

Proposal to modify NATS (En Route) plc licence in
respect of reporting of certain plans under Condition 10a:
Notice under section 11(2) of the Transport Act 2000

CAP 1352



Published by the Civil Aviation Authority, November 2015

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CHAPTER 1

Introduction

Purpose of this document

- 1.1 This document invites representations on a proposal by the CAA to modify from 31 December 2015 to 30 June 2016 the date by which NATS (En Route) plc (NERL) has to submit certain plans to the CAA in respect of:
- Raising the United Kingdom Transition Altitude (TA); and
 - Implementation of the terminal airspace redesign under the London Airspace Modernisation programme (LAMP).

Views invited

- 1.2 Under section 11(1) of the Transport Act 2000 (the Act) the CAA may modify the conditions of a licence if its holder consents to the modifications. NERL, as licence holder, has given its consent to the modifications proposed in this document.
- 1.3 Under section 11(2) of the Act, before making modifications to a licence the CAA must publish a notice setting out the proposed modifications, their effect and the reasons for the proposal, and must state the period (of not less than 28 days) within which representations may be made regarding the proposed modifications. This document constitutes such a notice.
- 1.4 Any representations about the proposals in this document should be sent, if possible by e-mail, to economicregulation@caa.co.uk by 11 December 2015. Alternatively, comments may be sent by post to:

Paul Taylor
NERL Licence Manager
Markets and Consumers Group
Civil Aviation Authority
4th floor
CAA House
45-59 Kingsway
London WC2B 6TE

- 1.5 The CAA expects to make representations available on its website for other interested parties to read as soon as practicable after the period for written representations expires. Any material that is regarded as confidential

should be clearly marked as such. Please note that the CAA has powers and duties with respect to information under section 102 of the Transport Act 2000 and the Freedom of Information Act 2000.

- 1.6 If you have any questions on this document please contact Paul Taylor on 020 7453 6232 (or by e-mail to paul.taylor@caa.co.uk).

Next steps

- 1.7 Once it has considered representations the CAA will decide what modifications, if any, to make to NERL's licence. It will publish notice of its decision which is proposed to take effect on 31 December 2015.

Chapter 2

Background

- 2.1 In November 2014, and as part of its proposal to transpose the UK-Ireland FAB Performance Plan for 2015-2019, the CAA consulted on the introduction of a new Condition 10a in NERL's licence on the implementation of and reporting on programmes under the Future Airspace Strategy (FAS) Deployment Plan. There were no representations on this proposal and the new condition duly came into effect on 1 January 2015.
- 2.2 The condition required NERL to use reasonable endeavours to implement the major air traffic management modernisation programmes set out in the UK FAS Deployment Plan of December 2012. These included the raising of the United Kingdom Transition Altitude (TA), the terminal airspace redesign under the London Airspace Modernisation Programme (LAMP) and the implementation of the Pilot Common Project.
- 2.3 To help the CAA oversee the implementation of the modernisation programmes the condition required NERL to submit plans to the CAA in respect of TA and LAMP as follows:
- For TA, to submit by 31 December 2015 a detailed project plan for implementing by 31 March 2018 a TA of 18,000ft; and
 - For LAMP, to submit by 31 December 2015 a detailed project plan for the period until 31 December 2017 and an outline plan for the period from 31 December 2017 to 31 December 2019.
- 2.4 The plans were to be subject to consultation with users, so far as reasonably practical, through the process of consultation by NERL on its Service and Investment Plan (SIP). Within the enhanced SIP process, NERL now consults users on the following year's SIP on an interim basis in the middle of the previous year and on a final basis in the autumn. The first SIP meeting after the new Condition 10a came into effect was the interim meeting on 18 June 2015 at which NERL gave details of its latest airspace plans and how these differed from those in the RP2 performance plan. The full SIP meeting took place on 8 October 2015 where the technology and airspace aspects of the SIP were further discussed with users. At the request of airlines a further meeting is due to be held on 19 November to focus specifically on the airspace aspects. As a consequence NERL has extended the period for airlines to make written comments on the SIP until 24 November 2015. NERL will then need time to consider responses from

airlines before formulating detailed plans.

- 2.5 After review, the CAA considers that it should not hold NERL to the original reporting timescale set out above and that additional time should be allowed. The CAA takes this view principally because NERL is still in consultation with its users through the SIP process on the implementation of its evolving capital investment programme of which LAMP (and TA) forms a part. As noted above a further meeting with users is arranged for 19 November 2015 and NERL expects to reflect the outcome of its consultation through the Interim SIP process. In these circumstances the CAA sees little to be gained by holding NERL to the current reporting date of 31 December 2015 while the consultation with users is proceeding. The CAA considers, therefore, that it would be reasonable to extend the reporting date by six months, to 30 June 2016. It is the CAA's preliminary view that this change would not, of itself, adversely affect the interests of users of NERL's services.

Chapter 3

The CAA's proposals

- 3.1 Under section 11 of the Transport Act 2000 the CAA may modify the conditions of a licence if its holder consents to the modifications. Before making modifications the CAA must publish notice of its proposals and the reasons for them and allow at least 28 days for representations.
- 3.2 The CAA's proposals to modify Condition 10a in NERL's licence are in Appendix A which shows the current and proposed texts of paragraphs 3 and 4 of the condition. The only change is to modify the reporting date from 31 December 2015 to 30 June 2016 as highlighted in Appendix A. This change would take effect on 31 December 2015. All other obligations on NERL in relation to the implementation of the modernisation programmes will remain in place.
- 3.3 NERL has consented to these modifications, the reasons for which are set out in Chapter 2.

Appendix A

Proposed modifications to Condition10a

The CAA proposal to modify NERL's air traffic services licence in respect of reporting of plans under Condition 10a with effect from 31 December 2015

Condition	Current text	Proposed text
10a: Implementation of and reporting on programmes under the Future Airspace Strategy ("FAS") Deployment Plan		
Condition 10a, paragraph 3	<p>In relation to the TA programme, by 31 December 2015, and without prejudice to Condition 10 of this Licence, the Licensee shall submit to the CAA a detailed project plan for implementing by 31 March 2018 a TA of 18,000 feet for the airspace that the Licensee is accountable for according to its Licence obligations (Implementation is subject to successful consultation by the CAA in relation to TA, and also any LAMP dependencies) This project plan shall include significant delivery milestones (and the dependencies associated with those milestones), and the implementation plan shall have been subject to consultation with Users. Such consultation shall, so far as is reasonably practicable, take place in the context of the Service and Investment Plan ("SIP") consultation under Condition 10, or any enhancement to that process.</p>	<p>In relation to the TA programme, by 30 June 2016, and without prejudice to Condition 10 of this Licence, the Licensee shall submit to the CAA a detailed project plan for implementing by 31 March 2018 a TA of 18,000 feet for the airspace that the Licensee is accountable for according to its Licence obligations (Implementation is subject to successful consultation by the CAA in relation to TA, and also any LAMP dependencies) This project plan shall include significant delivery milestones (and the dependencies associated with those milestones), and the implementation plan shall have been subject to consultation with Users. Such consultation shall, so far as is reasonably practicable, take place in the context of the Service and Investment Plan ("SIP") consultation under Condition 10, or any enhancement to that process.</p>

Condition	Current text	Proposed text
Condition 10a, paragraph 4	<p>In relation to the LAMP programme, by 31 December 2015, and without prejudice to Condition 10 of this Licence, the Licensee shall submit to the CAA a project plan for LAMP for the period until 31 December 2019. This shall be a detailed plan for the period until 31 December 2017 and an outline plan for the period from 31 December 2017 to 31 December 2019. By 31 December 2017, a detailed plan shall be submitted to the CAA replacing the outline plan for the period to 31 December 2019. These plans shall include significant delivery milestones (and the dependencies associated with those milestones), and any implementation plans shall have been subject to consultation with users including Airports. Such consultation shall, so far as is reasonably practicable, take place in the context of the SIP consultation under Condition 10, or any enhancement to that process.</p>	<p>In relation to the LAMP programme, by 30 June 2016, and without prejudice to Condition 10 of this Licence, the Licensee shall submit to the CAA a project plan for LAMP for the period until 31 December 2019. This shall be a detailed plan for the period until 31 December 2017 and an outline plan for the period from 31 December 2017 to 31 December 2019. By 31 December 2017, a detailed plan shall be submitted to the CAA replacing the outline plan for the period to 31 December 2019. These plans shall include significant delivery milestones (and the dependencies associated with those milestones), and any implementation plans shall have been subject to consultation with users including Airports. Such consultation shall, so far as is reasonably practicable, take place in the context of the SIP consultation under Condition 10, or any enhancement to that process.</p>