

CAA Non- Executive Board Members: **Ms Katherine Corich**
Mr Manny Lewis



Altitude Aerial Photography Limited

Sent by email only

Friday 2 August 2024

Dear Altitude Aerial Photography Limited

Your Regulation 6 Review
Hearing date: 9 July 2024

The Review Panel's decision is as follows:

INTRODUCTION

1. Altitude Aerial Photography Limited ('the Applicant') held an Operational Authorisation ('OA') from 10 March 2021, which was due to expire on 5 March 2022. The Applicant submitted a renewal application and SARG informed the Applicant on 12 April 2022 that the content of the application fell out of scope for a renewal. The Applicant was advised to re-submit the application as a variation. On 13 April 2022 the Applicant's existing OA was extended to allow continuity of operations until 15 July 2022.
2. The Applicant resubmitted the application to vary the OA on 19 May 2022. The application set out three technical variations to the Applicant's operations; an expansion from six Unmanned Aircraft Systems ('UAS') to 23 UAS, reduced separation between the UAS and Uninvolved Persons/Assemblies of People and dropping of articles from an increased height.
3. Between the submission of the application and approximately 18 April 2023, the Applicant's Operating Safety Case ('OSC') went through an iterative process, and alongside the versions of the OSC, SARG produced three Oversight Reports, which set out the various Findings made by SARG. The final version of the Oversight Report is dated 6 March 2023. The final version of the OSC is version 5.8 and dated 18 April 2023.
4. SARG approved an OA for the Applicant on 21 April 2023 which includes the following limitation:

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- (1) Flights must not be carried out within 50m horizontally of uninvolved persons, except during take-off and landing, where this distance may be reduced to 30m horizontally. Exceptions to this are:*
- (2) When operating in accordance with the procedure for reduced separation in the OM at section 2.5:*
 - i. The aircraft listed in Schedule I at section 3.1 may be flown to 10m horizontal separation or 5m horizontal separation during take-off and landing. When operating at less than 10m separation, a hard cordon or appropriate protection from uninvolved persons must be used.*
 - ii. The aircraft listed in Schedule II at section 3.1.1 may be flown to 20m horizontal separation or 10m horizontal separation during take-off or landing.*
 - iii. The aircraft listed in Schedule III at section 3.1.2 may be flown to 30m horizontal separation or 15m horizontal separation during take-off or landing.*
 - iv. The aircraft listed in Schedule III at section 3.1.2 may be flown to 20m horizontal separation in flight as long as speed towards uninvolved persons is limited in accordance with the table on page 79 of the OM in section 2.5.*
- (3) Flights must not be carried out within 50m horizontally of assemblies of people except:*
 - i. When operating in accordance with the procedures for reduced separation in the OM at section 2.5.*
 - ii. Flights may be conducted to 30m horizontal separation from assemblies of people.*
- (4) Deliberate overflight of uninvolved persons must not occur.*
- (5) All flights must maintain a minimum horizontal separation from uninvolved persons that is the lower of the appropriate value from this section, or the relevant value from the table at section 6).e). on page 79 of the OM at section 2.5.*

5. On 3 July 2023, the Applicant requested a review of the decision made by SARG to issue the OA with a limitation imposed. On 24 January 2024, SARG informed the Applicant that the request for a review would be put before a Regulation 6 Review Panel.
6. SARG's decision to approve an OA with limitations has been considered by an independent CAA Panel, comprised of Katherine Corich and Manny Lewis, who are appointed by the Secretary of State for Transport as Non-Executive Members of the Board of the CAA.

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7. The hearing of the Applicant's Regulation 6 Review took place on 9 July 2024. The Review Panel convened to consider the following questions in relation to the OA:
 - (1) Did SARG evaluate AAPL's risk assessment as required by Article 12 and in accordance with CAP 722A?
 - (2) Did SARG evaluate the robustness of the mitigating measures that AAPL proposed to keep the UAS operation safe in all phases of flight as required by Article 12 and following CAP 722A?
 - (3) On the information supplied by AAPL in its application, evaluated by SARG, was it reasonable for SARG to conclude that the operational risks were not adequately mitigated and therefore that the operation was not sufficiently safe without operational limitations?
 - (4) Did SARG give AAPL sufficient reasons for issuing the operational authorisation with limitations?
 - (5) Has AAPL's complaints on delay been determined by the Independent Complaints Assessor?
 - (6) If AAPL are raising new complaints on delay, is there new evidence of undue delay by SARG?
 - (7) Did the delay make any difference to the outcome?

8. The Review Panel heard orally from both the Applicant and representatives of SARG. The following written material has also been considered by the Review Panel:
 1. The SARG Brief setting out their position;
 2. The supporting bundle to SARG's Brief;
 3. The Applicant's Written Representations;
 4. SARG's comments on the Applicant's Written Representations;
 5. The supporting bundle to SARG's comments;
 6. A chronology;
 7. A list of abbreviations;
 8. A document from SARG titled 'Oversight Reports Findings table';
 9. A document from SARG setting out the relevant CAA personnel that were involved in the Applicant's application; and
 10. A copy of the outcome letter from the Parliamentary and Health Service Ombudsmen ('PHSO') in response to the Applicant's complaint.

9. The Decision letter is structured as follows:
 1. Section A summarises the applicable legislation and policy,
 2. Section B sets out SARG's decision,
 3. Section C sets out the Applicant's response,
 4. Section D assesses the merits of the decision and,
 5. Section E sets out the Panel's conclusion.

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SECTION A: APPLICABLE LEGISLATION AND POLICY

10. UAS are regulated under UK Regulation (EU) 2019/947¹ ('the Regulations'). The scope of the Regulations is to set out detailed provisions for the operation of unmanned aircraft systems as well as for personnel, including remote pilots and organisations involved in those operations. This is defined under Article 1.
11. UAS operations can be split into three categories; open, specific and certified. This application fell within the 'specific' category and the operator is required to obtain an OA from the CAA pursuant to Article 12.
12. In order to obtain the OA, the operator shall perform an operational risk assessment and identify a range of possible risk mitigating measures in accordance with Article 11. These should be submitted with an application to the CAA,.
13. Article 11 sets out what is required to be included in the operational risk assessment including the extent to which third parties could be endangered by the activity, the complexity and operational characteristics of the UAS and the type, scale and complexity of the operation proposed. Article 11(5) sets out that the identification of possible mitigation measures that are necessary to meet the proposed target level of safety shall consider various possibilities such as restricting the geographical volumes where the operation takes place. Article 11(6) states the robustness of the proposed mitigating measures shall be assessed in order to determine whether they are commensurate with the safety objectives and risks of the intended operation, particularly to make sure that every stage of the operation is safe.
14. Article 12 sets out the responsibility on the CAA to evaluate the operational risk assessment and the robustness of the mitigating measures which are proposed by the UAS operator to keep the UAS operation safe in all phases of flight. It then provides the circumstances in which an OA can be approved.
15. CAP 722A² is a CAA policy document intended to assist applicants who are involved in the production of an operational risk assessment pursuant to Article 11 of the Regulations. The OSC described in CAP 722A is the operational risk assessment. CAP 722A's purpose is to ensure that the required operational safety objectives and proposed target levels of safety have been met by the applicant, ensures regulatory compliance and adoption of standard aviation safety practices by UAS operators before a UAS is authorised to operate in the UK.

¹ This Regulation is now referred to as Assimilated Regulation (EU) No. 947/2019.

² CAP 722A can be found on the CAA's website.

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16. The aim of the OSC is to present sufficient evidence that all relevant hazards and resultant Safety risks have been identified for the proposed operation and have been suitably mitigated to a Tolerable and As Low As Reasonably Practicable (ALARP) level. This ensures an acceptable level of safety for the proposed operation.
17. CAP 722A sets out a step-by-step process applicants should use to help them identify the risk, the mitigation required to reduce the risk and the assessment of those resulting risks. Mitigations are measures to reduce the Safety Risk Level. These mitigations are needed when a Safety risk is either not Tolerable or not ALARP. The Safety Risk Level is determined using a Safety Risk Level Matrix ('the Matrix') to establish if a Safety risk is Tolerable or not. CAP 722A states that if a Safety Risk Level is in the Review or Acceptable region of the Matrix, it is Tolerable.
18. The applicant must then assess if the Safety Risk Level is ALARP. CAP 722A states that a safety risk is ALARP when it is considered that any further reduction in either likelihood or severity is not possible without expending a disproportionate amount of resource.
19. Where a Safety risk is taken through this process and is not Tolerable and ALARP, additional mitigation must be considered. CAP 722A states "*Step 7 should be followed when the Safety risk is not ALARP. Step 7 feeds back into Step 5 to reassess the Safety risk for tolerability after additional Safety risk mitigation means have been considered.*" Examples of additional mitigation measures are provided.

SECTION B: SARG'S DECISION

20. The Applicant applied for a renewal to the OA on 19 May 2022. SARG informed the Applicant that the application amounted to a variation because it proposed changes to the operation previously authorised.
21. As part of the application, the Applicant included a OSC (Issue 5.1 dated 30 April 2022). SARG's first Oversight Report considered this application and noted the increased complexity of the proposed operations as compared to the operations that had been previously authorised by the OA that the Applicant held at the time.
22. Over an iterative process, the Applicant produced maturing versions of the OSC, and SARG produced corresponding Oversight Reports, the final of which is dated 6 March 2023. The final OSC is Issue 5.8 dated 18 April 2023.
23. In its OSC Issue 5.8, the Applicant identified and evaluated the Safety risk of the following hazards as being Tolerable and ALARP:

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- (1) Uninvolved People
- (2) Ground Impact of the UAS
- (3) Single Point of Failure (SPOF)

24. It is SARG's case that it does not agree with the Applicant's assessment of the residual risk scoring of hazards related to technical failure of the UAS leading to Loss of Control and does not agree that those Safety risks are ALARP.
25. SARG and the Applicant engaged in correspondence and meetings with the purpose of resolving the various Findings made by SARG. One Finding was not addressed to the satisfaction of SARG and remained outstanding. The Finding was in relation to 'Reduced Distances'. The Finding stated that "*where risks have been identified that includes [sic] direct contact with uninvolved persons, the claims of those risks being Tolerable and ALARP without suitably robust mitigations are not deemed to satisfy the requirements of Article 11 para 6 (to make sure that every stage of the operation is safe). The operation proposes intentional flight directly overhead people without evidence of technical performance or other robust barriers to reduce the risks to uninvolved persons to an acceptable level of safety*".
26. SARG concluded that an OA could not be granted to the Applicant in the terms applied for, but that an OA could be granted with conditions. One of these conditions imposed specific limitations on various horizontal distances that are required to be maintained at all times from uninvolved persons.
27. Uninvolved Persons are defined in Article 2 of the Regulations as "*persons who are not participating in the UAS operation or who are not aware of the instructions and safety precautions given by the UAS*".
28. As a result, SARG reissued the Applicant's OA on 7 June 2023 in the terms applied for apart from the inclusion of a specific limitation relating to separation from Uninvolved Persons. SARG's case is that it is satisfied that every stage of the operation will be safe, provided the operation remains within the limitations set out in the OA.
29. SARG stated that the selection of UAS to manage the risk to third parties based on claims of redundancy is not a robust or effective enough mitigation against technical failure. SARG considered that the other mitigations presented within the Hazard Log in the OSC to manage the consequences of SPOF similarly do not offer robust enough barriers to harm, even in aggregate. These mitigation measures, proposed by the Applicant, included 'remote pilot skill', 'careful flight planning in relation to directions and speeds used' and 'only committing to flight operations once reasonably satisfied the flight can be performed safely'.

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30. SARG's view is that limitations (or conditions) on the OA for the Applicant's proposed operations are required and necessary as the OSC proposes intentional flight directly over an uncontrolled urban ground area and the proposed mitigations are not sufficiently robust or adequately evidenced to manage the risk to enable SARG to conclude that the risk is Tolerable or ALARP. SARG considers that there are additional mitigations the Applicant could put in place.

SECTION C: THE APPLICANT'S RESPONSE

31. The Review Panel considered the Written Representations prepared by the Applicant as well as the responses to questions posed during the hearing.

32. The Applicant highlighted that the use of the word "*horizontal*" was only raised in the third Oversight Report, almost a year on from the submission of the application.

33. The Applicant disputed that the application was a variation and maintains that the technical variations relating to reduced separation between the UAS and Uninvolved Persons/Assemblies of People and dropping of articles from an increased height were permissions previously held in the OA. The Applicant also disputed the intention to deliberately overfly Uninvolved Persons. The Applicant stated that operations include flying defensively, using whenever possible the safety methods detailed in the OSC. The Applicant stated that defensive flying is a method of ensuring a flight path minimises risk to any person on the ground.

34. The Applicant stated there is no challenge over the use of the word "*horizontal*" in relation to separation from Uninvolved Persons. The Applicant asserted SARG should apply criteria that fall within the scope of the PDRA01 (Pre-Determined Risk Assessment) in considering the Applicant's application. The Applicant stated that the same pilots can fly the same UAS under the PDRA01 without requirements to comply with horizontal separation.

35. The Applicant stated that the limitation makes it "*virtually impossible*" to operate in an urban environment. The Applicant asserted that safety measures as detailed in the OSC can prevent overflight of Uninvolved Persons and that removal of the limitation does not mean the Applicant's intention is to deliberately overfly Uninvolved Persons.

36. The Applicant stated that SARG's review of the Applicant's OSC is based on multiple flawed assumptions and without suitable justification or explanations.

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SECTION D: MERITS OF THE DECISION

37. The Review Panel considers that the burden of proof in this Regulation 6 Review is on SARG. The standard of proof is the balance of probabilities.

38. The issues for the Review Panel to consider are as follows:

- (1) Did SARG evaluate AAPL's risk assessment as required by Article 12 and in accordance with CAP 722A?
- (2) Did SARG evaluate the robustness of the mitigating measures that AAPL proposed to keep the UAS operation safe in all phases of flight as required by Article 12 and following CAP 722A?
- (3) On the information supplied by AAPL in its application, evaluated by SARG, was it reasonable for SARG to conclude that the operational risks were not adequately mitigated and therefore that the operation was not sufficiently safe without operational limitations?
- (4) Did SARG give AAPL sufficient reasons for issuing the operational authorisation with limitations?
- (5) Has AAPL's complaints on delay been determined by the Independent Complaints Assessor?
- (6) If AAPL are raising new complaints on delay, is there new evidence of undue delay by SARG?
- (7) Did the delay make any difference to the outcome?

39. The Review Panel addresses those questions in turn.

(1) Did SARG evaluate AAPL's risk assessment as required by Article 12 and in accordance with CAP 722A?

Answer: Yes.

40. Article 12 of the Regulations places the responsibility on the CAA to evaluate the risk assessment and the robustness of the mitigating measures proposed by the operator to ensure safety in all phases of flight. Article 12 goes on to set out the circumstances within which an OA shall be granted or refused. SARG produced their evaluation of the Applicant's OSC and risk assessment through three separate Oversight Reports.

41. CAP 722A sets out a step-by-step process applicants should use to help them identify the risk, the mitigation required to reduce the risk and the assessment of those resulting risks. CAP 722A's purpose is to ensure that the required operational safety objectives and proposed target levels of safety have been met by the applicant and ensures regulatory compliance with and adoption of standard aviation safety practices by UAS operators before a UAS is authorised to operate in the UK. It sets out a step-by-step process intended to assist

applicants with identifying safety risks and mitigating them to a Tolerable and ALARP level.

42. SARG's first Oversight Report considering this application dated 29 July 2022 noted the increased complexity of the proposed operations. SARG explained to the Applicant that consideration of the application was ongoing but provided some preliminary feedback. SARG's second Oversight Report dated 22 September 2022 contained a number of Findings, which were subsequently closed following exchanges of correspondence and maturing iterations of the OSC.

43. In its OSC issue 5.8, amongst others, the Applicant identified and evaluated the safety risks of the following hazards:

- (1) Uninvolved People*
- (2) Ground Impact of the UAS*
- (3) SPOF (Single Point of Failure) – The UAS experiences a man flight battery failure*
- (4) SPOF – The UAS experiences a motor arm failure*

44. SARG's final Oversight Report dated 6 March 2023 set out their assessment that the remaining Safety risks that had been identified were not mitigated to an ALARP and Tolerable level. SARG noted that the Applicant was unable to address one remaining finding, which was as follows:

Reduced Distances

Reference Volume III SRAP (risks involving collision with third parties on the ground) and Volume I section 3.4. Where risks have been identified that includes direct contact with uninvolved persons, the claims of those risks being Tolerable and ALARP without suitably robust mitigations are not deemed to satisfy the requirements of Article 11 para 6 (to make sure that every stage of the operation is safe). The OSC proposes intention [sic] flight directly overhead people without evidence of technical performance or other robust barriers to reduce the risks to uninvolved persons to an acceptable level of safety.

45. The Panel notes that in each Oversight Report, where a Finding was identified by SARG, the specific non-compliance issue under Article 11 and/or CAP 722A was identified and the Applicant was informed accordingly under Article 12. SARG stated at the Regulation 6 hearing *"We have always tried to explain clearly the reasons for our decisions. The [Remotely Piloted Air Systems] RPAS sector have on several occasions explained the reasons for issuing this operational authorisation with the operational limitations of horizontal separation*

from uninvolved people. As well as in emails, my audit team have also had Teams meetings and I have met personally with [the Applicant] on such a meeting to give further explanation in June 2023.”

46. Although the Applicant asserted SARG should apply criteria that fall within the scope of the PDRA01, the Review Panel considers that the PDRA01 is not relevant in these circumstances.
47. Consequently, SARG authorised the Applicant's OA on 7 June 2023 in the terms applied for save for the inclusion of the specific limitation set out at paragraph 4 above.
48. The Review Panel is of the view that, based on all the evidence that has been presented, SARG did evaluate the Applicant's risk assessment as required by Article 12 and in accordance with CAP 722A.

(2) Did SARG evaluate the robustness of the mitigating measures that AAPL proposed to keep the UAS operation safe in all phases of flight as required by Article 12 and following CAP 722A?

Answer: Yes.

49. SARG commenced evaluation of the mitigating measures set out in the OSC, however there was insufficient detail provided by the Applicant that would enable them to change the limitation for horizontal separation. It is the Review Panel's view that SARG were thorough in their review of re-submission of the OSC and engaged in correspondence and meetings where they discussed the limitations with the Applicant.
50. SARG stated that there was insufficient information provided in the OSC to assess the adequacy of the mitigations and that the mitigation measures that were described were not sufficiently robust.
51. Within the OSC, the Applicant has identified initial Safety Risk Levels and residual Safety Risk Levels after mitigations have been applied and the resulting risk level is claimed to sit within the acceptable or review area of the Matrix. The Matrix is described in more detail at paragraph 17 above.
52. During the hearing, SARG presented an example to the Review Panel from the hazard log entry within the OSC. SARG explained that the Applicant claims the residual risk of a UAS suffering a complete technical failure at a maximum operating height in a high-risk environment and subsequently falling in an uncontrolled manner could result in a fatality, but with the likelihood of this being described as almost inconceivable. The Applicant asserted that careful selection of the flight path, prior training and pilot skill are sufficient factors to

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address the risk posed. SARG stated that the operation proposes flight in all geographical terrains including congested areas and urban areas with a high density of population. SARG stated that the residual likelihood of a fatality in these circumstances is higher than the assessment posed by the Applicant in the OSC. SARG added that the mitigations do not reduce the likelihood of harm enough to prevent harm to third parties should the UAS suffer a battery failure, for example. SARG added that the likelihood of harm is increased to an unacceptable level without a final robust barrier in place, such as horizontal separation.

53. The Applicant focussed on the reasons why the suggested mitigation could not be complied with and did not address the mitigations themselves, noting it would require the Applicant to “*expend disproportionate resources.*” SARG is required to assess a safety case on the basis of tolerable risk and ALARP parameters and cannot comment on commercial or resourcing parameters.

54. SARG also reviewed the application in the context of the wider industry applications and concluded that their findings and limitation requirements were consistent across applications. SARG noted there are approximately 125 other OAs that have been authorised containing the same limitation regarding horizontal separation from Uninvolved Persons.

55. SARG commented on the Mandatory Occurrence Reports (‘MORs’), the reporting of safety related occurrences involving UK airspace users, noting that there have been 31 RPAS MORs reported during 2023 where a loss of control in flight has been reported due to technical failure and 22 MORs reported so far in 2024. The Review Panel’s view is that this is a significant number of occurrences and note that this would result in SARG reviewing the circumstances of each of these occurrences, and considering any mitigating measures that could have assisted.

56. The Review Panel is of the view that, based on all the evidence that has been presented, SARG did evaluate the robustness of the mitigating measures that AAPL proposed to keep the UAS operation safe in all phases of flight as required by Article 12 and following CAP 722A.

(3) On the information supplied by AAPL in its application, evaluated by SARG, was it reasonable for SARG to conclude that the operational risks were not adequately mitigated and therefore that the operation was not sufficiently safe without operational limitations?

Answer: Yes.

57. The Review Panel considers that SARG did evaluate the robustness of the mitigating measures proposed by the Applicant. The mitigation measures

proposed by the Applicant did not reduce the identified Safety risks to a point that they could be considered Tolerable and ALARP by SARG. Therefore, it was reasonable of SARG to conclude that the operational risks were not adequately mitigated. Furthermore, it was also reasonable to conclude that the operation required operational limitations to be imposed, noting that SARG were able to demonstrate that this is consistent with limitations imposed on a large set of other UAS operators.

58. During the hearing, there was lengthy discussion regarding the proposed mitigation measures, the level of detail and the resulting residual risk. SARG and the Applicant, although both concerned with ensuring safety requirements are met, did not agree on the final assessment of the Safety Risk Levels. The Applicant maintained, via the OSC, that the likelihood is 'improbable' whilst SARG asserted that a more appropriate likelihood assessment is that the likelihood is 'remote'. This is, in part, based on wider knowledge and understanding of the industry and the safety-related occurrences that have been reported to the CAA.
59. Although the Applicant stated that the OSC is clear that direct overflight of Uninvolved Persons is not intended, the OSC lacks an explicit intent to laterally separate UAS operations from members of the public, which is a mitigation that is achievable. On the basis that this is an achievable mitigation measure that would not expend disproportionate resources, SARG were reasonable in imposing the limitation.
60. The Review Panel is of the view that, based on all the evidence that has been presented, it was reasonable for SARG to conclude that the operational risks were not adequately mitigated and therefore that the operation was not sufficiently safe without operational limitations.

(4) Did SARG give AAPL sufficient reasons for issuing the operational authorisation with limitations?

Answer: Yes.

61. SARG's case is that it did not agree with the Applicant's assessment of the residual risk scoring of hazards related to technical failure of the UAS leading to loss of control and/or does not agree that those Safety risks are Tolerable and ALARP. Despite correspondence and meetings between SARG and the Applicant, the Applicant was unable to address one remaining finding to the satisfaction of SARG. This Finding was in relation to 'Reduced Distances'.
62. SARG noted that the CAA and its respective teams are continuously reviewing and improving the way applications are evaluated and compliant with Article 11 and ensuring authorisation is compliant with Article 12. As a result, most UAS

applications in the relevant category are now authorised with horizontal separation from Uninvolved Persons as a condition. SARG noted this number was in the region of 125 OAs.

63. SARG added that the process of assessment and evaluation is carried out by an audit team which concluded the following: *“there was insufficient information provided in the OSC to assess the adequacy of the mitigations; secondly, mitigation measures were not sufficiently robust to keep the operations safe considering the safety risks of the operation; and thirdly, as a result, the RPAS sector team issued an OA with horizontal separation from uninvolved persons as an operational limitation.”*
64. SARG highlighted that decisions have been clearly explained to the Applicant with the relevant reasoning through email correspondence, in virtual meetings and through face-to-face meetings.
65. In both email correspondence and at a meeting with the Applicant, SARG explained the reasons for its view and further steps on mitigation that the Applicant could undertake to reduce the Safety Risk Level of the proposed operation. These suggestions were *“controlling the ground area, more robust cordoning, or a tested and ratified ballistic recovery system (or similar technical solution)”*. The Applicant has not taken those mitigations forward. This was evidenced by SARG via email correspondence dated 22 March 2023 and 16 June 2023.
66. The Applicant stated that there was open dialogue between the parties, although there was disagreement on the conclusion, about the mitigation that could remove the limitation. The Applicant referred to the emails sent by SARG that the Review Panel have referred to in the previous paragraph and stated SARG told the Applicant to look for further mitigation. The Applicant also referenced a face-to-face meeting with CAA colleagues in December 2022 where parties had conversations about what was classed as ‘overflight’.
67. The Review Panel is of the view that, based on all the evidence that has been presented, SARG did provide the Applicant with sufficient reasons for issuing the OA with limitations.

Questions (5), (6) and (7)

68. On the day of the hearing, both SARG and the Applicant felt that issues relating to delay had been dealt with by both CAA internal and external processes and are now resolved. Therefore, the Review Panel do not need to consider these questions further. The Review Panel notes that the Applicant has now confirmed receipt of the PHSO outcome letter and that it will be reviewed.

SECTION E: CONCLUSION

69. The Review Panel have concluded questions (1) to (4) in the affirmative. The Review Panel will provide recommendations to SARG to enable SARG to strengthen guidance for applicants to produce more specific applications.

Yours sincerely

Katherine Corich
Chair of the Review Panel

Cc: SARG Lawyer