



British Gliding Association

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By Email

BRITISH GLIDING ASSOCIATION RESPONSE TO OFCOM CONSULTATION ON APPLYING AIP TO AERONAUTICAL VHF BAND

The British Gliding Association (BGA) is an association of 85 clubs with some 9000 full members and 21 000 occasional members. BGA clubs operate approximately 2400 gliders and light aircraft. All gliding activity is supported by taxed income. Gliders operate from an assortment of sites; from farmer's fields or beaches through to licensed aerodromes.

Turning to the BGA response to the consultation, the BGA strongly opposes the proposals. Our answers to the specific questions posed by Ofcom follow these summary points;

- Gliding uses frequencies allocated by the CAA
- There are no outstanding unsatisfied requests for frequencies, therefore there can be no excess demand
- AIP would not affect our ability to reduce spectrum and channel spacing as frequencies are assigned by the CAA
- The idea that the aviation spectrum can be used for other purposes outside aviation does not bear examination because of international treaty obligations
- The release of frequencies because of AIP would simply be taken up by others in Europe
- Management of the spectrum will not improve and the value to society would not increase
- The proposed charges are a tax

Question 1

No, it would appear that a direct relationship has been drawn with the value of "Business Radio". The use of the VHF aeronautical frequencies has few if any similarities with this comparator.

Question 2

We do not have the expertise or information to pass an opinion on this question.

Question 3

We do not have the expertise or information to pass an opinion on this question.

Question 4

No. It is our experience that most sporting organisations use of ground to air frequencies is for convenience. We do not use air traffic control at gliding sites and therefore would suggest that most sporting organisations would forego the use of a fixed ground radio system. Of the 5

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frequencies assigned by the authority (CAA) to gliding, 3 have a primary use as Air to Air. Two of these frequencies have a secondary use of ground to air for gliding competitions amounting to some 23 events per year. The air to air frequencies are used for flight safety purposes. One frequency, 129.975, is referred to as the common Glider Field frequency. We would suggest that the imposition of Ofcom's proposed tax in these recessionary times would cause most clubs to cease using this facility. The frequency 129.90 used within gliding for ground to ground and is used by other aviation users it could theoretically be replaced by public band radio as in fact using a radio built to aeronautical standard is an expensive way of solving a problem that a mobile phone can cope with.

It is important to note that these frequencies are assigned by the authority (CAA) and the BGA has no control over the channel spacing used and therefore no chance to reduce our use of spectrum. Finally, as competitive gliding is an international sport, a degree of coordination takes place within gliding which manifests itself in common frequency use in many countries.

Question 5

We do not have the expertise or information to pass an opinion on this question.

Question 6

We disagree with your assumption that any charges on sporting aviation should not be phased in. This displays a complete lack of understanding of the financial arrangements at most air sport clubs. All gliding clubs are not for profit operations that struggle to break even. The imposition of extra charges/taxes such as Ofcom propose may be the 'straw that breaks the camels back'. One of Ofcom's stated aims is to move all aircraft to 8.33 KHz channel spacing. This would cost something of the order of £1900 to £2500 per aircraft. Not all gliders carry radios and some already have an 8.33KHz set. If 2000 aircraft within the gliding movement had to be converted, the costs to owners would be of the order of £3.8M to £5M. It is important to note that most gliding/aircraft equipment is purchased in US Dollars or Euro's. The current exchange rate adds to the financial burden. If these badly thought through proposals are approved as law, a long implementation/transition period (5-10 years) is vital to allow natural turnover of equipment.

Question 7

We do not have the expertise or information to pass an opinion on this question.

Question 8

Having answered your previous questions, in reply to question 8 we would make the following observations on the Ofcom consultation;

- Once again, gliding finds itself dealing with an ill informed regulator trying to impose impractical regulation. Participants in gliding will not benefit from the Ofcom proposals.
- Ofcom has used a third party - Helios - as an analyst. The proposals quote Helios as an "independent source" (para 1.19). Ofcom is paying Helios to support the case for AIP. Helios is far from independent.
- Your contention that there is excess demand for spectrum is as far as we can ascertain from contact within the industry false. The CAA has no outstanding requests for frequencies. Who are the people whom Ofcom state are looking for this internationally controlled spectrum? The constant repetition of this falsehood suggests that Ofcom hopes it will gain credence.
- Air sport including gliding uses radio to support flight safety aims. However, Ofcom admit that there is a possibility that the proposals will reduce flight safety. It is then suggested that the flight safety issue can be overcome by the regulator (CAA) introducing

compensating new laws/rules. This suggests that Ofcom has made an inadequate safety analysis and poor application of rulemaking principles. The regulator's costs will of course have to be passed on to the end user.

- The map of the UK which was produced by Ofcom's subcontractor shows disregard of the facts. Square 764 (in the north west of Northern Ireland) is in red. To the best of our knowledge, part of 764 is in Ireland. The UK portion of this square has one small municipal airport, a gliding site and a parachute site. It would seem to us that the whole "congestion" map is contaminated with frequency assignments from other sources. Using this approach to prove UK "congestion" theory and hence the requirement for AIP is inaccurate. MoD stations are excluded though these will have to be coordinated with the CAA.
- In your paper you refer to the Aeronautical band being "congested". The BGA does not support this assertion. If the band was congested then many messages would fail to get through to their destinations. This is obviously not the case. It is a fact that most aeronautical frequencies have a very low duty cycle. Of course by the use of AIP, Ofcom's action could reduce the number of frequencies available and cause congestion and hence a reduction in flight safety. It is noted that Ofcom wish to remove the control of the spectrum from the CAA to "market forces". The BGA does not think that "market forces" (para 3.13) would be sufficiently informed to make the necessary decisions, and indeed may have conflicting priorities. Again it is our view that this would lead to a reduction in flight safety.
- Within Europe there is inefficiency in use of the aeronautical spectrum. However, this has more to do with the history of air traffic control's development after WW2 than end users efficiency. With the advent of the EU the development of EASA and the "Single European Sky", these inefficiencies in spectrum use will be reduced. There is also a need to consider new technologies which even in the slow moving, conservative ICAO environment will eventually come to fruition. These technologies will almost certainly have been taken up by other spectrum users.
- The Ofcom proposals suggest that frequencies will be made available to the highest bidder and thus gain efficiencies. The UK, however, operates under an international treaty and therefore if any frequency is relinquished it has to be offered back to Europe. Of course a UK organisation can rebid for it but there is absolutely no guarantee it would be recovered. The UK in this case loses both facilities (frequency) and income.
- Examination of the Helios report reveals a number of anomalies in the data. For example, it would appear looking at table 3.2 gliding has been assigned 534 frequencies.

The BGA is a member of the GA Alliance. The BGA fully concurs with the GA Alliance response.

Yours sincerely



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