 11.3							
G5 VOSNE1D		Green 53	40	56	34 / 35 / 39	23	25					57.9 / 64.7	60.1 / 64.7							New route
H2 (s) KRAGY1D	53 (TALLA)		40	52	51 / 52 / 59	30	32					46.2 / 51.7	47.9 / 51.7		H24 2300-0559					New Route Turpo-props Jets switched from E7a at night
H2 (w)			51	66																
Total	139	139	186	241	2018 – 195 2019 – 199 2023 – 224	2018 – 110 2019 – n/a 2024 - 119							2019 - 183 2024 - 200							

Note 3. The total numbers for the proposed envelopes in Consultation 1 do not match up – Rwy 24 has 192 flights whereas Rwy 06 only has 139 flights.

Note 4. The total numbers in the 2017 ACP for either runway do not match up for each year.