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Clerk to Senior Coroner
Inner South District of Greater London
The Coroner's Court
1 Tennis Street
London SE1 1YD

24 February 2016

Dear Sir

**IN THE MATTER OF AN INQUEST TOUCHING THE DEATHS OF PETER BARNES AND
MATTHEW WOOD (DIED 16.01.13)
(BATTERSEA HELICOPTER CRASH JOINT INQUEST)**

**CIVIL AVIATION AUTHORITY RESPONSE TO REGULATION 28 REPORT TO PREVENT
FUTURE DEATHS**

Thank you for your Regulation 28 Report to Prevent Future Deaths dated 4 January 2016 relating to the Joint Inquest into the deaths of Peter Barnes and Matthew Wood. The Civil Aviation Authority ("**CAA**") has carefully considered the matters of concern raised therein and I have been asked by Andrew Haines, Chief Executive, to respond on behalf of the CAA. Details of the actions to be taken by the CAA in order to help address your concerns are set out below.

H4

- 1.1 The first matter of concern that you raise is the need to expedite a specific review of H4 including consideration of any need to alter the flight rules, in order to assure the public of on-going safety.
- 1.2 As you know, the London airspace is highly regulated and has a good safety record. Nevertheless the CAA routinely conducts on-going regulatory oversight and, as part of this role, the Flight Operations team ("**Flight Ops**") is in the process of conducting a review of the safety of onshore helicopter operations in the UK this year. This follows the recent review of offshore helicopter operations. The review will include a post implementation review of the Standardised European Rules of the Air ("**SERA**") which came into force in the UK on 4 December 2014.
- 1.3 The CAA will work with the helicopter community in order to consider whether there are any recommendations or industry best practice that could be incorporated into regulation or regulatory guidance material, in order to enhance the safety of the UK airspace. An initial meeting was held on Wednesday, 20th January 2016. Helicopter pilots represented

by the British Helicopter Association¹ were invited to raise any areas of concern and to propose operational improvements.

1.4 The review will consider the safety of the London airspace, including H4, in order specifically to address your concerns. It is appropriate for H4 and the flight rules to be assessed as part of this wider review for the following reasons:

- (a) the flight rules apply to the UK airspace as a whole, they are not specific to H4 or the London airspace;
- (b) low level Visual Flight Rule ("VFR") helicopter flights that take place in the vicinity of tall structures are not unique to London;
- (c) within the London airspace, the low level VFR obstacle environment, situated below the extensive Instrument Flight Rule commercial air traffic for London Heathrow and London City airports, is not unique to H4 or indeed the heliroutes: most helicopters transiting the London Control Zones are now twin-engine and do not fly on the heliroutes; and
- (d) H4 is only one of a number of VFR helicopter routes within the London Control Zones which are subject to detailed requirements and operating provisions.

Consequently, any potential changes to the use of H4 or the applicable flight rules are likely to have wider applicability and/or implications and must be considered both in the context of the wider UK and the other portions of the London airspace.

1.5 This review is scheduled to be completed by 30 September 2016.

1.6 In sum, the review will enable the CAA to identify and assess whether there are (i) any high-level safety issues common to all onshore UK helicopters and (ii) any more specific safety issues affecting the London airspace, including, but not limited to, H4.

1.7 In considering whether to implement any changes as a result of this review, the CAA must act in accordance with its statutory duties. Whilst the CAA's primary duty in relation to its air navigation functions is to maintain a high standard of safety in the provision of air traffic services, it must also have regard to the following duties (amongst others)²:

- (a) securing the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic;
- (b) satisfying the requirements of operators and owners of all classes of aircraft; and
- (c) taking account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally.

1.8 Compliance with these statutory duties requires the careful exercise of judgment to strike a balance between potentially competing interests. Thus, by way of example, in relation to the suggestion that it would enhance safety if a higher minimum altitude (above 500ft) across London were implemented, the CAA must carefully assess the fact that this could generate a new safety hazard by compressing VFR traffic into a narrower vertical band of available airspace below the controlled airspace above, potentially increasing the likelihood of VFR conflicts. Furthermore, the CAA is obliged to be mindful of the fact that this could significantly restrict helicopter operations over London since it would reduce the

¹ The British Helicopter Association is a non-profit trade organisation that represents the UK's civil helicopter industry.

² See Section 70 of the Transport Act 2000

available airspace below the Instrument Flight Rules traffic routing in and out of London Heathrow and London City airports. This could adversely impact helicopter operations in general and could restrict access to the London Heliport.

Planning

2.1 The second matter of concern that you have identified is as follows:

"It is not clear that helicopter aviation considerations for the Heliport or more widely for flights along the Thames are adequately considered in the planning processes for tall buildings. It appears that little or no progress has been made in considering the need to safeguard the heliport or implement AAIB Recommendation 2014-30..."

2.2 The CAA supports the London Heliport's application to the Department for Transport ("DfT") to become officially safeguarded. The CAA is currently providing support to the DfT in order to assist with the preparation of an official safeguarding map for the Heliport.

2.3 We note that in relation to this accident, the Heliport would not have been consulted even if it had been officially safeguarded as St George Wharf is not situated in the relevant area: it is too far away from the London Heliport.

2.4 Consequently, as the CAA explained in the course of evidence, it agrees that implementing the AAIB's Recommendation 2014-030 would enhance safety. As you will recall, the CAA actively encouraged the AAIB to include a recommendation of this kind in its report. Recommendation 2014-030 states as follows:

"It is recommended that the Department for Transport implement measures that enable the Civil Aviation Authority to assess, before planning permission is granted, the potential implications of new en-route obstacles for airspace arrangements and procedures."

2.5 Obstacles such as St George Wharf that are located outside of safeguarded areas are known as "en-route obstacles". If this Recommendation is implemented it will mean that the impact of all obstacles (i.e. any building or works extending 300ft or above) on airspace arrangements will be assessed either by an aerodrome operator or by the CAA at the pre-planning stage.

2.6 We understand that the DfT is also keen for implementation of Recommendation 2014-030 to be progressed. An initial meeting took place on 8th February 2016 between the DfT and the Department for Communities and Local Government ("DCLG") to this end. The CAA will actively engage with and support the DfT and DCLG in this regard.

2.7 The CAA will keep under review, both when implementing the outcome of Recommendation 2014-030 and when considering, on a case by case basis, pre-planning applications and as part of the on-going review of onshore UK helicopter operations, whether it becomes necessary to implement an equivalent to the London Tall Buildings Policy in order to maintain safe access routes for helicopters approaching London aerodromes and for those transiting the London (City) and London (Heathrow) Control Zones.

Safety Culture

3.1 The CAA is mindful of all the findings of your jury, including the conclusions that Mr Barnes should not have attempted the flight, lost situational awareness and was likely to have felt under pressure to land at Battersea. In addition to conducting the review discussed above, the CAA is planning to hold a seminar later this year on safety culture for the commercial

helicopter industry. This subject is also being addressed by the Corporate Aviation Safety Executive through its onshore helicopter section.

We trust that the above is of assistance. Please do not hesitate to contact either myself (Kate.Staples@caa.co.uk) or Serena Lim (Serena.Lim@caa.co.uk) should you have any queries.

Yours faithfully

Kate Staples

Kate Staples
General Counsel and Secretary to the Civil Aviation Authority