

GENERAL AVIATION AIRSPACE INQUIRY CALL FOR EVIDENCE: THE LAA RESPONSE



By Steve Slater

I promised last month that I would share with you the LAA response to the call for evidence in the Parliamentary Inquiry, initiated by the All-Party Parliamentary Group on General Aviation, on the role of the CAA in determining and administering the Airspace Change Proposal (ACP) process. The Group is Parliament's largest APPG with 174 MPs and Peers, and the enquiry headed by Lord Kirkhope is set to drive increased scrutiny of the CAA's current role as both 'poacher and gamekeeper' when it comes to airspace decisions.

Unfortunately, the full LAA response runs to a couple of pages more than this magazine can spare, and anyway, there are far more interesting things to read. So, I've cut this back to give you the key points. The document of course, wasn't a solo effort, I owe thanks to Roger Hopkinson, John Brady and Tim Hardy among several others who made a significant input. Thanks are also due to Pete Stratten, who is the CEO of the British Gliding Association, as well as currently co-chair of the APPG GA airspace group.

TO: AIRSPACE INQUIRY

All-Party Parliamentary Group on
General Aviation
c/o The Rt Hon Grant Shapps MP
House of Commons
London. SW1A 0AA

The UK Light Aircraft Association (LAA) welcomes this opportunity to respond to the call for evidence on behalf of our 7,700 members, who actively fly over 2,600 light aircraft on LAA-administered Permits to Fly, with another circa 1,400 projects in build or under restoration around the UK, meaning that we speak as the largest body representing powered sport flying in the UK.

We are also in full agreement with the submissions from fellow representative bodies such as the British Gliding Association and British Microlight Aircraft Association, with whom we work in partnership as a member of the General Aviation Alliance.

Access to uncontrolled lower-level airspace is vital for our members but has become increasingly difficult in recent years. The combination of an absence of a coherent lower air space policy and a lack of transparency in CAA Airspace Change Process decision-making has led to increasing disquiet across the whole of the GA sector. We therefore appreciate this timely review by the APPG GA and we would like to focus on lower airspace strategy and the oversight, efficiency and monitoring of the current Airspace Change Process.

LOWER AIRSPACE STRATEGY

Despite a clear recognition of the value of General Aviation in the UK (valued in the DfT York Aviation research at in excess of £3 billion and supporting an estimated 9,700 jobs) and a DfT commitment to full access to uncontrolled airspace (GA Strategy 2015), the strategic activities generated by initiatives such as the 2011 Future Airspace Strategy have, quite simply, not borne fruit.

As a result, an unnecessarily complex lower airspace infrastructure below 7,000 feet has evolved since the Second World War, without any strategic planning; frequently based on inappropriately large areas of controlled airspace to accommodate obsolete procedures, segregating air traffic instead of integrating it, and based on outdated technology and practices.

In addition, a piecemeal adoption of ACPs around the country has become the norm, with no view to their integration into an overall lower airspace development strategy. This results in airspace that is simply no longer fit for purpose either in terms of safety or accessibility.

While it is noted in the recent Airspace Modernisation Strategy (CAP 160 Section 3.14) that this is a key problem, it is disappointing to note that the European ATM modernisation programme signed up to by EU member states, including the UK, and which would have heralded much needed change for GA, has been largely ignored by the

commercial air transport sector and the CAA.

It is also noteworthy that funding for organisations such as FASVIG/Airspace4All, which have offered both detailed research and strategic solutions for GA and visual flight rules airspace, appear heavily influenced by commercial air transport sponsors with little interest in the GA sector beyond protecting their own interests. Even when independent research has been produced, with valid proposals based on proven best practices, there has been little or no implementation by the CAA.

Despite the fact that overarching CAA and DfT Policies state a commitment to equality of access to VFR airspace there is, worryingly, an increasing impression that airspace is being considered as an asset which can be 'owned' by a particular control provider or airport. Indeed, it seems some recent ACP bids to generate disproportionate areas of controlled airspace seem to be as much about generating shareholder value for an individual operator, as about delivering a meaningful or proven safety case.

As a result of this and an apparent lack of positive management by both the CAA and DfT (at a recent CAA GA Partnership meeting neither organisation was able to identify who in their organisation was responsible for managing lower airspace), modernisation tasks which were set out in the Future Airspace Strategy including flexible use of airspace, continuous climbs and descents for commercial operations, and the development of a viable electronic conspicuity programme, have all failed to be adequately fulfilled.

While in other areas of the CAA's activities, significant progress has been made in modernising internal practices and engagement with the GA community, this is significantly less so within Airspace management. There seems to be a fundamental difficulty in reconciling the role of regulator with enhancing engagement to partnership levels and there is a clear need, from a GA perspective, for a change of management philosophy and a genuine

commitment by the CAA to engage proactively with the GA community, in contrast to the current 'take it or leave it' philosophy currently espoused by senior airspace managers.

In conclusion, we strongly recommend that this review looks toward developing five main areas:

- A recognition that the current scale of controlled lower level airspace is disproportionate. Review and where necessary, reduce areas of VFR controlled airspace in line with the stated DfT strategy that "VFR aircraft should not be excluded from any airspace that is not being fully utilised for its intended purpose".
- A review of the oversight and engagement processes within the CAA Airspace management, utilising modern evidence-based and predictive risk assessment processes as well as an enhanced commitment to harnessing external engagement.
- A more holistic evaluation of the effects of large areas of controlled airspace on other VFR users, in particular the effect of these areas in creating 'pinch points' further afield, increasing rather than decreasing the risk of Airprox or mid-air collisions. Currently there appears to be no CAA commitment to taking responsibility for planning lower airspace to ensure a viable architecture remains for GA and sport flying.
- A better mechanism for the return of controlled airspace which is now redundant or not adequately utilised. The current 'Post-Implementation Review' system has no legal provision for this, leading to known areas of airspace still remaining controlled, even though the runways that were served by them have now been closed.
- A more robust external review process to better monitor and provide independent oversight of the CAA's effectiveness in properly implementing future airspace strategy.

THE AIRSPACE CHANGE PROPOSAL PROCESS

Perhaps the single most controversial area of the interface between the CAA and the GA population is the Airspace Change Proposal (ACP) process. This has most recently been highlighted by the acceptance by the CAA,

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with only minor changes, of the bid by TAG Farnborough to annex a significant amount of low level airspace across the south of England as Class D controlled airspace.

The ACP process should ensure in the CAA's own words that, "when the CAA decides whether or not to approve a proposal to change UK airspace, it does so in an impartial and evidence-based way that takes proper account of the needs and interests of all affected stakeholders".

The Farnborough decision is felt by many to fly in the face of that and the CAA appears to have simply ignored advice from organisations, including the LAA, that for VFR pilots unable to access the controlled airspace, lengthy diversionary routes are required into more congested airspace with the risk of mid-air collision being increased, negating the CAA's assertion that the decision has been made on safety grounds.

The decision has also been regarded as a clear demonstration of serious flaws in the CAA's Airspace Change Proposal (ACP) process itself. The CAA has already effectively admitted that the process used at Farnborough was unsound, as the procedure used to assess it (CAP 725) was abandoned at the end of 2017, replaced by a new, more transparent process - CAP 1616.

However, there is already evidence that the new process is proving unduly onerous in terms of response requirements, further biasing the process in favour of the applicants who are utilising the services of specialist airspace consultants, who have developed this as a lucrative income stream.

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presented by the sponsors and their agents, or of the input from surrounding communities, airspace and airspace users.

One recent ACP consultation achieved in the region of 99% objections to the proposed airspace, yet the CAA ruled that the ACP still be granted. Another so-called consultation claimed dialogue with a number of local councils. Subsequent investigation indicated that the appropriate council officials had not been contacted and that correspondence had merely been posted to a 'drop in centre' address in a village High Street shop!

We strongly recommend that the CAA is required to be externally audited on its performance in handling ACPs, with a particular emphasis on the following areas:

- More stringent review of ACPs based on future undelivered/unrealistic traffic forecasts.
- Greater recognition of failed and poor engagement with stakeholders.
- The lack of wider review of the airspace safety implications in the areas outside the controlled airspace which is being sought.
- Review of the balance of decision making and its transparency. Even under the new CAP1616 it is impossible to see how aspects are weighted and decisions made.
- Review of the current poor consideration of consultee input with no indication of how it is balanced. This leads to a perception of a bias to commercial interests.
- Lack of internal or external audit of overall process including vitally, the final decision-making process.
- Lack of recourse (save Judicial Review) to challenge the decisions made.
- Review of the role of Airspace Change consultants (many formerly CAA staff) and their current relationship with CAA decision-makers.

While we have no wish to further extend or make the ACP process more onerous, it is clear that the current process and its management will benefit from a significant, independent review.

Airspace is a national asset. It is simply unacceptable that any party irrevocably 'buys' airspace, therefore the manner of its allocation needs both clarity and a process to ensure such an allocation is necessary and appropriate in the wider interests of the nation. ■



The negative impact on recreational aviation with the CAA's approval of the TAG-Farnborough ACP is one of the major triggers of calls for a fairer and more accountable ACP process.