

GA Alliance

Consultation response on

CAA/regulatory “Gold Plating” examples

This review collates examples in the following categories:-

1. Administration
2. Prescriptive requirements
3. Need for flexibility
4. Airspace & En Route Matters

Note items marked (*) on red tape challenge site

1.00 Administration

1.01 Training facilities:

Small flight training bodies (known as Registered Training Facilities (RTFs)) which are presently established under UK National legislation now have to become Approved Training Organisations (ATOs) due to EU regulation. The additional fees set out by the CAA are substantial and in addition the CAA requires an RTF applying to become an ATO to sign a declaration agreeing to pay up to £10,000 per calendar year invoiced in arrears for additional unspecified CAA services. Most RTFs will not have the resources to be able to sign such a commitment without becoming insolvent and will have to close down.

This commitment to pay for unspecified services invoiced in arrears with no prior estimate or customer control of costs appears on many licensing and approval forms and appears to be a matter of CAA policy. If this service was provided by a commercial organisation it would have to agree a price within the contract or nobody would do business with it. The CAA should price its services in accordance with best practice and in a way that its “customers” can accept.

1.02 Excess administrative detail on forms

For many years the CAA has often been referred to as the Ministry of Forms. The style and content of all its forms have been revised recently; they are larger, noticeably less understandable, more aggressive and contain significant areas of pointless colour which has to be printed by the applicant. The CAA will argue that revisions are required by EASA but that is not the case. For example,

The form to apply for a pilot's radio licence, SRG 1106 relates to a UK national licence and is nothing to do with EASA at all.

Old Form

- Very little colour - has to be printed but printing cheap (B&W would be better)
- 2 pages
- 1 page of really useful guidance

New Form

- Large amounts of colour (pointless and costly on a form that has to be printed by the candidate or examiner)
- 5 pages to do the same thing
- No useful guidance at all
- Pointless statements about charges for overseas visits and CAA investigations which must be signed and agreed by the applicant - this is just a licence application!
- Impossible requirement for ID certification - can only be signed by "the head of an ATO" - there are very few such very specific people in the UK and most applicants would have no access to them.

Most of these comments would apply to all the new flush of forms in the CAA licensing area. All have to be printed by the user but the large swathes of colour make this unnecessarily expensive and they are longer and more complex than before but for no clear reason. The tone of the forms seems to have moved away from customer orientation and focuses quite aggressively on charges and penalties for failing to make a correct submission even though some of the requirements are impossible to achieve. They seem to have been designed by either the legal or finance department of the CAA and have lost touch with their necessary and sufficient purpose

1.03 Introduction of new and/or higher charges without safety benefit: The introduction of the EASA regulations and the consequent organisation approvals and oversight required appear to have been treated by the CAA as a charging opportunity and revenue stream, with scant regard to the actual degree of oversight required or any proportionality within the charging scheme. Pre-EASA, sporting organisations such as the British Balloon & Airship Club (BBAC) managed their airsport very safely with minimal CAA oversight and no oversight fees. Now, we have to pay the CAA for the privilege of complying with the additional EASA bureaucracy.

Considering the annual airworthiness organisation approval charges (table 15, section 3.6.4 of Official Record Series 5, no 280), this appears to offer proportional fees based on three bands of organisation turnover (less than £1.125M, £1.125-2.25M and more than £2.25M). However, of the 12 subcategories within the table, only 2 are actually proportional across the full 3 bands; 7 are identical irrespective of turnover. Moreover, the charges for additional sites are equal or comparable to the primary site charge, with no consideration as to the volume of work that is undertaken there. Under this scheme it is simply not viable for an organisation such as the BBAC to declare additional sites at which a small amount of work could be undertaken because of these oversight fees – forcing artificial constraints on the way UK balloons may be maintained and increasing the costs to the owners.

This is a submission by BBAC and is known to be a similar issue for other Sports and Recreational Associations notably BGA, (and in a slightly different context LAA and BMAA).

2.00 Prescriptive requirements

2.01 Temporary Permits

Previously if an aircraft's airworthiness documentation expired whilst away from its maintenance base (perhaps due to a prolonged spell of bad weather) a licensed aircraft engineer (LAE) had the authority to authorise a single flight for the purposes of moving the aircraft to its maintenance base; but not anymore.

I have recent experience of this happening with regard to an ARC renewal (it had expired by 7 days) on an aircraft of 750 kg. The process now involves completing a mass of forms and paying the CAA £100.00 (plus an open ended promise of more if necessary) to obtain a temporary permit to fly. When the process is completed an LAE is still required to sign off an appropriate inspection prior to flight. Whereas the process may be necessary at the heavy end, it seems completely unnecessary at the lighter end, particularly when licensed engineer authority is still required. What is the point of the process being interspersed with another layer of bureaucratic approval

2.02 Excess Medical assessment (*)

The requirement for a class 1 medical for pilots over 65 to have a stress ECG serves little purpose. The technique is now discredited as a predictor for those without a previous history of heart problems. There is little statistical evidence of deaths at the controls and anyway almost all such pilots are instructing people able to both understand the risks and land the aircraft in an emergency. The pilots affected already have 6 monthly medical and ECGs. It is an unnecessary cost and administrative burden discouraging older pilots from passing on knowledge and experience

2.03 Gliding and Ballooning in UK

Gliding in the UK – which organised itself into the BGA during the 1930's – has always been a self-regulated and volunteer led activity using voluntary codes and rules to deliver the safety management of airworthiness, glider pilot licensing, training and operations without cost or burden on government, and is an excellent example of big society in action. Its safety performance is equivalent to and in some cases is better than State regulated air sport/GA. The CAA has periodically reviewed the need for State regulation of gliding and found no justification for doing so. Since 2004, EASA developed regulation, almost exclusively designed with commercial air transport in mind, but much of which is being applied to the sport of gliding incurring excessive new costs not previously incurred and damaging the activity in general. CAA & Dft should be working with the European Commission to remove gliders and gliding from the scope of such Regulation not simply accepting it.

The position on UK Ballooning follows an almost identical situation and similar arguments apply

2.04 Maintenance

Differences in "Guidance" and "Requirements". On my recent G reg C182 opinions differ about what one is supposed to do with the inflatable seat belts every x years at £1000 each and some maintenance organisations take all the autopilot servos out every year at a cost of £2k for a clutch torque test (disturbing every control run!) and others don't.

2.05 Over prescription in IFR training (*)

Why continue with mandating limited panel flight training using a turn coordinator and compass. There is no longer an airworthiness requirement to fit a turn coordinator. A second attitude indicator from a different power source is now accepted. GPS provides a backup facility in many respects. The EASA test requirements do not mandate the nature of the limited panel exercise. A sensible requirement for testing and training, entirely in line with threat and error management principals, would require the candidate to demonstrate effective responses to the kind of failures that could actually occur given the equipment provided in the aircraft. There is no legal impediment to doing this it is a function of the CAA guidance to examiners. The change could be in place within weeks.

There is no justification for the UK insistence on screens for instrument rating tests. This adds to cost, risks damaging the fabric of the aircraft and restricts the view of the examiner or instructor. There is a viable argument that this restriction of the external view is a safety hazard. I am unaware of any other country worldwide who adopts this practice. They rely on cheap simple personal view limiting devices. There is no evidence whatsoever that training and examining without screens delivers a less safe or competent instrument rated pilot. There are no legal issues. A simple CAA announcement could implement this change.

2.06 IR Skills Test complexity & charges (*)

The CAA charge of circa £750 for administering an initial IR skill test is simply a money raising exercise. If the test is allocated by the CAA to an independent examiner they are paid circa £250. The justification presented is that EASA requires the CAA to have a procedure. Other countries address this by requiring the ATO to notify the CAA if a test is taking place (having simply contacted the examiner direct themselves) The CAA can opt to back seat the test or instruct a staff examiner to take the test on the same commercial terms as the independent examiner. The ATO operations manual can make reasonable provision against undesirable 'cosy' relationships for example agreeing that no more than x tests in succession will be allocated to any one examiner. This change could be very simply introduced. The CAA is well aware of the realities. The initial proposal for examiner fees to be paid direct was dropped. It is hard to avoid this suspicion that this was because it made the reality of this situation far too obvious.

2.07 Carburettor icing in GA. An early motoring problem solved decades ago. Pilots and passenger continue to be killed and maimed each year in light aircraft as a result of carb icing. The key problem is that the CAA require that any solution would have to be CAA approved for each and every aircraft type. Most of these designs went out of production years ago. The economics of producing a solution, gaining all the approvals, and having a solution fitted to your aircraft would be prohibitive – mainly due to the cost of the paperwork. So pilots and passengers continue to die.... There needs to be a 'fit this at your own risk' situation...if this catch 22 situation is ever going to be resolved

2.08 Regulatory position of being first and considering EU & Best world practice. The EASA transition has caused upheaval across EU however it is clear the implementation of intended rules and regulation (witness examples in this paper) have varied across nations. It is though clear UK CAA has lead on Licensing (Part FCL) and likely done a good job in managing complex implementation. However generally the drive to be first not consider other nations best and proportionate practice, drive for spirit not the word of implementation and indeed consider non EU world wide best practice is not done. CAA should be a leader in best proportionate proactive effective implementation not being first off the starting blocks.

3.00 Need for Flexibility & innovation

3.01 Realism in Flight test and training

There is an on-going issue with poor understanding of the transponder and poor use of GPS. Quite rightly the CAA are wary of mandating equipment given they have responsibilities to consider the costs and benefits to all airspace users. I suggest that they could avoid compulsion and yet exert a positive influence in this matter quite simply. They could issue guidance to examiners that clear evidence that schools were providing appropriate equipment and instruction would enable examiners to re-focus the skill test. Some would consider this as making the test less demanding. I would argue it focuses it on the world as it

is not the world as it was. For example if a school aircraft has only the most basic instrumentation then the examiner might quite reasonably require a candidate to navigate using only that equipment. On the other hand if a candidate presented for test in a well-equipped aircraft the examiner might reasonably allow that equipment to be used for navigation. All that would be needed would be to check that the candidate had the knowledge to take appropriated actions should the advanced equipment fail. Market forces would ensure that the great majority of training aircraft would be equipped with mode S transponders and panel mounted GPS. Aside from this specific issue I suggest that the CAA could, with a little lateral thinking, exert influence without the need for expensive and time consuming regulatory actions.

3.02 Charts Flexibility (*).

The half million scale VFR chart is a work of art but has become so cluttered as to be almost unusable. Why cannot the chart be available on line to subscribers so that it can be printed off with geographic or vertical filters to make it far more targeted to the needs of suited to individual users. Commercial providers with high quality printing facilities could sell paper charts to those who preferred this as is the case with OS maps. Commercial providers are already selling their own products showing that this is technically quite feasible and presumably eating in to the viability of CAA chart production. There is also a safety aspect to this as one cause of airspace infringements is the difficulty of chart interpretation.

3.03 Complexity of the ATO

The CAA has an institutional resistance to telling people what they can do. It feels far more comfortable telling them, often in very opaque ways, what they cannot do. It sees merit in the expensive and arguably near valueless process of organisations writing their own manuals and procedures. A more rational cost effective position would be for the CAA to produce or approve material that is automatically valid if an organisation chooses to adopt it.

Take the example of the Registered Facility. Much of the UK pilot training took place under this umbrella. The CAA involvement was almost invisible. In effect the facility just registered that it existed. There is absolutely no evidence that this caused problems or resulted in substandard training. The CAA themselves have recognised this. They have campaigned vigorously at EASA for the IMCR, a rating which was delivered almost entirely within this 'light touch' framework.

The EASA system of Approved Training Organisations is incredibly bureaucratic and represents a huge increase in administrative burden. In the early stages of the legislation's development this was recognised to some extent and an ATO light was promised but in reality this has not emerged. The CAA must of course operate within the legal framework as it is. There is no need for them to interpret this legislative obligation in the most burdensome way possible in some cases going far beyond the intention of EASA. The examples are legion but to provide a flavour

- There is a requirement for an NAA overseeing an organisation that operates in another member state to have procedures in place to ensure coordination in the application of the regulations. The intent is clear and reasonable. It is designed to prevent gratuitous avoidance of the regulations by organisations opting to be supervised in one member state but operating in another. The CAA is interpreting this to mean that no training flight can go outside the UK unless a coordination procedure is in place and a formal agreement between the states concerned. This is incredibly being taken to encompass IFR training flights carrying out practice

approaches in Northern France even if they do not land. It would logically include a club in the South of England that does cross channel check ride. It is entirely contrary to past CAA practice when commercial schools often had overseas training written into their approved courses. Elsewhere in Europe in some smaller states a large proportion of flight training is cross border without out any formal procedure being in place. The simple solution is to interpret this regulation as it was intended. An ATO only comes within its scope if it has permanent facilities in another country.

- There is an EASA requirement to state the airfields of operation of an ATO. It is hard to see why this matters but anyway it can be answered by a simple generic response appropriate to the ATO concerned. For example any airfield with an instrument approach procedure or any licensed airfield with a runway of 800 meters or more etc.
- There is a regulation saying that an ATO must have access to suitable aircraft. There is no reason to interpret this as ownership or lease. It is desirable that pilots are encouraged to train in the aircraft they fly. There is no reason why this requirement cannot be satisfied by the statement any appropriately certified aircraft qualified as appropriate to the ATO for example any single engine aircraft.

The answer to this is for the CAA to produce or encourage pilot's representative bodies to produce manuals which address the EASA legislation in the least burdensome way possible. This will reduce the CAA workload considerably. An organisation need be under no compulsion to use this standard documentation. However, if they do so it will help the CAA to avoid wasting resources in endlessly reviewing variations on the same theme. Where an organisations operations deviate from the norm they can highlight these variations clearly and the CAA need only audit the non-standard aspects.

The CAA should accept that they have some responsibility to help the UK training industry remain viable. We have some inevitable disadvantages. The resources we must use such as airfields are not subsidised as elsewhere in Europe and training attracts VAT. On the other hand we have the advantage of English as our operating language. Providing additional unnecessary burdens are not placed on it UK Flight training business could attract clients from across Europe.

3.04 Using other nations standards

Aerotow tugs. Why can we not use the purpose designed, German certified, Dragonfly tug in the UK? There are two UK fatalities where it could be argued that one of the key causal factors is us having to use less-suitable UK legal equipment. Assuming that protectionism for the UK manufacturer is the key factor in the current situation, can we have a small allocation of safe German tugs for the BHPA

Exhaust systems – an example. It is reported that German certified low noise exhaust systems on light aircraft can not automatically be used on UK aircraft – given they are “approved” by another nation they should ‘rubber stamp’ such environment friendly modifications

3.05 Stifling innovation in Electric sub 115kg aircraft. It should be clarified that the weight of the batteries should be treated as equivalent to full fuel tanks. (At the moment the weight of the batteries is treated as being equivalent to the weight of the empty fuel tanks. Staying beneath 115kg therefore becomes considerably harder for quiet, green, future electric developments

4.00 Airspace & En Route Matters

4.01 Disproportionate restrictions:

A specific Glasgow Class D airspace was designed to protect a two runway operation. The second runway was decommissioned many years ago (at very least 4 years and possibly considerably more) and, despite repeated requests there has been no return of CAS to Class G. This CAS forces aircraft not able to access it to fly over significantly more hazardous terrain and /or more congested airspace and/or lower.

Harwell Restricted Area P106 Upper limit: 2500 ft ALT, Lower limit: SFC, A circle, 2 nm radius centred at 513430N 0011905W.

Why is this still Prohibited Airspace when it is publically stated that it only has waste storage for a type that it is permissible to transport by road, and so comparable with other locations that do not attract airspace restrictions?

<http://www.nda.gov.uk/ukinventory/sites/harwell/>

On the general point in respect of nuclear sites, the reason for the size and shape of the Prohibited/Restricted airspace has been stated as a function of the risk of an aircraft crashing into a critical part of the plant. It would make sense if the relevant risk assessments had included $F=ma$, so where the “m” is low (and probably the “a” resultant from low maximum airspeeds as well) the “F” will also be low, so why include all aircraft in the prohibition as this isn’t very proportionate

4.02 Instrument approaches

Instrument approaches should be available without the presence of Air Traffic Control. This is common practice in other parts of the world using simple RT based self-separation procedures. Quite significant commercial transport operations work on this basis. It would increase the viability of existing airfields, open up airfields without instruments approaches to the possibility of having such approaches. It would mitigate against pilots attempting visual landings in conditions of poor visibility. There may be legislative changes needed to implement this fully but it may be possible for the CAA to facilitate this within the existing rules for example by having higher minimum descent altitudes when ATC was not present. The CAA are not necessarily opposed to the idea but they have kept the consideration of this internal. They appear not to have applied any lateral thinking to overcoming any obstacles and progress is said to be stalled. This could be simply moved on by involving knowledgeable participation on wider basis to suggest ways forward.

4.03 Pilot Controlled Lights

Pilot controlled lights are another way in which airfields can be operated for longer periods and made more viable especially in the winter. They are a common facility worldwide. There is not to my knowledge any legislative restriction to their use in the UK. The CAA has agreed informally to operate a trial but since there is extensive world-wide experience to draw on it is hard to see why a trial is needed. Such systems are in use by police and ambulance helicopters in the UK. There are also one or two airfields where a blind eye has been turned to informal lighting systems for many years. On the face of it all that would be needed is for CAA Aerodrome standards department to make it known that they would not object if any

licensed airfield wanted to provide this facility and incorporate it in their operational procedures and manuals.

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