

From: [\[redacted\]](#)
To: [\[redacted\]](#)
Subject: FW: General Aviation & COVID-19 restrictions
Date: 03 February 2021 11:50:06

For info

From: [redacted]
Sent: 18 January 2021 13:22
To: Rogers D (David) (Constitution and Cabinet Director) [redacted]@gov.scot>
Cc: [redacted]@transport.gov.scot>; [redacted]@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>
Subject: FW: General Aviation & COVID-19 restrictions

Hello David

I agree this is different. As the flight hours are not needed for someone to do their job, we do not see a strong policy justification for them being allowed an exemption from the travel rules. Unlike the limited exception for essential maintenance, people could use this excuse to travel multiple times and potentially use this justification for what are in reality recreational flights.

[redacted]

[redacted]
Aviation Strategy and Sustainable Aviation, Transport Scotland
Mob: [redacted]

From: [\[redacted\]@transport.gov.scot>](#)
Sent: 18 January 2021 09:33
To: [\[redacted\]@transport.gov.scot>](#)
Cc: [\[redacted\]@transport.gov.scot>](#); [\[redacted\]@transport.gov.scot>](#)
Subject: FW: General Aviation & COVID-19 restrictions

[redacted], [redacted] – Can you close the loop on this one. Think we had a more recent request along similar lines.

[redacted]
Head of Aviation

0131 244 [redacted]
[redacted]



An agency of  The Scottish Government

From: Rogers D (David) (Constitution and Cabinet Director) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>
Sent: 18 January 2021 09:31
To: [redacted] <[redacted]>
Cc: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot); [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot); [redacted] <[redacted]>
<[redacted]> McFarlane J (John) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>;
Subject: RE: [General Aviation & COVID-19 restrictions](#)

[redacted], [redacted] – could you consider please?

There was a related query about flying for aircraft safety recently, However, the arguments for someone to travel/leave home just to keep up skills for a hobby might be different.

David

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: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot) > **On Behalf Of** Cabinet Secretary for Transport, Infrastructure and Connectivity
Sent: 18 January 2021 08:40
To: Rogers D (David) (Constitution and Cabinet Director) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>
Cc: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>; [\[redacted\]@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); [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot); McFarlane J (John) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>
Subject: FW: [General Aviation & COVID-19 restrictions](#)

Hi David,

Please see below, this is anything your team can help with ?

Many thanks

[redacted]

[redacted] | Assistant Private Secretary to Michael Matheson MSP, Cabinet Secretary for Transport, Infrastructure and Connectivity

The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG | Web:

www.gov.scot

Tel: **0131 244 [redacted] (Please continue to contact me on this number during this time)** | Email: CabSecTIC@gov.scot

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [\[redacted\]@parliament.scot](mailto:[redacted]@parliament.scot)>

Sent: 15 December 2020 11:52

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

Cc: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Subject: FW: General Aviation & COVID-19 restrictions

Hi [redacted]

I have spoken with the below constituent who emailed [redacted].

The flying is not to do with employment, however he holds a private pilot licence which still requires him to fly so many hours within 90 days to be in a position to keep up his safety skills, and to be allowed to carry passengers in the future.

Although the Civil Aviation are the overseeing body for this, [redacted] is concerned at whether or not he is in a position to travel from our current level 2 area to Cumbernauld, which is currently a level 3, in order to carry out his flying hours. Are you able to advise as to any guidance for this, as this is the closest airport for him to fly from and he does not wish to break any rules.

Any advice would be gratefully accepted.

I look forward to hearing from you.

With Kindest Regards

■

[redacted]

Administrative Assistant to Michael Matheson MSP

Tel: 01324 [redacted]

Constituency Office
15a East Bridge Street
Falkirk
FK1 1YD

Begin forwarded message:

From: [redacted][@gmail.com](mailto:[redacted]@gmail.com)>
Date: 14 December 2020 at 14:45:32 GMT
To: "Matheson M (Michael), MSP" <Michael.Matheson.msp@parliament.scot>
Subject: **General Aviation & COVID-19 restrictions**

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon Michael

I am writing in regards to seeking your help, to raise questions with the Scottish Government, about General Aviation in Scotland.

The UK Government has issued guidance specifically relating to General Aviation in England.

<https://www.gov.uk/government/publications/coronavirus-covid-19-general-aviation/coronavirus-covid-19-general-aviation>

I cannot find an equivalent for Scotland.

Aviation is a reserved matter but the restrictions on travel are a devolved matter.

It appears that the travel exemptions relate to various sectors but there is no mention of General Aviation.

It appears that someone could travel from Falkirk to Cumbernauld for driving lessons but a qualified pilot couldn't do this same journey (without interacting with anyone) to fly to maintain experience for safety reasons.

I hope you can help with this as the general aviation sector is struggling under these conditions and it represents a safety issue if private pilots cannot fly regularly.

Kind Regards

[redacted]

From: [redacted]
To: [redacted]
Subject: FW: General Aviation & COVID-19 restrictions
Date: 03 February 2021 11:52:20

For info

From: [redacted]
Sent: 25 January 2021 16:02
To: [redacted]@gov.scot> **Cc:**
[redacted]@transport.gov.scot> **Subject:** RE: General
Aviation & COVID-19 restrictions

Hi [redacted]

Happy for you to go back to private office on this.

[redacted]

From: [redacted]@gov.scot>
Sent: 25 January 2021 16:00
To: [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>
Cc: [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>;
[redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>;
[redacted]@transport.gov.scot>; [redacted]@gov.scot>; Rogers D (David) (Constitution and
Cabinet Director) <[redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>;
[redacted]@transport.gov.scot>
Subject: FW: General Aviation & COVID-19 restrictions

Hello [redacted] and [redacted]

You'll see that private office are chasing this – we think that the guidance makes clear that travel is allowed in relation to essential maintenance of vehicles, but not for any vehicle hobby related purposes.

Listed as a reason for leaving home in the guidance:

- collecting a newly purchased vehicle
- delivering or collecting a vehicle for a repair, service or MOT

[Coronavirus \(COVID-19\): stay at home guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/Coronavirus-(COVID-19):-stay-at-home-guidance)

If you are happy with this, someone then needs to go back to private office – we can do that, or let me know if you'd prefer to do so directly.

[REDACTED]

From: [redacted]
Sent: 18 January 2021 14:22
To: [redacted]@transport.gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <[redacted]@gov.scot>
Cc: [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@gov.scot>
Subject: RE: General Aviation & COVID-19 restrictions _____

All

I agree that the exemption shouldn't apply for travel for a purpose relating to a hobby (rather than employment).

We did however think that there is a case for travelling for the purpose of essential maintenance of private aircraft to be a reasonable excuse (should that cover boats too?) [REDACTED], I think that might need a change to the regs but please let me know your thoughts. I'm aware that other colleagues in TS are currently preparing advice proposing a change to the regulations in order to allow driving tests and lessons for bus drivers, hauliers and emergency services at level 4, so there could be scope perhaps for capturing any other changes proposed (those we have agreed) in that advice?

[redacted]

From: [redacted]@transport.gov.scot>
Sent: 18 January 2021 13:23
To: Rogers D (David) (Constitution and Cabinet Director) <[redacted]@gov.scot>
Cc: [redacted]@transport.gov.scot>; [redacted]@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>
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[redacted]

[redacted]

Aviation Strategy and Sustainable Aviation, Transport Scotland

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[redacted]

Head of Aviation

0131 244 [redacted]

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[\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>; McFarlane J (John) <[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>;

Subject: RE: [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot) General Aviation & COVID-19 restrictions

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Sent: 18 January 2021 08:40

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Cc: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; McFarlane J (John) <[redacted]@gov.scot>

Subject: FW: General Aviation & COVID-19 restrictions

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Tel: **0131 244 [redacted]** (Please continue to contact me on this number during this time) | Email: CabSecTIC@gov.scot

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From: [redacted]@parliament.scot >

Sent: 15 December 2020 11:52

To: [redacted]@gov.scot >

Cc: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Subject: FW: General Aviation & COVID-19 restrictions

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[redacted]

[redacted]

Administrative Assistant to Michael Matheson MSP

Tel: 01324 [redacted]

Constituency Office
15a East Bridge Street
Falkirk
FK1 1YD

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I hope you can help with this as the general aviation sector is struggling under these conditions and it represents a safety issue if private pilots cannot fly regularly.

Kind Regards

[redacted]

From: [redacted]
To: [redacted]
Subject: RE: General Aviation - letter to MSP
Date: 16 December 2020 09:38:00
Attachments: [image001.png](#)

[redacted]

I've made some suggested changes below in red.

Thanks

[redacted]

From: [redacted]@gov.scot>
Sent: 15 December 2020 16:37
To: [redacted]@transport.gov.scot>
Subject: General Aviation - letter to MSP

Dear [redacted]

I wondered if I could ask you to give your feedback on the letter below? I've also put the original letter sent to us at the bottom so you have the full picture. Would you be able to come back to me by Friday end of Thursday 17 December?

Many thanks

[redacted]
COVID Correspondence Team

54313 General Aviation during Phase One of Route Map

Thank you for your correspondence of 26 May on behalf of your constituent in relation to general aviation taking place during Phase One of Scotland's Route Map through the COVID-19 pandemic. Please accept my sincere apologies for the delay in responding, this has been entirely due to the volume of correspondence received and I realise the circumstances you raised have now changed.

The Scottish Government's Route Map gives an indication of the order in which Scotland will carefully and gradually seek to change current restrictions. The Route Map takes an evidence-led and transparent approach to easing restrictions and sets out a phased approach towards the future.

Any private flying in Scotland must be carried out in a way that ensures that all rules and physical distancing guidance relating to the current phase are complied with. Further details can be found on the [Scottish Government website](#) which will be updated as Scotland progresses through the phases of the Route Map. **The Scottish Government isn't producing guidance on General Aviation. The UK Government's guidance in relation to General Aviation – <https://www.gov.uk/government/publications/coronavirus-covid-19-general-aviation/coronavirus-covid-19-general-aviation> – provides detailed guidance on the measures**

that can be taken to mitigate risk and operate safely within a General Aviation operational environment, including on measures that can be taken when 2m physical distancing is not possible. This guidance would assist anybody in Scotland in assessing if they could meet the requirements of the relevant phase of the Route Map. It is up to individual organisations to carry out their own assessment of their operations to determine if they can operate in a way that ensures that they meet the requirements of the overarching guidance for the relevant phase of the route map.

In terms of travel to and from the airfield, this is no longer restricted since the 5-mile limit on travel for leisure activities has been removed. Any decision to open an individual airfield is a matter for the operator of that airfield. Our advice to stay within 5 miles from your own home was issued earlier in the pandemic in the context of relatively high COVID-19 prevalence rates, and to ensure that the transport network was able to keep running and allow people who needed to make essential journeys to travel.

On Friday 23 October 2020, The First Minister announced the [Coronavirus \(Covid-19\): Scotland's Strategic Framework](#). This sets out our current advice in a framework of 5 different levels that apply to each local authority area. In this framework we have set out how we will work to suppress the virus and present an honest reflection of the decisions we will need to make, and the balance we will have to reach, and it does so rooted in tackling the four harms we know the virus causes. 1) direct health impacts caused by COVID 19; 2) health impacts not directly related to COVID-19 - such as wider health and social care services; 3) societal impacts; and 4) economic impacts.

This new levels approach allows us to set out when services can reopen in each area according to the local risk, and avoid 'a one size fits all' across the country if it is not needed. In deciding what level should be applied in each area we will work with local leadership based on the risk level of the four harms in that area. This is of course only an indication and services will only resume when the organisation that runs the services are in a position to do so with the correct risk assessment and mitigation measures in place.

As part of the current measures we expect everyone to comply with the [Coronavirus: local protection levels](#) in place in their area. In this guidance we have set out the restrictions for meeting family and friends along with other information such as travel restrictions within local authority areas in levels 3 and 4 that must be followed to help reduce the risk of transmission. It is important that the public adhere to these rules and we have made the messaging as simple as possible via our FACTS campaign: Face coverings in enclosed spaces; Avoid crowded places; Clean your hands and surfaces regularly; Two-metre distancing; Self-isolate if you have symptoms.

In addition, we continue to encourage people to consider walking, wheeling or cycling for all or part of their journey, if they can, as they are good for health, the environment and relieve pressure on the transport network. Further information on transport can be found on the [Transport Scotland website](#).

I hope that the above information is helpful to you and your constituent.

Dear Joe,

Re: General aviation during Phase One of route map

I am writing to you on behalf of a constituent who has raised a question in regards to general aviation taking place during Phase One of Scotland's route map through and out of the coronavirus crisis.

I was hoping to seek clarity on whether this activity, if adhering to the other restrictions, can take place?

I would be grateful for any further information that you can provide.

I look forward to hearing from you.

Yours sincerely,
Stephen

Stephen Flynn
MP for Aberdeen South

Kind regards

[redacted] Correspondence Team | COVID-19 Health Protection Policy Response Unit | Covid 19
Division | Directorate for Population Health |

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

Please note that I am working from home during the COVID-19 situation.



From: [redacted]
To: [redacted]
Subject: RE: Query on ballooning
Date: 03 February 2021 11:46:55

Hi [redacted]

On ballooning health officials advised that they had to follow the same rules as tour operators (so no exemption to 2m rule)

[redacted]

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

From: [redacted]@transport.gov.scot
Sent: 03 February 2021 11:33
To: [redacted]@transport.gov.scot
Subject: FW: Query on ballooning

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

From: [redacted]@dft.gov.uk
Sent: 25 January 2021 17:55
To: [redacted]@transport.gov.scot
Cc: [redacted]@transport.gov.scot
Subject: Query on ballooning

Hi [redacted],

Hope all is well and sorry to follow up with another question!

I've had some further correspondence from our General Aviation Advocate, [redacted], who has been liaising with [redacted] about the position on ballooning in Scotland. I understand [redacted] has been in contact with you or a colleague regarding the application of the public health restrictions on ballooning activities.

Obviously at the moment with the national lockdowns no leisure flying is permitted as you've confirmed, but I just wanted to check whether the restrictions will be any different for ballooning than for other recreational flying activity once the national lockdown rules are lifted.

I believe the concern has been around the 2m social distancing rules which are obviously very difficult in any aircraft, including a balloon. In England we've mitigated this with the guidance on our website with advice on how to minimise the risk (noting full social distancing is impossible in most aviation scenarios including commercial flights, pilot training, commercial ballooning etc.), so I just wanted to clarify whether you were following the same approach in aircraft environments where social distancing is impossible, or whether your social distancing rules would ultimately mean that the activity (general aviation-related in this case) would be prohibited if it wasn't possible to keep a 1m or 2m distance?

Grateful for any advice on your position, or if helpful to have a quick call to talk it through please let me know and happy to set something up.

Many thanks,
[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]
Sent: 08 January 2021 09:38
To: [redacted]@transport.gov.scot
Cc: [redacted]@transport.gov.scot
Subject: RE: GA in areas other than England

Thanks, [redacted] - that's really helpful to understand!

Best wishes,
[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: 08 January 2021 09:37
To: [redacted]@dft.gov.uk
Cc: [redacted]@transport.gov.scot
Subject: RE: GA in areas other than England

[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]
Sent: 04 January 2021 10:59
To: [redacted]
Cc: [redacted]
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)
- 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)

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]
Subject: FW: Request to resume balloon flights
Date: 03 February 2021 11:56:55

Was very difficult last time to get health to agree a position on ballooning and did try to get an exemption to the 2m rule for them but advise was would need Ministerial agreement on this and unlikely to get it.

From: [redacted]@gov.scot>
Sent: 08 September 2020 17:31
To: [redacted]@transport.gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>
[redacted]@transport.gov.scot> **Subject:** RE: Request to resume balloon flights

[redacted],

I'm afraid both [redacted] and I have moved on now. Adding [redacted] who is now looking at exemptions.

In this instance, since it is a vehicle there is no requirements for a legislative change. However, without a clearer idea of the proposed mitigations in place and the views of health colleagues on the proposed mitigations in place I'm not sure why we would necessarily grant an exemption on this basis. Is it not possible, for example, to limit flights to a single household, or maintain appropriate distancing between them? I assume most people look over the edge of the basket, rather than crowding in the centre, e.g.? How long is the duration of the flight?

[redacted]

From: [redacted]
Sent: 07 September 2020 09:38
To: [redacted]; [redacted]; [redacted]; [redacted]
Cc: [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]
Subject: RE: Request to resume balloon flights

[redacted], [redacted]

Just wanted to ask if you have had a chance to consider this further and ask whether I can inform the balloon operator that they can resume balloon flights?

Thank you

[redacted]

[redacted]

Aviation Strategy and Sustainable Aviation, Transport Scotland

Mob: [redacted]

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

Sent: 27 August 2020 09:39

To: [\[redacted\]@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)>

Cc: [\[redacted\]@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: Request to resume balloon flights

It's an aircraft and there's no requirement to social distance on aircraft (so long as face coverings are worn)

[redacted]

[redacted]

Head of Aviation

0131 244 [redacted]

[redacted]



An agency of  The Scottish Government

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

Sent: 27 August 2020 09:38

To: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.gov.scot)>; [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)> **Cc:**
[\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)>; [\[redacted\]@transport.gov.scot](mailto:[redacted]@transport.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: Request to resume balloon flights

Adding [redacted] and [redacted] to ask, in the first instance, would a balloon be classified as a vehicle (I note that they have not been considered transport operators)

[redacted]

From: [redacted]@gov.scot>
Sent: 27 August 2020 09:30
To: [redacted]@transport.gov.scot>; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: Request to resume balloon flights

Thanks [redacted].

I'm widening to [redacted] and [redacted], who lead on consideration of exemptions to the 2 m distancing requirement. I wonder if the exemption for driving lessons provides a useful precedent here?

[redacted]

From: [redacted]@transport.gov.scot>
Sent: 27 August 2020 08:59
To: [redacted]@gov.scot>; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@transport.gov.scot>; [redacted]@transport.gov.scot>
Subject: Request to resume balloon flights

Hello [redacted] an [redacted]

Request to resume balloon flights

Context

The UK Government are responsible for the regulation of general aviation, including ballooning. On 24 July they published guidelines on the resumption of general aviation, including balloon flights, in England but indicated that the decision on whether the balloon flights could resume in other parts of the UK was a matter for the relevant devolved administration. (Link [here](#) to UKG Guidance)

A balloon operator and Sports Scotland has been in contact with Scottish Government Officials to ask when Scottish Government would be publishing their balloon flight guidance and if balloon operators can now resume flights. We informed them that Scottish Government was not planning on publishing specific guidance on balloon flights and directed them to the route map and general guidance. They then sought clarity on what guidance applies to balloon operators (transport guidance, tourism and hospitality guidance or outdoor sport)

Advice was sought on which guidance applies to ballooning and it was concluded that as balloon operators could not be classified as transport operators, the most relevant guidance would be the tourism and hospitality guidance. However, this is problematic as it is not possible to keep the required 2m distance on a balloon flight.

Therefore advice is being sought as to whether balloon flights can resume, without having to abide by this requirement, provided that other measures are put in place to mitigate the risk.

-
Policy perspective

-
General aviation, including ballooning, is a reserved matter. Therefore the Department of Transport has the relevant expertise to be able to evaluate whether balloon flights are safe to resume. We are not aware of any evidence which would indicate that their guidance does not adequately cover the aspects which are unique to ballooning, nor are we aware of any COVID-19 outbreaks which have been traced back to ballooning. Therefore we see no reason why ballooning should not be able to resume subject to the relevant additional measures being put in place to mitigate the risk of infection.

-
Health considerations

-
The main risk around ballooning arises from people in the balloon basket not being able to keep 2m distance from each other. (The balloon operator has indicated that people from different households will be in the balloon basket at the same time.)

As people in the balloon basket are outside and the surfaces can be cleaned in between flights, the risk of infection is lower than in aircraft where people are also not physically distanced or at a fairground where is more difficult to clean between rides.

Recommendation

-
That we inform the balloon operator that they can resume balloon flights provided they put all the necessary measures in place to reduce the risk.

[redacted]

[redacted]

Aviation Strategy and Sustainable Aviation, Transport Scotland

Mob: [redacted]

From: [redacted] [redacted]
To:
Subject: RE: General Aviation in Scotland - TS2021/3294
Date: 01 March 2021 14:50:00

Yeah that's definitely an issue. The actual Regulations unhelpfully refer to "Exercise and Recreation".

From: [redacted]@transport.gov.scot>
Sent: 01 March 2021 14:48
To: [redacted]@transport.gov.scot>
Subject: RE: General Aviation in Scotland - TS2021/3294

Think that looks good. I had been a bit more circumspect in my replies as the wording previously included leisure as well as exercise, but see that the latest version of the guidance only mentions exercise, so they must have tightened this up.

[redacted]

From: [redacted]@transport.gov.scot>
Sent: 01 March 2021 14:37
To: [redacted]@transport.gov.scot>
Subject: FW: General Aviation in Scotland - TS2021/3294

[redacted]

What do you think of the following draft reply?

Thanks

[redacted]

Dear [redacted]

Thank you for your e-mails of 1 and 24 February about General Aviation in Scotland. I apologise for the delay in responding.

Under the current lockdown measures flying for leisure purposes is not permitted. As you are aware, to minimise the risk of spreading the virus, people must stay at home as much as possible and are only permitted to leave home for essential purposes. Flying for leisure does not constitute an essential purpose. Flying is permitted, however, in order to maintain aircraft.

Yours sincerely

[redacted]
Aviation Policy
Transport Scotland

From: [redacted]@mac.com>
Sent: 24 February 2021 09:37
To: Scottish Ministers <Scottish_Ministers@gov.scot>
Cc: [redacted]@transport.gov.scot>
Subject: Fwd: General Aviation in Scotland

Dear Sir/Madam,

I originally sent the below to [redacted] however have not received a response. Appreciate he's likely very busy and perhaps it should have been directed at someone else, so if you can pass it to the appropriate office it would be much appreciated.

It seems unambiguous at this point that Recreational General Aviation is permissible as "outdoor recreation" to be carried out in accordance with The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 and this is supported by guidance issued to the Gliding community by Sport Scotland - <https://sportscotland.org.uk/media/6421/gliding-phase-3-5-level-guidance-15022021-approved.pdf>

It's also come to my attention that most flying schools and other recreational aviation businesses have now been informed they are not entitled to the grants from the Strategic Framework Business Fund as they were "not required to close or modify operations under the COVID-19 protective measures" - yet some airfields are prohibiting General Aviation activities so they have, of course, been forced to close (indirectly)

These airfields are generally pointing to the DfT statement which is an interpretation of the The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, and does not apply in Scotland.

Skill atrophy is a serious concern, even amongst recreational aviators, and many of us would greatly appreciate clarification (or an official statement from Scottish Ministers) with respect to whether or not (as long as all the same precautions are observed as in Gliding, Hang-Gliding, Sailing, Angling, Canoeing etc all permitted in Level 4 according to guidance published by Sport Scotland) this activity can continue subject to the provisions of the current Regulations (including travel within local area only, the gathering rules etc.)

Kind regards,
[redacted]

Begin forwarded message:

From: [redacted]@mac.com>
Subject: General Aviation in Scotland
Date: 1 February 2021 at 16:02:33 GMT
To: [redacted]@transport.gov.scot

[redacted],

Can you please confirm if the following guidance is applicable in Scotland, as

there seems to be some confusion within the GA community and local aerodrome, most referring to this document (which appears to apply to England only);

<https://www.gov.uk/government/publications/coronavirus-covid-19-general-aviation/coronavirus-covid-19-general-aviation>

This refers to England and states "no leisure flying is permitted [in England]" which is understandable, as The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (the "English Regulations") prohibit leaving the place you are living for a number of reasons, one of which is 'exercise'. Despite the fact that the RYA has confirmed that "boating" is considered exercising, and apparently so is fishing, I can understand that General Aviation would not be considered exercise.

However, the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (the "Scottish Regulations") differ considerably from the English ones, notably that they allow exercise **or recreation**, that must start and end at the same place within the local government area the the person lives.

I believe, therefore, that recreational aviation would be considered "outdoor recreation", and as long as the rules on gatherings are observed (i.e. you fly only alone, or with members of your own household, or the other limited permitted gatherings such as extended households) and you do not leave your local area to access the aircraft, then it is currently permitted?

This would parallel the guidance that has been issued on boating by the RYA where you may continue to go boating following the rules on outdoor gatherings, and as long as your boat is kept in the same local authority area as you live.

It would be really helpful if the Scottish Government would publish guidance alongside their English counterparts at the DfT as it does seem to cause a lot of confusion, resulting in some aerodromes being operational and some not.

As a General Aviation pilot myself, but also someone who has spent a lot of time studying human factors in my professional career, my primary concern is the skill atrophy and lack of proficiency by grounding recreational pilots for a long period of time will likely present a higher risk than the risk of COVID-19 when engaging in GA activities in a safe and socially-distant manner; this is a concern that has been shared by other organisations and is very apparent in the US via NASA's ASRS reports showing deviation from approved processes amongst commercial aviators because they are "rusty" having flown less due to the COVID-19 situation.

I should stress that I am in no way underestimating the seriousness of COVID-19, and sadly have lost people I know to this terrible disease, but admire the Scottish Government for maintaining a proportionate approach to the Regulations and the continuation of allowing recreation, rather than just 'exercise', at Level 4 - and the positive impact this has on mental health - and would appreciate clarity on whether or not this includes recreational aviation.

Kind regards,

[redacted]