

**Agusta A109E,
G-CRST**

**Near Vauxhall Bridge,
Central London**

16 January 2013

Accident

Safety Recommendation 2014-025

It is recommended that the Civil Aviation Authority require UK Air Navigation Service Providers to assess the effect of obstacles, notified through the UK Aeronautical Information Regulation and Control cycle, on operational procedures relating to published VFR routes near those obstacles, and modify procedures to enable pilots to comply simultaneously with ATC instructions, and the Air Navigation Order and Commission Implementing Regulation (EU) 923/2012 as applicable.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

22 December 2014

The CAA has written directly to all ANSPs reminding them of their enduring responsibility that their ATM procedures remain safe and fit for purpose and that in that context, they should ensure that they "have suitable arrangements in place for monitoring the effect of obstacles in proximity to VFR routes within Control Zones and Control Areas or a Visual Reference Point outside controlled airspace". Where a new obstacle is identified, service provision practices will be reviewed to minimise the risk of an ATC clearance potentially leading a pilot to contravene the requirements of Rule 5.

ANSPs have been asked to confirm completion of the review along with any service provision practice adjustments are complete by 5 February 2015. The arrangements for monitoring and review, along with the procedures to provide safe services to helicopters using the London VFR Helicopter Routes along the River Thames, will be monitored through routine oversight.

AAIB Assessment – Adequate – Closed

RESPONSE HISTORY

Response received:

27 October 2014

The CAA partially accepts Recommendations 2014-025 and 2014-026, but acknowledges their intent and proposes that they are addressed as follows.

When operating under VFR, it is the pilot/aircraft commander who is responsible for terrain and obstacle clearance, regardless of any ATC clearance that may have been issued; any move to undermine the clarity associated with the current relevant allocation of responsibilities in this area could introduce a greater risk than the concern that the recommendation seeks to address. However, the CAA will remind UK ANSPs of the need to monitor the effect of obstacles in proximity to VFR routes within Control Zones and Control Areas or a Visual Reference Point outside controlled airspace and evaluate established service provision practices to minimise the risk of an ATC clearance potentially leading a pilot to contravene the requirements of Rule 5. This action will be completed by the end of December 2014. Additionally, the CAA will review, through routine oversight, that the ANSP maintains procedures to provide safe services to helicopters using the London VFR Helicopter Routes along the River Thames.

AAIB Assessment – Partially Adequate - Open

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16 January 2013

Accident

Safety Recommendation 2014-026

It is recommended that the Civil Aviation Authority require UK Air Navigation Service Providers to assess the effect of obstacles, notified through the UK Aeronautical Information Regulation and Control cycle, on operational procedures for controlling non-IFR flights within the Control Areas and Control Zones surrounding UK airports, and modify procedures to enable pilots to comply simultaneously with ATC instructions, and the Air Navigation Order and Commission Implementing Regulation (EU) 923/2012 as applicable.

Date Safety Recommendation made: 9 September 2014

LATEST RESPONSE

Response received:

22 December 2014

The CAA has written directly to all ANSPs reminding them of their enduring responsibility that their ATM procedures remain safe and fit for purpose and that in that context, they should ensure that they “have suitable arrangements in place for monitoring the effect of obstacles in proximity to VFR routes within Control Zones and Control Areas or a Visual Reference Point outside controlled airspace”. Where a new obstacle is identified, service provision practices will be reviewed to minimise the risk of an ATC clearance potentially leading a pilot to contravene the requirements of Rule 5.

ANSPs have been asked to confirm completion of the review along with any service provision practice adjustments are complete by 5 February 2015. The arrangements for monitoring and review, along with the procedures to provide safe services to helicopters using the London VFR Helicopter Routes along the River Thames, will be monitored through routine oversight.

AAIB Assessment – Adequate – Closed

RESPONSE HISTORY

Response received:

7 October 2014

The CAA partially accepts Recommendations 2014-025 and 2014-026, but acknowledges their intent and proposes that they are addressed as follows.

When operating under VFR, it is the pilot/aircraft commander who is responsible for terrain and obstacle clearance, regardless of any ATC clearance that may have been issued; any move to undermine the clarity associated with the current relevant allocation of responsibilities in this area could introduce a greater risk than the concern that the recommendation seeks to address. However, the CAA will remind UK ANSPs of the need to monitor the effect of obstacles in proximity to VFR routes within Control Zones and Control Areas or a Visual Reference Point outside controlled airspace and evaluate established service provision practices to minimise the risk of an ATC clearance potentially leading a pilot to contravene the requirements of Rule 5. This action will be completed by the end of December 2014. Additionally, the CAA will review, through routine oversight, that the ANSP maintains procedures to provide safe services to helicopters using the London VFR Helicopter Routes along the River Thames.

AAIB Assessment – Partially Adequate - Open

(SRIS Reference: GB.SIA-2014-0026)

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Safety Recommendation 2014-027

It is recommended that the Department for Transport implement, as soon as practicable, a mechanism compliant with Regulation (EU) 73/2010 and applicable to the whole of the UK for the formal reporting and management of obstacle data, including a requirement to report data relating to newly permitted developments.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

5 December 2014

The Department accepts this recommendation. The Department is working with the Civil Aviation Authority (CAA) to implement electronic terrain and obstacle data (eTOD), which will be compliant with the data standards in Regulation (EU) 73/2010.

AAIB Assessment – Adequate - Closed

**Agusta A109E,
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16 January 2013

Accident

Safety Recommendation 2014-028

It is recommended that the Department for Transport remind all recipients of the Office of the Deputy Prime Minister Circular 01/2003 that they are requested to notify the Civil Aviation Authority:

1. Whenever they grant planning permission for developments which include an obstacle.
2. About obstacles not previously notified.
3. About obstacles previously notified that no longer exist.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

5 December 2014

The Department accepts the recommendation and a letter will be shortly sent to all recipients of Circular 01/2003.

AAIB Assessment – Adequate - Closed

**Agusta A109E,
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16 January 2013

Accident

Safety Recommendation 2014-029

It is recommended that The Scottish Government remind all recipients of Planning Circular 2/2003 that they are requested to notify the Civil Aviation Authority:

1. Whenever they grant planning permission for developments which include an obstacle.
2. About obstacles not previously notified.
3. About obstacles previously notified that no longer exist.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

19 December 2014

In relation to Recommendation 2014-029, the Scottish Government issued a letter from the Chief Planner to the Heads of Planning at all Scottish local authorities on 9 September 2014. The letter was published on the Planning Guidance / Publications section of the Scottish Government web site on 10 September 2014. The page can be viewed at <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Roles/Scottish-Government/Guidance>

In addition, the Scottish Government published an e-alert on 1 October 2014 which included details of the Chief Planner's letter. The e-alert issued to over 10,000 people who have registered to receive such alerts.

AAIB Assessment – Adequate - Closed

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Safety Recommendation 2014-030

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.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

5 December 2014

This Recommendation raises a number of questions with regards to planning law and process that falls under the ownership of the Department for Communities and Local Government and Devolved Administrations. The Department is therefore consulting with both Department for Communities and Local Government and Devolved Administrations to understand what the potential implications are of implementing this recommendation. It should be noted that an objection from the CAA to a planning application would not necessarily lead to permission being withheld for any new en-route obstacles that are not currently located in safeguarded areas. The Department is also liaising with the CAA to take into account developing work to implement Regulation 73/2010 in the UK. The data collection policy that will be required under this Regulation provides the prospect of incorporating a mechanism by which the CAA and airspace users can be made aware of potential en-route obstacles and enable appropriate measures to be taken.

AAIB Assessment – Adequate - Closed

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Safety Recommendation 2014-031

It is recommended that the Civil Aviation Authority review Federal Aviation Regulations Part 135 Rules 135.615, VFR Flight Planning, and 135.617, Pre-flight Risk Analysis, to assess whether their implementation would provide safety benefits for those helicopter operations within the UK for which it is the regulatory authority.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

27 October 2014

The CAA accepts this Recommendation and has reviewed Federal Aviation Regulations (FAR) Part 135 Rules 135.615, VFR Flight Planning, and 135.617, Pre-flight Risk Analysis, to assess whether their implementation would provide safety benefits for those helicopter operations within the UK for which it is the regulatory authority. In consultation with EASA, the CAA has determined that the elements of the new FARs are broadly covered within the current and future UK and European regulation sets under the requirements for Public Transport and Commercial Air Transport operators to ensure that their operating procedures for planning and executing flights are properly documented in operations manuals and for aircraft commanders to ensure that flights are conducted safely. However, the CAA intends to issue a Safety Notice (SN) to operators by the end of November 2014 reminding them of their responsibilities and highlighting elements of the FARs as appropriate. Additionally the SN will provide an introduction and link to the European Helicopter Safety Team (EHST) developed 'Pre-departure Risk Assessment Check List' encouraging operators to consider adopting and adapting this tool for their use.

AAIB Assessment – Adequate - Closed

Safety Recommendation 2014-032

It is recommended that the European Aviation Safety Agency review Federal Aviation Regulations Part 135 Rules 135.615, VFR Flight Planning, and 135.617, Pre-flight Risk Analysis, in advance of the scheduled regulatory standardisation programme, to assess whether their immediate implementation would provide safety benefits for helicopter operations within Europe.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

6 November 2014

The Agency understands that, based on the type of operation performed, this safety recommendation is related to Commercial Air Transport (CAT) operations. Whilst it is acknowledged that the aircraft involved in the accident was operating under UK national legislation, it should be noted that EU regulations for CAT operations, published in 2012, shall be applied by EASA Member States by 28 October 2014 at the latest.

The Agency has assessed Federal Aviation Regulation FAR 135.615 'VFR flight planning' and concluded that the safety elements therein are already covered by Commission Regulation (EU) No 965/2012, as last amended ('air operations regulation'), and Commission Implementing Regulation (EU) No 923/2012 ('rules of the air regulation'), as follows:

- ORO.GEN.110 Operator responsibilities, which requires operators to establish procedures for safe operations, and to establish checklist systems;
- CAT.OP.MPA.135 Routes and areas of operation - general, where route specifications are included;
- SERA.5001 Visual Meteorological Conditions (VMC) visibility and distance from cloud minima, defining lowest values for flight visibility, cloud base and distance to clouds;
- SERA.5005 Visual flight rules, establishing minimum safe flight altitudes;
- CAT.OP.MPA.145 Establishment of minimum flight altitudes, which ensure a method to establish the altitudes;
- CAT.OP.MPA.245 Meteorological conditions - all aircraft, ensuring evaluation of weather reports;
- CAT.OP.MPA.270 Minimum flight altitudes, requiring adherence to the above paragraphs;
- SERA.5010. Special Visual Flight Rules (VFR) in control zones, which defines weather minima for such operations;
- CATGEN.MPA.105 Responsibilities of the commander, related to responsibility for safe operations in accordance with the aircraft flight manual.

The Agency has also assessed FAR 135.617 'pre-flight risk analysis' and concluded that the requirements on the operator are covered by the above-mentioned air operations regulation, as follows:

- ORO.GEN.200(a)(3) provides for a hazard identification and risk management process;
- ORO.GEN.110(i) covers flight planning procedures.

The EU rules do not specify in detail the pre-flight risk analysis, to be performed by the commander, or its format. This specification is the duty of the operator in line with the paragraphs cited above. In addition, as mentioned in the accident investigation report, the European Helicopter Safety Team (EHST) has also promulgated checklists to support operators and pilots in the implementation of these rules.

In summary, the Agency finds that the safety benefits to be derived from implementation of the above-mentioned FARs are already captured through the existing EU Regulation.

AAIB Assessment – Adequate - Closed

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Safety Recommendation 2014-033

It is recommended that the Civil Aviation Authority assess whether mandating the use of Helicopter Terrain Awareness and Warning Systems compliant with Technical Standard Order C194 or European Technical Standard Order C194 would provide safety benefits for helicopter operations within the UK for which it is the regulatory authority.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

27 October 2014

The CAA accepts this Recommendation in so far as it will, following consultation with EASA, liaise and support a wider European assessment on whether mandating the use of Helicopter Terrain Awareness and Warning Systems compliant with Technical Standard Order C194 or European Technical Standard Order C194 would provide safety benefits for Public Transport or Commercial Air Transport helicopter operations within the UK and Europe. This work will be conducted under an EASA future rule making task, which the CAA will support, and is expected to be complete by the end of 2015; however, this will be subject to the rule making programme schedule. The Terms of Reference for this task may initially concentrate on the merits of HTAWS for flight under IFR or at night but the CAA will encourage the consideration for all commercial operations including day VFR.

AAIB Assessment – Adequate - Closed

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16 January 2013

Accident

Safety Recommendation 2014-034

It is recommended that the European Aviation Safety Agency assess whether mandating the use of Helicopter Terrain Awareness and Warning Systems compliant with Technical Standard Order C194 or European Technical Standard Order C194 would provide safety benefits for helicopter operations within Europe.

Date Safety Recommendation made:

9 September 2014

LATEST RESPONSE

Response received:

6 November 2014

The Agency understands that, based on the type of operation performed, this Safety Recommendation is related to Commercial Air Transport (CAT) operations. Whilst it is acknowledged that the aircraft involved in the accident was operating under UK national legislation, it should be noted that EU regulations for CAT operations, published in 2012, shall be applied by EASA Member States by 28 October 2014 at the latest.

The Agency considers that Commission Regulation (EU) No 965/2012, as last amended ('air operations regulation'), together with the basic flying skills that are instructed in accordance with Commission Regulation (EU) No 1178/2011 ('aircrew regulation'), already provide operational and flight crew training mitigation against the risk collision with the ground or obstacles.

The additional safety benefits from the use of Helicopter Terrain Awareness and Warning Systems will be assessed for each type of helicopter operation within the framework of a future rulemaking task.

AAIB Assessment – Adequate - Closed