

# A chink of light?



Left: less regulation of small GA airfields may result from the Working Group's report

*The Light Aviation Airport Study Group has submitted its final report to the CAA. John Walker\*, AOPA's representative on the group, reports*

The work of the infamous Joint Review Team has resulted in much criticism because of the increase in many fees incurred by the general aviation community. Amongst these proposed increases was a hike in the cost of an Aerodrome Licence which, for aerodromes like Seething, was calculated to result in the annual licence fee rising from £600 to £3,800 spread over a three year period (*General Aviation*, February 2006). There may now be some hope that the regulatory cost of providing facilities at an aerodrome could be considerably reduced because of the recommendations of the Light Aviation Airport Study Group (LAASG).

The Group was established by the CAA in November 2004 with terms of reference that included the following opening statement:

*"The CAA Safety Regulation Group (SRG) oversees UK aviation requirements, which meets the relevant international regulatory obligations. While a satisfactory safety regime currently exists in UK, SRG remains open to new ideas about how safety objectives may be met in the changing operational and legislative environment. The Light Aviation Airport Study Group (LAASG), whose membership has been drawn from areas of industry and regulatory departments concerned with 'light aviation' airports and operations, has been established to address aspects of these obligations."*

In its considerations, the Group was required to bear in mind the UK's obligations under international law and also the fact that the European Aviation Safety Agency (EASA) would eventually assume legal powers in respect of aerodromes starting with the European Commission issuing their Essential

Requirements covering aerodromes early next year.

As stated, the Group had members on it representing AOA, AOPA, BBGA, BHAB, BGA, BMAA, GAPAN, GASCO and the PFA as well as a number of CAA departments. At the first Group meeting held on 24 February 2005, the CAA tabled a chart illustrating the requirements for use of a licensed aerodrome under Article 101 of the ANO 2000 (now Article 126 of the ANO 2005).

Even a casual review of the chart shows some strange anomalies, such as the need for a licensed aerodrome in conducting a public transport flight with a light fixed wing aeroplane to and from the same aerodrome, but not for a similar flight that landed elsewhere. To add to the anomalies, the chart does not show the exemptions against the Article granted by the CAA for flights conducted by certain types of aeroplane. In this regard, the Group unanimously agreed that there was no need to change the current requirements for training on microlights, self-launching motor gliders or gliders. To understand how the Article came about, a brief review of international aviation regulation is required.

## The international dimension

The origin of modern day international aviation legislation is the Convention on International Civil Aviation (the Chicago Convention) signed on 7 December 1944 that was a far reaching agreement designed to regulate international civil aviation in the post Second World War era. It also resulted in the formation of the International Civil Aviation Organisation (ICAO), an arm of the United Nations, who effectively became the custodian of the Convention and all of the subsequent Annexes

to it. These Annexes include Annex 14, dealing with the specification for aerodromes from which a number of Standards and Recommended Practices (SARPs) are derived. In order to ensure uniform standards of safety and facilities at aerodromes, the Convention required contracting states to "certify aerodromes open to public use". However, the Convention does not define public use, but it is clear from other definitions in the document and the circumstances in which the document was drafted that it was aimed at the regulation of international air services with an air service being "any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo". In the UK, the term licensing has been used for certification, and Article 126 implements the Convention under UK law. In 1966, the UK extended the need for licensing to include flying training, an additional provision for which there is no international regulatory requirement. Even the more recent JAR-FCL Part 1, which is expected to become legally enforceable under a Regulation being drafted by the European Commission (referred to as EU-OPS), does not mention any need for licensing or certification of aerodromes. Because of this lack of international legislation, there is a great disparity in the requirements at aerodromes used for flying training in Europe. In some countries all aerodromes open for public use, as defined in their state legislation, are certified while others certify only those aerodromes used for international air services.

## Flying training

Given this background and not surprisingly, the initial discussions within the Group centred on the need for a licensed aerodrome for the purpose of flying training in particular. During the debate, it was noted that irrespective of any aviation legislation, the aviation industry still had a duty of care under health and safety legislation towards student pilots, aircraft passengers and the users of aerodromes. In addition, the industry needed to have due regard to recent corporate manslaughter legislation. These considerations led the Group to seek general advice on the effects, if any, of possible changes in flights requiring a licensed aerodrome on insurance issues. After much deliberation, the Group finally settled on a recommendation that flying training should be permitted at an unlicensed aerodrome. However, it was further proposed that the aerodrome facility would need to meet the physical standards set out in a code of practice and that compliance with the code would form part of the certification and revalidation process for a Flying Training Organisation (FTO) or the registration process for a Registered Facility using the aerodrome in question. A draft code of practice was drawn up by the industry members of the Group and

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Left: there is concern at the increasing cost of providing fire and rescue services

this was based on CAP 428, Safety Standards at Unlicensed Aerodromes Fourth Edition July 1991 and the codes produced by the BGA, BHAB and the BMAA for sites used by their members.

### Public transport flights

In looking at the requirements for other types of flight, it was pointed out that for public transport flights Article 42 of the ANO required the operator to satisfy "himself by every reasonable means that:

- (i) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose: and
- (ii) in particular that they will be adequately manned and equipped at the time at which it is reasonably estimated such a take off or landing will be made (including that those places will have such manning and equipment as may be prescribed) to ensure so far as practicable the safety of the aircraft and its passengers."

This last clause includes the need for adequate aerodrome rescue and firefighting facilities for the aircraft type conducting the flight.

The industry members of the Group were

unanimous in proposing that all aircraft under 5,700 kg maximum take-off weight should be allowed to operate from an unlicensed aerodrome. The 5,700 kg limit was arrived at because of the current aircraft weight restriction placed on a basic PPL holder, and the view that the professional liability of a CPL or ATPL holder needed to be protected by licensing the aerodromes regularly used by these pilots.

### Safety

Throughout the debate, the safety of aeroplane operations was a paramount consideration. For a number of years there has been concern at the increasing cost of providing a Rescue and Firefighting Service (RFFS) at the smaller aerodromes requiring a licence in order to carry out flying training. The majority of these aerodromes were licensed to RFFS categories Special, 1 or 2. Not only has the cost of the fire vehicle(s), media and equipment increased but also the cost of the initial and continuation training of firefighters under the terms of CAP 699, Standards of Competence for Aerodrome Firefighters. At the

same time, there was no evidence to suggest that the lack of a licence, which included the provision of an RFFS to the current standards, would adversely affect safety since the available data indicates that flying training and operations by aircraft of less than 5,700 kg are not significant aerodrome related risks. It was also recognised that firefighting techniques and equipment had improved over the years but that this had not been reflected in the current RFFS standards.

### Group recommendations

After several meetings, the Group submitted its final report in December 2005 in which it recommended that the CAA:

- a. Reviews and, if appropriate, revises Article 126, taking into consideration ICAO Annex 14 SARPS, current European Requirements (JAR-FCL), developing European Requirements (EU-OPS and EASA Essential Requirements) and the Group's findings in relation to public transport and flying training.
- b. Develops detailed proposals to remove the requirement for flying training to be conducted at a licensed aerodrome and accepts alternative arrangements, e.g. a code of practice or enhancement of FTO approval, to maintain safety levels for flying training to supplement the requirements in JAR-FCL.
- c. Conducts a review of the licensing criteria for RFFS Category Special, 1 and 2 aerodromes."

Work has already started within the CAA Aerodrome Standards Department on the first and third recommendations of the Group. On the second recommendation regarding flying

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training from unlicensed aerodromes, the CAA Personnel Licensing Department will shortly be launching a consultation to test the concept. If there is a favourable response to the recommendation, then a second consultation on the detailed proposals together with a Regulatory Impact

Assessment, will be issued. The aviation industry will therefore have the opportunity to comment both on the concept and, if this proves acceptable, on the details of the new arrangements. The outcome could be that there will be no annual aerodrome licence fee for smaller aerodromes conducting flying training and a reduction in the costs of them providing an RFFS. They may also be able to handle flights of any type by aircraft of less than 5,700 kg maximum take-off weight. All of these benefits may be achieved without a reduction in the current level of safety at these aerodromes.

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Left: CAA's flow charts point up a number of anomalies concerning small aerodrome use