Introduction

The British Microlight Aircraft Association (BMAA) represents the microlight flying interests of its membership, currently numbering above 3600. The members fly 1900 regulated microlights and another, estimated, 200 deregulated microlights.

All microlights are flown for the purpose of recreation with the exception of those used for flight training and testing. Flight training and testing is carried out by persons approved for the purpose by the UK Civil Aviation Authority (CAA).

Microlight pilots hold a licence issued by the CAA to fly their aircraft and are subject to both flight currency and medical requirements to maintain licence privileges.

Microlight aircraft come in many shapes and sizes. Some are very simple with low performance and limited flight instrumentation and equipment. Others are more complex with flight performance that rivals many of the traditional “light aircraft” designs and are equipped with modern radio aids and navigation equipment.

All microlights are restricted to flying by day in VMC to comply with the VFR.

London Oxford Airport (LOA) ACP

LOA Consultation process – BMAA Comment

Prior to the publication of the LOA ACP the BMAA had discussions with members of the LOA staff and consultants, Osprey. It was disappointing that no proper pre-design consultation was undertaken, resulting in a forgone conclusion being presented rather than any true attempt to develop solutions that would work for all. This failing has led to an air of confrontation rather than cooperation. This is not the way a significant ACP should be managed.

The BMAA has contacted in excess of 400 of the named consultees. 50% of those contacted who replied had not received notice of the consultation. Any conclusion drawn by response rate to the ACP must be considered to be flawed.

LOA Consultation – BMAA Response

The views expressed in this response to the consultation represent BMAA policy with regard to proposals to establish or extend controlled airspace. These policies are:

1. Controlled airspace should only be established when it has been demonstrated to be the most appropriate alternative to satisfy a requirement for a known traffic environment for the purposes of flight safety, where a need to improve flight safety has been positively identified.

2. The establishment of controlled airspace should not lead to a potential decrease in flight safety due to a displacement of air traffic to another area.

3. The controlled airspace should not disadvantage or significantly affect other established aviation uses unless with the full agreement of those users.

4. The classification of a particular volume of controlled airspace should be the least restrictive, in terms of types of flight rules and aircraft able to operate within it, as necessary to achieve the flight safety standard sought.
5. The volume of controlled airspace should be the minimum needed to achieve the flight safety standard sought.

6. The Air Traffic Service provider must ensure that the airspace is managed so that transiting and local traffic wishing to penetrate the airspace is able to do so as a right when following normal procedures, and is not prevented from using the airspace, and so be disadvantaged, for the benefit of other aircraft operating from the aerodrome for which the airspace is established.

7. The Air Traffic Service provider must ensure that staffing levels are adequate to fulfil the responsibilities that the management of airspace puts upon them.

In addition to these policies the BMAA considers the requirements of the Future Airspace Strategy (FAS) and the CAA Airspace Charter, as noted below, when making this response.

**FAS** Safe efficient airspace, that has the capacity to meet reasonable demand, balances the needs of all users and mitigates the impact of aviation on the environment”,

**CAA Airspace Charter** “The Directorate is to ensure that UK airspace is utilised in a safe and efficient manner. This is to be achieved through the development, approval and enforcement of policies for the effective allocation and use of UK airspace and its supporting infrastructure, taking into account the needs of all stakeholders.”

With respect to these policies we make the following observations:

1. **Controlled airspace should only be established when it has been demonstrated to be the most appropriate alternative to satisfy a requirement for a known traffic environment for the purposes of flight safety, where a need to improve flight safety has been positively identified.**

   **Current operations at LOA are not unsafe.**
   The LOA ACP does not say that current operations are unsafe. If they were unsafe we would expect that LOA would cease operations.

   **This purpose of this ACP is not to create a known traffic environment.**
   That purpose would be satisfied by other airspace options such as the establishment of a Radio Mandatory Zone.

   **The purpose of the LOA ACP is to create a volume of controlled airspace allowing LOA to actively control the aircraft within it.**
   The ACP is specifically designed to give airspace priority to LOA traffic over other legitimate airspace users. LOA will also be able to prevent entry if it chooses. This purpose requires controlled airspace.

   **Retaining the current airspace designation will not lead to a decrease in flight safety.**
   The LOA ACP does not contain any reference to proposed or expected traffic growth. Therefore, there is no reason to believe there is any expectation of a reduction in flight safety that might be expected with a growth in traffic if there is no airspace change. Therefore, retaining the current airspace designation will not lead to a decrease in flight safety.
London Oxford Airport (LOA) ACP: British Microlight Aircraft Association Response

The ACP claims to seek to enhance the safety of IFR aircraft arriving at LOA from the north to Runway 19 and minimise the number of instances where avoiding action or break-off instructions have an adverse effect on controller and pilot workload. These instances, which are not safety events in themselves, number less than 1.1 per calendar month according to the table contained within the ACP document at Annex 3. The establishment of controlled airspace in response to this number of non-safety related events is disproportionate.

The ACP claims to seek to enhance the safety of aircraft within the circuit at LOA. LOA has a standard ATZ which is large enough to contain circuit traffic and provide them with the protection afforded by regulated airspace. It is the choice of aircraft flying within the circuit if they fly outside the ATZ and so outside the protection that it affords them. In the case of the AIRPROX safety event included in the ACP Annex 3 (event 19), the risk of collision was enhanced by the late action of the LOA traffic to heed the warning of potential conflict with another transiting aircraft when flying outside the ATZ.

Although we understand that the gap between LOA and WOG is a route that pilots would be better advised to fly when in radio contact with LOA, it is outside controlled airspace and the failure of the PA34 pilot to take action to avoid the situation worsening, having been informed of the potential by ATC, is more of a reason to consider that pilot’s attitude and suitability than to propose controlled airspace and prevent legitimate use by non-LOA traffic.

There are a number of Safety Events contained in the table at Annex 3. This table is presumably included to demonstrate a need for controlled airspace. If this is the case it fails to demonstrate such a need as many of the events were outside the proposed area (event 6), or were due to poor interaction between controlled aircraft and LOA (event 33), or were due to poor interaction between controlled aircraft and BZN (35), or were due to poor interaction between LOA and BZN (event 9), or took place within existing controlled airspace or the LOA ATZ (event 34). These example events are listed below.

<table>
<thead>
<tr>
<th>EVENT</th>
<th>DATE</th>
<th>AIRCRAFT AFFECTED</th>
<th>LOCATION</th>
<th>NATURE OF EVENT</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>16 May 2014</td>
<td>PA34 / RV6</td>
<td>Oxford ATZ Gap with WOTG</td>
<td>Radar spotted the RV6 flying down the ILS toward the gap and informed Twr. TI was passed and the PA34 gained visual contact.</td>
<td>The PA34 pilot did not take sufficient avoiding action on first sighting the RV6.</td>
</tr>
<tr>
<td>6</td>
<td>14 Sep 2010</td>
<td>SK76 / Be200</td>
<td>In the vicinity of DTY</td>
<td>Inbound IFR north aerodrome.</td>
<td>Inbound Be200 under a procedural service in conflict with transit aircraft working Birmingham.</td>
</tr>
<tr>
<td>9</td>
<td>08 July 2011</td>
<td>EMB550 / C130</td>
<td>South of Oxford inside Brize CTR</td>
<td>Oxford APP descended the Emb550 into Brize CTR into conflict with Brize Traffic.</td>
<td>The App controller expected the Emb550 to be routing Cpt OX and thus cleared the aircraft to 2500ft. Aircraft actually routed from Kennet and thus it’s track took it into Brize CTR</td>
</tr>
<tr>
<td>33</td>
<td>31 Oct 2015</td>
<td>AS50 / PA34</td>
<td>Runway 19 threshold</td>
<td>Helicopter continued approach and landed over a departing PA34</td>
<td>The AS350 pilot landed without clearance on an occupied runway. Contributory Factor: ATC did not sufficiently monitor the AS350 pilot’s approach</td>
</tr>
<tr>
<td>34</td>
<td>16 Jan 2016</td>
<td>B206 / Metroliner</td>
<td>On departure RW19</td>
<td>B206 after failing to contact Brize for a CTR crossing turned into conflict with and entered the ATZ without clearance</td>
<td>The Bell 206 pilot flew into the Oxford ATZ without clearance and into conflict with the Metroliner</td>
</tr>
</tbody>
</table>
None of these events would have been prevented had the proposed controlled airspace been established at the time. The establishment of the proposed controlled airspace will not prevent recurrence of similar events.

**Conclusion:** LOA has not established a safety need for the ACP.

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2. *The establishment of controlled airspace should not lead to a potential decrease in flight safety due to a displacement of air traffic to another area.*

The LOA ACP will lead to degradation of flight safety for traffic flying within the surrounding areas outside the proposed airspace.

The Class G airspace surrounding LOA is used by a variety of General Aviation aircraft and is recognised as being a busy airspace area. It is within the Oxford AIAA. There are local airfields hosting intensive gliding, microlight flying and light aircraft and rotorcraft flying, as well as many aircraft in transit across the region.

As with all ACPs, LOA will claim that non-LOA traffic will be able to fly within the proposed airspace in coordination with ATC. There is no evidence to support the assumption that ATC capacity will be sufficient to cope with the aircraft that will be required to make contact if they are not to be forced to reroute from today’s normal flight paths.

In pre-consultation discussion with LOA they reported that they had conducted a study into GA traffic operations that would need an ATC clearance to enter the proposed controlled airspace. They revealed that they had not included any glider, hang glider, paraglider or paramotor activity in their study. Without a complete picture of actual need it is impossible for LOA to maintain that they can provide a reasonable level of access to aircraft that currently use the affected airspace.

The report into an AIRPROX on 24 Jun 2015 involving an aircraft in communication with Oxford commented:

*It was noted that for traffic under a Basic Service hazard advice would be passed when workload permitted; Oxford Radar is a single manned control position in an AIAA and is often subject to high workload.*

Unless there have been significant changes to controller capacity since this incident it is impossible to believe that LOA will have the controller capacity to serve the proposed airspace and provide access to non-LOA aircraft to an acceptable level.

The result of the expected shortfall in ATC capacity is that other traffic will be forced to route around the airspace. This will cause significant choke points increasing the risk of collision and therefore reducing flight safety for other airspace users. The worst likely choke point areas are at the north east corner where the airspace is close to Hinton-in-the-Hedges intensive gliding and parachute site, Bicester gliding site, Weston on the Green gliding and parachute site and RAF Benson.

The ACP refuses to recognise the knock-on effects of the proposal, preferring to give preferential treatment to its limited ILS traffic, although it has not established a safety case for doing so.
Conclusion: The ACP will lead to a decrease in flight safety by traffic displacement.

3. The controlled airspace should not disadvantage or significantly affect other established aviation uses unless with the full agreement of those users.

LOA has failed to recognise that its proposal will disadvantage other legitimate airspace users. The current Class G airspace is available to all users without constraint. The imposition of controlled airspace will inevitably displace other users. Although clearance for transit flights may be available subject to controller capacity this cannot be guaranteed, so by definition other users will be disadvantaged.

As a specific example the proposed airspace will affect the traffic using Enstone Airfield. The proposed CTA will severely limit operations to the west of Enstone where a significant amount of flight training takes place. It is unlikely that LOA will be able to provide a clearance and air traffic service to these aircraft with the limited ATC capacity that is available.

The proposed CTA will prevent normal overhead join and departure procedures at Enstone. It is unlikely that LOA will be able to provide a clearance and air traffic service to these aircraft with the limited ATC capacity that is available.

The proposed CTR west boundary lies within one mile of the Enstone 26 approach and 08 climb path. Aircraft operating from Enstone cannot be expected to make radio contact with LOA whilst operating under normal procedures in the circuit of another airfield.

It is not a requirement to carry radio in an aircraft. Many microlights, hang gliders, paragliders and paramotors are not radio equipped. The majority of glider pilots do not hold a FTROL and so may not transmit on any frequencies other than those allocated to gliding. Preventing any aircraft not equipped with radio from entering the proposed airspace will disadvantage other legitimate users. There is no safety case to support this proposal.

Conclusion: We do not support the proposal on the basis that it will cause significant disadvantage to current airspace users without any resulting safety benefit.

4. The classification of a particular volume of controlled airspace should be the least restrictive, in terms of types of flight rules and aircraft able to operate within it, as necessary to achieve the flight safety standard sought.

Use of the current Class G airspace by LOA is not unsafe. There is no demonstrated safety need for the imposition of any level of controlled or otherwise regulated airspace.

Conclusion: The proposed airspace is not the least restrictive way to achieve the aim of creating a known traffic environment with the least disruption to others and so we do not support the proposal on these grounds.

5. The volume of controlled airspace should be the minimum needed to achieve the flight safety standard sought.
Use of the current Class G airspace by LOA is not unsafe. There is no demonstrated safety need for the imposition of any level of controlled or otherwise regulated airspace.

**Conclusion:** We do not accept that the volume of airspace proposed is justified and do not support the application.

6. **The Air Traffic Service provider must ensure that the airspace is managed so that transiting and local traffic wishing to penetrate the airspace is able to do so as a right when following normal procedures, and is not prevented from using the airspace, and so be disadvantaged, for the benefit of other aircraft operating from the aerodrome for which the airspace is established.**

We repeat our concern that LOA has not established the level of activity that it will be required to communicate with to allow continuation of current airspace access, and so cannot confirm that there will be a satisfactory level of service provision so that other users are not disadvantaged.

**Conclusion:** The sponsor has not demonstrated knowledge of the number of aircraft that will require cooperation to use the proposed airspace and we cannot support this approach to airspace management.

7. **The Air Traffic Service provider must ensure that staffing levels are adequate to fulfil the responsibilities that the management of airspace puts upon them.**

We repeat our concern that LOA has not established the level of activity that it will be required to communicate with to allow continuation of current airspace access and so cannot confirm that there will be a satisfactory level of service provision so that other users are not disadvantaged.

**Conclusion:** The sponsor has not demonstrated that a staffing programme has been put in place to ensure that all local airspace users are able to obtain the services required to operate efficiently and safely and we cannot support this approach to airspace management.

**Environmental concerns.**

In addition to the impact on the availability of airspace for aircraft that now routinely operate within it the BMAA has other concerns regarding the environmental impact of the ACP.

**Noise**

The LOA ACP refers to the use of GNSS navigation systems that will enable aircraft to fly a more accurate flight path. This will concentrate noise levels, whereas the current less well-defined flight paths spread the noise level giving some noise relief to local residents.

The predicted displacement of non-LOA traffic will create choke points around the airspace. This will concentrate noise levels, whereas the less well-defined flight paths that are used now spread the noise level giving some noise relief to local residents.

**Track miles**
The new routes designed within the ACP may provide slightly shorter routings for LOA traffic; however, the proposed airspace is likely to cause significant routing changes for non-LOA traffic. The resulting longer routings will result in more track miles, using more fuel and developing higher levels of emissions as well as increased noise. These effects of the ACP are entirely contrary to the CAA FAS, which this ACP should attempt to comply with, recognising the knock-on effects of the ACP.

Conclusion: The ACP does not meet the environmental commitment required by CAA SARG as part of the FAS: “Safe efficient airspace, that has the capacity to meet reasonable demand, balances the needs of all users and mitigates the impact of aviation on the environment”

Summary

The BMAA believes that:

- LOA has not established a safety need for the ACP.
- The ACP will lead to a decrease in flight safety by traffic displacement.
- The ACP will cause significant disadvantage to current airspace users without any resulting safety benefit.
- The volume of airspace proposed is not justified.
- The sponsor has not demonstrated knowledge of the number of aircraft that will require cooperation to use the proposed airspace.
- The sponsor has not demonstrated that a staffing programme has been put in place to ensure that all local airspace users are able to obtain the services required to operate efficiently and safely.
- The ACP does not meet the environmental requirements of the FAS:

  Safe efficient airspace, that has the capacity to meet reasonable demand, balances the needs of all users and mitigates the impact of aviation on the environment”;

- The ACP cannot be accepted by the CAA as it does not conform to the requirements of the CAA Airspace Charter:

  “The Directorate is to ensure that UK airspace is utilised in a safe and efficient manner.

  This is to be achieved through the development, approval and enforcement of policies for the effective allocation and use of UK airspace and its supporting infrastructure, taking into account the needs of all stakeholders.”

Conclusion

The BMAA does not support this ACP.