

Safety and Airspace Regulation Group

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Airspace Change Proposal - Consultation Assessment

Version: 1.0/ 2016

Title of Airspace Change Proposal	Birmingham Airport Runway 33 Standard Instrument Flight Procedures
Change Sponsor	Birmingham Airport Limited
SARG Project Leader	[REDACTED]
Case Study commencement date	10 th August 2018
Case Study report as at	4 th September 2018
File Reference	ACP-2016-15

Instructions

In providing a response for each question, please ensure that the 'Status' column is completed using the following options:

- Yes
- No
- Partially
- N/A

To aid the SARG Project Leader's efficient Project Management it may be useful that each question is also highlighted accordingly to illustrate what is resolved Green not resolved Amber or not compliant Red as part of the SARG Project Leader's efficient project management.

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1.	Consultation Process	Status
1.1	<p>Is the following information complete and satisfactory?</p> <ul style="list-style-type: none"> • A copy of the original proposal upon which consultation was conducted. • A copy of all correspondence sent by the sponsor to consultees during consultation. • A copy of all correspondence received by the sponsor from consultees during consultation. • A referenced tabular summary record of consultation actions. • Details of and reasons for any changes to the original proposal as a result of the consultation. • Details of further consultation conducted on any revised proposal. 	<p align="center">YES</p> <p align="center">YES</p> <p align="center">YES</p> <p align="center">YES</p> <p align="center">YES</p> <p align="center">N/A</p>
1.2	<p>Were reasonable steps taken to ensure all necessary consultees actually received the information e.g. postal/e-mail/meeting fora?</p> <p>The consultation was launched by written correspondence (letter and email – copies of which have been seen) on the 3rd July and this was distributed to a total of 254 “<i>stakeholder consultees</i>” (all of which are listed in Appendix B of the ‘Sponsor Consultation Report’). Due to an oversight, the change sponsor failed to contact the elected representatives of a number of local council wards when the consultation was originally launched. Although this matter was satisfactorily resolved through an extension to the consultation period (see section 1.5 below for further information), the oversight only became apparent to the change sponsor when concerns were raised by consultees.</p> <p>To promote awareness beyond the “<i>stakeholder consultees</i>” that had been approached directly, the change sponsor made use of Public Notices, Social Media accounts, community roadshows, individual meetings/briefings and local TV and Newspaper coverage.</p> <p>The consultation document and supporting material was stored on a dedicated webpage and in any case where the change sponsor became aware of accessibility issues encountered by stakeholders, they made alternative arrangements to distribute electronic copies via email or hard copies by post.</p>	<p align="center">PARTIALLY</p>
1.3	<p>What % of all aviation consultees replied? (Include actual numbers).</p>	<p align="center">10% (7)</p>

The change sponsor targeted a total of 66 aviation consultees (30 from the 'aviation industry' and 36 'airlines'). A total of 7 aviation consultees (5 'aviation industry' and 2 'airlines') responded to the consultation; 2 (29%) supported the airspace change proposal with the remaining 5 (71%) determining that their position was "neutral".

The aviation industry consultees which responded to the consultation, along with a summary of the feedback which they provided, are listed below:

British Gliding Association – supportive of the proposal as it looks to exploit the potential benefits of RNAV as opposed to being a simple replication of pre-existing conventional procedures.

British Microlight Association – no comments to make on proposal.

Guild of Air Traffic Controllers – supportive of the proposal as their membership is committed to the concept that their profession shall enable safe, orderly and expeditious flows of air traffic. They also stated that it "*will be incumbent upon the regulator to ensure that Birmingham Airport and NATS provide enough and adequate training on the use of the new departure and arrival procedures and their interactions with other traffic flows, to ensure the proposed changes can be delivered safely*".

Ministry of Defence (MoD) – no concerns or observations regarding the proposal.

NATS – no fundamental objections to the implementation of the new procedure design but made some observations and specified a number of requirements; of particular note was the request to coordinate any planned implementation date with both Prestwick and Swanwick Centres so that the necessary internal procedure/system changes and controller training/briefing can be programmed accordingly. NATS also advised that the planned implementation date should be aligned with the Prestwick Lower Airspace Systemisation changes planned for AIRAC 13/2018.

The airline consultees which responded to the consultation, along with a summary of the feedback which they provided, are listed below:

Aer Lingus – proposed that the new SIDs should be designed without a published level cap at BIMBA, thereby allowing an unrestricted climb profile to be planned and the associated reduced fuel requirement. The change sponsor discussed this counter-proposal with its appointed instrument flight procedure designer and was advised of the PANS OPS requirement for all Standard Instrument Departure (SID) procedures to terminate at a set altitude that is achievable. The change sponsor's inability to facilitate Aer Lingus' counter-proposal was well documented in the 'Sponsor Consultation Report', which also noted that the proposed new reporting point is aligned with the wider Prestwick Lower Airspace Systemisation (PLAS) programme which has been developed to deliver efficiencies in the En-Route network.

TUI – suggested (see Serial 32 in 'Sponsor Consultation Report') that the SID designs did not contain enough detail and stated that the airline operators would fly them in accordance with the Aeronautical Information Publication (AIP) and not with the routing desired by the airport, highlighting that this would have a negative impact on local communities. The change sponsor subsequently raised these concerns with their approved procedure design organisation and their formal response was forwarded on to TUI.

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1.4	<p>What % of all environmental consultees replied? (Include actual numbers).</p>	8% (15)
<p>The change sponsor targeted a total of 188 environmental consultees and these can be grouped as follows:</p> <p>Elected Representatives: Members of Parliament (MPs) (11), Councillors (88), Local Authority Officers (7) Representative Bodies: County/Metropolitan/District/Parish Councils (15), Residents Association (9), Airport Consultative Committee (35) Environmental Agencies/Organisations (13) Regional Economy (10)</p> <p>A total of 15 environmental consultees (2 MPs, 5 Parish Councils, 1 Residents Association, 1 Airport Consultative Committee, 3 Environmental Agencies/Organisations, 1 Birmingham City Council Councillor, 1 Local Authority Officer and 1 Quinton Ward Councillor) responded to the consultation; 3 (20%) were <i>“for”</i>, 4 (27%) were <i>“neutral”</i> and 8 (53%) were <i>“against”</i> the proposals. See section 1.6 below for further information on the concerns raised by those environmental consultees that were <i>“against”</i> the proposal and for a summary of actions subsequently taken by the change sponsor in response to them.</p> <p>In addition to the environmental consultees that were specifically targeted by the change sponsor, a total of 492 consultees responded to the consultation; 36 (7%) were <i>“for”</i>, 5 (1%) were <i>“neutral”</i> and 451 (91%) were <i>“against”</i> the proposals. Of the 451 (91%) consultees that confirmed they were against the proposals, 239 (53%) were received from residents of Castle Bromwich. The vast majority of these responses were submitted through the online Consultation Response Form with the remaining number completing hard-copies of the Consultation Response Form and submitting them via email/post.</p> <p>In their ‘Sponsor Consultation Report’ and ‘Formal Airspace Change Proposal’, the change sponsor references two petitions (328 and 470 signatories) raised by the residents of Castle Bromwich and Curdworth. The change sponsor confirms that the 328 signatories petition <i>“was received in full”</i> and that they were only <i>“advised”</i> of the other petition (470 signatories) when it was referenced in a formal consultation response. The ‘Consultation Response Document’ does not confirm which petition belongs to which location and the contents of these petitions are unknown to the CAA as they were not submitted by the change sponsor. However, concerns raised by residents from each of these locations were captured in the key themes identified by the change sponsor (see Section 1.6 below for further information).</p>		
1.5	<p>Were reasonable steps taken to ensure as much substantive feedback was obtained from the consultees e.g. through follow-up letters/phone calls?</p>	YES
<p>The consultation was launched by written correspondence (letter and email – copies seen) on the 3rd July, with the correspondence including the change sponsor’s justification for pursuing an airspace change proposal, confirmation of the start/end dates and a link to the relevant webpage on which the consultation document, together with supporting information, was stored. Stakeholders were also encouraged to share this email with their <i>“network of contacts”</i> and were advised that <i>“a series of consultation events in affected</i></p>		

communities” would be staged up until the 21st July. To support the launch of the consultation and promote awareness beyond the “*stakeholder consultees*”, the change sponsor claims to have made use of Public Notices, Social Media accounts, local TV and Newspaper coverage, but no supporting evidence was provided in their formal airspace change proposal submission. Although no hard-evidence was provided to support this statement, given the scale and breadth of responses to the consultation I am satisfied that the change sponsor has done as they have stated.

On the 7th August, approximately five-weeks in to the consultation, the change sponsor published Frequently Asked Questions (FAQs) on their webpage in order to address some of the key themes which emerged during the initial weeks of the consultation and stakeholders were informed of this addition via email correspondence (copy seen). The addition of FAQs demonstrates the change sponsors willingness to ensure that their consultation gave “*sufficient reasons for any proposal to permit intelligent consideration*” which is one of the key Gunning Principles.

A reminder/hastening email (copy seen) was distributed on the 29th August – eight-weeks in to consultation. The email was very similar to the original launch correspondence in that it clearly stated the purpose of the consultation, confirmed the start/end dates and included a link to the relevant webpage on which the consultation document, together with supporting information, was stored.

Responding to concerns raised by a number of consultees in relation to the 250-character limit contained on the ‘Consultation Response Form’, the change sponsor decided to remove the limit and informed all stakeholders of this removal in an email (copy seen) dated 21st September, inviting those that had already responded to re-submit. Whilst it is commendable that the change sponsor was proactive in taking such an action in response to concerns raised, it is noted that the email notification was not distributed to stakeholders until two-weeks after the actual removal of the character limit.

Throughout the duration of the consultation, the change sponsor hosted a total of 12 “*Community Roadshow*” events and 2 Public Meetings so that members of the public could find out about the consultation and the likely effects of the proposals on local communities. In addition, the change sponsor facilitated constructive meetings with elected representatives who had expressed concerns on behalf of their constituents, once again demonstrating their commitment to ensure sharing information.

As the consultation took place during the busy summer holiday period, the change sponsor extended the duration of it to 14-weeks, thereby ensuring that there was “*adequate time for consideration and response*”, another key Gunning Principle. Although it was originally due to close on the 9th October, the consultation was subsequently extended to the 16th November (adding just over 4-weeks). The decision to extend the consultation was made by the change sponsor once they became aware of an oversight which meant that they had failed to contact the elected representatives of a number of local council wards when the consultation was originally launched. This additional time would have allowed those elective representatives time to consider and respond to the consultation, thereby demonstrating the change sponsors commitment to obtain as much substantive feedback as they could during the consultation.

1.6

Have all objections to the change proposal been resolved (or sufficiently mitigated)?

YES

Having sampled a selection of the consultee responses, I am satisfied that the change sponsor has correctly identified the key themes; a comprehensive list of 41 key themes were identified in total and these were grouped under the following headings:

- Issues common across all flightpaths
- Issues specific to TRENT/BIMBA
- Issues specific to MOSUN
- Issues specific to southbound flightpath
- Technical Issues
- Issues surrounding the consultation

Upon reviewing the 'Sponsor Consultation Report' and associated correspondence between change sponsor and consultees, I am also satisfied with the way in which the change sponsor has responded to each of the key themes identified (see Appendix C of 'Sponsor Consultation Report'). The following key themes are worth noting for the purpose of this assessment:

Issues specific to TRENT/BIMBA: Serial 11 – concerns over the removal of the Whitegate SID and consequent doubling of traffic on TRENT/BIMBA

Consultees from the Castle Bromwich area, which accounted for 53% of the 451 'other stakeholders' (i.e. those not directly contacted by the change sponsor) which objected to the proposals, raised concerns about the increased level of traffic that would likely be passing overhead if the proposed change was approved and implemented, as well as highlighting that they were also impacted by the southbound flightpath.

The change sponsor facilitated two separate "Community Roadshow" events in Castle Bromwich, which attracted a large number of attendees (100 at each). With the support of the local MP and ward councillor, the Castle Bromwich Airport Forum (CBAF) was established after the second Community Roadshow and further dialogue was sought with the change sponsor. The latter agreed and two meetings (31st August 2017 and 3rd October 2017) took place during the consultation and dialogue has been maintained between both parties with further meetings having taken place since the consultation ended on the 16th November 2017. These meetings resulted in the CBAF submitting an alternative proposal, which was rejected following a detailed analysis of it by the change sponsor. The change sponsor clearly explained their reasoning for rejecting CBAF's proposal (the change sponsor concluded that it failed to meet their design criteria (replication of pre-existing SIDs) and that it would increase the number of properties overflowed) in a letter that was dispatched to them on the 23rd February 2018 (copy seen).

Issues specific to southbound flightpath: Serial 22 – request consideration of a re-designed southbound route, to overfly J9 M42 and take traffic north of Curdworth

Curdworth Parish Council and residents of the village raised concerns in relation to the potential impact of Option 2 (the option designed to replicate the mean track of the majority of aircraft movements flying the pre-existing SID and the change sponsor's preferred option) for the southbound flightpath and these were adequately reflected in the key themes identified by the change sponsor. It is understood that these concerns were supported by a petition that was submitted by the residents of Curdworth, (copy not seen). In their response to the consultation, Curdworth Parish Council encouraged the change sponsor to consider methods to:

“put in place sufficient measures to reinforce the use of a flight plan or similar that guides aircraft within Birmingham over the road island known as “Clock Garage” then northwards towards the north of the “Tyburn House” road island before veering north eastwards over “Peddimore” and onwards north of Junction 9/M42 (Dunton Island) before turning southwards over Shustoke Reservoir.”

Several Curdworth residents also stated that Option 1 (the option designed to replicate the Noise Preferential Route) would be preferable as it would keep traffic to the north of the village.

In response to these specific concerns, the change sponsor commissioned their approved procedure design organisation to investigate the feasibility of such a routing and have included a modified design for the southbound procedures within their formal airspace change proposal submission (see Sections 7 and 27 of the Birmingham Airport Airspace Change Proposal document and Appendix A of the Sponsor Consultation Report). The “minor track amendment” moves the nominal SID centreline approximately 0.4km to the north in the vicinity of Curdworth.

Issues surrounding the consultation: Multiple Serials (34 to 41)

The change sponsor identified several key themes concerning the conduct of the consultation and these are summarised below:

Inadequate consultation arrangements/insufficient Consultation Roadshows/Public Meetings – the change sponsor originally planned to facilitate/host a total of 12 “*Consultation Roadshows*” at various locations that were selected due to their close proximity to those areas most likely to be affected by their proposal. These were complimented by two further Roadshows which were subsequently added to the schedule in response to requests from specific communities. Additionally, the change sponsor met with the CBAF on two separate occasions during the course of the consultation and in response to requests from elected representatives, facilitated a number of individual briefings throughout the consultation.

Late notification – due to an oversight, the change sponsor failed to contact the elected representatives of a number of local council wards when the consultation was originally launched. However, they took satisfactory mitigating action by extending the end date to the 16th November, adding just over 4-weeks on to the total duration.

Insufficiently published – the change sponsor made use of Public Notices, Social Media accounts, Community Roadshows, individual meetings/briefings and local TV and Newspaper coverage to promote the consultation. 254 “*stakeholder consultees*” were contacted directly when the consultation was first launched and although the response rate (22 (9%)) was relatively low, they did receive a further 492 responses from “*other consultees*”. This suggests that information concerning the consultation was accessible and that the change sponsor was successful in its efforts to raise awareness beyond those “*stakeholder consultees*” that were specifically targeted when the consultation was originally launched.

Too complex/not clear enough – there is clearly a technical process to be followed when developing new instrument flight procedures and this is something that will inevitably be reflected in the associated consultation. The difficulties faced by a change sponsors when consulting with the broad range of stakeholders that have an interest in airspace change proposals is completely appreciated as their (the stakeholders) ability to understand/appreciate the technicalities varies greatly when you consider the whole spectrum (stakeholders will include the airlines that are actually flying the instrument flight procedures (aviation experts) as well as local residents that are living underneath and effected by them (non-aviation experts)). Consequently, it can be difficult for the change sponsor to balance the various needs/requirements of the stakeholders and ‘pitch’ the consultation at an appropriate level for all of them.

In this instance, the change sponsor included a section titled “*Background for the changes to flightpaths*” in their consultation document to articulate (for example) the flightpaths in place at the airport, the difference between conventional and RNAV instrument flight procedures and how the proposed flightpaths had been developed. The consultation document also included a comprehensive summary of the proposal and maps displaying both the pre-existing and proposed routes plotted against an Ordnance Survey background.

As referenced above, the change sponsor hosted a total of 12 “*Community Roadshow*” events and 2 Public Meetings throughout the course of the consultation. These events were specifically designed to provide an opportunity for stakeholders to have the proposals explained to them in person and to allow them the opportunity to seek further clarification as required directly from the change sponsor.

Consultation Response Form – concerns focussed on the “*loaded questions*” contained on the form, that there was insufficient space to provide a suitable response (250-character limit) and that by encouraging stakeholders to respond via the online form, the change sponsor was disadvantaging those who did not have access to suitable IT equipment. These concerns reflect those raised by the CAA and shared with the change sponsor when we originally reviewed the draft consultation material prior to the launch of the consultation; the following was included in an email to the change sponsor on the 27th June 2017:

“Needs to be more than just an online form. While this is useful from an analysis perspective CAP 725 talks about helping people to participate. Consider using a postal address and an email address as this will give people the opportunity to present information to you that they may not be able to (due to word count etc) using the online form.”

Whilst the change sponsor did subsequently include a postal address in their consultation document the wording which appeared immediately before and after stated “you may also write to obtain a form for completion by hand to” and “we will post a form and a reply-paid envelope to you”. However, the change sponsor did also invite stakeholders to contact them by emailing airspaceR33@birminghamairport.co.uk. Whilst it is perfectly reasonable for the change sponsor to have a preferred option for receiving consultation responses, stakeholders should not be restricted to one option, so the concerns raised within this key theme do have merit and are therefore appreciated. That being said, I am satisfied that the feedback collated through the use of the Consultation Response Form has enabled the change sponsor to understand and identify a comprehensive list of key themes (41 in total) for their consideration and it is clear that all stakeholders were given the opportunity to respond and provide their feedback throughout the consultation period. It is also worth noting that the change sponsor did respond to concerns raised in relation to the Consultation Response Form during the consultation by removing the 250-character limit.

Not a genuine consultation – for a consultation to be considered ‘meaningful’, it must be possible for the consultee to have an impact on the outcome and therefore it is essential that consultees understand how their responses can/will influence the final proposals which are ultimately submitted to the CAA (see ‘Consultation Process’ section of the Consultation Document). It is also important for the consultee to understand that a consultation is not a vote or a referendum; whilst the majority may object to what is being proposed, that does not necessarily mean that it (the proposal) should not be pursued. So long as the change sponsor is prepared to be influenced and where appropriate modify their proposal in response to concerns raised (as is the case in this instance with the amendment to the southbound flightpath), their consultation can be deemed to have been ‘meaningful’.

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Outstanding Issues

Serial	Issue	Action Required
1	NATS – coordination of planned implementation date with both Prestwick and Swanwick Centres and alignment of implementation date with AIRAC 13/2018	I have not seen a response from the change sponsor to NATS so unable to determine whether NATS is satisfied that such coordination is in hand.
2	Serial 32 in 'Sponsor Consultation Report'	I have not seen the subsequent correspondence between change sponsor and consultee so unable to determine whether or not the action taken by the change sponsor was satisfactory.

Additional Compliance Requirements (to be satisfied by Change Sponsor)

Serial	Requirement
1	
2	

Recommendations

	Yes/No
Does the Consultation Report and associated material meet SARG requirements?	YES
The Consultation Report and associated material was both well-presented and comprehensive and therefore I am satisfied that it meets regulatory requirements. See general summary below for more information.	

General Summary

The consultation material was clear, written in plain-English and was suitable for all audiences. It included a section titled “*Background for the changes to flightpaths*” which clearly articulated (for example) the flightpaths in place at the airport, the difference between conventional and RNAV instrument flight procedures and how the proposed flightpaths had been developed. Options were also clearly set out in the consultation material along with the change sponsor’s rationale for pursuing their preferred option (replicate the existing published flight paths).

Although an initial oversight by the change sponsor meant that the elected representatives of a number of local council wards were not contacted when the consultation was originally launched, proactive steps were taken to ensure that the consultation was promoted by various means. In addition to direct email contact, the change sponsor made use of Public Notices, Social Media accounts, community roadshows, individual meetings/briefings and local TV and Newspaper coverage to raise awareness of the consultation associated their airspace change proposal.

Notwithstanding the concerns raised and well-documented above concerning the ‘Consultation Response Form’, the change sponsor provided suitable opportunities for all stakeholders to respond and provide their feedback throughout the consultation and as a result, they were able to identify a comprehensive list of key themes. Each theme, along with the change sponsors response to them, were documented in the ‘Sponsors Consultation Report’. As documented above, the subsequent amendments made to the design by the change sponsor demonstrates that this consultation was ‘meaningful’. It is my conclusion that that it meets the required regulatory standards and that it should be approved.

Comments & Observations

The fundamental principles of effective consultation are targeting the right audience, communicating in a way that suits them, and giving them the tools to make informative, valuable contributions to the proposals development. I am satisfied that these principles have been applied by the change sponsor before, during and after the consultation. I am also satisfied that the change sponsor has conducted this consultation in accordance with the requirements of CAP 725, that they have demonstrated the Government’s consultation principles and that the consultation has:

- Taken place when the proposal was at a formative stage – evidenced by the amendment made to the southbound flightpath following feedback received from consultees.
- Presented the consultation material clearly and outlined the potential impacts that needed to be considered – evidenced by the consultation document itself plus the facilitation of numerous roadshows and individual meetings/briefings to ensure that stakeholders were provided with a suitable amount of information.
- Provided a sufficient timeframe to allow considered responses – evidenced by a 14-week consultation, which was subsequently extended by 4-weeks.

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- Taken into account the product of the consultation – evidenced by the amendment made to the southbound flightpath following feedback received from consultees.

Consultation Assessment Sign-off/ Approvals	Name	Signature	Date
Consultation Assessment completed by:	██████████ Airspace Regulator (Communities & Coordination)	████████████████████	4 th September 2018
Consultation Assessment approved by:	██████████ Manager Airspace Regulation	████████████████	15/02/2019
Manager Airspace Regulation Comments:			

Hd AAA Comment/ Approval	Name	Signature	Date
Consultation Assessment Conclusions approved:	██████████ Head of Airspace, ATM & Aerodromes	████████████████████	21.02.2019
Head of Airspace, ATM & Aerodromes Comments: I have no further comments to add to the comprehensive summary above. I approve the conclusions reached.			

