

## **Deregulation from the national authority to the local authority (provinces)**

The Dutch aviation law: "Aviation is prohibited unless...."

Until november, 1st 2009 the national authority was in charge of the execution of the aviation law with regard to General Aviation issues.

As of the 1st of november 2009 the RBML was implemented. The English translation is "Regulations for Civil and Military Aerodromes".

As of that date the 12 Dutch provinces became responsible for the smaller aerodromes (general aviation) and other non-aerodrome (i.e. farmland, meadows) take off and landing sites for specific aircraft like MLA's, paramotors, helicopters and hot air balloons.

All military air force bases remained under the responsibility of the Ministry of Defense.

The four national aerodrome remained under the responsibility of the national authority.

So what was left? Just the general aviation strips and the non-regular sites (sites not being an aerodrome but used for aviation purposes) for the above mentioned aircraft and hot air balloons.

There are three possibilities:

1. Regular general aviation aerodrome with a normal infrastructure (in Dutch: luchthavenbesluit).
2. Non regular site which is usually just a meadow (in Dutch: luchthavenregeling).
3. Temporary permit for a maximum of 12 days per year and two flights per day. You have to inform the mayor and the minister of infrastructure at least 24 hrs in advance if you intend to use the location. The location itself is the same as in "2" (in Dutch: Tijdelijk en Uitzonderlijk Gebruik, TUG).

The interesting part is about situations 2 and 3.

What kind of aerodrome do you need to take off and land with a paramotor?

Usually, it is not allowed to use the regular aerodromes. The reason for that is the slow speed, you don't fit in the pattern, and the fact that you always have to take off and land straight into the wind. You can't adhere to the normal runway directions unless there is no crosswind. After landing it takes longer than normal to vacate the runway. The glider will drop on the ground after landing and you have to collect it.

The paramotor pilot has to request for the non-regular site (NRS) or the temporary permit (TP).

The TP is, like the phrase says for temporary purposes only. It usually takes four weeks to get a TP.

A more structural solution is the NRS. Most provinces grant you 100 flight movements per year. A flight movement is a take off or landing. So it's only 50 flights per year. On top of that you can only use the location for 25 days per year and not more than 3 days per month.

According to the information provided by most provinces the handling time for the NRS is between 3 and 6 months. Experience learns that it sometimes takes more than two years. Bear in mind that we

are not talking about a regular aerodrome but just a piece of farmland that meets the safety regulation requirements for these locations (RVGLT).

The province officials just lack time to handle all the requests for NRS's. For that reason most provinces advice pilots to request for the temporary solution.

Despite the fact that a TP is not a solution for paramotor pilots it became the standard for provinces.

All 12 provinces can make their own policies with regard to aviation. Most provinces, if not all, have a main policy to reduce the amount of recreational aviation traffic. In one of the Dutch provinces the request for a NRS or TP will not be granted.

So it is not allowed to fly over there? Wrong! When you are airborne, you have to adhere to the normal flying rules and that's the responsibility of the national authority.

The provinces are only allowed to write policies for surface movement, take off and landing. Once airborne you resort under the national rules.

How about the environment?

As mentioned before, the provinces are not in favour of (recreational) aviation. On the contrary, if there is a means to stop aviation, it is used.

It is not allowed to take off or land in a Nature 2000 area. Most provinces created a bufferzone around these areas which can extend up to 2000m. Bear in mind that a paramotor engine is not allowed to make more noise than 60dB at an height of 150m with full throttle. 60dB is the equivalent of an conversation with three people.

The Netherlands had about 165 Nature 2000 area's.

On top of that there is a structure that connects these Nature 2000 area's so flora and fauna can "travel" from one area to the other.

These EHS (Ecological Main Structure) areas are sometimes ecological or environmental sensitive areas, but quite often just a piece of farmland. The goal was to make 17 ½ % of the Netherlands EHS.

The provinces don't grant paramotor pilots a NRS' or TP's in EHS area's.

It is quite imaginable that some pilots don't respect these set of rules and start to fly illegal. Oops, they don't fly illegal, they just take off and land illegal.

Let me explain it in an other way. You own a car and it is parked in the garage. You are allowed to drive on any road as much as you like as long as you stick to the traffic rules.

You have to use the drive way to get from your garage to the main road. You have to inform the mayor and minister of infrastructure 24 hrs in advance, you cannot use the drive way more than 12 days per year and not more than twice a day. This must and will lead to illegal behaviour.

Flying does hardly ever lead to complaints. A paramotor pilot sits in the open. If I can see him, he can see me. For that reason some people complain about privacy. The minimum flight altitude is 500ft over non-built up areas.

The deregulation from the national to the local or provincial authorities leads to more restrictions and restrictive policies. Overregulation is the keyword. Most officials never saw a paramotor, they neglected the regulations that prove that a paramotor does not harm the environment and the fact that there is hardly any level of risk. Paramotoring is one of the safest versions of motorized flight.

Statistics prove this, but the provinces still continue to develop barriers to decrease the possibilities for aviation like paramotoring. It has nothing to do with policy making, it's just an abuse of power.

The KNVvL supports a taskgroup in the quest to get a workable situation with respect to the environment, flora, fauna and people.

Even the Tweede Kamer (House of Commons) accepted an official resolution in which the government is asked to find a proper solution. This resolution was accepted about three years ago.