

NATS Response To UK DSM-A Consultation:

An Implementation Plan for Reform

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Representing NATS

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NATS confirms that this response can be made public.

NATS has analysed the Ministry of Defence document on the reform of UK Defence Spectrum Management in 2008-2012, and on extending market principles to the Ministry of Defence's use of radio spectrum.

The Independent Audit of Spectrum Holdings in December 2005 identified a total of 23 bands as candidates for release or sharing of spectrum. We note that the MOD Audit of its use in these bands is not yet complete and that this consultation is primarily focussed on the 406.1 – 430 MHz and 3400 – 3600 MHz bands. At this time NATS has no operational licences within these bands. We further note that the audit of the MOD use of the 2700-3400 MHz band has been completed although there are no proposals for this band at this stage due to the stated complexity of the existing shared usage and the need for further consideration of the civil and military interfaces.

We observe a number of the remaining bands awaiting completion of the Audit are heavily used to deliver aeronautical services and are jointly occupied by both civil and military providers and that these bands are not fully addressed within this consultation.

This is therefore an initial consultation which may establish precedents that may be applied to other bands supporting civil and military aviation and in which NATS has obligations under its Transport Act Licence to provide en-route air traffic services throughout UK airspace. NATS uses spectrum to provide services to civil and military aircraft within airspace for which NATS is responsible and is subject to economic and safety regulation by the Civil Aviation Authority. Our response therefore primarily relates to the bands which are jointly occupied with MOD, which NATS considers must be the subject of further detailed consultations that include regulatory impact analyses.

NATS has therefore not provided direct responses to the consultation questions but has taken the opportunity to comment on a number of general principles as the scope and timing of future consultations are currently unknown to NATS.

NATS and other civil air navigation service providers in the UK are users of 'Public Sector' spectrum and all our frequencies, including those in bands that are jointly

occupied by civil aviation and MOD, are licensed by Ofcom. It is not clear from either the MOD consultation, or the related Ofcom consultations, how the introduction of RSA in any frequency band will accommodate existing licensed users without impacting their existing operations.

We welcome the MOD recognition of ICAO Standards and Recommended Practices and the importance of Single European Skies programme to ensure interoperability and the constraints which these international obligations impose on aeronautical spectrum use within the UK and its ability to implement change in isolation.

As aircraft equipage is agreed on a global basis and mandatory aircraft equipage in UK airspace is required by the UK Air Navigation Order, the only option available for NATS to extend existing, or introduce new operational services is to use frequencies within the existing harmonised frequency allocations for which aircraft are already equipped. The demand for air travel is projected to increase and it is essential that adequate expansion capability is retained within the existing aeronautical allocations to support increased traffic levels.

NATS view is therefore that it is not appropriate for commercial non aviation sharers to be accommodated in the bands where aircraft equipage is internationally standardised and mandated.

NATS operates primary surveillance sensors in three main bands (L, S & X) which do not require carriage of aircraft equipment. In particular, the L & S bands are currently heavily utilised and jointly occupied with the MOD and other services. We are also aware that there is increasing demand for surveillance sensors, particularly within the S Band which arise from 'fill in radars' to mitigate the effects of windfarm clutter and the potential migration of meteorological sensors to avoid interference due to band sharing at 5GHz.

NATS would have concerns in respect of any MOD proposals to appoint commercial band managers in the bands which civil aviation jointly occupies with the MOD and NATS would wish to be involved in discussions as proposals are developed for these joint occupancy bands.

In relation to changes in the management of spectrum, it must be recognised that where safety critical aeronautical services are provided, it is the air navigation service providers who are responsible for, and holds the liabilities arising from the aeronautical services provided. (Reference Single European Sky Regulations)