

**REGULATION 28 REPORT TO PREVENT FUTURE DEATHS**

**THIS REPORT IS BEING SENT TO:**

1. Rt. Hon Patrick McLoughlin MP, Secretary of State for Transport, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR
2. Mr Andrew Haines, Chief Executive, Civil Aviation Authority, CAA House, 45-59 Kingsway, London, WC2B 6TE
3. [REDACTED] Manager, London Heliport, Lombard Road, Battersea, London, SW11 3BE

**1 CORONER**

I am Andrew Harris, Senior Coroner, London Inner South

**2 CORONER'S LEGAL POWERS**

I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.

**3 INQUEST**

**Re Peter Barnes (0149-13) and Matthew Wood (0150-13) (died 16.01.13) (JB)**

On 8<sup>th</sup> December 2015 I concluded a joint inquest into the above two deaths outside [REDACTED] Wandsworth Road, South Lambeth, before a jury. The conclusion of the jury as to the deaths of the pilot, Mr Barnes, and pedestrian, Mr Wood, was Accident.

**4 CIRCUMSTANCES OF THE DEATH**

The helicopter crashed into a crane at 693 ft altitude on St George's Wharf and the pilot suffered non survivable injuries. Debris fell on the pedestrian and spilt fuel ignited and caused non survivable burns to the pedestrian.

The circumstances recorded included that the pilot should not have attempted the flight, considering the poor weather. His decision to divert to Battersea Heliport and his decision not to abort the landing were neither safe nor appropriate, but he was likely to have felt under pressure to land at Battersea. His erratic flight path and altitude shifts suggested that Mr Barnes was working hard to steer clear of cloud. Impact was likely a result of loss of situational awareness due to poor visibility.

**CORONER'S CONCERNS**

During the course of the inquest the evidence revealed that

1. London Tall Buildings Policy, implemented after planning permission for St George's Wharf was approved, required reporting of any buildings over 1000 ft, which is the appropriate consideration for Heathrow and City Airport flight paths. In a previous application to development on the site the CAA responded that 575ft would not impact on integrated airspace management and advised consultation with the Heliport. There is no equivalent policy of reporting considering the flight paths to the Heliport.

2. The Head of Safety at Department of Transport advised that aerodrome licence holders should conduct an in depth consultation with local planning authorities about any proposed developments that may affect the safety of air services. No in depth consultation did take place between the Heliport and planning authority about the construction of St George's Tower, to which was attached the crane. A retired official from the Civil Aviation Authority had expressed the view that the London Heliport should be a safeguarded aerodrome. The Head of Safety in Department of Transport advised that in an official safeguarding regime one can be sure that such consultation takes place, which one cannot in an unofficial process, where it depends on the local system and players.

3. The Heliport manager was concerned that the erection of St George's Wharf would affect passing air traffic on helicopter route H4. He stated that there was an apparent conflict between maintaining en route standard altitudes and complying with Rule 5, especially in reduced cloud base. He had some informal discussions with the CAA, but the local planning authority did not respond to his concerns. He did not take the matter further as the proposed building was just outside the area designated in the map of his local plan. It is not clear whether this local plan or the local process is adequate to assure safety. He remained of the view that the tall building created a risk as it was more difficult to operate helicopters in poor visibility.

4. Captain [REDACTED] who was called as an independent expert pilot, gave an opinion that establishing a minimum altitude would assist pilots and promote safety and that the H4 route required review, to make it safer, to reduce future deaths. Other pilots testified to the challenges of flying along the Thames with the proliferation of tall buildings in less good weather.

5. The Air Accident Investigation Branch of the Department of Transport (AAIB) made a Safety Recommendation 2014-30 in August 2014. It read:

*It is recommended that the Department of 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.*

	<p>The Senior Inspector of Air Accidents (Operations) AAIB said that if this recommendation was not implemented lives would be put at risk. The Head of Airspace, Air Traffic Management and Aerodromes at the CAA supported this recommendation, saying it would be a safety back up. The Department of Transport has not implemented this recommendation, and reported in December 2014 that it was consulting, which was still the position a year later. This was explained by the Head of Aviation Safety Policy at the Department of Transport as initially due to lack of resources. He said that there was not an intention to implement this recommendation, in particular noting that it may be contrary to government proposals for the planning process.</p> <p>The <b>MATTERS OF CONCERN</b> are as follows. -</p> <p>Despite a good safety record, it would seem that the relevant bodies in relation to aviation safety along the Thames need to expedite a specific review of H4 and consider any need to alter flying rules, to assure the public of on going safety given the current concerns of pilots about the difficulties of flying along the Thames. 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, which the court heard would potentially save future lives.</p>
6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion action should be taken to prevent future deaths and I believe that the Department of Transport and Civil Aviation Authority and London Heliport have the power and expertise to address and reduce the risks of future deaths.</p>
7	<p><b>YOUR RESPONSE</b></p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by Monday 29<sup>th</sup> of February 2016. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p> <p>If you require any further information about the case, please contact the case officer, [REDACTED]. If you require further information about the process of responding to this report my clerk [REDACTED] [REDACTED] to whom your response should be sent.</p>

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**COPIES and PUBLICATION**

I have sent a copy of my report to the following Interested Persons:

██████████ Counsel for ██████████ widow of Peter Barnes,  
██████████ Counsel and ██████████ Solicitor of Bdb-law.co.uk for ██████████  
██████████ (brother) and ██████████ (mother) of Matthew Wood,  
██████████ Counsel of Fountain Chambers for Helicopter insurers and ██████████  
██████████ Counsel of TG Chambers for Civil Aviation Authority,  
██████████ Counsel of Temple Garden Chambers for Air Accident Investigation Branch,  
██████████ Solicitor of Freeths Solicitors for Air Traffic Controller and NATS (En Route) PLC,  
██████████ Solicitor of DWF LLP for Brookfield Multiplex,  
██████████ Counsel and ██████████ of DAC Beachcroft for Berkeley Group,  
██████████ of Government Legal for Department of Transport,  
██████████ Solicitor of BCL Burton Copeland Solicitors for ██████████  
██████████  
██████████ Solicitor of King & Spalding Solicitors for Battersea Heliport.

I am also sending a copy to Captain ██████████ and ██████████ Senior Manager of Planning Team for Lambeth Council and ██████████ Head of Development Permission, Wandsworth Council, The Town Hall, Wandsworth High Street, London SW18 2PU

I am also under a duty to send the Chief Coroner a copy of your response.

The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.

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[DATE] ██████████

[SIGNED BY CORONER]

Sent 4<sup>th</sup> January 2016

