



British Gliding Association

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COVERING LETTER TO THE PARTIAL RIA CONSULTATION RESPONSE SUBMITTED BY THE BRITISH GLIDING ASSOCIATION

Introduction

This covering letter presents the view of the British Gliding Association (BGA) as the governing body of gliding in the UK – a small business in its own right, and a representative body for nearly 100 other small businesses.

The BGA believes that much of the comment in the RIA is misleading and channels respondents towards a predetermined conclusion. The shortcomings in the RIA are so severe that the BGA believes this covering letter is required alongside the response document to ensure that the BGA's views are properly conveyed.

The terms 'glider' and 'sailplane' are synonymous.

The British Gliding Association

The membership of the BGA comprises some 95 clubs with some 38,500 regular and occasional participants. The BGA is responsible for maintaining and developing the safety management system (SMS) for UK gliding, a sport which (other than a requirement to comply with the Air Navigation Order and Airspace requirements) remains fundamentally self-regulated through voluntary compliance with BGA rules and regulations that are primarily objective based.

Since its inception in 1930, the BGA has always had a strong core team of aerospace professionals who have informed the association's regulatory activity. These have included senior RAF officers, airline management, airline pilots, air traffic management specialists and many senior members of the aerospace industry, CAA and Scientific Civil Service. The BGA works closely through its co-opted volunteer experts and professional staff to engage with all the appropriate agencies, and in particular the Civil Aviation Authority (CAA), to ensure that gliding operates safely and responsibly within the UK airspace environment, with due care for public safety and the needs of other airspace users.

Published in July 2006, the CAA Strategic Review of General Aviation identified in relation to gliding that: "The level of safety achieved is such that there has been no public or political pressure for formal regulation by the State."

Safety and Gliding

The argument for fitting transponders in all UK aircraft and all airspace is presented within the RIA by claiming a safety case based on the collision risk associated with general aviation, including gliding. The RIA consultant pointed out during August 2006 that in the development of the RIA safety case, the statistics used were a very small sample, that no analysis of actual collisions in UK airspace has been carried out and that suppositions that purport to identify risk and potential mitigating factors from airprox data are based on the consultant's own interpretation of the published views of the UK Airprox Board. This highlights a number of problems that have led to significant flaws within the RIA.

A CAA review of general aviation accidents between 1995 and 2004 identifies a number of glider-to-glider collisions in the locality of gliding sites, no glider-to-glider collisions in the cruise and one glider collision with a light aircraft (Appendix B). There were no collisions with any other aircraft of any description, including, of course, commercial air transport (CAT).

The fifteenth report of the UK Airprox Board (published July 2006) shows that the number of 'Risk A' and 'Risk B' airprox involving CAT has reduced by a factor of about 4 over the last 10 years, in spite of an increase in hours flown of about 3.3% per year, which is very close to the projected 3.5% per year that would double traffic from 2002 to 2022 (RIA Para 2.1.2).

The RIA draws upon approximately 300 airprox reports. The BGA has examined the 500 reports for the period July 2003-December 2005 and its conclusions are detailed in Appendix B. This data confirms that overflight of gliding sites by light aircraft is a hazard. The carriage of transponders would do nothing to reduce this risk. Other airprox with gliders are rare.

The RIA Paragraph 2 'Purpose and Intended Effect' indicates that the thrust of the underlying proposal is that the growth in UK aviation increases the likelihood of collisions. In fact the available data shows that this 'need' for transponders in gliders cannot be substantiated. Moreover, it shows that mode S transponders in recreational aircraft outside controlled airspace would be unlikely to materially reduce airprox rates because they provide no warning to aircraft in potential conflict unless at least one aircraft is ACAS equipped.

The BGA is absolutely certain that the claim within the RIA that "any safety improvements will, therefore, need to be put in place before air traffic levels can be allowed to increase" is not supported by evidence and it follows that natural growth in aviation can proceed without adopting the proposal to carry mode S in sailplanes and other aircraft.

Economic Impact

As a proactively relevant interested party whom the policies described within the RIA would affect, the BGA is extremely concerned by the highly damaging economic impact of the proposal. The RIA states that the Cabinet Office Better Regulation Executive has agreed with the CAA that the estimated costs to businesses are expected to be significantly less than £20M. It is of great concern that the potential economic impact of the proposal has been agreed with government without effective prior consultation with industry.

The economic burden on gliding is extremely significant. It is estimated that the total economic impact to sailplane owner operators alone is between £8M and £20m, with a continuing airworthiness and licensing burden of circa £0.75m per annum. A significant proportion of the 2,500 sailplanes in the UK are not owned by businesses so the cost will fall in the first instance on individual owner operators and club participants who, on the whole, will find it extremely difficult to justify or indeed afford additional significant expenditure.

Although it is understandably difficult to assess at this point, it is likely that partly as a result of this impact on individual participants, all gliding-related small businesses will suffer economically with a smaller but sizeable proportion becoming unviable. Individuals have already informed the BGA, and no doubt the CAA through responses to the RIA, that they will leave the sport of gliding. Falling below a critical mass will inevitably result in further rapid and exponential decline.

It is inconceivable that general aviation and gliding, as 8% of the total UK civilian aviation economy, should be expected to pay for the installation of technology that exists solely to benefit the other 92%. The recently completed CAA Strategic Review of general aviation and the parallel Regulatory Review have identified the importance of the £1.4 bn contribution to the UK economy provided by general aviation, including gliding. The need is to ensure that general aviation, including gliding, is not adversely affected by regulatory issues and in particular those regulatory issues developed with a bias towards commercial air transport activity.

In light of the RIA's apparent bias to the benefit of CAT, it is reasonable to expect that the government will be comparing the content of the RIA against the CAA's recent reviews. The BGA would be pleased to contribute its expertise to that process and, as a minimum, expects to be informed by the CAA of the outcome of any comparison made during this consultation.

The RIA is in effect asking the public to comment on regulatory impact based on misleading information. It is of great concern that the BGA was not consulted and therefore a reasonably accurate economic impact to gliding was not developed prior to the publication of the RIA.

Consultation

Of the 21,000 or so aircraft which are currently authorised or registered to fly in relevant UK airspace, some two thirds are in the categories of gliders, hang-gliders and para-gliders, balloons, microlights and light amateur-built aircraft. Until a meeting during August 2006, no public consultation had been carried out with the specialist organisations responsible for the categories described above, including the BGA. The BGA does not consider that the supposed consultation referred to in Para 3.2 was adequate. Any consultation with PPL/IR Europe and AOPA relates only to the general aviation sector that is a regular or potential user of controlled airspace and air navigation services. It does not relate to the far greater number of aircraft – including 2,500 sailplanes – affected by the proposed change.

The BGA believes strongly that timely and effective consultation with the BGA would have overcome many of the deficiencies identified (and acknowledged) since the publication of the RIA. By way of example, the LPST is an integral element of the CAA proposals. It has been confirmed that there are a number of issues relating to LPST equipment effectiveness, availability and installation problems in sailplane that have not been considered by the CAA prior to the RIA publication. Without this detailed information the impact to gliding cannot be accurately assessed.

The BGA is extremely concerned that information on the nature of gliding operations, technical issues, the magnitude of traffic, types of airspace usage and gliding-related economic issues was not requested by those developing the proposals within the RIA. The BGA expects the CAA to consult in depth on these issues with the BGA as soon as is practical and certainly before reaching a conclusion for submission to the DfT on the adoption of a mode S 'solution'.

Conclusion

The RIA content and the CAA team presentation on the 17th of August 2006 at Lasham has led to a clearer understanding by the BGA that much of gliding's present difficulty with the RIA has arisen because the RIA development team had not sought to understand the safety, economic, technical and operational issues associated with gliding.

While the BGA necessarily concentrates in these brief comments upon the impact of these proposals upon gliding, it is worth adding that many of its expert advisors remain unconvinced that this Mode S implementation would – for a variety of technical and human factors reasons – be the best way to address the CAA's stated safety concerns.

The BGA strongly believes that the RIA process should be frozen and that a joint working group should be set up between the CAA and recreational aviation bodies, including the BGA, so that in due course all those involved in the consultation process can be accurately informed. The BGA believes that appropriately targeted consultation and research with all stakeholder organizations and subject experts by the CAA, including operational modeling and flight trials of new concepts, will enable the CAA to develop a futureproof ATM system suitable for a wide range of operating scenarios.

It is clear to the BGA that the RIA author now realizes that there are serious deficiencies in the proposals. The BGA believes that the published RIA provides an utterly inadequate consultation. The BGA looks forward to receiving a response from the CAA detailing how proper consultation with gliding will be conducted that takes the realities of recreational aviation into account. The BGA looks forward to assisting the CAA in that process going forward.

Yours sincerely



Pete Stratten
Chief Executive



Patrick Naegeli
Chairman

Appendix B - Glider Collisions and Airprox

The following data confirms that the overflight of gliding sites by light aircraft is a hazard. Carriage of transponders would do nothing to reduce this risk. Other airprox involving gliders are extremely rare.

Glider collisions

The CAA policy statement 'Flight Outside Controlled Airspace' identifies that over a recent 10 year period, four collisions occurred between powered aircraft outside controlled airspace. Each of these collisions occurred at low level and involved one military aircraft. The document states that the collisions did not occur at levels that would commonly be used by aircraft engaged in public transport flights. During the same period, a CAA review of general aviation collisions and BGA data identifies that there were a number of glider to glider or glider to glider tug collisions in the vicinity of gliding sites and there was one collision between a glider and a light aircraft in the cruise. There has not been a collision between a glider and a CAT aircraft since 1949.

Glider Airprox

The RIA refers to about 300 airprox reports. The BGA has examined the 500 reports for the period July 2003-December 2005.

58 of the 500 reports involve a glider in Class G airspace. 44 of these reports came from the glider pilot.

In 32 of the 44 cases, a powered aircraft flew over or in the immediate vicinity of a glider site. These reporting pilots were trying to discourage overflight of glider sites, especially winch sites.

The other 12 airprox reported by the glider pilot comprised 3 with military jets in the Talgarth area, 1 with an aircraft that did not fly a Luton SDR correctly, 1 was with a private jet flying at 340kt near Basingstoke, 2 with pilots who had seen the potentially conflicting glider, 1 in the Oxford AIAA with a freight aircraft routing 'as if VFR, 3 instances of late/non sighting in the Lasham area, and 1 non sighting by a Tornado pilot at 9000ft over Loch Laggan.

In the 14 airprox reported by the pilot of the powered aircraft pilot, 9 were conflicts resolved by the sighting pilot(s), 1 was in the vicinity of a gliding site on a route NOTAMed for a large formation, 1 was with a group of competition gliders and the NOTAM wording was inadequate, and 1 was on an ILS after a breakdown of communications between the gliding club and ATC. 2 involved late or effective non sighting. One of these was with a Hawk near Milfield and the other was near Yeovilton.

30 of the airprox were risk A or risk B. 25 of these were at or below normal thermal soaring heights in the immediate vicinity of a gliding site. 2 were in the Oxford AIAA. 2 were with military jets while wave soaring in the Milfield area and one was with a military jet while wave soaring over Lake Laggan.

4 of the 58 airprox were risk C encounters with CAT. One was a sighting report. One was on the approach to Londonderry after a breakdown in communication and understanding of agreed procedures between city of Derry and Ulster gliding club. Proper operation of the local agreement is the way to avoid a repetition. One was at FL70 north of Plymouth, resolved by the CAT pilot. One was in the Oxford AIAA at 5200ft with a Shorts 360 (freight) whose pilot had been expecting an IFR flightplan but was routed direct to Exeter 'as if VFR', 'which was ill advised'.