

CAA response to the GA Red Tape Challenge

CAP 1123



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Introduction

The UK General Aviation (GA) sector finds itself under increasing strain as costs of operation rise due to fiscal pressures, a greater focus on environmental issues and the application of a European regulatory framework, and perceived over regulation by the CAA. Too much prescription in the rules and a lack of proportionality have both impacted adversely on the sector.

The Government's GA Red Tape Challenge (RTC) was both timely and welcome. It has given my colleagues and I at the CAA a powerful reminder that we need to inject more pace into how we introduce a more proportionate and risk-based regulatory regime for the UK GA sector and push harder for change across Europe to meet the demand evident from the GA community.

I have often been told that the CAA has a level of engagement with its stakeholders that is unrivalled amongst other national aviation authorities. That may be the case, but we obviously need to achieve more and be better partners with the GA community. The new GA Unit I am setting up in the CAA is a key part of that new approach. Its focus will be entirely on the GA sector. It will ensure that the regulatory regime for GA sector will take a different path and be less onerous to that applied to the commercial aviation sector. The Unit will be committed to eliminating unnecessary regulation and will be staffed by colleagues who have an intimate working knowledge of general aviation and a commitment to it flourishing without compromising safety. The Unit will make sure we better understand the impact of our interventions on the sector; that we are more open and transparent with the sector; and we identify opportunities to reduce burdens and costs wherever we can. We want help create a vibrant and dynamic GA sector in the UK and will work with other Government Departments to identify the potential for funding to develop new technology.

The GA Unit will draw in the work we started following the review we carried out in mid-2012 of the UK's regulatory approach to Recreational Aviation - the RA-2 review. It will also press the European Aviation Safety Agency (EASA) Management Board to make progress on the report prepared in August 2012 by a Working Group on how the regulatory approach to GA safety at the European level could be improved.

This document and the accompanying spreadsheet deal with our responses to the specific issues raised through the Red Tape Challenge. We have already started to deliver change and, I hope, improvements for the GA sector. Since the Government launched its GA Red Tape Challenge we have, for example:

- publicly committed to identify and eliminate regulatory 'gold-plating', which some RTC respondents said the CAA habitually did;
- launched a consultation on deregulating for airworthiness purposes all UK-registered single-seat microlights;
- launched a central, corporate CAA Complaints procedure which RTC respondents rightly pointed out we did not have;
- secured EU agreement to allow the UK to continue to issue the Instrument Meteorological Conditions (IMC) rating for pilots until April 2019;
- published new, simpler guidance for private pilot licensing; and
- started to put all our forms online after reviewing, shortening and removing duplication of information requested wherever possible.

For our future work there will be two guiding ambitions and principles: deregulation and delegation to remove the bulk of GA from the current regulatory oversight of the CAA. Naturally we would prefer to deregulate wherever possible. But in some areas, delegation may be more appropriate to ensure the UK complies with its international and European obligations. Crucial to the success of both options will be the risk appetite of the CAA, other parts of Government and the sector itself.

Guiding principle 1: Deregulate wherever possible.

This option will cover three key themes:

- removal of CAA oversight/rule-making in areas where we have no EU obligation, for example: airworthiness of small microlights; the regulation of light aircraft noise; or the regulatory approach to display pilot Authorisations. These changes can be easily implemented by adjustments to Civil Aviation Publication (CAP) documents and, where necessary, amendments to the Air Navigation Order/Rules of the Air;
- identify what within the GA sector might be removed from EASA oversight. These will primarily be areas that are nationally-based and where previous operating regimes have shown accepted safety, for example gliding and ballooning. We will do this work with colleagues at the Department of Transport as it will require a shift in the UK's relationship with the European Union. We will also need to minimise any unintended consequences such as the sector's ability to operate and trade outside the UK's borders;

- ease the definition of 'commercial activity' by introducing the principle of 'informed consent' to move the onus on participants to demonstrate their awareness of risks involved in certain GA activities. This will shift the CAA's role from regulation/authorisation to providing guidance and oversight to help participants to make an informed choice. While accountability for safety will rest with the participants, it will be necessary to have a dialogue with others in Government and the public on their appetite for such deregulation on a case-by-case basis.

We have started to review the numerous permissions and exemptions that are issued each year to decide which areas might be completely taken out of regulation; removing administrative burdens and associated costs and delays.

Guiding principle 2: Maximise delegations

We wish to maximise delegations to the extent that industry appetite and competence and resilience are the only constraints.

Here the CAA would retain overall accountability so that the UK continues to meet its international and European obligations, but responsibility for delivery of the regulation would be delegated to one or more Qualified Entity. A Qualified Entity would deliver regulatory oversight locally and, being closer to the sector than the CAA, do so in a manner more proportionate and efficient for that sector. They could legitimately compete with each other for business, with fees and charges set by market demand.

We have already delegated responsibility to industry in some areas so we know it can work but our ambition is to do more:

- airworthiness approvals granted to the Light Aircraft Association (LAA) and British Microlight Aircraft Association (BMAA);
- flight crew licensing assessments which are delegated to National Pilot Licensing Group Ltd (NPLG Ltd);
- the Direct Issue process which allows certain aircraft manufacturers to recommend the issue of a Certificate of Airworthiness without a CAA survey.

The Red Tape Challenge has also been helpful in highlighting some of the myths that exist amongst the sector and for us to correct them. For example you don't have to wear a helmet when doing aerobatics - that's for you to decide; you can fly at night in the UK in a single engine aircraft, providing you

have the appropriate rating on your license; and you can land at night without runway lights - that is for you to assess the risk. Other "myths" are corrected in the body of this response.

I mentioned at the outset the value that we place on an open and meaningful dialogue with the general aviation community. We have many areas of work and options to explore but we recognise that it is critically important that we fully engage with stakeholders to determine their priority and appetite and to incorporate their ideas as well. They will need to be confident that we are resolute in our commitment to this programme and that we will work constructively with them at every stage. That is why one of the very first tasks for the Unit will be to consult actively with stakeholders on our planned work programme without whose support and co-operation we will be unlikely to deliver on our commitments.

I hope that readers of our response to the General Aviation Red Tape Challenge recognise that we are making a step change in how we deal with the UK General Aviation sector, and will embrace working in partnership to provide regulatory solutions that are risk-based and proportionate to the needs and appetite of the sector. Of course we should be judged on our results and I look forward to hearing back from the General Aviation sector and the Challenge Panel on how we are doing.

A handwritten signature in black ink that reads "Andrew Haines". The signature is written in a cursive, flowing style.

Andrew Haines

CAA Chief Executive

Background

The Government launched its General Aviation Red Tape Challenge on 11 April 2013. It ran for five weeks until 16 May 2013 and was widely publicised across the GA sector. The structure of this Red Tape Challenge consultation was deliberately open-ended and did not seek views, as previous Red Tape Challenges had on other issues, on a series of questions or a particular set of regulations.¹ Instead, the Government sought views across eight broad themes:

- Common themes & the CAA;
- General aviation pilots;
- General aviation airfields;
- Maintenance;
- Airspace management;
- Training and instruction;
- Historic aircraft; and
- Innovation & other.

The Government received a total of 330 substantive comments via the Red Tape Challenge website and email inbox. Officials at the Department of Transport analysed each of these which resulted in some 270 items for active consideration, primarily by the CAA but also other parts of Government.

The spreadsheet at Annex A shows the CAA's response to each of these items. The majority have been or will be actioned over the coming months, although there were some suggestions that were misunderstandings. The CAA will clarify the situation where possible.

This report deals with those areas for which the CAA is responsible. The analysis does not cover every suggestion; rather it focuses on the main recurrent issues in each theme.

¹ www.redtapechallenge.cabinetoffice.gov.uk/themehome/general-aviation-theme/

Common themes & the CAA

A fundamental theme running across the Red Tape Challenge was communication between the CAA and the GA community. Many felt that the CAA's website could be improved and accessibility of CAA guidance made better. The Flight Crew Licensing: Mandatory Requirements, Policy and Guidance², CAP 804, attracted particular criticism.

Another common concern was that regulations appeared to be introduced without due consideration of how they might impact on the GA sector. Many suggested that before any new regulations, interventions or guidance are introduced, their impact on the GA sector should be assessed and suitable changes made to reduce the impact, without compromising safety. They asked that regulatory interventions should be risk-based, proportionate and the minimum necessary for safety.

There was naturally a strong desire to see greater efficiency from the CAA and a more customer-centric approach.

There was a general dissatisfaction with EASA rules and a perception that the CAA is prone to gold-plating these rules. The CAA has already responded publicly to this challenge. The CAA announced on 4 June that it is "committed to identifying and eliminating any such gold-plating".³

CAA response

GA Unit

The Government's response to the general aviation Red Tape Challenge refers to the new General Aviation Unit that the CAA is setting up to handle all aspects of its oversight of the GA sector. The new Unit will be fully established by April 2014. With broad recognition within the UK that regulation intended for commercial air transport should not be read directly across to the GA sector, the CAA believes setting up a Unit focussed entirely on the GA sector is an appropriate response. The objectives of new Unit will be to:

² <http://lgwmsiis03/caapublications/pubs/cap804jan2013.pdf>

³

www.caa.co.uk/application.aspx?catid=14&pagetype=65&appid=7&newstype=n&mode=detail&nid=2244

- develop and adopt an evidence and risk-based approach proportionate to the risk appetite of participants while still ensuring protection of uninformed third parties;
- cut unnecessary bureaucracy, reduce disproportionate regulation and support and encourage the growth of a vibrant GA sector for the UK;
- develop a culture of transparency and openness and to support and educate the GA sector to encourage sustainable compliance and use legal powers only as a last resort; and
- improve communication with the GA sector, for example by providing targeted, relevant information in more accessible ways.

The Unit will also feed into any reform of the Air Navigation Order.

The GA Unit will have responsibility for airworthiness, operations and associated personnel training and licensing for non-commercial aircraft and 'other-than complex' aircraft. This will encompass aircraft ranging from microlights and amateur-built aircraft, through balloons, airships and gliders, to piston twins and single-engine turbine aeroplanes up to 5700kg Max Take-Off Mass (MTOM), and single-pilot helicopters up to 3175kg MTOM. This is wider in scope than the originally anticipated 2,730kg aeroplane classification and as such provides greater coherence with EU regulatory classification. Hence CAA and industry oversight accountability. It will also have oversight of associated maintenance and training organisations and additionally provide guidance and influence over aerodrome and airspace matters affecting the GA sector.

The Unit will be staffed by GA experts with knowledge and experience appropriate to the sector. They will be responsible for implementing a comprehensive programme of deregulation and where feasible allow the GA sector to take on more responsibilities for its own safety. Work on a number of initiatives has already started, such as the deregulation for airworthiness purposes of single-seat microlights launched at the end of September, and will continue while the new Unit is set up.

The Unit will take the lead role within the CAA of working with EASA and colleagues in other national aviation authorities in the negotiation and implementation of EASA's GA Safety Strategy.

The Unit will also work with other parts of the UK government to identify opportunities where funding to develop new technology could reduce costs for the sector, especially for safety innovations associated with interoperability with the commercial air transport sector.

The Unit will develop a full GA reform programme that will build on and supersede the CAA's "RA2 programme" that emerged from the review conducted in mid-2012 of the regulatory framework applying to the sport and recreational sector of GA. The full delivery plan will be in place by April 2014.

The CAA welcomes the "critical friend" role that the Government's Challenge Panel will provide and looks forward to both its challenge and its support on this important agenda.

CAA website and communications with the GA sector

Over the past 18 months the structure and much content of the CAA website has been refreshed. This year the CAA completed the second phase of the content restructure project. Further work is underway to improve content across the website, but high level navigation and content has been considerably improved. There is a new search engine and user-based navigation.

The CAA also took advantage during the website restructure to split the General Aviation section. It placed Recreational Aviation (RA) aspects into its own area and merged content for Air Operator Certificate (AOC) holders into the commercial aviation pages. The CAA has since developed a 'persona' for RA pilots, providing much of the routine search responses via a single page. The CAA will continue to develop and promote that 'persona' while also looking to add further suitable content. The CAA has a project, to be completed by the end of October 2013, to revise completely the content for pilot licensing to make it much simpler and appropriate.

The CAA is carrying out a fundamental review of The Flight Crew Licensing: Mandatory Requirements, Policy and Guidance, CAP 804. It published new guidance for private pilot licensing on 25 October.⁴ Further updates will be published before the end of the year.

⁴ www.caa.co.uk/application.aspx?catid=14&pagetype=65&appid=7&mode=detail&nid=2303

Digital by default

The CAA is working to be digital by default.

The CAA has launched an ambitious programme to review all of its forms, reduce their number and length where possible, eliminate duplication and pre-populate forms where it already holds information or, where this is not possible, not to ask for the information again. The CAA has identified 21 airworthiness forms, which was the first area to be tackled under the programme. These will all be online by the end of this year, with all licensing forms following by June 2014. The demand for EASA licence conversions remains high and this will be one of the first online licensing forms. The CAA expects about 70 per cent of all licensing transactions to be online by this Christmas.

Transparency in fees and charges

Each year the CAA consults the aviation industry on its fees and charges through its Finance Advisory Committee (FAC) as well as through a public consultation via the CAA web site. The General Aviation sector is represented on the FAC through the Aircraft Owners and Pilots Association (AOPA); British Business Aviation Association (BBGA) and Royal Aero Club (RAeC). There is also a GA Sub-Group of the FAC. This will meet before Christmas 2013 to review the CAA's fees and charges in relation to the GA sector. The CAA will also consider proposals for contestability in order to keep charges in check.

Within the CAA, accounted GA work presently approximates to some 40 Full Time Equivalent (FTEs), with costs of £3.9 million and income from fees and charges of £3.0 million. The costs here are conservative as the CAA carries out much work that impacts on or from which the GA sector benefits, such as airspace reform and EU negotiation, which is not directly charged to the GA sector. A recent example of this is the considerable work that the CAA has undertaken negotiating with EASA and the European Commission to secure the future of the IMC rating for the UK. The CAA announced the European Commission's proposal to allow the UK to continue issuing the Instrument Meteorological Conditions (IMC) rating for pilots until April 2019 on its website on 17 October 2013.⁵

CAA complaints process

A number of respondents observed that the CAA did not have a central, corporate complaints procedure. The CAA has now put one in place and details

⁵ www.caa.co.uk/application.aspx?catid=14&pagetype=65&appid=7&mode=detail&nid=2298

are on the CAA website.⁶ The policy enables complaints to be put in writing via email or post, and requires the CAA to respond within defined turnaround times: five working days for acknowledgement of a written complaint and 20 working days for a full reply. The CAA will publish information in its Annual Report about the number and types of complaints it receives, and the percentage upheld.

CAA Enforcement Policy

Some respondents suggested that the CAA "makes rules to suit the regulator rather than to deliver aviation safety for the UK". The CAA would naturally disagree with this perception, but recognises that it is a view some of its stakeholders hold and it needs to deal with the reality. The CAA is committed to evidence and risk-based interventions. It will apply these principles to its GA programme and will actively check back with stakeholders that it is holding true to the principles.

The CAA has a publicly available Regulatory Enforcement Policy⁷ which explains clearly to all those who interact with it how it will enforce its rules in a proportionate and targeted manner. The CAA will only seek prosecution through the courts in the most serious of cases. It is considering how it might make better use of civil sanctions, where appropriate, but first and foremost it seeks to bring the individual or organisation back into compliance in the most appropriate way.

General aviation pilots

The transition to EASA licensing for pilots was the subject of a great number of comments. Many respondents felt that the transition had not been properly planned, leading to long turn round times and confusion.

Medicals were also a common concern. Some respondents suggested that the need to have a medical carried out by an Aero Medical Examiner (AME) increases costs for no clear benefit.

The result of gliding coming within the scope of European aviation regulation was raised by several respondents.

⁶ www.caa.co.uk/complaints

⁷ www.caa.co.uk/default.aspx?catid=2516

Several respondents argued that the boundary between microlights and single engine aeroplanes was becoming less distinct and that meant that the current licensing system created duplications and inefficiencies for pilots. Some similar comments regarding the Permit to Fly – Certificate of Airworthiness boundary were also received.

There was very strong support for retaining the Instrument Meteorological Conditions (IMC) rating. There was also firm support for simplifying the licensing scheme and easing medical requirements.

CAA response

The majority of issues raised under this topic related to the licence a pilot is required to have, including the medical requirements to obtain a licence and who can give medical approval. The CAA accepts that its service standards fell unacceptably low during the transition to EASA licensing. This was because of the sheer volume of licences that had to be changed. Although pilots have until April 2014 to obtain a new licence, some 50 per cent applied in the first six months of the UK transition start date of 17 September 2012. The situation has now been resolved and the turnaround time for licences is within the published turnaround target of ten days.

There were also queries about being able to transfer military experience into credits for commercial/recreational licences. The latter is based on a misunderstanding as credits for military pilots have been agreed between the CAA and the Ministry of Defence and have been submitted to EASA as the regulations require. These terms are published in CAP 804 and will be made clearer in the revised publication.

A respondent suggested that licence renewals were 'pointless' when check flights and medicals already flag any issues. This issue has already been addressed by the introduction of non-expiring national and EASA licenses.

One respondent correctly highlighted that the current licensing system requires some rotary pilots to have both an EASA and a national licence. This is unfortunately unavoidable as helicopters have type ratings and Annex II type ratings cannot be added to a Part-Flight Crew Licensing (FCL) licence. However, any pilot who holds a Part-Flight Crew Licensing licence and qualifies for an Annex II rating will be provided with an equivalent national licence including that rating. The medical certificate will be valid for both licences.

The CAA argued strongly and successfully in favour of a GP-based, rather than AME-based, medical for the EASA Light Aircraft Pilot Licence.⁸ The CAA cited its own positive experience using such an approach with the UK national Private Pilots Licence. The CAA has issued clear guidance for GPs and AMEs stating which doctors may undertake which assessments.

GPs may undertake assessments for the Light Aircraft Pilot Licence when an applicant has no major medical history and AMEs should undertake assessments when aviation medical knowledge is required to make the assessment of fitness. This is a proportionate, risk-based approach and a significant benefit to the UK aviation industry, which the CAA campaigned alongside industry to achieve. The concept of the GP is not fully understood in the rest of Europe and there was a significant push back from other Member States to allow only AME certification. The CAA is not responsible for setting fees for the medical assessments and the fees charged by AMEs and GPs may vary.

General aviation airfields

Several stakeholders commented that airfields should not have restrictions such as opening hours or require prior landing permission. Others raised concerns about what they perceived as mandatory ground-handling fees. A popular suggestion was to allow instrument approaches using Global Positioning System (GPS) without Air Traffic Control approach control, as in the US and France.

CAA response

On airfield opening times, these are a matter for the airfield to decide. The hours are published in the UK Aeronautical Information Publication⁹ in accordance with International Civil Aviation Organisation (ICAO) requirements.

For a licensed aerodrome the CAA requires that licensing standards are met during the opening hours. The hours may vary depending on local planning conditions and environmental considerations. Operations outside of the published opening hours are a matter for agreement between the aerodrome and the parties concerned. The licensing standards also include the provision of the agreed level of rescue and fire fighting provision. In September 2013 the

⁸ The LAPL is the EASA version of the UK national Private Pilot Licence (PPL) and is valid throughout the European Union

⁹ www.nats-uk.ead-it.com/aip/current/amend28/AIPNEW1.pdf

CAA removed its oversight of Rescue & Fire fighting staffing levels at public transport aerodromes. This means that these aerodromes will be able to reduce their costs by setting staffing levels appropriate to the risk and shared with local authority 'blue light' agency partners.

The CAA understands the frustration expressed in respect of mandatory handling fees levied on recreational GA at some regional airports. Such handling arrangements are not a requirement of an aerodrome licence. The CAA recognises and would endorse the benefits of operating to and from regional airports can bring to the GA sector and would hope that such aerodromes do not put barriers in their way.

The suggestion to allow instrument approaches is very helpful. The CAA had also identified this as an issue for the GA sector.

In September a cross-CAA project team consulted with industry on proposals for a new risk-based policy which will allow applications for GPS Instrument Approach Procedures (IAPs) to be submitted by operators of some aerodromes which do not meet the current (Air Navigation Order Article 172) requirement for an Approach Control service to be provided. The CAA recognises that the UK lags significantly behind other countries in this area and will ensure that maximum advantage is taken to introduce such Instrument Approach Procedures wherever possible.

A new CAP is being drafted which outlines this process and has been published for public consultation.¹⁰ With a positive response to this consultation the CAA will implement this policy as soon as possible thereafter.

Maintenance

There was a general widespread perception raised in a variety of examples that GA maintenance requirements are not proportionate or reflective of actual maintenance needs. EASA rules, in particular those relating to the maintenance and continued air worthiness of light aircraft, were highlighted as increasing the regulatory burden in terms of paperwork and cost but with no tangible additional safety benefit.

There was naturally a desire for a regulatory system that allowed industry professionals to exercise more of their own judgement, such as determining

¹⁰ www.caa.co.uk/application.aspx?catid=14&pagetype=65&appid=7&mode=detail&nid=2302

when parts needed to be replaced. Some respondents queried why they are not able to carry out maintenance on their own aeroplane.

A popular suggestion was for there to be some mechanism for voluntarily orphaning aircraft from a Certificate of Airworthiness to a Permit to Fly. This reflected a common concern that there was an increasingly large gap or hollowing-out between the two regimes.

There were complaints about the frequency and cost of CAA audits. Several suggested that, once approved, maintenance organisations should be able to carry out their business without having to seek further approvals by type and so on.

CAA response

The CAA recognises that EASA rules on maintenance have increased the regulatory burden on the GA sector. The CAA is working with EASA to define more proportionate rules on GA maintenance programmes and oversight, with preliminary regulation in this area expected before the end of this year and is also engaged with the US Federal Aviation Authority on establishing bilateral arrangements for mutual recognition of approved modifications.

The CAA will also consider whether contestability would work in this area as a means of reducing costs. This work will be included in the overall GA programme.

The basic maintenance needs of an aircraft are set by the manufacturer during product development. Maintenance regimes for commercial and private use are not fundamentally different. However programmes do need to be customised depending on the operation and the operators' experience. This basic concept applies whether an aircraft holds a Certificate of Airworthiness or a Permit to Fly.

Forthcoming changes should allow those that service GA aircraft to exercise more judgement, such as, for example, when parts need to be replaced. Indirect privileges used for the approval of maintenance programmes, when exercised, do not incur a charge and can also be used to allow organisations to manage small changes to their scope of approval

In relation to the questions relating to pilots/owners not being allowed to carry out maintenance on their own aircraft, this is a misunderstanding. Current regulations allow for pilot/owner maintenance of defined tasks. Private owners can also carry out more extensive work on their aircraft under the supervision of

a licensed engineer. The CAA will look at the guidance on pilot/owner maintenance to see where it can be made clearer.

On the frequency and cost of audits, the CAA recognises that audits of those companies that maintain GA aircraft need to be proportionate. The CAA has reviewed the frequency of its audits and has decided to make them more proportionate to the risk presented to the public. In many cases, this will reduce audit frequency to the minimum permitted by legislation and focus audit activities on areas of greatest risk. The CAA believes that managing its oversight using this methodology will help reduce compliance costs and encourage owners of UK-based EASA aircraft to use the UK register.

Airspace management

A number of respondents suggested that the UK's airspace policy should be fundamentally reviewed to take account of newer technology.

One respondent noted that GA aircraft have to fly low beneath Class A airspace, despite the fact that the commercial planes are thousands of feet above.

Others suggested simplifying and rationalising airspace structures, including the removal of sharp corners and protrusions which were believed to be used to maximise the amount of controlled airspace.

There was a common perception that airspace changes are made at the behest of commercial interests and that GA was not given due consideration. Several respondents noted that it was vital that uncontrolled airspace remained contiguous, to prevent some aircraft being trapped in pockets. It was felt that airspace generally changed from uncontrolled to controlled and rarely the reverse.

A mandatory requirement for Mode S transponders was opposed by many respondents. However, many supported greater use of technology, for example creating online charts, promoting third-party tools or allowing greater flexibility in how tools such as GPS are used.

CAA response

On reviewing airspace, the CAA's Future Airspace Strategy (FAS) is about a fundamental redesign of the UK's airspace. It is not focused solely on Commercial Air Transport (CAT) operations. There is a dedicated FAS General Aviation Sub-Group facilitated by the CAA. The FAS envisages that future airspace designs will take full advantage of the better aircraft performance and

technology available today. The CAA expects, wherever possible, that maximum use of Continuous Climb Operations and Continuous Descent Operations will be made. This should free up some of the lower levels of Controlled Airspace allowing base levels to be simplified and in places released back to Class G.

The Future Airspace Strategy outlines new proposals for UK airspace to 2030 to address these issues:

- the Strategy has been developed by the CAA, together with the Department for Transport (DfT), Ministry of Defence and National Air Traffic Service (NATS). FAS Programme Board comprising the CAA, NATS and DfT is progressing the work while an FAS Implementation Group, that comprises airlines, airports, NATS etc as well as GA representatives, ensures that the project aims are met operationally;
- the Strategy provides a framework for NATS, airports and airlines to make airspace simpler and more flexible and use the latest technology to allow aircraft to take more direct routes. This is a real opportunity to increase capacity, cut delays and reduce the overall environmental impact of aviation in the UK;
- ultimately NATS will need to re-design and develop the air routes and procedures used to deliver the benefits of FAS; and
- during 2012 the CAA completed an initial consultation on an increase to the Transition Altitude. A follow-up consultation is expected over the 2013/14 winter period. Increasing this altitude will enable many of the airspace changes linked to the Strategy, including the potential for release of airspace for the use of GA and others, enabling more flexibility for GA use of lower airspace.

There were some comments related to airspace around particular airports. For example one respondent said that Glasgow Class D was designed to protect a two runway operation but the second runway had been decommissioned. The Glasgow Control Zone was originally predicated on the operation of a second runway. An approval requirement for Glasgow was that they should review their current Control Zone shape. A preliminary meeting during September 2013 identified some scope for reduction with a view to implementation in summer 2014 after the Commonwealth Games.

Another respondent suggested that there should be an escape procedure in place over London should something go wrong. This is an important issue.

Contingency plans and procedures are already in place to disperse flights safely within the London Terminal Manoeuvring Area and its associated controlled airspace. These are managed by the en-route air navigation service provider NATS.

As in other parts of the Red Tape Challenge some comments were misunderstandings of the current rules. Some questioned what is known as the "500ft rule". Normally an aircraft should not be flown closer than 500 feet to any person, vessel, vehicle or structure,¹¹ without written permission from the CAA. In reality, aircraft landing and taking off in accordance with normal aviation practice are exempt from the 500 feet rule regardless of the kind of aerodrome at which it is operating, not just at government or licensed aerodromes.¹²

Training and instruction

The main issue raised under this theme was the transition of Registered Training Facilities (RTFs) to Approved Training Organisations (ATO) as required by EU regulations. Many felt that the prescriptive nature of the regulations were far in excess of what was needed for safety. Of particular concern was the impact on small owner/manager operations.

One respondent suggested that the CAA should prepare a standard template training manual for schools.

Some questioned why Permit to Fly aircraft cannot be used for commercial training. Others suggested that flight instructors, once approved, should be given greater professional responsibility and should not need to have to request so many approvals from the CAA, for example when performing check flights.

There were a number of issues raised about the theoretical knowledge examinations. One respondent suggested that some questions in the commercial licence examinations are unintelligible.

CAA response

Respondents to the Red Tape Challenge were correct to highlight the new requirement under EU regulations that flying schools who give instruction for non-commercial licences must for the first time be approved.

The CAA has taken up the suggestion of a preparing template manual. A manual has been developed, with the industry's assistance, and will be

¹¹ Section 3 of Part 2 of the Air Navigation Order (ANO)

¹² Section 2 page 7, para 6aii of the ANO

published by the end of October 2013. Copies of the manual will be available at the roadshows the CAA is holding across the UK in November this year, and is available to download from the CAA website.

The CAA has noted the perception that it has gold-plated the EASA requirements in many areas, for example the requirement for Approved Training Organisations to integrate Safety Management Systems into their organisation. The CAA is committed to taking a proportionate approach in this area. It has already published SMS guidance for small, non-complex organisations on its website.¹³ The CAA is considering what further assistance it can give on this issue and tackling any perceptions of excessive regulation coming from EASA. It is welcome news that the Government has secured EU agreement that the applicability of commercial safety standards to general aviation should be included in the European Commission's Regulatory Fitness and Performance Programme (REFIT).¹⁴

The roadshows starting this autumn will be one way of increasing communication with industry on this issue. The first roadshow is on 1 November at the CAA's Gatwick Office. Later ones are at various locations around the UK. The roadshows will provide the tools to help organisations to prepare an SMS proportionate to their needs.

One respondent observed that an Approved Training Organisation must have access to suitable aircraft and questioned whether the CAA interpreted this to mean to own or lease and questioned whether a student may learn to fly in their own plane or in a group-owned Permit to Fly aircraft. This is a misunderstanding.

From the licensing perspective, the Approved Training Organisation may use any aircraft suitable for the purpose regardless of who owns it. The problem being cited here relates to the airworthiness restrictions in a Permit to Fly aircraft, which limits the circumstances where payment may be made for use of the aircraft. The use of Permit to Fly aircraft for commercial training will be addressed as part of the GA programme.

One respondent questioned why a fixed-wing instructor cannot examine an autogyro student in theoretical knowledge examinations, on the basis that the

¹³ www.caa.co.uk/application.aspx?catid=33&pagetype=65&appid=11&mode=detail&id=5612

¹⁴ http://ec.europa.eu/smart-regulation/better_regulation/key_docs_en.htm

papers are exactly the same. This is not the case. Some of the papers for gyroplanes are the same as for other aircraft, while others are specific to gyroplanes. At the Private Pilots Licence level, the exam papers are marked by the Ground Examiner (who must also be an instructor) who is supervising the examination. This means that the gyroplane examinations have to be conducted by a gyroplane Ground Examiner.

There were a number of issues raised about the theoretical knowledge examinations. One respondent suggested that some questions in the commercial licence examinations are unintelligible. EU legislation requires that the CAA draws the examination questions from the Central European Question Bank. The CAA welcomes any examples of what are seen as 'unintelligible' questions so that it can raise them with those who set the questions. The CAA is also looking closely at the number of questions asked. Should these exceed the number suggested by EASA, the CAA will investigate why and reduce the number where there is no valid reason to have more.

Another respondent questioned why the CAA does not allow additional time in examinations for dyslexia sufferers. The time allowed per question is also set out in European law. To allow greater time would require exemption or derogation which would have to include justification that compensating measures to assure no reduction in standards had been applied. The CAA would welcome comments on what might be suitable compensating measures.

One respondent suggested that the CAA has determined that examiner courses need to be longer than that required by EU law and this is gold-plating. It is helpful to receive specific examples such as this and the CAA will investigate this by the end of November as part of its commitment to eliminate gold-plating. Any changes will be made by the end of the year.

A couple of comments were made about check flights. One respondent suggested that CAA approved examiners should not have to inform the CAA of every check flight. The CAA is pleased to confirm that in future such pilots will only need to inform the CAA annually of check flights they have carried out to maintain their examiner license.

Historic Aircraft

A popular suggestion was to introduce an 'adventurous aviation' category, similar to that in New Zealand. This would allow people to receive money for offering flights in historic aircraft.

More broadly, reduced regulations on the restoration and maintenance of historic aircraft were popular. In particular, lighter regulations on carrying passengers were requested.

CAA response

The suggestion to introduce an equivalent to the New Zealand Part 115 regulation (Adventure Aviation) and reduce regulations on maintenance and restoration of historic aircraft was helpful.

The New Zealand requirements are very similar to those that exist within Europe. However, in the UK most, if not all, historic aircraft fall into Annex II regulation, which means they are governed by the British Civil Airworthiness Requirements (BCAR) equivalent maintenance requirements.

These national requirements are currently being revised to introduce new provisions for aircraft operating on Permits to Fly that will cover the majority of the UK historic fleet. These requirements have been consulted on publicly and are now being finalised in collaboration with the Historic Aircraft Association (HAA).

One respondent suggested that providing 'flying experiences' often masquerades under the umbrella of 'introductory training flights'. In reality companies are not prohibited from receiving money for 'flying experience' sessions.

The CAA is aware of this anomaly, as suggested by one respondent, that providing 'flying experiences' often masquerade under the umbrella of 'introductory training flights'. The CAA is developing, with the aviation industry, a regulatory framework using the principle of 'Informed Consent' which would allow organisation to conduct certain revenue-generating 'promotional flights' within a club environment. The CAA believes that such measures will, when implemented, provide participants and uninformed third parties with proportionate protection and reduce the risk of misunderstandings in this area.

Innovation/Other

Many who responded argued that excessive regulation hampers innovation by imposing unnecessary costs and delays. They argued for an overhaul of the certification and approvals process for modifications, inventions and new equipment.

For example, several respondents argued that products approved for aviation use in other countries should be automatically approved for use in the UK, or that an experimental category, as in the United States, should be created.

There was a perception that any change incurs large costs and involves a time-consuming approval process with the CAA.

Another suggestion was allowing the use of mogas (automotive petrol) in aeroplanes. It was noted that the CAA allows mogas with some engines if they are in microlights, but not when the same engine is in an aeroplane.

Some suggested that Permit to Fly aircraft should be able to allowed to fly instrument rules if suitably equipped.

CAA response

The CAA's GA Programme is intended to help foster innovation in the GA sector by considering the potential. Initiatives already started include:

- creating a 'commercial experimental' aircraft category to facilitate proof-of-concept flight testing subject to professional competence and proportionate operational restrictions;
- simplifying processes for modification, changes and repairs;
- improving the substitution of obsolete or out of production materials;
- allowing certain Permit to Fly aircraft to fly at night and/or in instrument conditions if appropriately equipped; and
- simplification of the means to allow flights for test purposes (without a standard valid Certificate of Airworthiness/Permit to Fly).

One particular response about the empty weight limit of Single Seat Deregulated microlights has been fully addressed by deregulating for airworthiness purposes all aircraft which fall into the Annex II 'single seat microlight' category. Public consultation on this initiative ends in early

November 2013 and if there is approval for the measure a General Exemption will be issued very soon after.

The CAA permits the use of mogas in aeroplanes when qualified by the engine and airframe design approved holder.

In 2014 the CAA will review the complete set of Design and Production Organisation approval requirements to provide a more proportionate framework for Annex II aircraft.

Changes have already been made to ease the process of parts certification for EASA GA aircraft through changes to Part 21 introduced in Regulation (EU) 748/2012. EASA is committed to publishing new guidance material in the summer of 2014 that will enable consistent application of these new more proportionate requirements.

One respondent suggested that the CAA does not allow silencers to be fitted without an expensive approval. This is a misunderstanding. If a silencer installation or any other modification has been previously approved by EASA or an EU member state before 28 September 2003, it can be installed on a UK aircraft without further approval.

Next steps: right to reply

The Government and the CAA would welcome your feedback on this response to the GA Red Tape Challenge. We would also welcome any suggestions for growth projects. Comments and suggestions should be sent to redtaperesponse@caa.co.uk by Friday 6 December 2013. Your feedback and suggestions will be shared with the Challenge Panel who will take them into account when preparing its report to Ministers due in April 2014.