



Farnborough Airspace Judicial Review

I recently wrote to you on behalf of the Lasham Committee of Management to tell you that we had been unsuccessful in our legal challenge of the CAA's decision to grant TAG Farnborough a large volume of new airspace. I also mentioned that the CoM was reviewing the detail of the judicial review judgement and would be taking advice in order to determine whether or not to take our case to the Court of Appeal.

Having carefully considered all aspects of the ruling, and taken further independent advice, the CoM has decided not to appeal the decision.

This draws a line under our challenge of the legality of the CAA's decision. Our attentions now switch to ensuring that we make the best of an undesirable situation. We anticipate that the new airspace will be introduced in early 2020. So, over the coming weeks and months, we will be explaining what action we will be taking in order to minimise the impact of the new airspace on our operations and all those that fly at Lasham.

In my last note, I observed that the JR decision was a bitter blow after so many years of arduous and demanding work to oppose TAG's airspace proposals. Lasham owes a significant debt of gratitude to the great many people that worked tirelessly on the Society's behalf over that time, and to those that have supported the work in other ways. Looking forward, there is much new work to be done and we will keep you informed on developments.

All of us, I'm certain, share a great sense of disappointment with the outcome. We will, however, continue to work hard for the success of the Society - which is and always has been a leading light in gliding.

As before, if you have any questions concerning the JR or the planned airspace changes, please let me know through the Lasham office.

Patrick Naegeli
Chairman

17 August 2019



Judgement on Farnborough airspace Judicial review

Mrs. Justice Thornton has delivered her judgement on the CAA's grant of airspace to TAG Farnborough following the Judicial Review actioned by Lasham Gliding Society.

In summary, Mrs. Justice Thornton did not find sufficient grounds to overturn the CAA's airspace decision in light of the arguments presented by Lasham - and roundly supported by the wider general aviation community - as to its adverse impact on aviation safety, the consequential inefficient use of airspace, and the potential detrimental operational and financial impacts on Lasham Gliding Society. Accordingly, Mrs. Justice Thornton has concluded that the CAA acted within its powers and the limits of its discretion. As things stand, it is expected that the new Farnborough airspace will come into effect by early 2020 and impact significantly on all aviation activity in central southern England.

Lasham, supported by its advisors, is reviewing the detail of the judgement carefully. It will decide shortly as to whether or not it intends to seek leave to appeal.

This ruling is a bitter blow to both Lasham and the wider general aviation community. It follows several years of intense opposition to what is widely considered to be a completely unjustified and ill-considered move by TAG Farnborough to secure a large swathe of controlled airspace.

The difficulties this case raises continues to draw a spotlight on questions surrounding the CAA's policies and decision-making processes. Aside from this particular case there is a wider and active national debate between the government and aviation stakeholders as to how the CAA's processes currently operate. Whatever might happen with airspace in the Farnborough area as a result of this decision, pressure must continue to be applied on the government, the DfT and the CAA to implement a proper reform of the CAA's processes used to consider applications for airspace change.

Notes to publishers:

Lasham Gliding Society is based at Lasham Airfield and is the largest gliding operation in the UK, and amongst the largest anywhere in the world. It is a recognised centre for the basic and advanced training of glider pilots, youth development, and hosts major national and international gliding championships. There are in excess of 260 gliders and light aircraft based at Lasham, carrying out approximately 60 000 movements per year.

Points of contact: Patrick Naegeli, Chairman, and Gavin Spink, General Manager, Lasham Gliding Society



FARNBOROUGH AIRSPACE JUDICIAL REVIEW UPDATE

The judicial review hearing into the challenge against the CAA's decision to grant airspace to Farnborough Aerodrome concluded 6 June. This was an important milestone in the efforts by Lasham Gliding Society, with the support of the wider general aviation community, to have the CAA's decision overturned in light of what Lasham Gliding Society considers to be a number of substantial flaws and failings in the way in which the CAA considered Farnborough's application and took its decision. As is usual in a case of this nature, the Judge, The Hon. Mrs Justice Thornton, reserved her judgment. We expect that she will make her judgment at some point in the near future. In the meantime, we take comfort from the fact that our lawyers presented a very strong case for the CAA's decision to be overturned and await Mrs. Justice Thornton's decision.

7 June 2019



INTERMEDIATE HEARING

An intermediate hearing related to Lasham Gliding Society's (LGS's) Judicial Review challenging the CAA's decision to implement the Farnborough airspace took place in the High Court on Monday 13th May. Its purpose was to clarify firstly whether the CAA should be obliged to provide further information relating to the safety and efficiency grounds that LGS have put forward and secondly the extent to which Human Rights arguments apply to the case.

At the hearing, Mr Justice Holman ruled firstly that he would not extinguish LGS's Human Rights argument as the CAA claimed it had been by Mrs Justice Yip who had made the initial Order granting leave for LGS's application for judicial review, but enabled the point to be finally determined by the judge in the main hearing in June. Secondly and more importantly, Mr Justice Holman ruled that the CAA must answer key questions put to them by LGS to explain the evidential basis that they had relied upon in making the TAG ACP Decision on the matters of a) safety and b) airspace efficiency. While Mr Justice Holman recognised that requests for detailed further information are not usual in judicial review proceedings, because of the highly fact specific nature of this claim, it was important that the CAA clarified its position. The CAA were given 7 days in which to provide its answers.

The result of this important intermediate hearing was a positive outcome and a success for Lasham.

The main hearing is still scheduled for 5-6th June in the High Court in The Strand.

So far, LGS has received £97k of donations towards its target of £100k to help offset the considerable costs of this case.

As well as expressing its profound gratitude to those who have so generously contributed, LGS invites all others supporting this battle to make contributions to enable the target to be attained and, maybe, surpassed!



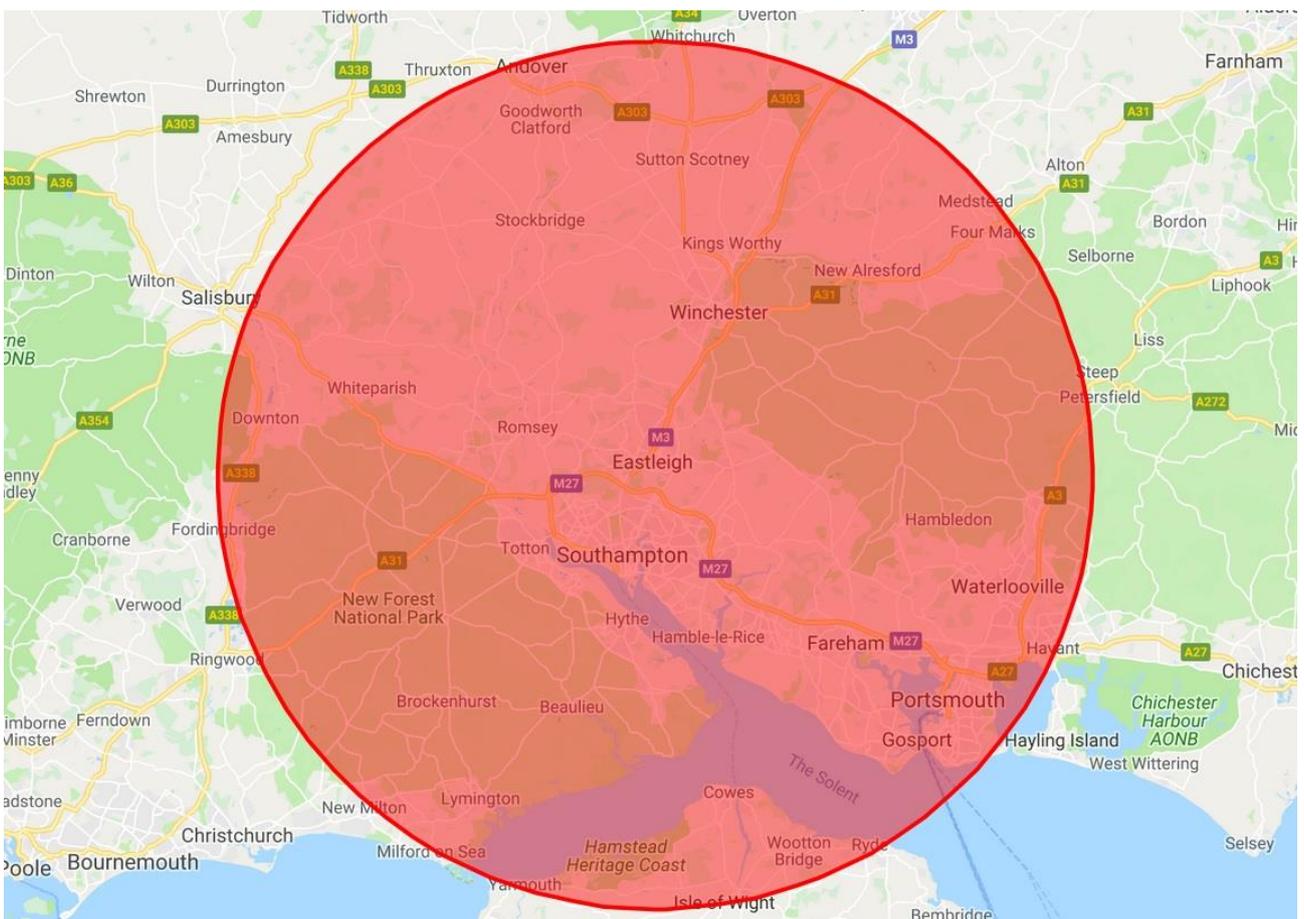
John McCullagh
Hon Treasurer
16 May 2019



AS WELL AS FARNBOROUGH, NOW SOUTHAMPTON

In addition to the proposed change to the airspace around Farnborough, there is a long list of other planned changes to the airspace in the UK which will affect both general aviation and people on the ground.

On 5 February, Southampton Airport stated on the CAA's website (<https://airspacechange.caa.co.uk/PublicProposalArea?pID=115>) that it was submitting an airspace change proposal (ACP) to expand its airspace. At an assessment meeting held at the Hilton Hotel, Gatwick Airport on 22 January 2019, Southampton stated that new routes would overfly some new communities, not currently regularly overflown. It also stated that there is work ongoing as part of the airport's master plan to consult with local communities including parish councils. The area concerned is shown below in the diagram issued by the airport.



The proposed change to Southampton's airspace is one of fifteen ACPs under a plan (entitled the Future Airspace Strategy Implementation South: FASI South) that are expected for consultation in the near future. Some of these will affect airspace below 7000ft.

We recognise that there is a need to reduce delay and to save fuel. However, it is important that any new controlled areas are designed to be safe for all users of British airspace and to use this valuable national resource as efficiently as possible. At present there is a risk that an uncoordinated patchwork of airspace will be left for general aviation with numerous pinch-points that will increase the risk of collisions. People living in previously quiet areas of the country may also be in for surprises.

As previously reported Lasham Gliding Society has been granted leave for a judicial review against the CAA in relation to its decision to approve Farnborough Airfield's airspace change proposal. The hearing has now been scheduled in the High Court to commence on 5 June 2019.

Lasham Gliding Society and other aviation bodies oppose Farnborough's proposal because it would create an inefficient and disproportionately large amount of controlled airspace that would have a significant and negative impact on safety, and on the Society's operations and financial health. With the Southampton airspace and more in the offing, winning this judicial review is more important than ever to ensure that the needs of General Aviation are properly considered.

To help fight this case, Lasham has set up a campaign fund and asks all to contribute. Lasham would like to thank all those who have already donated, both pilots and local residents. The target for the fund is £100,000 and so far, £87,000 has been raised. For details click on <https://www.lashamgliding.com/pages/airspace-campaign>

John McCullagh
john@mccullagh.biz



ADDITIONAL GROUND FOR A JUDICIAL REVIEW GRANTED BY HIGH COURT

As we have previously reported to you, in November we were granted leave for a judicial review on two of our three grounds of complaint against the Farnborough ACP. Leave for a third ground was given only in so far as it was linked to the first two.

We made an application for renewal of the decision for leave which had been partially refused in relation to ground three and this application was listed for a hearing on 17 January. The purpose of this hearing was to have leave for the third ground re-considered on a stand-alone basis so that, if we were successful it would reinstate that ground of challenge in addition to the first two grounds. I am pleased to be able to report that the judge has now given us leave for a third ground, in addition to those of safety and efficiency.

It was decided that, in this third ground, it is arguable that the needs of General Aviation (including gliding), and Lasham in particular, had not been properly taken into consideration by the CAA in making its decision. Although the judge also decided that the CAA did not have to show that SIDs & STARs (procedural routes for arrivals and departures) were necessary, or that the CAA was in breach of its procedure in failing to undertake a further round of consultations with LGS, this does not affect our arguments in our grounds on efficiency or safety points.

We now have three independent grounds (instead of just two) for which we only need to win one for the CAA's decision to be struck out.

Mike Clarke
Chairman
On behalf of the Committee of Management
24 January 2019



APPLICATION FOR A JUDICIAL REVIEW GRANTED BY HIGH COURT

Lasham Gliding Society's application to the High Court for leave to apply for a Judicial Review has been granted by a High Court judge.

In October this year, following the CAA's decision in July to implement a large and unreasonable amount of controlled airspace for Farnborough aerodrome in the busy south-east of England, Lasham filed a claim in the High Court for leave to apply for a Judicial Review of what it believes is a flawed and unlawful decision, which will badly affect it as well as many other General Aviation pilots and organisations. This important judgement means that the High Court has given permission for the case to go ahead because it considers that the claim meets the threshold of arguability.

This is good news for Lasham, which along with other aviation bodies has been opposing the imposition of what they consider to be an unreasonable and disproportionately large amount of controlled airspace that would have a significant and negative impact on safety, and on Lasham's operations and financial health.

To help fight this case, Lasham has set up a fighting fund and asks all those supporting it to contribute what they can. The target for the fund is £100,000 and so far, £43,000 has been raised. For details click on <https://www.lashamgliding.com/pages/airspace-campaign>

Lasham is probably the largest gliding operation in the world and since 1951 has built itself into one of the very best organisations for training pilots and as a world-class centre for recreational aviation. It also the base for several other aviation-related commercial operations.

For further information contact John McCullagh on john@mccullagh.biz

4 December 2018



CONTROLLED AIRSPACE AROUND FARNBOROUGH AIRFIELD

UPDATE



On 10 October we filed our case for a judicial review with the Court. It consisted of 183 pages with 3000 supporting documents in 13 volumes.

If the CAA's decision is not challenged, we believe that it would result in inefficient airspace that gives rise to obvious safety risks for gliders and other aircraft. A precedent may be set for the way that all future decisions about lower airspace are made and that the Class G airspace available to general aviation could be increasingly restricted throughout the country without proper analysis or justification.

The Society has the capability to bring a case of this size against a government agency like the CAA. However, our campaign will benefit the whole General Aviation community as well as residents under some of the proposed flight-paths. We are therefore aiming to raise at least £100,000 externally towards the cost of fighting our case. A running total of the funds raised so far is on our home page.

We are hoping to be granted leave for the judicial review by the end of the year.

John McCullagh
Honorary Treasurer
15 November 2018



PRESS RELEASE CONTROLLED AIRSPACE AROUND FARNBOROUGH AIRFIELD

On 11 July, the CAA published its decision granting a large area of new controlled airspace around Farnborough Airfield. This decision follows an airspace change proposal process initiated by TAG Farnborough Airport.

Lasham Gliding Society is strongly opposed to the CAA's decision. Contrary to the statements made in the CAA decision document, Lasham Gliding Society considers that the decision to introduce new controlled airspace has not been justified by the CAA: it will create a choke point, it does not represent an efficient use of the airspace and it does not properly or reasonably balance the needs of all users. The consequence of the implementation of this large volume of controlled airspace, at the request of a small airfield which has around 28,000 annual (non-public) movements, will be to displace many times more transiting flights and to cause significant congestion of general aviation movements outside the controlled airspace. Lasham Gliding Society, the world's biggest gliding club with around twice the number of annual movements of Farnborough Airport, will be in this bottleneck. This gives rise to obvious safety risks for gliders and other aircraft.

The CAA has not published any data or evidence to support its decision that the new arrangements will be safe (or that the existing arrangements are not safe), and it has not published any analysis of the impact on Lasham Gliding Society or general aviation traffic in the choke points. Further, the measures suggested by the CAA for mitigating the serious safety risk are inadequate and ill-conceived.

In the course of the decision-making process, Lasham Gliding Society in partnership with the British Gliding Association and the General Aviation Alliance, engaged with the CAA in meetings and in writing to explain the problems with the changes proposed by TAG Farnborough. The same parties also submitted a practical and safe alternative airspace design at the request of the CAA. Notwithstanding this, the CAA has proceeded to approve TAG Farnborough's proposal with only minor modifications.

In these circumstances, Lasham Gliding Society has taken legal advice and will be writing formally to the CAA asking it to withdraw its decision. If the CAA does not withdraw the decision, or provide information properly justifying it, Lasham Gliding Society will consider all options including a legal challenge. If you are interested in providing financial support to the Society to help it to challenge the CAA's decision, please contact the office at Lasham.

Mike Clarke
Chairman, Lasham Gliding Society Ltd
24 August 2018