



More by luck than judgement

There are too many infringements of regulated airspace and one day there's going to be a disaster. So what are we going to do about it? Pat Malone reports

The C152 was on a local flight from Biggin Hill. The pilot, a recently qualified PPL with 65 hours, all on type, had spoken of his intention to take a friend to see the Dartford Bridge. Two miles north of the ALKIN hold he inadvertently allowed the aircraft to climb to 3000 feet and was hit from behind by a Q400 inbound to LCY. The accident killed both men aboard the 152, all 72 people on the Q400 and seven people on the ground in east London.

I make no apologies for starting this article with a piece of apocalyptic fiction. If the above paragraph becomes a reality in an AAIB report, not only will an amateurish blunder take the lives of a huge number of people but you can kiss goodbye to general aviation as we know it. And unless we raise our game, a scenario like this is likely to come about. Don't get sidetracked by the inexperience of my fictional pilot – we're all guilty, and we'll all take a share of the blame when the worst comes to the worst.

We're just not taking infringements of controlled airspace seriously enough. One infringement is too many – last year there were 330 in the London area alone. About 15 percent develop into something more serious than a technical transgression, and two percent involve a definite risk of collision. In

2006, there were two airproxes in the London TMA – two incidents which, but for fortune, could have produced the AAIB paragraph above.

We all have a duty to crack down on infringements, a duty to improve our own flying and that of others. AOPA has been banging on about infringements for years – read back through this magazine for endless stories on TRA, RAT and TMA busts, and their consequences. In recent months we've highlighted the problem of Red Arrows RAT infringements, both in *General Aviation* and in *Pilot* magazine. It doesn't seem to make much difference. So far this year there have been four Red Arrows infringements, involving five aircraft. Now the CAA and National Air Traffic Services have weighed in with their 'Airspace and Safety Initiative', which has the laudable objective of reducing the infringing pilot to the status of the drunk driver in society.

NATS/CAA statistics on infringements are misleading. They say that reported infringements have gone up by 20 percent in two years, when in fact during that time NATS has actively encouraged "more aggressive"

Right: 'ello 'ello 'ello - Ian Weston, head of the CAA's enforcement branch

Left: Phil Roberts, assistant director of airspace policy at the CAA

reporting by controllers. People are being reported now for dipping a wing into a zone, something that wouldn't have caused a controller to put pen to paper two years ago. But the statistics don't matter. The fact is that the number of infringements is too high, and it's not going down.

The CAA and NATS are planning a number of changes to improve matters – new LARS in the London area, new generic squawks, simplified airspace – but it will all be for nothing unless there is a sea change in pilot attitudes. AOPA handles too many cases on behalf of members who are caught where they shouldn't be. While every case is different and everybody deserves a fair hearing, it has to be said that most of them are the result of amateur-hour flying, sloppy or non-existent planning, cavalier navigation and an attitude that really has no place in the air. Things must change.

Offender profile

What causes infringements? It can be misleading to try to categorise offences, but NATS says navigation error or a lost pilot accounts for 37 percent of the total. Comms failure or difficulty accounts for six percent, as does 'cockpit distraction' and 'ATC co-ordination failure'.

According to the CAA, 'offender profiling' has not been a success – there's little that can usefully be extrapolated from data on who does the infringing. We're all at it; the five aircraft who have violated Red Arrows RATs so far this year (up to July 3) were a Navy Merlin helicopter, a commercial aircraft, two microlights and a Cessna 152. Phil Roberts, assistant director of airspace policy at the CAA, says: "Believe me, we've picked over the data in an attempt to target the message, and they're just as likely to be club aircraft from a tarmac strip as microlights from a farmer's field and military aircraft."

At the launch of the initiative in West Drayton in July, Steve McKie of NATS said the new 1177 squawk given to aircraft in contact with London Information has already proved its worth, having prevented 21 infringements. When a controller sees a 1177 squawk getting too close, he or she can call London Info and ask to have the aircraft make contact with them. Without the squawk, they're reduced to



ringing around likely ATC units fishing for information.

But while the squawk is useful, London Information will not be getting any more resources or personnel to handle it. There will still be two operators, overloaded to the point of wipe-out in the summer. Recognising this fact, Steve McKie would not recommend outright that pilots who were not in receipt of a service should contact London Information and squawk 1177 – it's up to you.

Controllers are very pleased with the 'listen out' squawks that have been allocated to Manchester and Luton/Stansted. If you're in the region of these airfields, listen out on their frequency and input their special squawk – 7366 for Manchester, 0013 for Luton/Stansted – to show them you're listening. You don't have to talk to them, but they know they can raise you if they need to. You might hear, 'Aircraft squawking 0013 in the vicinity of Ware...' or whatever. This system is very popular with controllers, although they have experienced problems with people leaving the frequency and forgetting to change the squawk.

They're also looking forward to CAIT, the Controlled Airspace Infringement Tool, due to go live on London area screens shortly. This is a smart piece of software that identifies infringing aircraft and turns their trace magenta – very useful for a controller who's got his head down over his own traffic and doesn't instantly spot an intruder.

But a step change in the way in which London area traffic is handled will come with the establishment of 'London area LARS', which is effectively the expansion of Farnborough LARS to cover all the airspace around the London TMA.

This is



happening as a result of the ATSOCAS review, which has been looking at air traffic control services outside controlled airspace (hence the acronym) and in which AOPA has been closely involved. Unlike some other initiatives this one has money behind it, and Farnborough LARS will be beefed up to cope with the new business. The question of who will pay is left hanging. NATS will certainly fund it initially, but NATS is owned by the airlines and they don't give money to GA, they take money from GA. The extent of the service has also not been established – they will give traffic information 'subject to workload'.

Crime and punishment

There is no new element of threat in the CAA/NATS initiative on infringements. Quite the opposite. At the launch the CAA's head of enforcement Ian Weston set out the Authority's policy on prosecutions, and as a long-time

Kick the tyres, light the fires...

One factor common to most infringements is lack of proper planning. Didn't get the weather, didn't have an up-to-date chart, didn't draw a track on it, didn't get the Notams... you're not ticking any of Ian Weston's 'do not prosecute' boxes here.

- Do your homework. Draw lines on a map. Perhaps go over your route with someone who knows it, or a more experienced pilot. Get the Notams – the AIS website at www.ais.org.uk isn't the lumbering monster it used to be, and you can call the Notam office on **020 8745 3451** or **3450**. Call the hotline **0500 354802**. Do it now, and store the number in your mobile. Call it before every flight.
- Don't presume you'll be cleared to cross controlled airspace; have a 'plan B' ready in case you're refused entry. (If you feel you've been unreasonably excluded, call AOPA – don't let them get away with it.)
- Plan to leave a substantial buffer zone around restricted or controlled airspace. If you intend to scrape along the line, you're asking for trouble.
- Make sure your GPS is up to date – some infringements have been caused by old data – and only use the box for back-up.
- Switch on your transponder, Alt mode if you have it. Consider getting on to London Information and squawking 1177 when you're not under positive control. Use the 'listen out' squawks around Manchester, Luton and Stansted (but remember to go back to 7000 when you leave the frequency).
- If you think you've infringed airspace, tell ATC immediately, and if you're not with anyone, call D & D on 121.5 straight away. If you do this, not only will the CAA's legal department consider you to be a responsible and reasonable pilot, but you could save lives.
- Take criticism, and dish it out. Don't bridle (like I do) when someone points out you've done something dumb. Be big enough to accept that you're not the best pilot in the country.
- Above all, stop making excuses for infringements. Stop tolerating sloppy planning, by yourself or by others.

participant in this process, AOPA can vouch for the fact that the CAA has taken a more enlightened attitude to prosecutions for airspace infringements in recent years. It has never prosecuted an infringing student and never would, except perhaps in the most extraordinary circumstances. What it would do instead is send the SRG, PLG and the enforcement branch around to the flying school involved and put everybody through the wringer, and you don't want that.

Similarly, it has taken heed of AOPA's long campaign to take the transponder issue out of the equation, as far as is humanly possible. Back in 2003 there was a court case in York following a Red Arrows display at Elvington which was

interrupted by four separate aircraft. The CAA prosecuted only one pilot, despite the fact that he was the least culpable – he was the only one they could catch, because he had his transponder on. AOPA argued not that the infringer shouldn't take his licks, but that it would compromise safety if the transponder was seen by pilots as an instrument of CAA retribution.

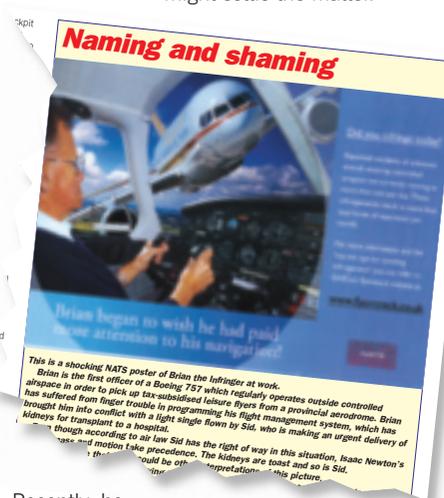
This has turned out to be a well-founded fear. Whatever the reason, GA pilots are simply not turning on their transponders. Irv Lee, who runs the excellent website www.flyontrack.co.uk (which contains massive amounts of information to help you avoid infringements) reported to the initiative launch that fully 50 percent of the pilots he flew with as an instructor and examiner failed to turn on their transponders. Some of those who did failed to select Alt mode.

AOPA suspects that the CAA is bending over backwards to avoid a repeat of Elvington. Cases which might in the past have led to a prosecution have more recently not gone to court where transponders have been used. Ian Weston said: "Unless a pilot's actions are

deliberate, premeditated, reckless, or negligent, the CAA is unlikely to prosecute. A pilot who is using his transponder is less reckless than one who is not, and that would count in his favour when we were weighing up whether to prosecute.

"We look at all the circumstances. Did he do his planning, did he get the Notams, did he get the weather? Did he have his transponder on? If the answer is yes, it moves him towards being a reasonable and responsible pilot who made a mistake, and away from being a candidate for prosecution." The message is clear – turn it on, Alt mode if you have it.

Weston shares AOPA's view that a requirement to undergo retraining is often preferable to a prosecution, saying: "Where an infringement results from a mistake or misunderstanding and no real harm resulted, an agreement to undergo some retraining might settle the matter."



Recently, he added, they had dealt with an infringer who refused to accept a caution and a retraining requirement. He was therefore prosecuted and heavily fined, and paid a serious costs bill.

Arrogance is a funny thing. Believe it or not, there are pilots who deliberately fly through



controlled airspace without clearance in order to cut journey times, or as an anti-authority gesture. Weston gets emails from a Scottish pilot along the lines of, 'You'll never catch me, copper.' If you know who this ding-a-ling is, grass him up – he's not fit to fly.

What's to do?

NATS and the CAA accept that it's not simply the fault of pilots. Airspace can be over-complicated and difficult to figure out. Phil Roberts cites airspace around East Midlands as an example – some of it, he says, 'virtually unflyable'. In an appraisal that could be double-edged, he goes on: "We have been guilty of over-complicating airspace in order to keep regulated airspace to the absolute minimum." Any new grants of controlled airspace, he says, carry a requirement to



guarantee access to all aircraft where possible.

AOPA supports the CAA/NATS initiative on infringements and will work to get the numbers down. We will continue to represent members who find themselves in trouble over infringements because everyone is entitled to a

fair hearing. But the majority of our cases happened because pilots fell short of the standards of airmanship required to share the air with others. Just because you're not a professional doesn't mean you can be amateurish.

Final word to Robb Metcalfe, head of the CAA's GA inspectorate. "Twenty years ago, drunk driving was something that more people tolerated. You went out, you had a few drinks, and the best drunk-driver drove home. Today, that has changed. Drinking and driving is socially unacceptable. People have realised that the penalty is not fines and driving bans, the price is paid in dead children. We need a similar change of attitude. We must make the airspace infringer every bit as socially unacceptable as the drunk driver, before we end up with 300 deaths in an accident." ■

Letters to the Editor

Man at the top

Sir,
I think you let Sir Roy McNulty off the hook. (*General Aviation*, June 06). The man's done tremendous damage to GA. It's puerile for him to say he's just following orders, and if you want regulation backed by reason you have to get the government to do it. What is he in charge of?

With Sir Roy McNulty in the chair, we have two or three CAA operatives coming out twice as often to do jobs that used to be done by one person and aren't necessary anyway, and we're paying more for the privilege. Where was that in your interview? Does every engineer have to have two CAA men following him around with a clipboard, checking his paperwork and earning more money than he does for doing it?

The pointlessness of it all has a military flavour. When you join up, you're subjected to all sorts of petty and demeaning regulations designed to break you down and mould you in a certain way. You paint the coal white and glue the leaves back on the trees because that's what you're told to do. You get used to it, and you become adept at either getting someone else to do it or getting around it without being seen to break the letter of the law. There are too many people in the CAA who do things that way. We have a mess of illogical and contradictory regulations and we're expected to contrive smart ruses to reconcile them. The CAA needs to take on people from the industry instead of RAF men who can't get jobs on the outside. But most of all, it needs change right at the top.

Name and address supplied

Throw away the key

Sir,
In your article 'Red Arrows - your turn this year?' (*General Aviation*, June 07) you say that AOPA will 'go in to bat' for pilots who infringe a TRA. Why? Any pilot who knowingly flies into a TRA deserves everything the regulator can throw at him or her, and if pilots are not aware either of its existence or of their proximity to it, they should not be flying.

Your article spells out all of the reasons why it should not happen, and while I accept that anyone can make a mistake, that kind of mistake by a trained and capable pilot is unacceptable and must be punished. Reading your version of the likely outcome of any attempted 'defence' I think you believe that, too. Short of a serious/life-threatening emergency, I can think of no mitigating factors.

Martyn Redmore

Martyn: AOPA isn't judge and jury, that's the CAA and the courts. AOPA has in the past thrown out members for wilful negligence, but that's rare. Most people make honest mistakes, and AOPA will try to make sure they get a fair hearing. – Pat Malone

Political PPL

Sir,
I have just been reading the article on Gillian Merron MP in *General Aviation*.

You might already be aware that Stewart Stevenson, the Transport Minister in the Scottish Executive is a PPL and a member of Edinburgh Flying Club. So hopefully on this side of the border we also have a politician with some grasp of general aviation.

John Simpson

Shoreham history

Sir
As a mature student pilot and member of the Sussex Flying Club, I read the article on pages 44 to 46 of the June 2007 edition of *General Aviation* with great interest.

However, some of your readers may have been puzzled by the reference to Shoreham being the UK's oldest licensed airport and opened in 1936. This was, in fact, the year in which it officially became the Brighton, Hove and Worthing Joint Municipal Airport and the terminal building was opened. The first flights took place in 1910 and the Brighton and Shoreham Aerodrome was officially opened on 20th June 1911.

Although the airport lies within the area governed by Adur District Council, it was jointly owned by the Councils of Brighton and Hove to the east and Worthing to the west prior to the sale to the Erineaceous Group. As a Council Tax payer with Adur District Council I was, fortunately, spared having to contribute to the losses made by the airport.

My home lies under the downwind leg of the circuit when runway 20 is being used, and I am accustomed to seeing many aircraft pass overhead on a fine day. When I finally got to fly my first solo circuit, I spared a few seconds from the pre-landing checks to confirm that my bungalow was still standing! I understand that one of the greatest attractions of local pleasure flights is the chance of seeing one's home from the air, but I should imagine that few manage to do so during their first solo.

I am well accustomed to seeing the sights in the aerial photographs accompanying the article. Might I just mention that the picture of Arundel shows the town, including the Roman Catholic Cathedral and C of E Parish Church, together with the Castle cricket ground. However, the Castle itself is out of shot at the bottom of the page.

Ian Vaughan.
Shoreham-by-Sea. ■



2007 AGM

12.00 noon Friday 14th September 2007
at the Royal Aeronautical Society
4 Hamilton Place, London, W1J 7BQ

The formal notice follows:

THE BRITISH LIGHT AVIATION CENTRE LIMITED
Trading as
THE AIRCRAFT OWNERS AND PILOTS ASSOCIATION OF UK
41st Annual General Meeting 12.00 noon Friday 14th September 2007

1. Apologies for absence
2. To confirm the Minutes from the 40th Annual General Meeting
3. To receive and accept the Accounts for the year ended 31st March 2007, together with the Report of the Directors.
4. The election of Directors to the Board of Management. The following Directors are due to retire by rotation: Alan Croxford, George Done, Jack Wells and Peter Skinner. Alan Croxford offers himself for re-election on behalf of Corporate Members, George Done and Jack Wells offer themselves on behalf of Pilot Members, and Peter Skinner offers himself on behalf of Instructor Members. The election of other properly nominated Members of AOPA.
5. To appoint as Auditors Messrs Waller & Byford, at a fee to be fixed by the Board of Management.
6. To conduct any other business which may properly be dealt with at an Ordinary General Meeting.

By Order of the Board of Management **Graham D Rowe, Secretary**

