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31 March 2023

Dear Richard,

REVISIONS TO AIR NAVIGATION DIRECTIONS

I am giving you these Directions in exercise of the powers conferred by sections 66(1), 68 and 104(2) of the Transport Act 2000.

Although these new Directions are based on the Air Navigation Directions 2017, as amended, I wish to bring your particular attention to the new Direction 13 on lost communications. Government is keen to ensure that the number of lost communication incidents between ground-based controllers and civilian pilots is reduced and that pilots are reminded of the need to follow correct communication procedures at all times, when required to do so.

The Directions also include some modifications to Government's priorities with respect to air navigation. The main change is to emphasise the importance of delivering the UK's Airspace Modernisation Strategy which is central to creating a UK airspace design which is efficient, safe, and more environmentally friendly.

The CAA has a crucial role to play in the delivery of this Strategy and I look forward to your help and support in ensuring that it is implemented successfully.

*Yours,
Charlotte*

BARONESS VERE OF NORBITON

DIRECTIONS

The Civil Aviation Authority (Air Navigation) Directions 2023

The Secretary of State for Transport in exercise of the powers conferred by sections 66(1), 68 and 104(2) of the Transport Act 2000^(a) gives the following Directions.

Citation, commencement and application

1.—(1) These Directions may be cited as the Civil Aviation Authority (Air Navigation) Directions 2023 and they come into force on 1st April 2023.

(2) These Directions are given to the CAA.

Interpretation

2. In these Directions—

“the Act” means the Transport Act 2000;

“airspace design” means the structures of UK airspace and the flight procedures used within UK airspace;

“AMS” means the UK’s Airspace Modernisation Strategy being a coordinated strategy for the use of all UK airspace for air navigation up to 2040;

“airspace trial” means—

changes to airspace design, or ATC operational procedures (which if subsequently made permanent would constitute a relevant PPR), of a temporary nature for the purposes of—

(a) investigating the feasibility of, or validating proposals for, innovative airspace design, technology or ATC operational procedures, or

(b) assessing its performance and effect, or

(c) supporting the development and integration of new airspace user groups into UK airspace;

“ANSP” means the holder of a licence granted under section 6 of the Act or of an exemption granted under section 4 of the Act;

“ATC” means Air Traffic Control;

“the CAA” means the Civil Aviation Authority;

“flight procedures” means a set of predetermined segments intended to be followed by a pilot when arriving to or departing from an aerodrome, which procedures are either instrument flight procedures or visual flight procedures;

“JANSC” means the Joint Air Navigation Services Council;

“the MoD” means the Ministry of Defence;

“new airspace user groups” means new users of UK airspace such as Space Ports and Unmanned Aircraft Systems;

“planned and permanent” means other than a day-to-day or at the time decision taken by an air traffic controller or other decision maker;

“PPR” means planned and permanent redistribution of air traffic through changes in ATC operational procedure;

(a) 2000 c. 38.

“relevant PPR” means a PPR which falls within the description in paragraph 1 of Schedule 1 to these Directions;

“UK AIP” means the Aeronautical Information Publication for the United Kingdom; and

“UK airspace” means airspace in managed areas (which has the meaning given in section 72(3) of the Act (interpretation)).

Airspace design

3. The CAA must—

- (a) develop and publish a national policy for the classification of UK airspace,
- (b) classify UK airspace in accordance with such national policy, publish such classification, regularly consider whether such classification should be reviewed, carry out a review (which includes consultation with airspace users) where the CAA considers a change to classification might be made and, as the CAA considers appropriate, amend any classification in accordance with procedures developed and published by the CAA for making such amendments,
- (c) in developing the national policy referred to in sub-paragraph (a), classifying UK airspace under sub-paragraph (b), or amending the classification of a volume of airspace under that sub-paragraph, seek to ensure that the amount of controlled airspace is the minimum required to maintain a high standard of air safety and, subject to overriding national security or defence requirements, that the needs of all airspace users are reflected on an equitable basis,
- (d) develop and publish rules, guidelines, technical design criteria and common procedures for the use of UK airspace,
- (e) ensure that an Aeronautical Information Service is provided for UK airspace, including the CAA being responsible for the form and content of the UK AIP, in accordance with international obligations (including Annex 15 of the International Convention on Civil Aviation),
- (f) maintain and keep under review the AMS and consult the Secretary of State in relation to the AMS including any current or future implementation plans associated with it, and
- (g) report to the Secretary of State annually on the delivery of the AMS.

Proposals for airspace design changes: procedure and guidance

4.—(1) The CAA must develop and publish procedures, and guidance on such procedures, for the development, making and consideration of a proposal for—

- (a) a permanent change to airspace design,
- (b) a temporary change to airspace design, or
- (c) an airspace trial.

(2) All procedures developed and published under paragraph (1) must reflect Government policy, be proportionate, and aim to expedite such proposals.

(3) For proposals falling within paragraphs (1)(a) and 1(b) which commence consultation on or after 1st April 2023 the procedures, guidance etc under paragraph 1 must require the sponsor of the proposed permanent change to airspace design to assess whether the criterion referred to in direction 6(7)(c) would be met and to provide such assessment to the CAA when making the proposal.

(4) The CAA must publish a prioritisation principles document which sets out its approach to the consideration of airspace change proposals, including how it will prioritise those submitted to it for decision. That document must take into account the AMS and any associated implementation plan, the priority needed to be given to urgent safety and national security proposals, and any other policy objective notified to the CAA by the Secretary of State.

(5) In respect to proposals under paragraph (1) submitted by or on behalf of the MoD, the CAA must not take into account any impacts on the environment resulting from the use of aircraft operating by or on behalf of the armed forces of the Crown.

Proposed permanent change to airspace design

5.—(1) In accordance with its published strategy (including the AMS), procedures, and policy on the design and classification of UK airspace, the CAA must decide whether to approve a proposal for a permanent change to airspace design.

(2) The CAA may make its approval of a proposal subject to such modifications and conditions as the CAA considers necessary.

Secretary of State's call-in power

6.—(1) Subject to paragraph (9), the CAA must notify the Secretary of State where, in respect of a proposal received for a permanent change to airspace design, the CAA has received what it considers is a request to refer the proposal to the Secretary of State for determination on the grounds that one or more of the call-in criteria has been met.

(2) After notifying the Secretary of State under paragraph (1) of a request received for a proposal to be referred to the Secretary of State, the CAA must provide to the Secretary of State an assessment of whether the CAA considers the proposal meets one or more of the call-in criteria.

(3) An assessment for the purposes of paragraph (2) must take account of any guidance which the Secretary of State has given to the CAA.

(4) Where following a notification under paragraph (1) the Secretary of State considers that one or more of the call-in criteria has been met, the Secretary of State may require the CAA to refer the proposal concerned to the Secretary of State for determination.

(5) The CAA—

- (a) is not to refer a proposal under paragraph (4) until it has considered the proposal and reached a view on whether or not it would be minded to approve the airspace change proposed (with or without modification or conditions), and
- (b) is to inform the Secretary of State of its view when referring the proposal under paragraph (4).

(6) Where the Secretary of State has not requested the CAA to refer the proposal under paragraph (4), the CAA is to proceed to determine the proposal in accordance with direction 5.

(7) 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 U K, 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.

(8) For the purpose of assessing whether the requirement in paragraph 7(c) is met, the CAA shall—

- (a) consider the largest such noise increase expected in the 10 years following the anticipated implementation date of the proposed airspace change, and
- (b) identify whether any worsening of health and quality of life measurement is anticipated as a result of the airspace change.

(9) This direction does not apply to a proposal which is—

- (a) submitted by or on behalf of the MoD, or
- (b) directly related to a planning decision made by the Secretary of State or 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.

Temporary changes to airspace design

7.—(1) In accordance with its published strategy, procedures and policy on the design and classification of UK airspace, the CAA must consider and determine any proposal for a temporary change in airspace design.

(2) Where the CAA decides to approve any such proposal, it must either make a change to the UK AIP or issue a Notice to Aviation (NOTAM) in relation to such change.

(3) The CAA may make its approval of a proposal subject to such modifications and conditions as the CAA considers necessary.

(4) A temporary change approved by the CAA under this direction is to last for such fixed period as the CAA considers appropriate, which other than in exceptional circumstances is not to be for more than 90 consecutive days.

(5) In exceptional circumstances the CAA may extend the period approved for the temporary change for a further period which is not usually to be for more than 90 consecutive days, provided that the CAA is satisfied that such an extension is not sought as a means to avoid making a proposal for a permanent change to airspace design.

Airspace trials

8.—(1) In accordance with its published strategy, procedures and policy on the design and classification of UK airspace, the CAA may consider and determine any proposal for an airspace trial.

(2) Where the CAA decides to approve any such proposal, it must either make a change to the UK AIP or issue a NOTAM in relation to such change.

(3) The CAA may make its approval of an airspace trial subject to such modifications and conditions as the CAA considers necessary.

(4) An airspace trial approved by the CAA under this direction is to last for such fixed period as the CAA considers appropriate, which is not usually to be for more than six months.

(5) The CAA may extend the period approved for an airspace trial, provided that it is satisfied that such an extension is not sought as a means to avoid making a proposal for a permanent change to airspace design.

(6) The CAA may require an airspace trial to end before the end of the period for which it was approved where the CAA considers it appropriate, safe, and practical to do so.

Proposed planned and permanent redistribution of air traffic

9.—(1) Subject to paragraph 7, the CAA must develop and publish procedures, and guidance on such procedures, for the development, consideration, and determination of proposals for relevant PPRs as set out in Schedule 1 to these Directions.

(2) A procedure developed and published under paragraph (1) must—

- (a) reflect published Government policy and be proportionate, and
- (b) require an ANSP to refer a proposal for a relevant PPR to the CAA for approval before the PPR is implemented.

(3) In accordance with its published strategy and plan for the use of UK airspace, as well as the procedures published under paragraph (1), the CAA must decide whether to approve a proposal for a relevant PPR.

(4) The CAA may make its approval of a proposal subject to such modifications and conditions as the CAA considers necessary.

(5) The CAA must provide a report to the Secretary of State annually outlining, for each proposal for a relevant PPR referred to it under the procedures developed in accordance with paragraph (1), the specific type of the PPR, the relevant airport, and whether it was approved.

(6) When considering a proposal for a relevant PPR, the CAA must have regard to any relevant guidance or further information published by the Secretary of State on PPRs.

(7) This Direction does not apply to a PPR proposed by or on behalf of the MoD.

Lower Airspace Service

10.—(1) The CAA is to determine the extent and coverage needed for a Flight Information Service for lower UK airspace and procure and administer such a Service (“the Service”).

(2) The CAA is to keep the provision of the Service under review and provide a report to the Secretary of State on—

- (a) the extent and coverage which it considers suitable for the Service in the UK,
- (b) the costs and benefits of the Service, and
- (c) how the Service should be funded.

(3) The report referred to in paragraph (2) must be provided—

- (a) by the end of 2024, and
- (b) subsequently on the third anniversary of such report and of every subsequent report.

Aeronautical radio frequencies and secondary surveillance radar codes

11. The CAA must both monitor the use of, and enforce national policy, in respect of the assignment of civil aeronautical radio frequencies and Secondary Surveillance Radar codes in accordance with the UK’s international obligations.

Provision of meteorological services

12. The CAA must arrange for the provision of meteorological service for international air navigation on behalf of the UK in order to discharge the UK’s obligations in Annex 3 to the International Convention on Civil Aviation of 7th December 1944.

Lost Communications

13.—(1) The CAA must—

- (a) monitor the incidents of lost communications between ground-based civil air traffic controllers and civilian pilots,
- (b) investigate the cause and effect of those incidents of lost communications referred to in sub-paragraph (a) which result in a quick reaction alert notification,
- (c) provide pilots with a proportionate ongoing awareness program on the need for pilots to follow correct communication requirements and the risks of not doing so, and
- (d) publish an annual report of the investigations referred to in sub-paragraph (b) to include—
 - (i) the number of incidents and the results of the CAA’s findings as to cause and effect,
 - (ii) a statement on the actions the CAA has taken to reduce the likelihood of such events occurring in the future, and
 - (iii) information and guidance for pilots to reduce the likelihood of such events occurring in the future.

(2) The report referred to in paragraph (1)(d) must be published on 30th June 2023 covering the year ending 31 March and annually afterwards.

Relationship with the Secretary of State for Defence

14.—(1) The CAA is to agree arrangements with the MoD for the MoD's role in the joint and integrated civil and military provision of air traffic services.

(2) The CAA is to ensure that such arrangements are documented in a Memorandum of Understanding between the CAA and the MoD.

(3) The CAA is to agree arrangements with the MoD for the CAA to second and resource an appropriate number of personnel from the MoD, of the appropriate rank and experience, to contribute to the CAA's work on airspace-related matters.

(4) The CAA is to ensure that such arrangements are documented in a Resource and Interface Arrangement between the CAA and the MoD.

(5) Without prejudice to section 67 of the Act, paragraphs (6) to (8) apply where it appears to the CAA that there is a need to either increase the volume of controlled airspace or alter the classification of UK airspace, but which might, in the opinion of the CAA or the MoD, have an adverse effect on the ability of the armed forces of the Crown to maintain their operational capability.

(6) The CAA must seek the approval of the Secretary of State for Defence before proceeding with any such change to UK airspace.

(7) Where the Secretary of State for Defence is content with the proposed change, the CAA must ensure that such further consultation on the proposal is undertaken as required under these Directions.

(8) Where the Secretary of State for Defence is not content with the proposed change, the CAA may only approve the proposed change in accordance with directions given by the Secretary of State under section 68(3) of the Act.

Institutional arrangements, advice and support

15.—(1) The CAA is to establish and operate such institutional arrangements with regard to air navigation as the CAA considers necessary to promote the safe, effective and efficient, integrated operation of air traffic in the UK.

(2) The CAA must provide or procure the provision of such advice in relation to air navigation as the Secretary of State may reasonably require.

(3) The CAA is to provide support to the UK Airprox Board for the analysis, categorisation and understanding of pilot and controller reported risk-bearing occurrences.

The Joint Air Navigation Services Council

16. The CAA is to ensure the continuation of JANSC in accordance with Schedule 2 of these Directions.

Other functions relating to the environmental impact of the use of UK airspace

17.—(1) The CAA must prepare and publish guidance on transparency and engagement for operational changes to airspace usage by aircraft which might affect the noise impact on other persons.

(2) The CAA must establish and maintain a process to receive, classify and respond to complaints received by it in relation to the environmental impact (including noise) of the use by civil aircraft (including general aviation and helicopters) of UK airspace.

(3) On a request by the Secretary of State, the CAA must provide the Secretary of State with a summary of complaints received by it during a specified period, or of complaints relating to a particular issue.

International relations

18. The CAA—

- (a) must contribute to the development of international air navigation and provide such assistance as the Secretary of State may request, including (subject to section 2(4) of the Civil Aviation Act 1982(a)) international representation on behalf of the UK,
- (b) must maintain close co-operation in relation to air navigation with international organisations and the civil aviation authorities of other States, and
- (c) may consider and propose international agreements in relation to air navigation and notify the Secretary of State of any such agreements which would need to be approved by the Secretary of State.

Revocations

19. The following Directions are revoked—

- (a) the Civil Aviation Authority (Air Navigation) Directions 2017,
- (b) the Civil Aviation Authority (Air Navigation) (Amendment) Directions 2018, and
- (c) the Civil Aviation Authority (Air Navigation) (Amendment) Directions 2019.

Signed by authority of the Secretary of State for Transport

31st March 2023

Vere
Parliamentary Under Secretary of State
Department for Transport

(a) 1982 c. 16.

SCHEDULE 1

Direction 9

Planned and Permanent Redistribution of air traffic (PPR)

Types of PPRs which are relevant PPRs for the purposes of these Directions

Interpretation and scope

1. A relevant PPR is a proposed PPR which both:
 - falls within one or more of Types 1, 2 or 3 below, and
 - relates to an airport which has a Category C or D (or both) approach landing procedure, and/or established standard instrument departure (SID) routes published in the UK Aeronautical Information Publication.

Additional information on interpretation and scope

2. The definition of relevant PPR in paragraph 1 of this Schedule is designed to capture only Air Traffic Control (ATC) operational procedures that relate to airports at which large commercial air transport and most business jets operate, whilst not capturing aerodromes or airports used only by small non-commercial aircraft.
3. Changes to ATC operational procedures that are planned and permanent will typically be recorded in writing and given as some form of instruction to an air traffic controller. An example would be a change to an Air Navigation Service Provider's (ANSP) MATS Part II.

Type 1

4. A Type 1 PPR is a single PPR which is (or multiple PPRs within 24 months whose cumulative effects are) anticipated to result in a lateral shift of aircraft from the pre-existing centre line of the density of actual flight tracks of at least the horizontal distance shown in the second column of the table below in at least one of the heights shown in the first column of that table.

<i>Height in feet above ground level (agl)</i>	<i>Horizontal distance from the centreline</i>
1,000ft	300m
2,000ft	500m
3,000ft	800m
4,000ft	1,100m
5,000ft	1,300m
6,000ft	1,600m
7,000ft	1,900m

Additional information on Type 1

5. The figures in Table 1 are based on an approximate correlation to a 3dB change following advice from the CAA.

6. The ANSP will need to assess the lateral shift of traffic from the centre of the density of actual flight tracks¹ to establish whether the expected lateral shift is equal to or greater than that shown in the table above. Therefore, a 1,350m shift away from the existing centreline at 5,000ft agl would be a Type 1 PPR, but not if the shift was 1,200m at 5,000ft agl. The CAA has discretion to interpolate if the height at which the change is being proposed falls in between those shown in the table above.

7. It is recognised that ANSPs make air traffic control operational changes with the best of intentions and for safety reasons need some flexibility in doing so. At the same time, uncontrolled multiple changes that individually fall below the threshold could have a cumulative impact similar to a single change that does meet the threshold. To mitigate against this possibility, if a change below the threshold is made, any further operational change(s) proposed within 24 months of the first change must be judged against the Type 1 PPR criteria by adding together the lateral shift of each change. Where the cumulative effect of changes made within a rolling 24-month period meets or exceeds the threshold set out in the table above, the change that results in the threshold being met or exceeded will be judged to have met the criteria for a Type 1 PPR and will need to be considered as such. A PPR which has already been approved by the CAA is not to be included in assessing the cumulative effect of any further change.

Type 2

8. A Type 2 PPR is a PPR which is anticipated to increase air transport movements using a Standard Instrument Departure (SID) by at least 5,000 movements per year as a result of a decision by an airport and/or its ANSP to redistribute air traffic from one SID to another, at that same airport.

Additional information on Type 2

9. A PPR shall be considered as a Type 2 PPR when there has been a conscious decision by the airport and or its ANSP to redistribute *existing* traffic at that airport.

10. A PPR shall not be considered as a Type 2 PPR solely due to an increase in the number of air transport movements on a SID which is a direct result of changing weather patterns, or airline operations, natural growth, or as a result of agreed (i.e. through the planning system) air transport capacity enhancements at the airport.

Type 3

11. A Type 3 PPR is a PPR which results from a significant change to the written specified landing arrangements of aircraft at a UK airport referred to in paragraph 1 of this Schedule (or more than one such change within 36 months whose cumulative effects are significant).

12. “Change to the written specified landing arrangements” means a change to the established minimum, or where applicable maximum, distance of the joining point onto an airport’s Instrument Landing System (ILS) or any significant changes to the height at which aircraft must establish onto the ILS.

13. Changes to the written minimum joining point at such airports greater than a cumulative total of at least 300 feet vertically or 1 nautical mile horizontally within a rolling 36-month period will be considered as “significant” and thereby constitute a Type 3 PPR.

Additional information on Type 3

14. In circumstances where multiple changes made within a 36-month rolling period have the cumulative effect of meeting or exceeding the threshold set out for a Type 3 PPR, the change that results in the threshold being met or exceeded will be judged to have met the criteria for a Type 3

¹ The centre of the density of actual flight tracks shall where possible be determined or interpreted from radar data, the sample of which should be sufficiently representative (two weeks to one month of data). Where radar data is not readily available, air traffic control expert judgement should be used.

PPR, and will as such be considered a Type 3 PPR. A PPR which has already been approved by the CAA is not included in assessing the cumulative effect of any further change.

Power to determine whether a proposed change is a relevant PPR: consultation with the CAA

15. If there is any doubt about whether a proposed PPR falls within Type 1, 2 or 3, the ANSP, or airport as appropriate, shall consult the CAA. The CAA's decision shall be considered determinative as to whether or not the proposed PPR is considered a relevant PPR.

Guidance to CAA on its environmental objectives when carrying out its functions under direction 10

16. In accordance with section 70(2)(d) of the Transport Act 2000, the CAA shall take account of the Air Navigation Guidance issued to it by the Secretary of State when carrying out its functions under direction 10. In particular, the CAA shall apply guidance relevant to its functions, in considering whether or not to approve a permanent airspace change involving a relevant PPR (direction 9).

Joint Air Navigation Services Council

1. JANSOC is the principal mechanism for maintaining high-level oversight of arrangements between the CAA, NATS (En Route) plc and the MoD, for the continued provision of joint and integrated air traffic services (J&I ATS).
2. JANSOC has the responsibility of ensuring compliance with the J&I ATS obligations placed on the CAA, the MoD and NATS (En Route) plc, as detailed in the Civil Air Publication 740: UK Airspace Management Policy.
3. JANSOC shall meet every 6 months and shall be chaired by the CAA Group Director, Safety and Airspace Regulation; with the other members of JANSOC being the MoD's Head of Defence Airspace and Air Traffic Management (as representative of the MoD) and the Chief Executive of NATS Holdings Limited. Other persons may attend meetings at the request of JANSOC.