

## Safety and Airspace Regulation Group

### All NATMAC Representatives

1 October 2014

*Dear Stakeholders,*

### CAA DECISION LETTER

## MINISTRY OF DEFENCE HEBRIDES RANGE - AIRSPACE CHANGE PROPOSAL

### INTRODUCTION

- 1.1 In March 2014, the Airspace Regulation section received a formal proposal from the Ministry of Defence (MOD) to expand the boundaries, currently promulgated by Notice to Airmen (NOTAM), of the Hebrides Range Danger Area, EG D701. My staff undertook a detailed examination of the operational requirements, the environmental assessments and the consultation process, and the purpose of this letter is to provide you with an overview of the proposal and my subsequent decision upon it.

### PROPOSAL OVERVIEW

- 2.1 The Range is operated by QinetiQ on behalf of the MOD and was established to allow hazardous activities to take place, including the release of short, medium and long-range munitions. Over the years the Range has evolved to accommodate modern weapons systems and the current size of the Range is insufficient to support these activities. Additional airspace, mainly to accommodate the safety traces, is currently promulgated by NOTAM, which does not allow the Danger Area to be fully integrated into systems and processes employed by the UK Airspace Management Cell and the EUROCONTROL Network Manager, thereby prohibiting the harmonised and dynamic planning of the air traffic network. The aim of the Airspace Change Proposal (ACP) was, therefore, not to gain more airspace but to regularise existing practices to support these activities that have been undertaken for many years.
- 2.2 The proposed change is the creation of a Danger Area, sized to cover the existing extensions promulgated by NOTAM. This will be done by creating formal volumes of airspace appended to the existing Danger Area instead of the temporary airspace as happens today by NOTAM. The proposed airspace design has been divided into multiple sub-areas to allow flexible and efficient short-term utilisation of airspace specifically matched to individual trials. The design of the revised airspace also takes into account maritime users directly beneath the airspace.

### STATUTORY DUTIES

#### Safety

- 3.1.1 My primary duty is to maintain a high standard of safety in the provision of Air Traffic Services (ATS) and this takes primacy over all other duties<sup>1</sup>. Discussions throughout

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

the ACP process highlighted some useful benefits and 'quick wins' that have been incorporated into existing Letters of Agreement (LoA) and procedures. Whilst difficult to quantify, it is possible from a Human Factors perspective that the current threat posed by NOTAMed coordinates being incorrectly interpreted is reduced by designating areas that are permanently marked on aeronautical and maritime charts. NATS ATC staff and Range control staff will continue to provide monitoring of the Range complex to ensure trials are conducted safely under clear range procedures. I am satisfied, therefore, that there will be no detriment to safety.

### **Airspace Efficiency**

- 3.2.1 I am 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>. The proposed airspace design has been developed to align boundaries of the Danger Area to civil ATS routes, with the appropriate buffer, thereby allowing the maximum number of ATS routes and corresponding Oceanic Entry Points (OEP) to remain usable. Only the minimum required sub-divisions will be activated by NOTAM for a particular trial activity providing further flexibility to the design. Additionally, the proposed airspace has been designed to integrate with the on-going evolution in the Free Route Airspace structure.

### **Airspace Users**

- 3.3.1 I am required to satisfy the requirements of operators and owners of all classes of aircraft<sup>3</sup>. The Sponsor conducted extensive consultation with all affected stakeholders as part of the design process and made amendments accordingly. There is very little VFR GA operating in the vicinity of the Range and such traffic would be afforded access to the Danger Areas when safe to do so. When required for specific trials, the Range ATCOs will provide the appropriate ATS on request and tactically deconflict such flights as appropriate. Airspace users will be afforded the same access to the new Danger Area as they are afforded to today within the NOTAMed airspace.
- 3.3.2 There should be a positive impact on IFR CAT operations as a result of this ACP. It will enable integration into systems and processes employed by the EUROCONTROL Network Manager and the UK AMC, thereby enabling harmonised and dynamic planning of the air traffic network. With fewer OEPs closed due to range activity, it should reduce track miles that would be flown by transatlantic air traffic when compared to the present ad hoc design.

### **Interests of Other Parties**

- 3.4.1 I am required to take account 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<sup>4</sup>. The main stakeholders (MOD, NATS, Highlands and Islands Airports Ltd (HIAL) and the Irish Aviation Authority) have been fully involved in the development of this proposal and the consultation between stakeholders has resolved any outstanding issues that existed. Two LoA are in place for the Hebrides

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

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

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

Range Danger Area and these LoA have been updated to reflect the airspace change and modification of processes and procedures.

### **Environmental Objectives**

- 3.5.1 In performing my statutory duties, I am obliged to take account of the Guidance provided by the Secretary of State<sup>5</sup>. My detailed considerations of the environmental aspects of this proposal are covered later in this letter.

### **Integrated Operation of ATS**

- 3.6.1 I am required to facilitate the integrated operation of ATS provided by, or on behalf of, the Armed Forces of the Crown and other air traffic services<sup>6</sup>. When required for a specific trial, qualified ATCOs contracted from NATS Ltd will provide air traffic services. Activities with other ATS providers will be accommodated in the same fashion as at present, although increased notification processes and additional frequency monitoring will improve awareness out with the airspace.

### **National Security**

- 3.7.1 I am required to take into account the impact that any airspace change may have upon matters of national security<sup>7</sup>. This is a MOD-sponsored proposal and there are no national security issues identified. I am therefore satisfied that national security requirements will not be jeopardised by its implementation.

### **International Obligations**

- 3.8.1 I am required to take into account any international obligations entered into by the UK and notified by the Secretary of State<sup>8</sup>. ICAO was notified on the 11<sup>th</sup> July 2013 of the UK's intention to implement airspace changes that would affect the airspace over international waters. There were no adverse comments following circulation of the proposed change and, in accordance with the Council approved procedures regarding changes over the High Seas, it was agreed that UK could proceed with implementation.
- 3.8.2 To ensure that aircraft routing directly through Shannon airspace are aware of the status of EG D701, the IAA have undertaken to include instructions in the Irish AIP to direct operators to check UK NOTAMs in the North Atlantic Transition Area (NOTA) airspace. Range activity would be added to daily briefings and the IAA has designed new 5LNC Flight Plan points for use when the Range is active, which will be implemented at the same time as the proposed Danger Area.

## **ENVIRONMENTAL CONSIDERATIONS**

- 4.1.1 The purpose of the CAA's environmental consideration of the ACP is to assess the impact of the Danger Area activity on other airspace users and not to consider the environmental impact of the trials that are being conducted. I have considered the

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

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

<sup>7</sup> Transport Act 2000, Section 70(2)(f).

<sup>8</sup> Transport Act 2000, Section 70(2)(g).

impact of air operations outside the Range area and concluded that the proposal should result in an unquantified environmental benefit. At worst, the proposal is unlikely to result in a CO<sub>2</sub> increase; however, the introduction of smaller sub-areas within the overall Range structure allows for only the minimum volume of airspace to be activated commensurate with safe operation of a particular trial and the more intelligent and flexible reservation of airspace in the Network in turn should enable better access to OEPs that would not be possible with the current design.

- 4.1.2 From a wildlife viewpoint the QinetiQ Environmental Management procedure is followed for all trials at the Range. Each type of trial has an environmental assessment and these procedures will continue to be used. It is not considered that there is any requirement to obtain further approval from the Secretary of State for Transport in respect of the environmental impact of this proposal.

## CONSULTATION

- 5.1.1 The Sponsor undertook consultation in accordance with the requirements of CAPs 724 and 725. This was a relatively straightforward consultation, made easier by the focus group activity carried out prior to the consultation itself and the material presented was indicative of the thorough manner in which the consultation and associated engagement was undertaken.
- 5.1.2 Sixty three organisations were identified as key stakeholders and each was formally notified by either letter, email or both, at the start of the consultation process. Reminders were sent four weeks prior to the end of consultation to those addressees who had not responded. The consultation was also advertised in the local press, providing a web and email address to enable readers to access the consultation document and provide an electronic response.
- 5.1.3 Just under 50% of those consulted replied and only two aviation organisations initially objected. However, following further correspondence and meetings, these two objections were lifted subject to procedures being reviewed. The main recurring themes were: reassurance that the ACP would not induce an increase in Danger Area activity; that access to the Danger Area would be no more difficult than today; and no more OEPs would be closed on an annual basis compared to current closures. All these main concerns have been addressed in the LoA, Protocols and, where not already covered, in an update of Range Orders.
- 5.1.4 Two months after the consultation period was concluded, a meeting with the IAA and Shannon ACC revealed a suggestion that an internal realignment of one area could potentially free up an additional OEP within the NOTA if a certain sequence of sub-areas were active/non-active. Enclosure 1 shows a pictorial representation of the proposed structure and it was proposed EG D701X should be reduced in size so as not to enter the NOTA and EG D701O increased. It was perceived that if D701X was activated and the adjacent D701O was not, then aircraft would not be able to route MIMKU to AGORI. Following investigation, it was determined that it was highly unlikely EG D701O would not be activated when EG D701X was. This should be monitored and considered in the Post Implementation Review.
- 5.1.5 There were two other responses raised by non-aviation associated organisations. These were not directly related to airspace and in both cases they were matters relevant to current activities in the Range.

## REGULATORY DECISIONS

- 6.1.1 I am content that the proposed airspace design is safe, which satisfies my primary statutory duty. Thereafter, when considering the competing demands of my remaining duties, I am satisfied that the arrangements presented deliver numerous benefits from a more formalised structure. On consideration of all the facts, I have decided to approve the revised EG D701 structure.
- 6.1.2 Implementation of the proposed change is planned with an effective date of 5<sup>th</sup> February 2015 aligned to an Aeronautical Information Regulation And Control (AIRAC) date. My staff will review the effectiveness of the arrangements approximately 12 months after implementation (Q1 2016). If you have any queries, the SARG Project Leader is Richard Moyes who can be contacted on 020 7453 6543 or [richard.moyes@caa.co.uk](mailto:richard.moyes@caa.co.uk).

*Yours sincerely,*  
*Mark Swan*

Mark Swan

Group Director  
Safety and Airspace Regulation

Enclosure 1: EG D701 Hebrides Range Pictorial Representation.

