

# Exeter Airport Airspace Change Decision

CAP 1654



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## Chapter 1

# Executive summary

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## Objective of the Proposal

### Summary of the proposal's objective

1. Exeter and Devon Airport Ltd (EDAL) identified a requirement to adapt the airspace structure surrounding Exeter Airport. The objective is to assist Air Traffic Control in providing enhanced levels of information to aircraft operating in and out of the Airport, and to aircraft operating in the local area. The Airspace Change Proposal (ACP) was submitted on 15 December 2017.

### Summary of the decision made

2. The CAA has decided not to approve the ACP.

## Chapter 2

# Decision Process and Analysis

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## **Aims and Objectives of the Proposed Change**

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3. At present Exeter Airport has an Aerodrome Traffic Zone (ATZ) as the only regularised airspace established to provide protection to Commercial Air Transport (CAT) operating near Exeter Airport on arrival or departure. The principal aim of the proposal is to enhance this level of protection based upon a 20% increase in passenger numbers between 2011/12 and 2016/17, and a forecast 3% year on year growth in traffic volume to the end of this decade. The objective is to facilitate an additional layer of safety, improve the effective and efficient management of local air traffic, and complement the existing Area Navigation (RNAV) Global Navigation Satellite System (GNSS) Instrument Flight Procedures at the airport, whilst minimising the effects on other stakeholders.

## **Chronology of Proposal Process**

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### **Framework Briefing**

4. A Framework Briefing took place at CAA House, London on 28<sup>th</sup> June 2016. During this EDAL outlined its proposal and preferred option to introduce Class D Controlled Airspace (CAS) around Exeter Airport, establishing a Controlled Zone (CTR) and Controlled Areas (CTAs) with lower and upper limits yet to be determined. The CAA emphasised the need for a collaborative approach, in particular with aviation stakeholders, and that a 'holistic' approach to CAS design should be adopted. It added that any potential 'restriction' to local flight operations was likely to be strongly contested by the GA, LAA and BGA communities, albeit there was strong support from on-airport GA operators. EDAL confirmed there was no intention to introduce new IFR procedures, but possible modifications to the existing GNSS approaches might be proposed. The CAA advised that any modification which changed traffic patterns would have to

be reflected in the consultation and proposal. It was stated that revised or new Letters of Agreement (LoAs) or Memorandums of Understanding (MoUs) with neighbouring aerodromes and regional aviation organisations including London Area Control Centre (LACC), Cardiff/Bristol Airports and the Ministry of Defence (MoD) would be required to mitigate any possible effects of new airspace design. The CAA highlighted that statistical evidence to justify the proposal should be included in the consultation material and final submission. The sponsor proposed that consultation was only required with aviation stakeholders. The CAA pointed out that it would need to be clearly stated that there would be little displacement of GA over urban areas if this were the case and stressed that adequate explanation was required on the possible impacts on GA traffic patterns including any potential re-routes. It was highlighted that transparency of the project to the public was required and the scale of any impacts might mean that non-aviation stakeholders would need to be consulted. If a benefit from improved achievements in Continuous Descent Approaches or Continuous Climb Departures was to be claimed in the proposal, there would be a requirement to demonstrate current achievement rates and the actual achievement rates as part of the Post-Implementation Review if the change was approved. It was agreed that to meet target timelines for Formal Consultation EDAL was required to decide as soon as possible on its airspace requirement, and that the design work should include input from local aviation stakeholders. The CAA noted that controller resource for airspace management would require assessment, including training packages for ATC and local GA operators if any new CAS was introduced.

## Consultation

5. A public consultation took place between 10<sup>th</sup> March and 09<sup>th</sup> June 2017. The consultation document was emailed to 52 organisations and individuals, including the MoD, airlines, adjacent aerodromes and local airspace users. National bodies such as the Light Aircraft Association were represented through the National Air Traffic Management Advisory Committee (NATMAC). The consultation document was made available for general distribution online through a dedicated link on the EDAL website. Prior to the commencement of the consultation period, meetings were held with some local aviation

stakeholders including Dunkeswell Aerodrome, Devon and Somerset Gliding Club (DSGC) and the Defence Airspace and Air Traffic Management. A total of 18 response from the original 52 contacted, and an additional 414 responses from individual members of the GA community or other parties were received.

## **Submission of Airspace Change Proposal**

6. On 15<sup>th</sup> December 2017 the CAA received the formal ACP submission. This included the ACP Safety Case, Hazard Identification Record, Safety Programme Plan, and Review of Exeter Airspace Design documents. Also submitted was the Consultation Document, Consultation Report and redacted consultation requirement correspondence.

## **CAA Analysis of the Material provided**

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7. As a record of our analysis of this material the CAA has produced:
  - 20180323 Operational Assessment Exeter ACP

The CAA's Operational Assessment will be published on the CAA's website.

## **CAA assessment and decision in respect of Consultation**

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8. The CAA considered the Consultation Document and Consultation Report. The Case Officer decided in conjunction with Manager Airspace Regulation, that owing to the Operational Assessment recommendations a separate Consultation Assessment was not required. It was noted that disagreements arising from the Consultation Document had not been resolved or mitigated prior to submitting the proposal and the Change Sponsor had not responded to these as required per CAP 725 paragraph 4.7. The Case Officer did not deem it appropriate to request additional consultation as this would not have rectified all the issues raised in the Operational Assessment.

## **CAA Consideration of Factors material to our decision whether to approve the change**

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### **Explanation of statutory duties**

9. The CAA's statutory duties are laid down in [Section 70 of the Transport Act 2000](#).

### **Conclusions in respect of safety**

10. The CAA's primary duty is to maintain a high standard of safety in the provision of air traffic services and this takes priority over all other duties.<sup>1</sup>

11. In this respect, with due regard to safety in the provision of air traffic services, the CAA is not satisfied that the proposal maintains a high standard of safety for the following reasons:

- a. The proposal does not include the LoAs/MoUs which mitigate the risks associated with D012/D013 and the Safety Buffer Policy; delegation of Air Traffic Services or how airspace sharing arrangements will work with adjacent airspace structures; or notification, clearance or communication procedures for aircraft operating from Dunkeswell, or those transiting the area, that choose to enter the proposed CAS.
- b. The proposal does not resolve or provide mitigation for the operation and integration of other airspace activity including, but not limited to, glider operations. No draft LoA is provided between Exeter and Devon and Somerset Gliding Club (DSGC) which allows DSGC flight operations within designated areas of the proposed Exeter CAS as proposed.

### **Conclusions in respect of securing the most efficient use of airspace**

12. The CAA is required to secure the most efficient use of the airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic.<sup>2</sup>

13. The CAA considers that the most efficient use of airspace is defined as 'secures the greatest number of movements of aircraft through a specific volume of

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<sup>1</sup> Transport Act 2000, Section 70(1).

<sup>2</sup> Transport Act 2000, Section 70(2)(a).

airspace over a period of time so that the best use is made of the limited resource of UK airspace’.

14. The CAA considers the expeditious flow of air traffic to involve each aircraft taking the shortest amount of time for its flight. It is concerned with individual flights.
15. In this respect, whilst Commercial Air Transport operating to/from Exeter would have the benefit of efficient flight profiles by being wholly contained in CAS, there is a significant impact on other airspace operators. The size and classification of airspace 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.

### **Conclusions in respect of taking into account the Secretary of State’s guidance to the CAA on environmental objectives**

16. In performing the statutory duties, the CAA is obliged to take account of the extant guidance provided by the Secretary of State,<sup>3</sup> namely the 2014 Guidance to the CAA on Environmental Objectives.
17. In this respect, the proposal is not looking to introduce new instrument flight procedures or directly increase airport capacity and therefore alter the existing tracks over the ground. The sponsor submitted a request detailing why they believed that the proposed CAS would not produce an increase to the current environmental impact that the Airport has on the public, and therefore that an Environmental Study was not required and only aviation stakeholders need to be consulted. After some deliberation, the CAA agreed with this request stipulating that conversely any argument for environmental benefits from the proposed change would not be considered in the final decision. The Case Officer in conjunction with Manager Airspace Regulation, decided that owing to the

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<sup>3</sup> Transport Act 2000, Section 70(2)(d)

Operational Assessment recommendations a separate Environmental Assessment was not required.

### **Conclusions in respect of aircraft operators and owners**

18. The CAA is required to satisfy the requirements of operators and owners of all classes of aircraft.<sup>4</sup>
19. In this respect only owners and operators of aircraft based at or operating to/from Exeter Airport supported the proposal. The requirements of the gliding community, especially DSGC, the military, NATS, and commercial operators at Dunkeswell have not been satisfied or suitably mitigated.

### **Conclusions in respect of the interests of any other person**

20. The CAA is required to take account of the interests of any person (other than an owner or operator of an aircraft) in relation to the use of any particular airspace or the use of airspace generally.
21. In this respect, the proposal may satisfy the requirements, however evidence was not received proving the claim that tracks over the ground would not be altered and therefore the impact on communities and other persons would remain the same.

### **Integrated operation of ATS**

22. The CAA is required to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services.<sup>5</sup>
23. In this respect, the proposal has failed to provide evidence of resolving integrated operational issues of the proposed airspace with the military. The buffer policy issues surrounding D012 and D013 have not been resolved, and the proposed draft LoA with RNAS Yeovilton has not been provided with the submission.
24. The proposal does not resolve integration issues with the airways structure or adjacent ANSPs, or delegated airspace issues. Integration issues with Cardiff,

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<sup>4</sup> Transport Act 2000, Section 70(2)(b).

<sup>5</sup> Transport Act 2000, Section 70(2)(e).

Bristol, NATS Swanwick and Western Radar were still outstanding when the proposal was submitted.

### **Interests of national security**

25. The CAA is required to take into account the impact any airspace change may have upon matters of national security.<sup>6</sup> There are no impacts for national security.
26. In this respect, the proposal satisfies this requirement.

### **International obligations**

27. The CAA is required to take into account any international obligations entered into by the UK and notified by the Secretary of State.
28. In this respect, the proposal satisfies this requirement.

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<sup>6</sup> Transport Act 2000, Section 70(2)(f).

## Chapter 3

## CAA's Regulatory Decision

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29. Noting the anticipated impacts on the material factors we are bound to take into account, we have decided not to approve the proposal to introduce Class D Controlled Airspace in the area surrounding Exeter Airport, because the submission fails to satisfy several of the CAA's statutory obligations as detailed above and in the Operational Assessment.
30. In addition, whilst the safety argument to protect CAT in the critical stages of flight is sound, the size of the proposed design is fundamentally flawed as it has incorrectly adopted the Containment Policy as a design principle and therefore was unnecessarily designed to PAN-OPS requirements. The Containment Policy is not retrospectively applied to existing instrument flight procedures. By adopting this as a requirement whilst conducting the Options Assessment phase of the CAP 725 process the sponsor failed to consider, or prematurely dismissed, alternative options that may have been better suited as a final solution.
31. The submission also failed to provide any draft LoAs/MoUs which were proposed as suitable means of mitigation for a variety of issues, as these have not yet been resolved, and failed to adhere to the Buffer Policy.

### Conditions

32. There are no conditions associated with this Regulatory Decision.

Civil Aviation Authority

*18 April 2018*