



British Gliding Association

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Domestic Aviation Security Policy Branch (ASD5)
Department for Transport
5th Floor, Zone 15, Southside
105 Victoria Street
London
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By Email

28th February 2010

Dear Sir/Madam

Consultation on Regulation EC 300/2008 - Aviation Security Derogations

The British Gliding Association is the UK governing body for sport gliding. Responsibility for the safety management of gliding is delegated to the BGA.

The BGA membership comprises of 85 UK gliding clubs and their 9000 regular and 20 000 occasional participants. There are approximately 2300 gliders and 100 aeroplanes operating from BGA clubs. Gliders and aeroplanes at BGA clubs are operated as private aircraft flown by club members. Clubs are not permitted to operate commercial flights. In all cases, the use of these gliders and aeroplanes is limited to their operating crews. Gliders have a Maximum Take-Off Mass of <600 kgs and aeroplanes <1200 kgs.

Gliding clubs operate from a mix of club owned and club rented sites. These sites can be simply a beach or strip of farmland that has been identified and CAA recognised as a gliding site, through to maintained, former WW2 multiple hard runway aerodromes or operational military aerodromes. In addition, a small number of clubs are co-located at licensed aerodromes, for example at Wycombe Air Park or at Shobden. Lasham Gliding Society, a BGA club, leases a part of the aerodrome it owns and operates to a Commercial Air Transport maintenance organisation. This results in regular movements of heavy transport aircraft to and from the aerodrome. The unique situation at Lasham has resulted in direct contact with DfT TRANSEC by that club.

The BGA fully supports the need to mitigate the terrorist risk associated with heavy aeroplanes. The BGA believes that the application of mitigating measures should be proportional to the risk. There is no evidence that we are aware of that suggests that an aircraft of < 2750kg MTOM presents a terrorism risk. The BGA notes the 'cut-off' mass of 15000 kgs suggested within the consultation.

Chief Executive *Pete Stratten*

Patron *The Duke of Edinburgh KG*

Vice Presidents *Christopher R Simpson MA LL.M., Roger Q Barrett, Ben Watson MA FCA, Bill Walker OBE, Air Vice Marshal Don Spottiswood CB, Dick Dixon FCII, Peter Hearne FREng FRAeS*

Registered No: 422605 England

The BGA notes that neither this DfT consultation nor Regulation EC 300/2008 defines the meaning of airport or aerodrome. The two words appear to be used randomly throughout both documents to describe a place used for the takeoff and landing of aircraft. It is clear that there is a need to apply appropriate definitions within the UK secondary regulation to ensure that the scope of activity affected by Regulation EC 300/2008 is clearly stated and appropriate.

Our understanding is that under Regulation EC 300/2008, Member States are empowered to apply alternative security measures appropriate to the specific aviation activity. In discussing the impact of UK derogations to Regulation EC 300/2008, the DfT consultation indicates that at airports and aerodromes from which derogated flights take place there will be a requirement for a local risk assessment. The detail of the local risk assessments, the administration of risk assessments and the type of measures proposed (eg. trained and security-cleared personnel, manned security, gates, locks, CCTV, fencing, etc) are not explored in the consultation. Costs are not quantified.

There is no doubt that even applying a derogated formal risk assessment to gliding sites as described within this consultation would be disproportionate. The significant social impact and economic burden, including the cost of national administration of application of the regulation falls on the end user. In the case of gliding sites being included within the scope of the regulation, the end users are sporting clubs and their members. If gliding sites were to be included within the scope of the regulation, it is very likely that those clubs would find themselves economically challenged to the extent that most would close. The BGA believes that there is no intent by the European Commission to apply disproportionate aviation security requirements on the lighter end of aviation. The BGA urges the DfT to consider and act on the following BGA recommendations;

Recommendations

- Regulation EC 300/2008 should apply only to airports which can be described as “an aerodrome which is open to commercial air transport operations or which is used for the landing and departure of aircraft in excess of 15000 kg Maximum Take-off Mass”.
- As gliding takes place at military aerodromes and on some civil aerodromes which are open for the landing and departure of aircraft in excess of 15000kg MTOM, a specific and proportional derogation should be established that exempts gliding activity which takes place from defined areas at those aerodromes.
- The DfT should modify and re-publish this consultation to include the option of excluding certain defined categories of aerodromes and activity as described within this note.

The BGA response to the questions raised within the consultation document are attached.

The BGA is a member of the GA Alliance, the European Gliding Union and Europe Air Sports. Where agreed by the BGA, the views of the BGA are also reflected in consultation responses by those organisations.

Yours sincerely



Pete Stratten
Chief Executive
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RESPONSE FORM

CONSULTATION ON INITIAL IA OF DEROGATIONS FROM EC REGULATION 300/2008

Question 1: What are your views on the assumption that Option 1 is too costly and disproportionate to moderating the threat of terrorist attack from this part of aviation? If your answer to Question 1 is 'no', then please go to question 2?

Option 1 is both costly, disproportionate and would result in the cessation of sporting aviation in the UK.

The BGA strongly opposes Option 1.

Question 2: If you favour regulating all air traffic, irrespective of size, (Option 1), we would like to understand the security reasons for this.

N/A

Question 3: How would you regard the view that aircraft below 15,000kg (along with the emergency services), are less likely to be targeted by terrorists? (Option 2).

Aircraft <15000 kgs are less likely to be targeted. Option 2 excludes aerial work. Gliding activity includes activity that is categorised as aerial work.

The BGA strongly opposes Option 2.

Question 4: If you favour Option 2, then we would appreciate your views on why such measures are reasonable when balanced against the risks of not doing so.

The measures are reasonable in so far as aircraft <15000 kgs present a low risk because their low kinetic energy causes minimal damage on impact.

The BGA does not support Option 2.

Question 5: The suggestion that airports or their demarcated areas where helicopters operate should be derogated is based largely on the understanding that they are of less interest to terrorist groups because they lack destructive capability when compared with fixed wing aircraft of equivalent size. If you do not agree with those assumptions, then we would be pleased to consider your reasons why.

No comment.

Question 6: We have assessed airports or their demarcated areas from where R&D, aerial work and positioning flights operate pose relatively low terrorist risk, as their use is limited to operating crews. If you hold that such flights should be subject to full regulation, we would like to understand your reasons for this. Are there any other risks that might be posed which are sufficiently serious for derogation to be withheld?

The BGA agrees with this assessment. These flights should not be subject to full regulation.

Question 7: To what degree is it reasonable that airports or their demarcated areas from where humanitarian aid flights above 15,000kg operate remain subject to full regulation? If you feel they should not be fully regulated, please explain how this view is supported from a risk based perspective.

No comment.

Question 8: Are there any reasons why airports or their demarcated areas from where aircraft from 15,000kg but below 45,500kg used as an aid for company business should be derogated? If so, we would welcome security based arguments on how operators can prevent terrorists hijacking such aircraft, or legitimately chartering an aircraft under the cover of 'business use'?

No comment.

Question 9: We would welcome your suggestions in respect of what effective and proportionate 'Alternative Security Measures' for any airports or their demarcated areas where derogations apply might look like.

A derogated local risk assessment with its associated requirements will result in a significantly damaging social impact and economic burden which in turn will result in the loss of many of these community sporting facilities.

The BGA proposes that aerodromes which are not open to commercial air transport operations or which are not used for the landing and departure of aircraft in excess of 15000 kg Maximum Take-off Mass are excluded from the regulation.

As gliding takes place at military aerodromes and on some civil aerodromes which are open for the landing and departure of aircraft in excess of 15000kg MTOM, a specific and proportional derogation should be established that exempts gliding activity which takes place from defined areas at those aerodromes.

Response Monitoring Form

<i>Organisation Name</i>	
<i>Address 1</i>	
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<i>Address 3</i>	
<i>Postcode</i>	
<i>Country</i>	