

# CAA assessment of the criteria for call in by the Secretary of State of Leeds Bradford Airport's December 2018 airspace change proposal

CAP 1770

A large, abstract graphic composed of overlapping, semi-transparent blue shapes in various shades, ranging from light cyan to deep navy blue, filling the bottom two-thirds of the page.

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## Chapter 1

# Background

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## Introduction

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- 1.1 On 18 December 2018, Leeds Bradford Airport submitted an airspace change proposal to the CAA (“Leeds Bradford Airport ACP, Proposal for Revised Airspace and Instrument Flight Procedures”<sup>1</sup>, ACP reference ACP-2015-10), proposing additional Controlled Airspace and implementation of revised Instrument Flight Procedures that will reduce reliance on conventional navigational aids which are due to be withdrawn. On 15 and 19 February 2019, the CAA received requests for the airspace change decision of this proposal to be called in by the Secretary of State<sup>2</sup> and, also on 19 February, the Secretary of State asked the CAA to assess whether the call in criteria set out in the 2017 Secretary of State Directions to the CAA have been met. The Secretary of State’s request asked the CAA to take into account statutory guidance on the call-in criteria<sup>3</sup> and the details provided in the call in requests when making its assessment. No updates to the airspace change proposal were submitted to the CAA before the deadline for call in requests of 19 February 2019 and so the CAA’s assessment will be made against the details of the proposal submitted on 18 December 2018 (hereafter called the “Leeds Bradford Proposal”).
- 1.2 This report represents the CAA’s assessment of the call in criteria as they apply to the Leeds Bradford Proposal, and will be provided to the Secretary of State to inform his decision whether he has a discretion to exercise to call-in the proposal for decision by himself rather than the CAA.
- 1.3 The remainder of this chapter outlines the relevant Directions and Guidance given to the CAA. Chapter 2 sets out the CAA’s assessment of each of the call in criteria and Chapter 3 gives the CAA’s overall assessment of whether any of the call-in criteria are met such that a discretion for the Secretary of State (SofS) to call in the Leeds Bradford Proposal arises.

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<sup>1</sup> Available on the CAA website at [https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Decisions/FASI\(N\)/](https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Decisions/FASI(N)/).

<sup>2</sup> Available on the CAA website on the same webpage.

<sup>3</sup> Available on the CAA website at

[https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard\\_Content/Commercial\\_industry/Airspace/Airspace\\_change/181007%20Guidance%20to%20the%20Civil%20Aviation%20Authority%20on%20call%20in.pdf](https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Commercial_industry/Airspace/Airspace_change/181007%20Guidance%20to%20the%20Civil%20Aviation%20Authority%20on%20call%20in.pdf).

## Relevant Directions and Guidance

- 1.4 The Civil Aviation Authority (Air Navigation) Directions 2017, issued to CAA on 18 October 2017 contain the primary definition of the call in criteria and the exceptions which the CAA must consider in this assessment.

- (5) For the purposes of this direction, the “call in criteria” are that the proposed change—
- (a) is of strategic national importance,
  - (b) could have a significant impact (positive or negative) on the economic growth of the United Kingdom, or
  - (c) could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.
- (6) This direction does not apply to a proposal which is—
- (a) submitted by, or on behalf of, the MoD,
  - (b) directly related to a planning decision which had already been determined by the Secretary of State,
  - (c) directly related to a planning decision made by another planning authority which involved detailed consideration of changes to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal, or
  - (d) submitted to the CAA for approval before the coming into force of these Directions.

- 1.5 The Secretary of State’s Air Navigation Guidance 2017, providing guidance to the CAA on its environmental objectives when carrying out its air navigation functions and to the CAA and wider industry on airspace and noise management 2017, published in October 2017, states that.

6.7 In accordance with the call-in criteria as set out in the Air Navigation Directions 2017, the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.

- 1.6 The statutory guidance (version 1.1, dated October 2018) which the DfT has requested the CAA takes into account when undertaking a call in assessment is hereafter referred to as “the Guidance” and is set out below:

**Call-in criterion (a) – Strategic national importance**

10. The proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the **overall** delivery of one or more of the following government policies only:

- I. **an Airports National Policy Statement (NPS)**, for example, if the CAA considers that a proposed airspace change could prevent the successful delivery of on-going or future airspace changes that could increase future capacity as agreed in that NPS;
- II. **maintaining UK national security**, for example, a proposal that the CAA has been advised by the Ministry of Defence or another government department might have a national security impact on the operations of a site of critical national infrastructure, such as a nuclear installation or prison;
- III. **the UK's Industrial Strategy as it relates to space ports**, but only where a proposal establishes the airspace needed for operations from the first space ports designed for sub-orbital use and vertical launchers, and which therefore sets the precedent for future design and airspace change decisions;
- IV. **airspace zones specifically linked to the UK policy on the safe use of drones in the UK**, but only in respect of the first proposal to establish the airspace needed for the use of drones commercially (i.e. excluding testing) and which therefore sets the precedent for future design and airspace change decisions.

11. The DfT will notify the CAA at the point it no longer needs to take one or more of the bullet points in paragraph 10 into account.

**Call-in criterion (b) – Could have a significant impact (positive or negative) on the economic growth of the United Kingdom**

12. A proposal would have such an impact if it were directly linked to a plan to increase capacity at an airport or airports by more than 10 million passengers a year.<sup>2</sup> This is the passenger threshold used for an airport to be classed as a Nationally Significant Infrastructure Project.

<sup>2</sup> This will only apply where the SofS has not already reviewed the change through a planning procedure, as per exception II(a)

**Call-in criterion (c) – Could both lead to a change in noise distribution resulting in a 10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life**

13. To enable this criterion to be assessed, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes either (a) an assessment of whether the 54 dB LAeq 16hr test set out in criterion c is met, based on satisfactory noise modelling, or (b) where agreed with the CAA, other satisfactory evidence demonstrating that the anticipated change in noise impacts will not meet this criterion.
14. The Air Navigation Guidance 2017 (section 6.7) states that “the CAA must require that the sponsor assesses whether the anticipated noise impact of its proposals will meet the relevant call-in criterion and provide that assessment to the SofS to enable the expected noise impact to be checked and determined by the SofS.” This assessment must be made for all proposals submitted to the CAA for decision after 1 January 2018<sup>3</sup>, including those that are being considered under CAP 725 and against the Air Navigation Guidance 2014.
15. This criterion<sup>4</sup> concerns proposals that have both “a change in noise distribution ...**and**...an identified adverse impact on health and quality of life”. For the purposes of this assessment, the CAA should consider whether any proposal leading to the specified change in noise distribution in criterion (c) will consequently have “an identified adverse impact on health and quality of life” and therefore will meet this criterion.

### Exceptions

16. Direction 6(6) specifies the following exceptions from the call-in process:
- I. **a proposal which is submitted by, or on behalf of, the Ministry of Defence (MoD)**. This would include a proposal jointly submitted with a civilian sponsor;
  - II. **a proposal directly related to a planning decision:**
    - a. which has already been determined by the SofS; or
    - b. made by another planning authority which involved detailed consideration of changes to flight paths in UK airspace consequential on the proposed development, which the sponsor has taken into account when developing its proposal.
17. In the case of a proposal that is subject to an exception under paragraph 16 above, the CAA is requested to provide its views as to why the exception applies and no detailed assessment of the call in criteria against the proposal is required.

<sup>3</sup> Direction 6(6)(d)

<sup>4</sup> Direction 6(5)(c)

## Chapter 2

## CAA's assessment of the call-in criteria

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- 2.1 In this chapter, the CAA sets out its assessment of the various call in criteria as they pertain to the Leeds Bradford airspace change proposal.
- 2.2 It must first be ascertained whether the airspace change falls into any of the exception categories from 2017 Directions, Direction 6(6), since if it does then – irrespective of other considerations – no detailed assessment of the other call in criteria needs to be made. If the proposal does not appear to be an exception, then it must be assessed against the three call in criteria from 2017 Directions., Direction 6(5).

### Exceptions

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- 2.3 Direction 6(6) states the conditions under which a proposal is exempted from call in. The proposal is exempted if it is:
- Submitted by, or on behalf of, the MoD,
  - Directly related to a planning decision which had already been determined by the Secretary of State, or
  - Directly related to a planning decision made by another planning authority which involved detailed consideration of changes made to flight paths in UK airspace, consequential on the proposed development, which the sponsor has taken into account when developing its proposal.
- 2.4 **Submitted by, or on behalf of, the MoD:** the Leeds Bradford Proposal was submitted by Leeds Bradford Airport, and makes no mention of the proposed changes being made jointly with or on behalf of the MoD. Therefore, the CAA's assessment is that this exception is not met.
- 2.5 **Directly related to a planning decision already determined by SofS:** the CAA is not aware of any planning decision already determined by the SofS to which the Leeds Bradford Proposal is directly related. Nor is there any mention of such in the Leeds Bradford Proposal. Therefore, the CAA's assessment is that this exception is not met.
- 2.6 **Directly related to a relevant planning decision by another authority:** the CAA is not aware of any planning decision already determined by any other body to which the Leeds Bradford Proposal is directly related in the manner specified. Nor is there any mention of such in the Leeds Bradford Proposal. Therefore, the CAA's assessment is that this condition is not met.

2.7 From the analysis above, the Leeds Bradford Proposal does not meet any of the conditions required to be an exception, and therefore it can be called in by the Secretary of State if it meets one or more of the criteria set out in the Directions 5(5).

2.8 The following sections will examine each of these criteria in turn.

## **Of strategic national importance**

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2.9 Direction 6(5)(a) states that an airspace change proposal shall meet one of the call in criteria if it is of strategic national importance.

2.10 The Guidance provided to the CAA states that a proposal would be of strategic national importance if it supports or conflicts with the delivery of national policy to the extent that the approval or rejection of the proposal will impact the overall delivery of one or more of the following government policies only:

- an Airports National Policy Statement (NPS)
- maintaining UK national security
- the UK's Industrial Strategy as it relates to space ports
- airspace zones specifically linked to the UK policy on the safe use of drones in the UK

2.11 **An Airports NPS:** The Government's only Airports NPS was formally designated by the Secretary of State on 26 June 2018. Paragraph 1.12 of the Airports NPS<sup>4</sup> states, "The Airports NPS provides the primary basis for decision making on development consent applications for a Northwest Runway at Heathrow Airport, and will be an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England." There is no mention of airspace in the Airports NPS, and the only mention of Leeds Bradford Airport is in paragraph 3.33 where it is one of the domestic routes that is or is expected to be served at an expanded Heathrow or Gatwick airport. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.

2.12 **Maintaining UK national security:** the CAA has not been advised by the Ministry of Defence or any other government department that the Leeds Bradford Proposal might have a national security impact on the operations of a site of critical national infrastructure. Nor is there any mention of such in the Leeds

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<sup>4</sup> 'Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England', June 2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/714106/airports-nps-new-runway-capacity-and-infrastructure-at-airports-in-the-south-east-of-england-web-version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714106/airports-nps-new-runway-capacity-and-infrastructure-at-airports-in-the-south-east-of-england-web-version.pdf)

Bradford Proposal. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.

- 2.13 **Space ports:** the Leeds Bradford Proposal makes no mention of the proposed changes being made in relation to space ports, nor does it appear to the CAA to be related to this. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.
- 2.14 **Airspace zones for safe use of drones:** the Leeds Bradford Proposal makes no mention of the proposed changes being made in relation to use of drones, nor does it appear to the CAA to be related to this. Therefore, the CAA's assessment is that the approval or rejection of the proposal will **not** impact the overall delivery of this national policy and therefore this condition is not met.
- 2.15 Since the CAA's assessment is that none of the above conditions have been met by the Leeds Bradford Proposal, our assessment is that this criterion is not met.

## **A significant impact (positive or negative) on the economic growth of the United Kingdom**

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- 2.16 Direction 6(5)(b) states that an airspace change proposal shall meet one of the call in criteria if it could have a significant impact (positive or negative) on the economic growth of the UK.
- 2.17 The Guidance provided to the CAA states that a proposal would have such an impact if it were directly linked to a plan to increase capacity at an airport or airports by more than 10 million passengers a year.
- 2.18 In Section 9.2, the Leeds Bradford Proposal discusses traffic forecasts. It mentions that the airport's Strategic Route to 2030 Masterplan, published in 2017, forecasts growth from 3.6m passengers per annum to 7m in 2030, and that this growth was anticipated without taking into consideration a successful ACP outcome. It does not state anywhere that a successful outcome for the Leeds Bradford Proposal is associated with any growth above that forecast in the Masterplan.
- 2.19 Therefore, it seems unlikely to the CAA that the Leeds Bradford Proposal will be directly linked to an increase in capacity of more than 10 million passengers per annum. Therefore, the CAA's assessment is that this criterion is not met.

## **A change in noise distribution and an identified adverse impact on health and quality of life**

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- 2.20 Direction 6(5)(c) states that an airspace change proposal shall meet one of the call in criteria if it could both lead to a change in noise distribution resulting in

10,000 net increase in the number of people subjected to a noise level of at least 54 dB LAeq 16hr and have an identified adverse impact on health and quality of life.

- 2.21 The Guidance provided to the CAA states that to enable this criterion to be assessed, the CAA must ensure that a sponsor submitting any airspace change proposal to the CAA for a decision includes either (a) an assessment of whether the 54 dB LAeq 16hr test set out in criterion c is met, based on satisfactory noise modelling, or (b) where agreed with the CAA, other satisfactory evidence demonstrating that the anticipated change in noise impacts will not meet this criterion.
- 2.22 The Leeds Bradford Proposal (Enclosure 6, Table 3, page 16) calculates the expected noise impact of the airspace change in terms of population subjected to various noise levels. It compares a 'Baseline' scenario (2016 traffic using the existing airspace) with an 'Immediately After' scenario (2016 traffic using the proposed airspace) and reports that the net increase in population exposed to 54 dB is 400, significantly fewer than 10,000. The table is reproduced below:

Contour (LAeq, 16hr)	Baseline		Immediately After	
	Population (1,000s)	Area (km <sup>2</sup> )	Population (1,000s)	Area (km <sup>2</sup> )
54 dB	16.1	15.6	16.5 (+0.4)	15.8 (+0.2)
57 dB	5.1	8.7	5.3 (+0.2)	8.8 (+0.1)
60 dB	1.5	4.8	1.5 (+0)	4.9 (+0.1)
63 dB	0.3	2.6	0.3 (+0)	2.6 (+0)
66 dB	0	1.4	0 (+0)	1.4 (+0)
69 dB	0	0.8	0 (+0)	0.8 (+0)

Source: Leeds Bradford Airport ACP, enclosure 6, Table 3

- 2.23 The CAA would usually require such a noise analysis to be based upon predicted traffic at the date the airspace change is likely to be implemented (in this case 2019). Leeds Bradford airport did not provide these data. However, CAA airport statistics<sup>5</sup> show the number of aircraft movements at Leeds Bradford Airport has fallen from 44.3 thousand in 2016 to 38.7 thousand in 2018, and airline schedules for Summer 2019 indicate that movements in 2019 are likely to be lower than in 2016. Therefore, the analysis provided in the Leeds Bradford Proposal is likely to be an overestimate of the impact on the date of implementation and fulfils condition (b) of DfT's Guidance to CAA above.
- 2.24 Based on the above evidence of noise modelling from the Leeds Bradford proposal and CAA airport statistics, the net increase in population subjected to a noise level of at least 54 dB LAeq 16hr will be lower than 10,000, and so this criterion is not met. However, since the Leeds Bradford Proposal does not directly model noise from the implementation year of the proposed airspace

<sup>5</sup> [www.caa.co.uk/airportstatistics](http://www.caa.co.uk/airportstatistics)

change or the years following, and since the request for the Secretary of State to call in the proposal explicitly highlights an alternative assessment of population exposed to noise, the CAA has undertaken additional analysis.

2.25 First, CAA has validated the area of noise contour in the Leeds Bradford Proposal by comparison with another airport where the CAA has already calculated noise contours. In this case, Stansted Airport has been used, since similar airspace changes have already been implemented there, it is served by a similar commercial aircraft fleet, and noise contours for 2017 have been calculated and published by CAA on behalf of DfT<sup>6</sup>. This analysis indicates that the area reported by the Leeds Bradford Proposal as falling within the 54 dB LAeq 16hr contour (15.8 km<sup>2</sup>) is in line with that reported for Stansted Airport when taking account of the difference in numbers of movements at the two airports (a calculation based on the Stansted data would forecast an area of about 20 km<sup>2</sup> for Leeds Bradford's level of traffic, but since Stansted has more noisy freighter aircraft operating than Leeds Bradford and no quieter Dash 8 aircraft, this is considered an acceptable comparison). Thus, the CAA considers the size of contour calculated by Leeds Bradford in the 'Immediately After' scenario to be acceptable by comparison to those which the CAA has previously calculated for Stansted.

2.26 Second, the CAA has considered the letter of 15 February 2019 requesting the Secretary of State call in the Leeds Bradford Proposal<sup>7</sup>, and the reasons the correspondent believes that this call in criterion may be met. In brief, these are that:

- The amended consultation document said that noise modelling had not taken into account changes in departure profile.
- In a letter to a local MP, Leeds Bradford Airport claimed that the proposal would allow departing aircraft to take off at reduced thrust capacity and ascents would be shallower (providing a slide presenting stylised departure profiles before and after the change indicating this).
- All other things being equal, departing aircraft using shallower ascents will lead to more noise experienced on the ground.

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<sup>6</sup> 'Noise Exposure Contours for Stansted Airport 2017, ERCD Report 1803', <https://live-webadmin-media.s3.amazonaws.com/media/3667/2017-dft-noise-contour-stansted.pdf>.

<sup>7</sup> Available on the CAA website at:

[https://www.caa.co.uk/uploadedFiles/CAA/Content/Accordion/Standard\\_Content/Commercial/Airspace/Airspace\\_Change/20191802%20ACP%202015%2010%20LBA%20ACP%20SoS%20Call-In%20Request%20REDACTED.pdf](https://www.caa.co.uk/uploadedFiles/CAA/Content/Accordion/Standard_Content/Commercial/Airspace/Airspace_Change/20191802%20ACP%202015%2010%20LBA%20ACP%20SoS%20Call-In%20Request%20REDACTED.pdf)

- Using publicly available data and some estimation, an assessment of the likely additional effect of such shallower ascents on LBA's noise modelling to the South of the airport indicates that it is possible an extra 10,000 residents will fall into the 54 dB LAeq 16hr contour.

The CAA notes that the Leeds Bradford Proposal does not state that departing aircraft will take off at reduced thrust capacity and with shallower ascents. Rather, it states in the executive summary that "aircraft can expect to receive clearances to climb higher than the existing SID clearance limit sooner than at present, therefore promoting a continuous climb profile which is seen to be beneficial in terms of noise exposure". Therefore, the Leeds Bradford Proposal document does not align with the underlying premise on which the call in request has been based.

- 2.27 However, even if the Leeds Bradford Proposal led to departures being undertaken at a shallower angle than present, there would be unlikely to be the effect on noise contours estimated in the 15 February call in request letter. The Environmental Impact Report of the Leeds Bradford Proposal states in section 4.2.2 that in 2016, 74% of departures from Leeds Bradford used Runway 32, taking off towards the North West. The analysis in the 15 February call in request letter is based upon extending the noise contour to the South East of the airport, but does not seem to take into account that this contour is produced by 26% of departures and 74% of arrivals, and the noise contribution of the latter would be no different. Thus, even if the Leeds Bradford Proposal led to departures being undertaken at a shallower angle than present, the increase in size of the noise contour produced would be much smaller than that estimated in the letter, and the extra population affected would be unlikely to exceed 10,000.
- 2.28 The above analysis indicates that the net increase in population subjected to a noise level of at least 54 dB LAeq 16hr will be lower than 10,000, and so there is no requirement to assess whether the airspace change proposal has an identified adverse impact on health and quality of life. Therefore, the CAA's assessment is that this criterion is not met.

## Chapter 3

**CAA's overall assessment**

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- 3.1 The CAA has assessed the Leeds Bradford Proposal against the call in criteria in the Directions, taking account of the DfT's Guidance, and found that it does not meet any of the exceptions in the 2017 Directions, but also does not meet any of the call in criteria. Therefore, the CAA's overall assessment is that in accordance with the terms of Directions and taking into account the Guidance, a discretion for the Secretary of State to call in the Leeds Bradford Proposal for decision by himself rather than the CAA does not arise.
- 3.2 In accordance with the terms of the Directions, it is a decision for the Secretary of State whether he agrees with the CAA's assessment and conclusions, or whether he agrees with the CAA's conclusion but for different reasons or whether he reaches a different conclusion.