A BGA response to the NPA 17 exclusion of cloud flying for LPL(S) & SPL(S) holders (Reference NPA 2008-17a Page 29, Paragraph 48)
October 2008

Introduction

The proposals within EASA's NPA 2008 -17, Implementing Rules for Pilot Licensing, will, as currently drafted, prevent sailplane pilots from operating close to, or in, cloud. as no provision has been made to allow flight outside of Visual Meteorological Conditions (VMC). The decision to exclude glider pilots from flying into or close to cloud will have very significant consequences on the sport throughout Europe.

Specifically, the removal of such privileges, which currently exist in many EU states, will have significant safety, operational and economic impacts on the sport. We do not believe this is the intention of NPA 17.

Earlier draft versions of the NPA document included a proposed cloud flying endorsement which would have allowed glider pilots to continue to operate in this fashion once they had qualified for such an endorsement within a recognized training framework. This had seemed entirely reasonable.

The current situation, safety and operational risk

Many European sailplane pilots currently enjoy the privilege of flying close to, and in, cloud. European glider pilots can only fly in thermals and mountain wave by flying close to or, when required for safety reasons, entering cloud either to gain height or to descend over appropriate terrain. Indeed, this is key to the basis of participating in gliding and achieving FAI sporting awards.

The removal of the current cloud flying privilege for sailplane flying could unwittingly *reduce overall levels of safety*. Indeed, there is compelling evidence[1,2] to suggest that such a restriction would actually decrease safety. This is clearly not the intent of the proposed legislation.

Cloudbase within many European countries is typically between 3,000ft and 4,500ft AMSL during summer cross-country flying days. VFR-only flight would, therefore, effectively mean an operational ceiling for sailplanes of between 3,000ft and 3,500ft AMSL. The net effect would be to increase the amount of sailplane traffic in a smaller vertical layer – that which is predominantly chosen by much of the GA community. In addition the height AGL is even lower and at these heights most pilots would spend most of their time selecting suitable landing fields. Clearly, this is not a comfortable situation which would have significant human factors repercussions – and effectively reduce safety through increased workload, reduced capacity for lookout, and the risk associated with the inevitably increased field landings.

There are also occasions when sailplanes fly above cloud – notably during wave flying. The continued ability to be able to let down safely through cloud is required.

We contend that the retained ability of sailplane pilots to fly close to, and in, cloud actually supports an improved safety case for future European aviation.

The BGA proposal & justification for a cloud flying qualification

The proposal below would satisfactorily incorporate a continued ability for cloud flying in sailplanes and the need for sailplane pilots to continue to be demonstrably qualified to exercise their such privileges through standardized training. Our proposal to achieve this, and to safeguard the continued operation and development of European gliding, is as follows:

1) ***Cloud flying.***
"*Sailplane pilots who have satisfied the requirements for the issue of an LPL/SPL, and who have further satisfied the additional training requirements for a restricted and/or full IMC qualification (along the lines of the existing UK IMC rating)', will be qualified to operate close to and in cloud respectively as permitted by national airspace regulations." See also our proposed amendments to the wording of FCL.600.*

2) ***Required cloud flying training for sailplane pilots*****.**
"*Sailplane pilots who wish to fly in cloud shall obtain a cloud flying endorsement".*
Our proposal is that a 2 stage training syllabus is adopted on a European basis as the pre-requisite for an LPL/SPL instrument qualification to fly up to, and in, cloud as permitted by national airspace regulations. We propose that this training is based on the best-practice of existing European sailplane cloud-flying training syllabi. We also propose that satisfactory completion of this training by qualified instructors shall be recorded by the instructor as an endorsement to the pilot's sailplane log book.

3) ***Touring Motor Gliders (TMG exclusion).***
Operation of TMG aircraft under these cloud flying conditions shall be specifically excluded. Such an endorsement shall specifically apply to sailplane pilots, who have satisfied the proposed training requirements, when they are operating sailplanes - and not when they are operating TMG aircraft.

In summary, this proposal for an LPL/SPL sailplane "IMC-type" qualification is intended to safeguard the ability of sailplane pilots to continue to fly safely close to, and in, cloud for the express purpose of:

- Facilitating safe cross country flight
- Operating safely in wave conditions
- Qualifying for FAI awards

References

1. Free flight safety risk modeling and simulation Henk A.P. Blom, G.J. (Bert) Bakker, Bart Klein Obbink and Margriet B. Klompstra
   National Aerospace Laboratory Report, NLR-TP-2006-290, December 2006
2. Chappelow, J.W. and Belyavin, A.J., *Random Mid-Air Collisions in the Low Flying System*, Royal Air Force Institute of Aviation Medicine Report 702, April 1991