

From: [redacted]
To: [redacted]
Cc: Policy Enquiry; [redacted]
Subject: Re: Updates
Date: 25 January 2021 11:20:07
Attachments:

Hi [redacted]

Thanks for the update.

I'm not sure it is going to help the gliding centre as I understood they were looking for specific instructions that they couldn't operate so that they can access available support. The concern seems to be that because gliding isn't named in legislation it is open to interpretation as to whether it can continue or not and if it is not definitively prohibited then some the LA is noting that funds can't be accessed.

We will provide an update to them along the lines below and see what comes back.

Cheers
[redacted]

From: [redacted]@gov.scot
Sent: Friday, January 22, 2021 5:57:03 PM
To: [redacted]@sportscotland.org.uk
Cc: Policy.Enquiry@sportscotland.org.uk; [redacted]@gov.scot
Subject: RE: Updates

Hi [redacted]

Just getting back to you on the gliding issue.

I've spoken with colleagues who deal with aviation policy. They noted that they haven't produced any specific guidance (while the UK Government has), but that their advice has been to follow other SG Guidance and the intention and spirit of both the guidance and legislation.

They noted that they've been pointing out that while there is an exemption to travel up to 5 miles from your local authority boundary for exercise, the suggestion is that people exercise close to home and only travel as far as necessary. In addition, it's worth noting the intention of the exemption around physical activity, which as you know is for people to access greenspace to be physically active.

So I don't think it is something we would specifically prohibit through the regulations, as it wouldn't be consistent with other similar activities. I think our advice should be as above that all other SG guidance should be adhered to and that people should be staying at home as much as possible except for essential reasons (whether this could be classed as

“exercise” or “outdoor recreation” is questionable to me). I guess there is still the matter as to whether it should be considered a contact sport when there are 2 people in a glider....

Happy to chat in more detail next week about this.

Have a good weekend

[redacted]

[redacted]

[redacted] | Active Scotland Division | Scottish Government | Area 3J North | Victoria Quay | Edinburgh | EH6 6QQ

📍 [redacted] | 📧 [redacted]@gov.scot

To find out more about Active Scotland, please visit us on [Twitter](#) or on our [Actify hub](#).

[redacted]

From: [redacted]@sportscotland.org.uk>

Sent: 20 January 2021 10:30

To: [redacted]@gov.scot **Cc:**

Policy.Enquiry@sportscotland.org.uk

Subject: Updates

Hi [redacted]

Just looking for a few updates;

1. Events
2. [redacted - out with scope]
3. Gliding query. Any further feedback on whether this should be allowed or not and if being updated in legislation?

[redacted - out with scope]

Cheers

[redacted]

[redacted] | [redacted] | **sport**scotland

Doges | Templeton on the Green | 62 Templeton Street | Glasgow | G40 1DA

t: 0141 534 [redacted] | **m:** [redacted]

w: www.sportscotland.org.uk

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sportscotland – **the national agency for sport**

spòrsalba - am buidheann nàiseanta airson spòrs

From: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)
Sent: 18 January 2021 14:41
To: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>
Subject: RE: General Aviation during Protection Level 4

Thanks again [redacted],

Just as an update myself and many of my friends have decided to not pursue any argument, we think despite the confusing regulations, guidance and legislation that we should just 'Stay at Home'.

However, I must add that it is very galling when daily we are looking at flight tracking applications and seeing many people flying. Your comments about the rules using the same for all airfields are factually correct, as according to the legislation in Scotland we CAN fly, guidance is not law. However many small airfields and private strips are allowing their members to fly as the law does allow recreation under certain conditions – they are not actually doing anything wrong. It's only the bigger airports that are making their own rules that are restricting people based at them.

We are aware that the DfT has forbidden leisure flying in England. I only hope they are looking at the amount of (in England's case) illegal flying that is being done. See attached England example. All the little, tiny icons are GA aircraft, you can see there are loads of them up today. Scotland as you can see is clear right now except for one aircraft who is on a trip crossing Central into Grampian regions, against guidance and legislation!

As I said I and many of my friends are now following the recommendations/guidance and staying at home. However, I would implore the Scottish Government not to publish guidelines that they then themselves revoke, wouldn't it have been better to qualify 'recreation'. This is why there is so much confusion and in my opinion rule/guidance/recommendation/legislation abuse.

Thanks for all the work you and the government are doing during this crisis,

[redacted]

From: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)
Sent: 18 January 2021 14:03
To: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)
Subject: RE: General Aviation during Protection Level 4

Dear [redacted]

I am glad to hear that you and the others that you represent are very cognisance of your moral and societal obligations and I want to reassure you that the current restrictions will only be in place as long as absolutely necessary.

I also want to stress that the rules are the same regardless of whether your aircraft flies from a government or non-government airfield. You might also be interested to know that the UK Government have up-dated their General Aviation Guidance to clearly forbid leisure flying in England ([Coronavirus \(COVID-19\): General Aviation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/coronavirus-covid-19-general-aviation))

Kind regards

[redacted]

[redacted]

Aviation Strategy and Sustainable Aviation, Transport Scotland

Mob: [redacted]

From: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)>

Sent: 12 January 2021 13:02

To: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>

Cc: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>

Subject: Re: General Aviation during Protection Level 4

Hi [redacted],

Firstly I would sincerely like to thank you for your response. It's very positive that you were able to find the time to do so.

I think you can see from my email that myself, and many others that I 'represent' are very cognisance of our moral and societal issues and deplore the scenes we are seeing of rule breaking.

Interesting GA is a very solo recreation pursuit, it can be conducted within the legislation and indeed could easily be carried out within the geographical confines of the local authority airfield of departure. In my own case for example South Ayrshire is 1.2k square miles in size.

Sunday and today there were dozens of light aircraft in the sky flying from various non-government airfields. It's a bit annoying for people who are staying grounded because their aircraft are resident at government owned airfields or major airports.

This week the Angling community advocated to the U.K. government and as a result the majority of powered water sports are now allowed, including powerboat racing. A sport that has similar conditions to GA flying.

Your answer is of course correct in a good behavioural sense but doesn't address a recreational facility that with correct adherence should be allowed.

All I am asking is an opportunity to open a dialogue that could define very strict rules to allow the pursuit of our activity. I believe this can easily be achieved and would allow members of our community

to have access to something that would help us through the lockdowns that are probably inevitable for the majority of 2021.

Yours

[redacted]

[redacted]

+44 (0)[redacted]

[\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)

From: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)

Sent: Tuesday, January 12, 2021 12:05 pm

To: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)

Cc: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)

Subject: RE: General Aviation during Protection Level 4

Dear [redacted]

Thank you for your email asking for clarification of the position on recreational GA flying within Scotland. I see you are already aware of the relevant rules and everyone has a responsibility to ensure that they comply with the spirit as well as letter of these rules to help save lives and protect the NHS. To minimise the risk of spreading the virus, you must stay at home as much as possible and although you can leave home for the purposes listed in s18 people are being urged to travel no further than they need to reach to a safe, non-crowded place to exercise in a socially distanced way.

You might also want to consider the position should, due to unforeseen circumstances, you need to land further than 5 miles from your local authority area. By law you are not allowed to do recreational activities further than 5 miles from your local authority area, if you live in a level four area.

I understand that it is hard not to do the things that you normally enjoy doing but it is important we all do everything we can to slow down the spread of this new variant.

Kind regards

[redacted]

[redacted]

Aviation Strategy and Sustainable Aviation, Transport Scotland

Mob: [redacted]

From: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)>

Sent: 08 January 2021 17:46

To: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>; [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot); [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>

Subject: General Aviation during Protection Level 4

Sirs/Madam,

Please find email below which I have forwarded as per [redacted]'s Out of Office.

Can one of you please respond,

Regards

[redacted]

From: [redacted]

Sent: 08 January 2021 17:42

To: [redacted]@transport.gov.scot

Subject: General Aviation during Protection Level 4

Dear Sir,

I am writing to ask if you could clarify the position on recreational GA flying within Scotland. Our community is debating this, and many are interpreting the rules incorrectly.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021. S18 defines examples of a reasonable Excuse (to leave the place where the person is living).

S18 (t) states

(to) undertake exercise or recreation—

1. outdoors,
2. that starts and ends at the same place, which place must be—
 - (aa) in the local government area in which that person lives, or
 - (bb) within 5 miles of such local government area, and (iii) is either undertaken— (aa) alone, (bb) with members of that person's household

I trust you would agree that General Aviation is an outdoor recreational activity if not being undertaken for training or transportation. Therefore, on that basis, would you agree that GA recreational flying would be acceptable to the legislation and morality of the COVID regulations if.

1. If we take off and land back at the same airport/airfield without landing away
2. If we live in the same local government area as the airport/airfield (or within 5 miles of it)
3. We fly solo or with a member of our household.

The potential impact on emergency services is in a multitude lower than other activities such as for example cycling where in 2019 over 3,400 people were either killed or seriously injured. In GA according to the AVI0401 published on the gov.uk website <https://www.gov.uk/government/statistical-data-sets/aviation-statistics-data-tables-avi> there were 4 deaths, 3 serious and 7 minor injuries.

General Aviation is inherently safer than many other sports, exercise, or recreational activities. It is however a recreation that needs a high level of currency to avoid skills erosion and a potential increase in accidents.

Our community may be small, but it is a recreational activity that we enjoy and that deprived of can have a negative effect on mental health. It is also one of the easiest to ensure compliance with COVID transmission limiting measures. You can't catch COVID very easily at altitude enclosed in a cockpit alone or with one other from your household.

I await your response eagerly,

[redacted].

[redacted] MCIS

UK: +44 ([redacted])

Email/Skype/Teams: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)

LinkedIn: [https://www.linkedin.com/in/\[redacted\]/](https://www.linkedin.com/in/[redacted]/)

From: [redacted]
To: [redacted]
Cc: [redacted]; [redacted]
Subject: FW: General Aviation during Protection Level 4
Date: 11 January 2021 10:11:00
Attachments: [redacted]

[redacted]

Not sure if this guy forwarded on his e-mail after he got my out of office but would you be able to deal with this? The attached is relevant.

Thanks

[redacted]

From: [redacted]@outlook.com>
Sent: 08 January 2021 17:42
To: [redacted]@transport.gov.scot>
Subject: General Aviation during Protection Level 4

Dear Sir,

I am writing to ask if you could clarify the position on recreational GA flying within Scotland. Our community is debating this, and many are interpreting the rules incorrectly.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021. S18 defines examples of a reasonable Excuse (to leave the place where the person is living).

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(to) undertake exercise or recreation—

- (i) outdoors,
- (ii) that starts and ends at the same place, which place must be—
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 - (aa) alone, (bb) with members of that person's household

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- b) If we live in the same local government area as the airport/airfield (or within 5 miles of it)
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I await your response eagerly,

[redacted].

[redacted] MCIS

UK: +44 (0)[redacted]

Email/Skype/Teams: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)

LinkedIn: [https://www.linkedin.com/in/\[redacted\]/](https://www.linkedin.com/in/[redacted]/)

From: [Rogers D \(David\) \(Constitution and Cabinet Director\)](#)
To: [\[redacted\]](#); [\[redacted\]](#)
Cc: [\[redacted\]](#); [\[redacted\]](#); [\[redacted\]](#); [\[redacted\]](#); [\[redacted\]](#); [\[redacted\]](#)
Subject: RE: GA in areas other than England
Date: 06 January 2021 20:41:31

Great, thanks. Need to ensure that there is really strong onus for people not to exploit this as a loophole.

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [\[redacted\]](#) | E: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)

From: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)
Sent: 06 January 2021 20:16
To: Rogers D (David) (Constitution and Cabinet Director) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)
Cc: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot); [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot); [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot); [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot); [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot); [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)
Subject: RE: GA in areas other than England

David

Thanks. On the first point, that's fine.

On the second point, yes it's borderline but we're sympathetic to this one. During the last lockdown it was one of these issues where folk applied a bit of common sense. Private aircraft are no different to airliners and need to be maintained even if not being used as normal. The airlines are routinely flying aircraft they've kept in Scotland around the block to keep them airworthy. The GA community need to do the same to maintain air worthiness and remove water, birds nests, and all the other things that have the potential to knacker an aircraft. Unlike the airlines though they can't really move them to the Nevada desert for the duration which means they have to be maintained and flown in less exotic places like Cumbernauld...

[\[redacted\]](#)
[\[redacted\]](#)
Head of Aviation

0131 244 [\[redacted\]](#)
[\[redacted\]](#)



From: Rogers D (David) (Constitution and Cabinet Director) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>
Sent: 06 January 2021 19:28
To: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>
Cc: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>; [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>; [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>
Subject: RE: GA in areas other than England

[redacted] - Thanks - see red comments

[redacted] – I suspect we will get similar questions about boats.

David Rogers
Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [redacted] | E: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)

-----Original Message-----

From: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>
Sent: 06 January 2021 14:52
To: Rogers D (David) (Constitution and Cabinet Director) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>
Cc: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>
Subject: FW: GA in areas other than England

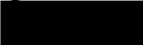
David

Please see below. Grateful for advice on how we should respond. From an Aviation Policy perspective, I would say the answer to the first part is 'no' as it isn't exercise. For the second part though I would say it's 'yes' as this would be akin to taking your car for an MOT which I believe is allowed. I don't want to stand on anyone's toes though so grateful if you (or someone you could direct me to) could confirm it's ok respond along those lines this or, if not, advise on how I can respond.

Thanks

[redacted]

-----Original Message-----

From: @[dft.gov.uk](mailto:[redacted]@dft.gov.uk)>
Sent: 04 January 2021 10:59

To: [redacted]@transport.gov.scot>
Cc: [redacted]@transport.gov.scot>
Subject: RE: GA in areas other than England

Hi [redacted],

Hope all is well and Happy New Year!

I'm just getting in touch regarding the current Covid restrictions in Scotland to make sure I understand what they mean for the implications on GA activity (e.g. circumstances under which travelling to an airfield would be permitted). I've had a look at your website and it looks like your exceptions to the travel restrictions are slightly different from England so I just wanted to double check:

- Would travelling for the purpose of fully open-to-the-air, local sport/leisure GA activity (e.g. ballooning, hang-gliding) be allowed under the exception for sport/exercise in Scotland? (Our policy is that open-to-the-air activities do fall under open air recreation and therefore people can travel within their Tier area to take part in those activities in England, but anything indoors or in an enclosed cockpit is not permitted).

Our regs do allow people out for outdoor recreation as well as exercise, but our guidance strongly discourages more than local travel so I don't think ballooning or hang-gliding should be encouraged. Copying [redacted] to advise from an active Scotland perspective. I think we should issue guidance against it at least. Possibly ban.

- Would travelling to an airfield for emergency engine health/maintenance flights be permitted in Scotland? (We consider this to be a safety issue - similar to an MOT - so it is permitted in England but wanted to check as couldn't see an explicit reference to it on the Scotland covid guidance pages.

Seems a bit borderline. We are letting people do emergency maintenance on their second homes. Is it really necessary? It should certainly not be an excuse for travelling to tinker with your aeroplane as a hobby or go on a leisure flight.

Many thanks in advance - and very happy to have a quick call to discuss if helpful.

[redacted]

[redacted] | Head of GA Programme Delivery and CAA Sponsorship, General Aviation, Skills, Safety and CAA Division, Department for Transport
2/25 | [redacted] |

From: [\[redacted\]](#)
To: [\[redacted\]](#)
Cc: [\[redacted\]](#)
Subject: RE: GA in areas other than England
Date: 08 January 2021 09:36:00

[redacted]

Apologies for the delay in getting back to you.

In terms of the first point, like you, as we're now in Lockdown this isn't permitted.

On the second point, going to an airfield for emergency engine health / maintenance flights would be permitted but there is a strong onus on people not to exploit this as a loophole. It can't be an excuse to just go and tinker with your aircraft as a hobby or to go on a leisure flight.

Hope this helps.

Thanks

[redacted]
Tel [redacted]

-----Original Message-----

From: [redacted]@dft.gov.uk>
Sent: 06 January 2021 15:11
To: [redacted]@transport.gov.scot>
Subject: RE: GA in areas other than England

Thanks, [redacted] - really appreciate it! Now we're back in our national lockdown we've actually had to ban any leisure GA flying as we no longer have an exemption to leave home to allow 'recreational activity' (only exercise is allowed now) but it would still be really useful to understand the position in Scotland as I get quite a few questions about the differences!

Thanks again,
[redacted]

[redacted] | Head of GA Programme Delivery and CAA Sponsorship, General Aviation, Skills, Safety and CAA Division, Department for Transport
2/25 | [redacted] |

-----Original Message-----

From: [\[redacted\]@transport.gov.scot](#)
Sent: 06 January 2021 14:54
To: [redacted]@dft.gov.uk>
Subject: RE: GA in areas other than England

[redacted]

Happy New Year to you as well. I'm good thanks, hope you are too. Given the continuing developments I'm asking what the answers are and will come back to you as soon as possible.

Thanks

[redacted]

-----Original Message-----

From: [redacted]@dft.gov.uk>

Sent: 04 January 2021 10:59
To: [redacted]@transport.gov.scot>
Cc: [redacted]@transport.gov.scot>
Subject: RE: GA in areas other than England

Hi [redacted],

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I'm just getting in touch regarding the current Covid restrictions in Scotland to make sure I understand what they mean for the implications on GA activity (e.g. circumstances under which travelling to an airfield would be permitted). I've had a look at your website and it looks like your exceptions to the travel restrictions are slightly different from England so I just wanted to double check:

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Many thanks in advance - and very happy to have a quick call to discuss if helpful.

[redacted]

[redacted] | Head of GA Programme Delivery and CAA Sponsorship, General Aviation, Skills, Safety and CAA Division, Department for Transport
2/25 | [redacted] |

From: [redacted]
To: [redacted]; [redacted]
Cc: [redacted]
Subject: FW: General Aviation during Protection Level 4
Date: 11 January 2021 11:23:15

Hi [redacted]

Having read over the email exchange that [redacted] had with health colleagues, I have tried to draft a response to the email (see below) – due to the sensitivities around this I would really appreciate you checking over this. **[redacted]:** [redacted] mentioned that David asked your view on this topic and suggested guidance should be issued on this – is there now further guidance I should direct them to?

Dear [redacted]

Thank you for your email asking for clarification of the position on recreational GA flying within Scotland. I see you are already aware of the relevant rules and everyone has a responsibility to ensure that they comply with the spirit as well as letter of these rules to help save lives and protect the NHS. To minimise the risk of spreading the virus, you must stay at home as much as possible and although you can leave home for the purposes listed in s18 people are being urged to travel no further than they need to reach to a safe, non-crowded place to exercise in a socially distanced way.

You might also want to consider the position should, due to unforeseen circumstances, you need to land further than 5 miles from your local authority area. By law you are not allowed to do recreational activities further than 5 miles from your local authority area, if you live in a level four area.

I understand that it is hard not to do the things that you normally enjoy doing but it is important we all do everything we can to slow down the spread of this new variant.

Kind regards

[redacted]

From: [redacted]
Sent: 08 January 2021 17:46
To: [redacted] ; [redacted] ; [redacted]
Subject: General Aviation during Protection Level 4

Sirs/Madam,

Please find email below which I have forwarded as per [redacted]'s Out of Office.

Can one of you please respond,

Regards

[redacted]

From: [redacted]

Sent: 08 January 2021 17:42

To: [redacted]@transport.gov.scot

Subject: General Aviation during Protection Level 4

Dear Sir,

I am writing to ask if you could clarify the position on recreational GA flying within Scotland. Our community is debating this, and many are interpreting the rules incorrectly.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021. S18 defines examples of a reasonable Excuse (to leave the place where the person is living).

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The potential impact on emergency services is in a multitude lower than other activities such as for example cycling where in 2019 over 3,400 people were either killed or seriously injured. In GA according to the AVI0401 published on the gov.uk website <https://www.gov.uk/government/statistical-data-sets/aviation-statistics-data-tables-avi> there were 4 deaths, 3 serious and 7 minor injuries.

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I await your response eagerly,

[redacted].

[redacted] MCIS

UK: +44 (0) [redacted]

Email/Skype/Teams: [\[redacted\]@outlook.com](mailto:[redacted]@outlook.com)

LinkedIn: [https://www.linkedin.com/in/\[redacted\]/](https://www.linkedin.com/in/[redacted]/)