

CAA Response to the General Aviation Red Tape Challenge

Consultation response from Protect Kent
The Kent Branch of the Campaign to Protect Rural England



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Response to CAP 1123 CAA response to the GA Red Tape Challenge

While we welcome certain aspects, such as ensuring all information is available via digital means, we have considerable concerns about deregulating what is already a very lightly regulated activity. Although many GA aircraft are small, they can be very noisy, slow and at low height, so cause disturbance out of all proportion to their size. Helicopters are a particular class which cause numerous problems.

We are sure that you hardly need reminding of CPRE's extensive and widely recognised work on tranquillity – indeed the CAA recognise this in ERCD 1207. The visual and aural impact of GA on relatively tranquil areas is significant because they are often at low height, especially over higher areas such as the Downs, and can be present for a noticeable period, due to slower speeds.

We would emphasise that the rural areas of the South East of England are generally more heavily populated than most EU countries, so the issue of noise and tranquillity is particularly acutely felt here.

Similarly the issue of safety is also more important. For example, airfields are usually close to habitation or public areas, and thus pose higher risks. For example, an Incident occurred at Lashenden Airfield, Headcorn where over-running the end of the airfield took a plane onto the A274 main road. This airfield is also within one the most tranquil areas of Kent, and the disturbing effect of activities relating to it was recognised by an Inspector in 1997, for the DETR, the predecessor of the Department for Transport, who said:

'Headcorn is in an area of relatively low population density and in a position where it attracts considerable visiting and en-route traffic from the UK and the Continent being relatively close to the shortest cross channel route. Except for the LTMA commencing at 3,500 ft amsl there are no conflicting areas of controlled airspace at the levels used by general aviation. It is close to a very conspicuous visual navigation feature, the east/west railway line, which frequently serves to guide traffic between the Heathrow and Gatwick Control Zones.

These features combine to produce a high level of aviation activity not necessarily associated with the resident flying units.'

Hence we trust that any de-regulation is accompanied by truly effective management measures with appropriate penalties for non-conformance, as well as requirements for publication of lapses.

Our comments are *in italics* below the relevant section from CAP 1123

Page 2 Introduction, says: 'The Unit will be committed to eliminating unnecessary regulation and will be staffed by colleagues who have an intimate working knowledge of general aviation and a commitment to it flourishing without compromising safety. '

We consider that safety is not the only aspect of concern to the CAA, so reference needs to be made to the CAA's environmental duties and the need to reduce environmental impacts.

Page 3 '**Guiding principle 1: Deregulate wherever possible.**

This option will cover three key themes:

- removal of CAA oversight/rule-making in areas where we have no EU obligation, for example: airworthiness of small microlights; the regulation of light aircraft noise'

This appears to ignore UK obligations, which include noise! The example of Wycombe Air Park, which is being 'specified' by the Department for Transport, under the Civil Aviation Act, shows the need for CAA activity even in areas not covered by EU obligations.

The CAA needs to ensure that its regulatory activities comply with national requirements, to ensure that there is no conflict between them and aviation regulation. As an example, the National Planning Policy Framework gives strong protection to many rural areas, so this must be recognised by the CAA to avoid any risk of conflict with other legal or regulatory requirements.

Page 4 **'Guiding principle 2: Maximise delegations**

We wish to maximise delegations to the extent that industry appetite and competence and resilience are the only constraints.

Here the CAA would retain overall accountability so that the UK continues to meet its international and European obligations, but responsibility for delivery of the regulation would be delegated to one or more Qualified Entity.'

Again reference needs to be made to UK obligations.

Pages 4 – 5 'The Red Tape Challenge has also been helpful in highlighting some of the myths that exist amongst the sector and for us to correct them. For example you don't have to wear a helmet when doing aerobatics - that's for you to decide; you can fly at night in the UK in a single engine aircraft, providing you have the appropriate rating on your license; and you can land at night without runway lights - that is for you to assess the risk.'

Night operations are the ones that cause the most complaints, so there needs to be more regulation to ensure that GA comes under similar restrictions as commercial airlines. Although some GA are quiet, they are still noisy relative to the night noise levels in most areas, so need restrictions.

Page 13 **'General aviation airfields**

Several stakeholders commented that airfields should not have restrictions such as opening hours or require prior landing permission.'

As noted above, night operations do need to be restricted, and as shown by Wycombe Air Park. GA airfields can cause enormous distress if they are not restrained or regulated.

Page 13 'A popular suggestion was to allow instrument approaches using Global Positioning System (GPS) without Air Traffic Control approach control, as in the US and France.'

This could be useful if it enabled pilots to avoid areas of tranquillity, such as AONBs, National Parks, etc., and guidance needs to say this.

Page 13 'For a licensed aerodrome the CAA requires that licensing standards are met during the opening hours. The hours may vary depending on local planning conditions and environmental considerations.'

We do not consider that this is satisfactory, as many planning authorities do not have the aviation expertise to determine what needs to be done to protect their residents and the local environment. Hence there needs to be a general presumption against flights or operations between 2300 and 0700 hours.

Page 14 'A new CAP (CAP 1122) is being drafted which outlines this process and has been published for public consultation.'

As above, while we welcome the potential this may have to better manage air traffic to reduce disturbance to those on the ground, we have very strong concerns that the consultation announcement says: 'Ahead of the consultation the CAA has set out its recommendations for allowing a wider deployment of instrument approaches at UK aerodromes, without compromising levels of safety. This could see an expansion of the number of aerodromes that can gain approval, and ultimately could result

in instrument approaches being available at unlicensed airfields, providing certain criteria can be met.'
We are appalled at the potential of this change. It could lead to increasing activity at airfields with no effective controls on use.

CPRE Branches all over the country have had numerous problems with small airfields. At facilities with few restrictions operators can do almost what they like, and even amongst those aerodromes with some planning controls, the operators have often simply ignored the restrictions.

Traditionally small airfields have been limited in the traffic which could use them, and so have had limited planning controls. However this proposal might change that situation unless there is some effective mechanism in place to manage the situation.

Page 16 'One respondent noted that GA aircraft have to fly low beneath Class A airspace, despite the fact that the commercial planes are thousands of feet above.'

We would hope that the CAA would try and ensure that all aircraft try to fly as high as possible, to reduce the impact on those below, so this objective should be written in the relevant documentation.

Page 16 'A mandatory requirement for Mode S transponders was opposed by many respondents.'
Mode S transponders are essential, otherwise there is often no easy way to track which planes are causing a nuisance to people. The cost is relatively small compared to the cost of flying an aircraft, and the only problem could be for gliders without electrical supplies, but as they are silent they could be exempt.

If the CAA and the GA community are embracing new technology, as the draft CAP 1122 suggests, then Mode S transponders must be part of that change. This would implement the 'balanced approach' that ICAO and the industry promotes.

Page 17 'During 2012 the CAA completed an initial consultation on an increase to the Transition Altitude. A follow-up consultation is expected over the 2013/14 winter period.'
We welcome the proposed higher transition altitudes as that should help reduce noise suffered by those underneath.

Page 17 'Another respondent suggested that there should be an escape procedure in place over London should something go wrong. This is an important issue.'
It is unclear to us what is meant by this comment – further elaboration would be appreciated.

Page 22 'allowing certain Permit to Fly aircraft to fly at night and/or in instrument conditions if appropriately equipped.'
As noted above night flying is a big issue which needs careful management and should be outlawed between 2300 and 0700 hours.

Page 23 'One respondent suggested that the CAA does not allow silencers to be fitted without an expensive approval.'
We are very keen on measures to reduce noise. We appreciate that some 'silencers' may not have been properly tested to ensure that they are actually effective, so we hope that perhaps silencers meeting a certain standard showing that they actually reduce noise, can be accepted in the UK.