

[REDACTED]  
[REDACTED]

12 March 2020  
Reference: F0004740

Dear [REDACTED]

Thank you for your request of 20 February 2020, for the release of information held by the Civil Aviation Authority (CAA). We have considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA).

Your request and our response:

*The CAA has stated that aircraft are not permitted to carry out aerobatic flying over buildings, vessels or vehicles that the person in charge/pilot have reason to believe are occupied.*

*The specific statement made by the CAA is as follows:-  
If such farm buildings are within the display area (which is subject to the ANO definition of a congested area and the requirements as laid down in CAP 403), **then Display Pilots are not permitted to perform aerobatics**, or fly below 500ft above the surface in non-aerobatic flight, **over any building, vessel or vehicle which the commander has reason to believe is occupied by non-essential personnel or known secondary spectator crowds** (Bold added).*

To provide some context, the specific statement you have quoted, and therefore our responses below, relate to the conduct of aerobatics in the context of an organised flying display, rather than to aerobatic flying in general.

*1.a. What does the CAA require the person in charge/pilot do to check the area that any buildings, vessels or vehicles are unoccupied when the aerobatic flying occurs? What are the requirements that this assessment is recorded?*

The Airborne Flying Display Director or Ground based Flying Display Director will undertake a Risk Assessment (RA) of the area and the outcome will be recorded in the associated paperwork.

*1.b. In the last three years has the CAA checked that this is done? If yes approximately how many times?*

In the past three years the CAA has audited up to 15% of the Article 86 Permission (Public Flying Display Permission) or a SERA.5005 (F)(2) (Private Flying Display Permission) that have been issued.

*2. Both vehicles and vessels can move when occupied and as such may move into the area during the aerobatic flying display/manoeuvre. What direction does the CAA give the person in charge/pilot to require them to update their assessment? (Considering a train may contain 1000 plus passengers and a cruise ship may contain a 3000 plus people, their movement into the aerobatic area can increase the risk very significantly.)*

The Airborne Flying Display Director or Ground based Flying Display Director will undertake a RA of the area and the outcome will be recorded in the associated paperwork, as part of that assessment they should take due regard of and record in the RA any prospective changes to the area and adjust the display accordingly.

*3. Once a building is assessed to be unoccupied prior to the commencement of aerobatic flying what requirement is there on the person in charge/pilot to ensure the building/s remain unoccupied throughout the entire aerobatic flight?*

The Airborne Flying Display Director or Ground based Flying Display Director is required to continue to monitor the Risk Assessed area for any changes and take appropriate action should the mitigation not remain valid.

*4. What definition does the CAA use with regard as to what is meant by 'over', as in over a building, vessel or vehicle? (Eg directly vertically overhead or within an area, that if say the pilot losses control, the aircraft could possible crash or in an area within sight of the building, vessel or vehicle.)*

- Unless necessary for taking off or landing, aircraft are not permitted to fly closer than 500 ft to any person, vessel, vehicle or structure. There are some UK-specific exceptions to the above that permit certain manoeuvres (other than take-off or landing) to be conducted closer than permitted under the general 500 ft rule. These include:
  - Practising approaches at an aerodrome, but without intending to land;
  - Helicopters practising manoeuvres within the boundaries of an aerodrome, provided they do not come within 60 meters of a person, vessel, vehicle or structure that is outside the aerodrome boundary;
  - Picking up or dropping of towing apparatus at an aerodrome;
  - Gliders hill soaring; or
  - If permission has been issued by the CAA for specific circumstances or events – such as for an air display.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

██████████  
Head of External Information Services  
Civil Aviation Authority  
Aviation House  
Beehive Ring Road  
Crawley  
RH6 0YR

[REDACTED]@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF  
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely

[REDACTED]

[REDACTED]  
Information Rights Officer

## **CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.