

# OPUS2

The Cranston Inquiry

Day 4

March 6, 2025

Opus 2 - Official Court Reporters

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Thursday, 6 March 2025

1  
2 (10.00 am)  
3 SIR ROSS CRANSTON: Well, good morning, everyone.  
4 Good morning, Mr Norton. Thanks very much for your  
5 statement.  
6 In a moment, Genevieve Woods will ask you some  
7 questions, but first of all, could you read  
8 the affirmation, please.  
9 CHRISTOPHER NORTON (affirmed)  
10 SIR ROSS CRANSTON: Thanks very much.  
11 Ms Woods.  
12 Questions by MS WOODS  
13 MS WOODS: Thank you, Chair.  
14 Good morning, Mr Norton.  
15 A. Good morning, Ms Woods.  
16 Q. Could you give your full name please for the Inquiry?  
17 A. Christopher James Richard Norton.  
18 Q. Thank you.  
19 You have made a witness statement which was provided  
20 to the Inquiry and dated, I think, 27 November of last  
21 year; is that right?  
22 A. I'm sure it was.  
23 Q. Thank you, Mr Norton.  
24 It's right that you're here to give evidence on  
25 behalf of a company called 2Excel Aviation Limited; is

1

1 that right?  
2 A. It is.  
3 Q. Can you tell us what your role is within 2Excel?  
4 A. I'm one of the founders of 2Excel, I'm a main board  
5 director, and I'm the accountable manager, which means  
6 that I'm responsible for the management system through  
7 which we deliver our services.  
8 Q. If you're a founder, you must have been there from  
9 the very outset. How long have you been at 2Excel?  
10 A. 20 years now.  
11 Q. 20 years.  
12 Can I ask to turn to your statement, which is  
13 {INQ10335/3} and page 3 of that statement. Thank you  
14 very much. If we're looking to paragraph 8,  
15 I understand that 2Excel was contracted to provide  
16 services to the MCA; is that right?  
17 A. That's right.  
18 Q. And we can see in your statement, paragraph 8, that  
19 contract was awarded on 19 March 2019 and began  
20 eight months later on 19 November 2019; is that right?  
21 A. It was, yeah.  
22 Q. And at the bottom of that paragraph we can see that  
23 the service required was:  
24 "... multi-faceted and included Search and Rescue  
25 ... maritime patrol and counter-pollution tasking on

2

1 an 'availability service' basis."  
2 Is that right?  
3 A. That's right.  
4 Q. Can you explain for us ---  
5 A. Excuse me, Ms Woods.  
6 Q. Of course.  
7 A. Should I be seeing something on the screen?  
8 Q. Ah, are they not appearing on the screen before you?  
9 A. No.  
10 Q. We appear to be having some technical difficulties. If  
11 you could just pause for a minute.  
12 (Pause).  
13 Thank you very much.  
14 We're in paragraph 8 at the very top of the page  
15 there. We can see the start date for the contract  
16 eight months later, 19 November 2019. And then we're  
17 just on the very last sentence here.  
18 A. Thank you.  
19 Q. "The ASv service required was multi-faceted and included  
20 Search and Rescue ... maritime patrol and  
21 counter-pollution tasking on an 'availability service'  
22 basis."  
23 A. That's right.  
24 Q. Could you help us with what an "availability service  
25 basis" is?

3

1 A. The --- the idea of an availability service is to provide  
2 a capability, which, in this case, is aircraft with ---  
3 equipped with sensors, crewed by suitably qualified and  
4 experienced personnel to provide a contract-air service,  
5 and that would be for an amount of flying within ---  
6 within a readiness, reactionary readiness schedule for  
7 a period of time. So, in this particular case, it was  
8 a 365 day, 24-hour service for five years, but to  
9 provide 1,044, I think it was, hours per year within  
10 that 365 day, 24-hour service.  
11 Q. Have I understood, with a certain amount of lead time,  
12 depending on the time of day, 2Excel was required to  
13 essentially make assets --- aerial assets available  
14 24 hours a day, all year around?  
15 A. Correct. So in the daytime, it was a 45-minute notice  
16 period for a King Air, a 60-minute notice period for  
17 a Panther, and those were --- the initial ASv contract  
18 was just for King Airs, but that was later amended to  
19 provide Panthers as an additional service later on. The  
20 --- and at night, it was a 60-minute readiness timescale  
21 for the King Air and 120-minute readiness timescale for  
22 the Panthers.  
23 Q. Mr Norton, you've mentioned I think the names of  
24 a number of different types of aircraft. Could I ask  
25 that we go to {INQ010335/11} of your statement and to

4

1 paragraph 43, so right down the bottom.  
 2 A. Yeah.  
 3 Q. We can see there:  
 4 "In November 2021, 2Excel had three aircraft types  
 5 in place ..."  
 6 I think you've just mentioned King Air, which is  
 7 the first one there. So we have two King Air aircraft  
 8 in November 2021; is that right?  
 9 A. Yeah.  
 10 Q. And they could fly for approximately five hours --  
 11 A. Yeah.  
 12 Q. -- is that what it means when it says "endurance" there?  
 13 A. That's right.  
 14 Q. Then below, we can see there were also three Panthers.  
 15 I think you also mentioned Panthers?  
 16 A. Yeah.  
 17 Q. And one Navajo; is that right?  
 18 A. Yeah. So the -- the contract we had was to provide two  
 19 King Airs and two Panthers, but we had additional  
 20 aircraft within our fleet which meant that we could  
 21 provide a more resilient service and so be able to -- to  
 22 hit the key performance indicators to provide the level  
 23 of availability that we needed.  
 24 Q. Understood.  
 25 I want to understand, if I can, the different types

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1 of tasking that those planes could be sent to as part of  
 2 this MCA contract. In your statement you say the first  
 3 type is called an SAR, a search and rescue tasking, and  
 4 you say it's where you're airborne in response to  
 5 a known rescue requirement with a rescue call sign. Can  
 6 you tell us what that means? In lay terms --  
 7 A. Sure.  
 8 Q. -- what is an SAR tasking?  
 9 A. Okay. The two types of tasking were defined as reactive  
 10 tasking and proactive tasking. Reactive tasking is  
 11 a response to a known situation and proactive is  
 12 effectively patrolling. Patrolling may turn into  
 13 something that becomes more reactive, but -- but search  
 14 and rescue as a specific is a response to be a direct  
 15 threat, like a -- sorry, a direct hazard, which is like  
 16 a ship sinking or -- or migrants being found in  
 17 the water.  
 18 Q. There's a second category described in your statement,  
 19 a reactive SOLAS tasking. Is that safety of life sea,  
 20 SOLAS?  
 21 A. Safety of life at sea, correct.  
 22 Q. And how is reactive SOLAS tasking different from  
 23 a Search and Rescue tasking that you've told us about?  
 24 A. So it's really down to the specificity of the situation  
 25 at the time. So if a ship goes down and you know where

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1 the ship is, you can go straight -- you can be launched,  
 2 you know, from -- from the ground. And in the case of  
 3 you don't know where it is and you might have to -- to  
 4 find it, then -- then -- or you -- or you launch because  
 5 you think it might happen, because you're responding to  
 6 a known situation where something might happen, that  
 7 would be SOLAS.  
 8 Q. And specifically, there is a difference between  
 9 a reactive and a proactive SOLAS tasking?  
 10 A. There is.  
 11 Q. How is a proactive SOLAS tasking different from  
 12 a reactive SOLAS tasking versus a Search and Rescue  
 13 tasking?  
 14 A. So it's a -- it's a continuum, almost, of -- of risk,  
 15 effectively. So a search and rescue is to a known --  
 16 that, you know, such and such a ship has sunk here.  
 17 Proactive SOLAS is we think there's a likelihood that  
 18 there could be ships sinking here. And reactive --  
 19 sorry, that's reactive SOLAS. And proactive SOLAS would  
 20 be the conditions might be right for such and such  
 21 a thing to happen, we'd like to you get airborne so that  
 22 you're ready and go and look to -- to see the -- see  
 23 the potential threats coming.  
 24 Q. Understood. Thank you very much.  
 25 The Inquiry understands that when you were providing

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1 these services for the MCA, you were primarily working  
 2 on something called Operation EOS. Could you tell  
 3 the Inquiry what your understanding was of  
 4 Operation EOS?  
 5 A. So Operation EOS is a proactive, planned patrolling,  
 6 looking into an area because there's a known set of  
 7 threats or a known set of potential hazards. So "EOS",  
 8 as we call it, E-O-S, is a response to the high  
 9 likelihood that you might be required, but it's not in  
 10 response to an actual sinking.  
 11 Q. Does that mean it's proactive SOLAS tasking? Does it  
 12 fall into that category?  
 13 A. It does.  
 14 Q. Okay.  
 15 The Inquiry is also aware of a separate operation  
 16 which 2Excel occasionally was tasked to work on called  
 17 Op Altair. Could you tell us what that was, your  
 18 understanding of what that was at the time?  
 19 A. So Op Altair usually precedes Op EOS, and effectively  
 20 it's to go and look into the start of the threat area  
 21 and potentially see people getting into boats on  
 22 the beach in order to be able to pass that information  
 23 through the command and control system to, in this  
 24 particular case, the French authorities so that they  
 25 could hopefully stop the people getting into the boats.

8

1 And if they get into the boats, you start watching them  
 2 as they start to migrate across the Channel in order to  
 3 be able to, if somebody goes into a -- into a hazard  
 4 area, to transition from Op Altair into Op EOS. So it's  
 5 often a precursor to Op EOS, but you can be -- you can  
 6 go to look for specific threats or you can go to warn  
 7 people of potential threats.

8 Q. In practical terms, if you're the pilot sitting in  
 9 the plane, what's the difference if you're tasked to do  
 10 an Op EOS tasking versus an Altair tasking? Is it just  
 11 who you're reporting to, or ...?

12 A. You report to the same commander control in both cases,  
 13 it's just where your report might go.

14 So in Op Altair, you would look further in towards  
 15 the coast, so you're looking into French airspace, into  
 16 French sea space, ultimately all the way to the French  
 17 beaches, but you're looking from UK airspace and UK  
 18 waters. And once there is a potential threat and you're  
 19 watching people come across the sea as they enter into  
 20 the UK spaces, then that transitions into Op EOS, where  
 21 you're saying the boat's going to land here, you know,  
 22 make sure that the UK forces are ready to receive.

23 Q. Is it fair to say it is more about where you're looking  
 24 than what you're looking for or what you're doing in  
 25 the plane itself?

1 A. What you're doing is the same, the senses you're using  
 2 is the same, where you're looking is slightly different,  
 3 and the purpose of your report is slightly different.

4 Q. Thank you.

5 Can we pull up a document at {INQ005198/1}. This is  
 6 the Op EOS tasking policy and we believe this is  
 7 the version which applied in November 2021.

8 Can we go to page 3{INQ005198} of that document,  
 9 please. We can see in the middle there's a section  
 10 called "Criteria". At the top, in "Overview", it tells  
 11 us about the services provided by 2Excel to the MCA.

12 Then under "Criteria", it sets out when those  
 13 services are provided. So it says:

14 "These flights, which are proactive in their nature,  
 15 can only be requested when the following criteria are  
 16 met."

17 And there's two criteria there. Just looking at  
 18 the top one for the minute, the first criteria is when  
 19 an:

20 "Operation Deveran weather assessment [is] received  
 21 by the [Coastguard] Liaison Officers and states that  
 22 migrant crossings during a defined period of time (that  
 23 is no greater than 12 hours) are deemed as a realistic  
 24 possibility (or greater) to occur."

25 Does that mean that your taskings for 2Excel were to

1 some extent determined in advance by the assessed  
 2 likelihood of migrant crossings on a given day?

3 A. It does.

4 Q. And I think it says, correct me if I'm wrong, that where  
 5 the assessment was that there was a realistic  
 6 possibility of crossings, that 2Excel was in those  
 7 circumstances to provide proactive surveillance patrols;  
 8 is that right?

9 A. We have -- our understanding at 2Excel is there are sort  
 10 of three conditions, red, amber and green, and during  
 11 red days, or red time periods, there is a high  
 12 likelihood of a crossing, and we are required to be  
 13 airborne, able to be, at very short notice, effectively,  
 14 to -- to react to a hazard. On an amber day, we would  
 15 forward deploy, okay? So -- so that is a less  
 16 likelihood of a crossing, then we would forward deploy  
 17 so we could still react quickly, but we may sit on  
 18 the ground. And on a green day, we wouldn't necessarily  
 19 forward deploy, we may sit at our normal -- our normal  
 20 base, because there is a less likelihood of crossing.

21 Q. Understood. I think we can take that document down.  
 22 Thank you very much.

23 On a day where crossings were amber or red, so we're  
 24 talking about likely or high likelihood of crossings,  
 25 did 2Excel still receive and review a tasking from

1 the MCA or from the Home Office, or was the default  
 2 position that you were preparing and assuming to provide  
 3 services on those days?

4 A. So the -- there are -- there is a sort of cascade of  
 5 information. Weekly, there is a meeting, and that  
 6 meeting says this is what's likely to happen over the --  
 7 over the week, and we would use that information to make  
 8 sure that we had the correct level of availability and  
 9 we were planning to forward deploy if we needed to be,  
 10 or we were planning to be airborne if we needed to be.  
 11 That -- that's sort of done on a weekly basis.

12 But our tasking is specific. So the tasking comes  
 13 on a tasking form, and the tasking form requests that we  
 14 get airborne for a particular time, or we forward deploy  
 15 for a particular time, and it tells us what task we are  
 16 likely to receive. So that may be proactive SOLAS, it  
 17 may be reactive SOLAS, it may be maritime pollution  
 18 patrols. So there are -- there are many things. But  
 19 it's actually the tasking, it's not whether it's red or  
 20 it's amber or it's green, it's the tasking that tells us  
 21 what we are -- what we are required to do.

22 We then either accept that, if we can, or we qualify  
 23 our acceptance, or if we can't deliver it, then we would  
 24 reject the -- the tasking. So it's the tasking itself  
 25 that is specific, not the conditions. It's not our

1 choice, we just prepare for the ability to respond to  
 2 the tasking. And those tasks will generally come,  
 3 you know, a day or so in advance. So on the night in  
 4 question, we had pre-planned tasking to be ready, and  
 5 then that was upgraded and upgraded as -- as the events  
 6 unfolded.  
 7 Q. So was 2Excel able to see the RAG rating, the red, amber  
 8 green rating for a period in advance through that weekly  
 9 meeting?  
 10 A. Through the weekly meeting, yes.  
 11 Q. And when taskings were received, is it right that they  
 12 came through something called the ARCC, which is  
 13 the Aeronautical Rescue Control Centre?  
 14 A. That's correct.  
 15 Q. And that's part of the MCA Operations Centre?  
 16 A. Yeah. So our tasking -- all tasking would come through  
 17 the ARCC.  
 18 Q. So turning then to planning for the specific night of  
 19 23 to 24 November, if we can, could I ask that  
 20 {INQ006332/1} is brought up on the screen, please. This  
 21 is the RAG rating for 23 to 24 November. We can see in  
 22 the box down in the corner -- it's quite small writing,  
 23 hopefully you're able to see -- the first row is for  
 24 22 November, but that second row is for the 23rd through  
 25 to 6 o'clock UTC, and we can see it's been assessed as

1 amber, as likely for crossings. And then below it,  
 2 moving into the 24th, as red, highly likely that  
 3 crossings would occur.  
 4 Is this something that you received in advance of  
 5 that night?  
 6 A. This -- I believe this is a document that is used in  
 7 that weekly briefing. It's -- it may be sent to us, but  
 8 it's -- it was definitely known by us, because we attend  
 9 that briefing. So we would know those -- those colour  
 10 codes, but as I say, our tasking is -- comes on tasking  
 11 forms.  
 12 Q. Can I take you then to that tasking form. So it's  
 13 {INQ000148/1}, please. So just looking at that front  
 14 page for the minute, we can see that this is a document  
 15 dated 22 November 2021, and it is an Op EOS tasking,  
 16 MCA 719 is the reference. And we can see, in that  
 17 little box down the bottom, that the timing, "On-scene  
 18 time" is 0300 through to 0800 on the day?  
 19 A. Yeah.  
 20 Q. Turning then to page 2 {INQ000148}, we can see  
 21 the particular tasking that was given on this form.  
 22 A. Yeah.  
 23 Q. So we can see a map with different zoned areas and below  
 24 it, it says:  
 25 "Aircraft is to patrol areas A through D and respond

1 to taskings from Dover Coastguard."  
 2 Below that are some objectives. But if we turn to  
 3 the following page {INQ000148/3}, about halfway down  
 4 the page, we can see a section called "Consequence of  
 5 non-delivery", and it says:  
 6 "Non delivery of this patrol could."  
 7 And there are three risks listed there. The first  
 8 is:  
 9 "Reduce the chance of ... vessels being identified  
 10 earlier within their transit ..."  
 11 The second is:  
 12 "... impact on [Search and Rescue] response times,  
 13 decreasing the chance of early interdictions and  
 14 potentially increasing risk to the migrants."  
 15 And the third is, it could:  
 16 "Be detrimental to the building and analysis of  
 17 the Maritime Domain Awareness Picture."  
 18 If this tasking weren't completed.  
 19 Were those things that 2Excel had in mind and was  
 20 aware of when determining whether or not to accept  
 21 a tasking?  
 22 A. To be -- we would -- if we were tasked, we would always  
 23 go on the task, if we could go on the task.  
 24 The consequence of non-delivery of this patrol, so -- so  
 25 in this particular case, A through D is UK airspace, UK

1 water space, it's a patrol and therefore it's  
 2 non-specific, but the idea, on a day like this, which  
 3 was an amber, going red, day, is we need to be airborne.  
 4 So the -- we wouldn't reject a task. We're not  
 5 assessing the risk of non-delivery per se, we would  
 6 accept the task if we could accept the task. The detail  
 7 of the tasking is, "Go and do X, Y and Z" and  
 8 the consequence of not delivering is stated here, that  
 9 was a sort of normal statement. And, to be honest, it  
 10 was normal that we would be airborne, because we knew it  
 11 was a red day, we knew it was an amber day, we knew what  
 12 our job was, which is to be prepared from an airborne  
 13 position to, in the case of Op EOS, understand what was  
 14 going on in UK waters and UK airspace from 3 o'clock in  
 15 the morning until 8 o'clock in the morning, and so our  
 16 whole planning was to accept this task.  
 17 Q. Looking at that third risk in that little box there --  
 18 A. Yeah.  
 19 Q. -- "the building and analysis of the Maritime Domain  
 20 Awareness Picture" could be adversely impacted if 2Excel  
 21 didn't fly on a given night.  
 22 A. Yeah.  
 23 Q. Can you tell us what that means?  
 24 A. So the -- the sensors that exist on the aircraft and  
 25 the picture that we could help to build by the other

1 people who were connected to us was enhanced by  
 2 the sensors on the aircraft . We would cover that  
 3 particular time with two or three flights , so -- and  
 4 therefore two or three different aircraft , which are  
 5 equipped with slightly different sensors, but all of  
 6 those sensors are helping to build the picture for  
 7 the users of the data, which, in this case, goes through  
 8 -- back through the various communications channels to  
 9 the ARCC and to all the government departments that get  
 10 fed that picture .  
 11 Q. Does that mean there's an adverse impact on awareness of  
 12 what is happening in the Channel in the area that it was  
 13 tasked to if that task is not completed?  
 14 A. It would .  
 15 Q. Could I ask now that we turn to a document at  
 16 {INQ001195/1}, please, and to page 4 {INQ001195/4}.  
 17 This is a chain of emails showing that tasking being  
 18 sent across to 2Excel. So right down the bottom, we can  
 19 see, 22 November, 1.04 pm, and there's an email sent  
 20 from the ARCC through to 2Excel Ops, and it says here  
 21 are the tasking requests and that's the document we've  
 22 just looked at .  
 23 We can see the response above it, at 4.16, sent from  
 24 2Excel Ops to the MCA, and we can see the tasking sheets  
 25 were completed and returned. But then it says:

17

1 "Please note that due to only having 1 aircraft  
 2 overnight on 23rd/early hours [of the] 24th, we will not  
 3 be able to cover the whole tasking period for Op Eos."  
 4 Pausing there, can you tell us why only one aircraft  
 5 was available at that point?  
 6 A. So we actually had four aircraft available , but that  
 7 wasn't until the next day. We had three aircraft  
 8 available , and this looks to be looking at one of  
 9 the two Navajos -- one of the two Panthers, I'm sorry.  
 10 So, at the stage that this email was written, which was  
 11 on the 22nd, then one of the aeroplanes was in  
 12 servicing , so we had one Panther and two King Airls. It  
 13 looks to me like that email is referring to the Panther  
 14 line , and we were going to deliver the five -hour window  
 15 using two -- two aircraft. So I think it may have been  
 16 slightly lazy language from the operations controller,  
 17 but on the night, we had two King Airls and two Navajos  
 18 available . The day before, we had two King Airls and one  
 19 Navajo available. The Navajo was got serviceable before  
 20 the 23rd such that we had two -- well, we had a primary  
 21 and a back up aircraft for both the King Air lines and  
 22 the Navajo lines .  
 23 Q. If what you're saying now is that there were in fact  
 24 three aircraft available at this point, the day before,  
 25 and in fact more the next day, why does this email say,

18

1 "We only have one aircraft available overnight" for  
 2 the 23rd to the 24th?  
 3 A. I don't know, actually .  
 4 Q. Are you saying that this isn't an accurate statement of  
 5 the position at the time?  
 6 A. The -- there may have only been -- I can't explain that  
 7 one aircraft , because the plan on the 23rd was that  
 8 there would be two aircraft, each with a spare,  
 9 throughout the whole of the VUL, throughout the whole of  
 10 the -- from the 23rd at 11.30 at night through until  
 11 the next morning, we would use five sorties with two  
 12 aircraft to fulfil the tasking .  
 13 Q. Can we turn then to page 3 of {INQ001195} of the same  
 14 document. At the bottom, we can see Coastguard  
 15 reverting , 16.23, to ask:  
 16 "What times would you be looking at covering so  
 17 I can look at what gap I need to cover?"  
 18 And above it, 16.24, so I think just one minute  
 19 afterwards, saying:  
 20 "We're going to look again at the plan, can we  
 21 revert shortly please. "  
 22 Moving to page 2 of {INQ001195}, we can see that at  
 23 5.17, so at the top page {INQ001195/1}, we have  
 24 a further email from 2Excel at 5.14 that evening  
 25 {INQ001195/2}:

19

1 "We're currently working to get enough crew to be  
 2 able to provide full coverage, unfortunately we've been  
 3 hit with a crew catching covid so we're just waiting to  
 4 hear back from one crew member to find out where our  
 5 options lie ."  
 6 So you've told us about the availability of aircraft  
 7 and said it wasn't right when they said there was only  
 8 one aircraft available , in fact there were more. Is it  
 9 right that there was a problem with obtaining sufficient  
 10 crew to cover this tasking?  
 11 A. There was a problem, and the problem was solved.  
 12 The COVID -- the crew member that was on the roster was  
 13 struck by COVID and therefore we needed to find  
 14 a replacement crew from within our fleet, and that was  
 15 -- that was found and rostered in .  
 16 Q. And at what stage was that problem resolved?  
 17 A. Certainly by sort of lunchtime on the 23rd .  
 18 Q. Okay .  
 19 Can we turn to page 1 {INQ001195}, please, we can  
 20 see the response from the Coastguard, 5.16, still on  
 21 the 22nd:  
 22 "Thanks for the update."  
 23 And then at the end:  
 24 "I'll wait until you give me the final outcome."  
 25 Now, the Inquiry hasn't seen any further emails on

20

1 this topic or in response to this. Is it right that  
 2 there was no response to this message saying, "I'm  
 3 waiting until you give me the final outcome?"  
 4 A. One of the -- the learnings for us, for 2Excel, is that  
 5 we weren't recording enough of the data in a -- in  
 6 a good enough way to be able to fill the blanks in  
 7 later. A lot of communications were happening verbally  
 8 on the telephone, not always backed up by email. That  
 9 was a normal method of communication, and we've -- we've  
 10 struggled to fill in the blanks as to why some of this  
 11 information was, you know -- well, was presaging  
 12 effectively an inability to provide, when actually we  
 13 solved all the operational problems by the day and we  
 14 were able to provide. I think -- and that was -- that  
 15 was a lesson that we learnt and we've put in place  
 16 various mechanisms to make sure that we record all of  
 17 those decisions going forward. But at the time, we  
 18 didn't have a very good record, which is why I'm  
 19 struggling to answer your -- to answer your questions,  
 20 because a telephone call may or may not have, you know,  
 21 recorded the various communications between the parties.  
 22 What I do know is that there was a -- an intent,  
 23 a will and an activity, an operational activity, to  
 24 provide the service for the amber going red day such  
 25 that we were able to fulfil the tasking and that -- that

1 tasking was -- was all -- sorry, the provision was all  
 2 there with a sensible plan by the afternoon of the 23rd.  
 3 Q. On the same day, in fact at the same time, there was  
 4 a planning meeting with the Coastguard. Can I take you  
 5 to document {INQ000206/1}. We can see this is a migrant  
 6 red days meeting. That's the name given to those  
 7 planning meetings. We can see that there, right down,  
 8 bottom, second from the bottom, is an attendee from  
 9 2Excel?  
 10 A. Yeah.  
 11 Q. And we can see this was taking place at 4 o'clock on  
 12 the 22nd, so at the same time as the emails were being  
 13 sent?  
 14 A. Yes.  
 15 Q. Is it right, that's not you in that meeting, that was  
 16 your head of surveillance?  
 17 A. That's right.  
 18 Q. Can we go to the bottom of page 2{INQ000206}, please.  
 19 So there is a comment, right at the end, by someone  
 20 called "NB", who I understand is from the Coastguard,  
 21 and it says:  
 22 "... 23rd -- Both drones due up 0530 to 1330. CG22  
 23 is on stand by overnight for [Search and Rescue]."  
 24 Which aircraft is CG22? Is that the King Air?  
 25 A. I'd have to -- I'd have to check, but it was -- yeah,

1 I'd have to -- I'd have to -- just have to check  
 2 the data.  
 3 Q. That's fine.  
 4 If we turn over to the next page {INQ000206/3}, we  
 5 can see then a comment made on the 24th:  
 6 "... One AR3 drone up on Deveron, AR5 on rest  
 7 day ..."  
 8 I think those are the Home Office drones:  
 9 "... and Op Eos ... has been requested to 2XL from  
 10 0300 -- 0800 as has the amber day."  
 11 Does that mean that, at this stage, the plan from  
 12 2Excel was for this aircraft CG22 to be on standby  
 13 overnight on 23 to 24 November?  
 14 A. The timing of this is on the 22nd, in the afternoon? So  
 15 the -- at that stage -- at that stage, we were planned  
 16 to be on Op EOS, so -- and I believe that the request  
 17 for Op Altair, which extended our tasking, came in a bit  
 18 later than that -- than this meeting. But this meeting  
 19 is the weekly meeting, as far as I'm aware, and  
 20 the weekly meeting is: this is the threats, this is  
 21 the picture. Our head of surveillance was operationally  
 22 trying to manage his assets to be able to provide for,  
 23 in this particular case, the tasking. Five hours from  
 24 0300 to 0800 would be just beyond the limit for any one  
 25 single aircraft, and so in his head, he was planning two

1 aircraft, so using the King Air and the Navajo, they  
 2 would have different call signs, and the plan was to  
 3 overlap them such that they could relieve in place.  
 4 Q. There's no comments in this document by your head of  
 5 surveillance, by the representative from 2Excel at this  
 6 meeting. Is it right then that that plan that was in  
 7 his mind wasn't shared with this meeting, as far as  
 8 we can tell?  
 9 A. To be honest, the meeting is a tasking meeting.  
 10 Q. Okay.  
 11 A. And he was sort of going, "Right, okay, I know what  
 12 the intent is". It's a tasking meeting that isn't  
 13 a specific tasking meeting to him, it's a more general  
 14 meeting where it's, this is -- this is -- we're  
 15 marshalling all our assets. He's at the meeting to be  
 16 able to listen to the overall intent and play his part  
 17 in the plan, but this is not a tasking meeting for him,  
 18 it's a provision of capability meeting, if you see what  
 19 I mean, and the tasks fall out of those tasking forms  
 20 that you -- that you showed earlier.  
 21 Q. It's right to say this was a planning meeting, wasn't  
 22 it?  
 23 A. Yeah.  
 24 Q. But 2Excel's plan wasn't shared with the other attendees  
 25 of the meeting at that stage?

1 A. This — this is where they effectively are starting to  
 2 form their plan. They're getting given their jobs, but  
 3 not necessarily in specific tasks. It — there's  
 4 nothing specific that came out of that meeting, as, "You  
 5 are to do this", it was the tasks that followed that  
 6 meeting that said, "You are to do this".  
 7 Q. Can we turn to a document at {INQ006340/1}, please.  
 8 This is another email chain. We can see down the bottom  
 9 of that page, the email at 16.16 which we've already  
 10 seen. This is the response to that tasking, returning  
 11 the sheets and saying:  
 12 " ... due to only having 1 aircraft ... we will not  
 13 be able to cover the whole ... period ... "  
 14 A. Yeah.  
 15 Q. If we go up to the email at the top, we can see that  
 16 this is an email from, about two minutes later —  
 17 A. Yeah.  
 18 Q. — 16.18, and it's from a person at 2Excel — it's  
 19 redacted there — to Ops, a number of other people at  
 20 2Excel and to the Special Missions Duty Exec. Looking  
 21 at the content, it says:  
 22 "I'm currently in a small boats meeting with  
 23 the stakeholders — there's significant risk in this  
 24 period and we should try and cover as much as we can.  
 25 I'll stick a quick catchup meeting in for 1645."

25

1 So looking at this, it seems that the person who was  
 2 in that red days meeting has, during that meeting, seen  
 3 the email sent by 2Excel saying, "We're not going to be  
 4 able to cover the tasking period, we only have one  
 5 aircraft ", but that's not raised in the meeting. So  
 6 they've seen the email below, "We can't cover  
 7 the tasking period", they're physically in that planning  
 8 meeting with other stakeholders, why didn't they say,  
 9 "There might be some problems with covering the tasking  
 10 period"?  
 11 A. I can't answer for that individual, but my — my  
 12 understanding is that he's going, "We've really — we  
 13 really need to move our assets around, people, planes,  
 14 whatever, accelerate the engineering, whatever, but we  
 15 need to be able to fill this hole", and this is two days  
 16 in advance, or 18 — 36 hours in advance, there or  
 17 thereabouts. So he's — he's still got time to solve  
 18 the problem. I don't know what he said in the meeting,  
 19 he hasn't written anything in the meeting, but he —  
 20 he's definitely taken the point that this is a red or an  
 21 amber—red day and we need to make sure that we provide  
 22 for our job, which is to be airborne or forward deployed  
 23 during that period.  
 24 Q. Given the recognised significant risk on that day, or  
 25 overnight, wouldn't it have been helpful to other

26

1 stakeholders to say, "We may have some problems covering  
 2 this", to enable them to have an opportunity to find  
 3 alternatives, or to turn to a plan B?  
 4 A. I think — I think his position would be that they have  
 5 said, "We may have problems fixing this". So if — if  
 6 you're right about that, we've only got one aircraft,  
 7 that is saying it, it's saying it through  
 8 the operational response mechanism, as opposed to in  
 9 the meeting. I don't — if — were those minutes of  
 10 the meeting that you showed earlier?  
 11 Q. Yes.  
 12 A. And he didn't say anything?  
 13 Q. There's no entry from the representative from 2Excel in  
 14 the meeting. The only section that touches on 2Excel is  
 15 the one that we looked at earlier.  
 16 A. Okay. So having spoken to him, he's — he — he said,  
 17 really, we go to that meeting to listen, not to talk,  
 18 but we go — you're absolutely right, it's like he — he  
 19 would have been — he would be articulating risk. His  
 20 people are articulating risk, because they're saying,  
 21 "We have only got one aircraft, we've got a COVID member  
 22 — sorry, a member of staff who's gone down with COVID",  
 23 the — the job that he took out of that meeting was, "We  
 24 need to make sure that we can provide" — this is on  
 25 the 22nd, the risk is coming the following, so he's got

27

1 sort of 24 to 36 hours to fix it and that — and by  
 2 4.45, he's going to try and do that. So it's how can we  
 3 — how can we fix this problem. And that is a normal  
 4 operational thing. It's like, right, the — you need to  
 5 — you need to throw everything at this in order to be  
 6 able to provide the service.  
 7 Q. And in fairness to you, we can see, looking at the email  
 8 on the screen, that in fact there is someone from  
 9 the MCA who is cc'd into that email.  
 10 A. Thank you.  
 11 Q. Can I ask to turn to page 4 {INQ003895}, please.  
 12 This is an email on the following day. I can't  
 13 quite see the very top, it's on the next page, but it's  
 14 23 November at 11.17. This an email from ARCC to 2Excel  
 15 Ops:  
 16 "I have received a request for Op ALTAIR for tonight  
 17 ... only if it remains an AMBER Day tomorrow, if it  
 18 isn't this request is withdrawn.  
 19 "Are you able to support? Op EOS with SOLAS intent  
 20 takes property."  
 21 And, at 12.41, we can see an email accepting that  
 22 tasking {INQ003895/3}.  
 23 So despite the concerns and the difficulties about  
 24 being able to cover the tasking the previous day, 2Excel  
 25 then went on to accept another tasking on the 23rd; is

28



1 that right?

2 A. Accepted both taskings. So both the Op EOS tasking,  
3 which was the -- the original one, and a subsequent  
4 Op Altair tasking, by lunchtime on the 23rd, yeah.

5 Q. And we can see a slight request in this email to change  
6 the time a little --

7 A. That's right.

8 Q. -- so that it's on task for 30 minutes past midnight, so  
9 30 minutes after the start of Altair .

10 Can we go to {INQ006337/1}, please. That is  
11 the tasking form for this Altair request. So this is  
12 reference number 722, dated 23 November, and we can see  
13 this one's coming through from the Home Office rather  
14 than from the MCA. Is that because it's Altair instead  
15 of EOS?

16 A. Yeah.

17 Q. Understood.

18 And we can see the timing of that. It's for  
19 24 November from 0001 through to 0500 on the 24th. And,  
20 of course, we know from that email the request was to  
21 change the timing slightly .

22 It's right that that overlaps with the Op EOS  
23 tasking that had already been accepted by 2Excel?

24 A. I think, actually, they were accepted at the same time.  
25 I think the previous email, the 12.41, was we accept

1 both taskings, but -- but what -- can we start  
2 the Op Altair tasking 30 mins later.

3 Q. Apologies, I think that was my question not sufficiently  
4 clear. The timing of the taskings themselves overlap.  
5 So we can see this one is midnight to 5 o'clock, and we  
6 could see the other one was, I think, 3 through til 8;  
7 is that right?

8 A. Yes.

9 Q. So in terms of timing, they were essentially at the same  
10 time on the 24th?

11 A. Yeah.

12 Q. Or at least there was a period of overlap?

13 A. Yeah.

14 Q. If we turn to page 2 of {INQ006337}, we can see  
15 the tasking itself . We can see the same diagram:  
16 "Aircraft is to patrol areas E through H ..."  
17 And then, underneath, we can see the objectives set  
18 out.

19 In fact, there was a third tasking request also  
20 accepted on that day, wasn't there, Mr Norton? I'll  
21 take you to that, that's {INQ001188/1}. So this one is  
22 MCA 717 and this appears to be a further Op EOS tasking;  
23 is that right? This is coming through from ARCC?

24 A. Yeah.

25 Q. And we can see that's for 8.30 until 4 pm on

1 24 November. So it follows on in time from the previous  
2 Op EOS tasking that was accepted from 3 am until 8 am?

3 A. Yeah.

4 Q. If it was a struggle to cover the initial tasking, if  
5 there were concerns on the 22nd about whether you'd have  
6 enough aircraft or enough crew, why accept two further  
7 additional taskings the following day?

8 A. Because by the 23rd, we'd solved all of those potential  
9 or actual operational constraints, such that by  
10 lunchtime on the 23rd, we had generated or regenerated,  
11 actually at lunchtime on the 23rd, it was two King Airls  
12 and one Navajo -- one Panther, I'm sorry, which happened  
13 to be a Navajo, and later on that day, we managed to get  
14 the Panther back up such that we had, by the time of  
15 the start of the tasking, two King Airls, a Panther and  
16 a Navajo to provide two lines of tasking. With those  
17 two lines of tasking, we could flip flop between  
18 the King Airls and the Navajos, okay, such that you could  
19 go airborne with one, airborne with another, relieve in  
20 place; land the first one, fill up with petrol, get  
21 airborne again, relief in place; land the second one,  
22 fill up with petrol, get airborne again, relief in  
23 place; land the first one, fill up with petrol, and keep  
24 flip flopping.

25 That sounds easy if you're all going from one place.

1 The issue was that there was weather to manage, there  
2 were different crews that were going to get into the air  
3 -- into the aircraft, and we were having to land at  
4 different bases. Nevertheless, there was a plan that,  
5 broadly, we could see, by lunchtime on the -- lunchtime  
6 on the 23rd, that we could deliver from half past  
7 midnight through -- through the -- the VUL until  
8 the next day, in order to be able to cover the whole  
9 time for all the tasks. And when I say all the tasks,  
10 it's because there was a clear prioritisation that  
11 Op EOS would take priority over Op Altair. So if there  
12 was a conflict by the -- for the one aeroplane about  
13 whether you're doing Op Altair or doing Op EOS, EOS  
14 would take priority, SOLAS would take priority, saving  
15 lives at sea would take priority. So we would provide  
16 the picture to the Home Office if we could, but if -- if  
17 we needed to, we would go for saving lives at sea, and  
18 we could cover the whole VUL broadly we could cover the  
19 whole vol with those two lines of tasking throughout  
20 the night, weather permitting.

21 Q. You've just told us quite a complex plan for stopping  
22 and changing between planes. I think it might assist if  
23 I take you to where that's set out in your statement.  
24 So could we go to {INQ010335}, bottom half of page 22.  
25 So under where it says, "To cover the overnight window",

1 it says "five sorties", is that five flights  
 2 essentially?  
 3 A. Five flights, yes.  
 4 Q. Quite a complex arrangement set out in those bullet  
 5 points there. So, am I right, the intention was to use  
 6 two planes to cover those taskings, one was a --  
 7 originally a G--UMMI, is that a Navajo?  
 8 A. Yeah.  
 9 Q. And then that changed to become a Panther?  
 10 A. Yeah.  
 11 Q. And then to use a King Air plane as well; is that right?  
 12 A. That's right.  
 13 Q. Are you able to say whether that's the CG22 plane that  
 14 was mentioned in the red days planning meeting?  
 15 A. I think it was, yeah. I'd be doing it from memory, but  
 16 somewhere in there it's written down.  
 17 Q. Can you tell us why the change from the Navajo to  
 18 the Panther?  
 19 A. The -- the Panther came up late, but it's a slightly  
 20 better aircraft, so it is better equipped in the cockpit  
 21 with -- the -- the equipment in the cockpit is better,  
 22 it has a slightly longer endurance because it carries  
 23 more petrol and it has a bigger engine, so it has got  
 24 slightly more endurance, so five hours not four, and it  
 25 it's got slightly better mission fit, in that it's not

1 a hand-held radio, it's an aircraft radio for  
 2 a particular frequency band.  
 3 Q. So the plan then was to start with the Panther rather  
 4 than the Navajo?  
 5 A. Yeah.  
 6 Q. And to use that to cover the Op Altair tasking from half  
 7 past midnight; is that right?  
 8 A. Yeah.  
 9 Q. In fact, I think later in your statement you explain  
 10 that it was planned to take off at about 11.30 in  
 11 the evening, in anticipation of that tasking?  
 12 A. Correct.  
 13 Q. 2Excel has provided to the Inquiry flight packages for  
 14 four of the five flights planned to cover this period,  
 15 but not for that first flight, that first Panther  
 16 flight.  
 17 A. Okay.  
 18 Q. I wonder if you can help us, was a package put together,  
 19 was it made for that first flight?  
 20 A. I expect it would have been, yeah.  
 21 Q. Are you able to help us with why that's not been shared  
 22 with the Inquiry?  
 23 A. I don't -- I don't know.  
 24 Q. Okay.  
 25 So looking at this array of bullet points here, we

1 can see the plan was the Panther flies first, from about  
 2 11.30 to meet the Op Altair tasking. Then it's relieved  
 3 by the King Air plane. Then the Panther lands at  
 4 Southend, then it departs again to relieve the King Air.  
 5 Then the King Air lands at Southend to refuel, then it  
 6 relieves the Panther, and the Panther would land back at  
 7 East Midlands airport; is that right?  
 8 A. That's right. It may help, I think it's figure 19 --  
 9 Q. Yes, it's on, I think, the next page at 24 {INQ010335},  
 10 if that assists. There's a diagram showing the overlap  
 11 between the different flights.  
 12 A. That's right.  
 13 Q. Looking at this figure, is it right that, at any given  
 14 time, there was only one plane that was covering  
 15 the tasking?  
 16 A. Correct.  
 17 Q. I want to ask how that was possible in a situation where  
 18 2Excel had two taskings at once and you've told us that  
 19 saving of life takes priority over Altair, but the  
 20 Altair tasking was at E to H in the Channel, whereas  
 21 the EOS tasking was at A to D, so they were in two  
 22 different places at the same time? How could one plane  
 23 cover both different locations?  
 24 A. The -- so this -- this depends on which plane, okay? So  
 25 the King Air has a radar and the range of the radar

1 looks out, it can -- it can see a much larger volume of  
 2 airspace -- sorry, sea space than a non-radar equipped  
 3 fixed wing asset, where the primary sensor is an  
 4 electro-optic turret, electro-optic infrared turret, and  
 5 so you're searching either with your naked eye or with  
 6 your sensor, but looking -- in the case of sensor,  
 7 you're scanning by looking through a telescope.  
 8 Where -- if you fly the aeroplane up and down  
 9 the middle of the Channel, you can look either side of  
 10 you, so you can scan and the radar will cue you to an  
 11 issue or other sensors may cue you to an issue, or  
 12 the tasker could cue you to an issue, so, you know, "Go  
 13 and look over there". Our job was to fly in UK airspace  
 14 for Op EOS and focus on UK airspace, but before boats  
 15 which are travelling from France to the UK get to UK sea  
 16 space, they will be in French sea space and it is  
 17 possible to look into French sea space from UK airspace.  
 18 So it's really we're prioritising Op Altair because  
 19 that's what we've been asked to do. If, at any point,  
 20 somebody says there's actually somebody in trouble you  
 21 can go looking elsewhere, and the aeroplane is quite  
 22 fast and the sensors give you additional range as long  
 23 as you can see.  
 24 In the case of radar, you can't see through cloud --  
 25 sorry, you can see through cloud. In the case of an

1 electro—optic infrared turret, you can't see through  
 2 cloud. So actually, whilst you're there, you only  
 3 really — if it's — if it's foggy or it's cloudy or you  
 4 can't get underneath the cloud, there is a limited  
 5 capability of the Panthers and there's a much greater  
 6 capability in the King Air. And —  
 7 Q. Can I pause you there, Mr Norton. I think you said in  
 8 the answer you've just given me that you were  
 9 prioritisation Op Altair unless and until there was  
 10 someone who needed rescue; is that right?  
 11 A. Yeah.  
 12 Q. But the email tasking you to Op Altair said Op EOS with  
 13 SOLAS intent takes priority, so in effect you should be  
 14 prioritising Op EOS over Op Altair; isn't that right?  
 15 A. The Op EOS tasking time was 3 o'clock, the Op Altair  
 16 tasking time was 0030, is what we — what we accepted,  
 17 but at any time Altair can be trumped by Op EOS. It's  
 18 trumped, according to the situation you see at the time.  
 19 You're looking to Altair, but — but SOLAS would always  
 20 take priority over building the maritime picture. And  
 21 that was agreed in the tasking, so that — the email  
 22 that you referred to earlier said suffice to say Op EOS  
 23 will always take — take priority. So — so we know  
 24 that, so you look and you try and build the picture  
 25 until there's an issue, and that — that — for

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1 the first two and a half hours, so from 0030 to  
 2 3 o'clock, the priority given to us was Altair, and then  
 3 from 3 o'clock the priority would be EOS. But up until  
 4 that time, whilst you're doing Altair, if there's any  
 5 EOS tasking, which can be given to you by  
 6 Dover Coastguard, then you would prioritise, that would  
 7 — that would trump the Altair.  
 8 Q. And in the period where both taskings were overlapping,  
 9 which I think is from 3 until 5 in the morning, is it  
 10 right that the pilot would not have been doing Altair,  
 11 they would have been doing an EOS tasking because that  
 12 takes priority, it's SOLAS, it's a proactive SOLAS  
 13 tasking, so it takes priority over Altair?  
 14 A. You'd — you'd — I'd have to go back to the tasking,  
 15 but I think the tasking in — from 3 o'clock in  
 16 the morning is — is — the priority is looking A to D,  
 17 and that trumps looking in E to H.  
 18 Q. Understood.  
 19 Mr Norton, I'm about to move to the night itself, to  
 20 the 23rd to the 24th.  
 21 A. Okay.  
 22 Q. Is this a convenient moment for you to take a break, or  
 23 would you like to keep going?  
 24 A. I'm fine.  
 25 Q. Could I ask that {INQ008827/1} is brought up, please.

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1 This is the transcript of a call on 23 November at 8.01  
 2 in the evening, and it's a call between Mr Lugg and  
 3 Mr Golden, who is the operations controller at the ARCC.  
 4 Could we turn to the next page, please,  
 5 {INQ008827/2}. So we can see Mr Golden is asking about  
 6 coverage, asking 2Excel. Essentially he says:  
 7 " ... I'll come back to you in a minute [want] to  
 8 confirm with you what you think you are flying tonight,  
 9 over the next ... 12 to 24 hours?"  
 10 In the middle of the page. He asks about that  
 11 overlap in timings and he's asking about what 2Excel's  
 12 plan is for the night.  
 13 Turning to page 4 of {INQ008827}, if we can, we can  
 14 see Mr Golden, at the ARCC, asking at the top:  
 15 "The gap — physically, there will be no aircraft  
 16 for the Dover Straits from 2Excel between ... About 4,  
 17 5.30, 6.30?"  
 18 So he's asking what you think the gap is being to  
 19 be. Mr Lugg replies:  
 20 "No. We should have it pretty covered.  
 21 "From 00.30, we'll be covering each aircraft's gap  
 22 with another aircraft."  
 23 So that seems to be a reference to the plan you've  
 24 told us about, where you have the Panther and  
 25 the King Air going one by one; is that right?

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1 A. Yes. Can you remind me what the timing of this  
 2 telephone call is, please?  
 3 Q. This is 8.01 in the evening on the 23rd.  
 4 A. Yeah.  
 5 Q. Is it right that at that stage, 2Excel was still  
 6 expecting to complete the delivery plan that you've told  
 7 us about and to go ahead and cover the taskings?  
 8 A. 2Excel was planning to provide that tasking subject to  
 9 weather. So the — the plan was to be available and to  
 10 be airborne as long as the weather said it was fit, and  
 11 the five aircraft plan, with aircraft getting up and  
 12 getting down, was I believe what they were discussing.  
 13 So it was an explanation from Ops: this is our plan to  
 14 cover the whole time during — during the — during  
 15 the night to subsequently.  
 16 Q. At this stage in the evening, was 2Excel aware that  
 17 there was risk from the weather, that fog and other  
 18 factors might mean that the tasking couldn't be  
 19 completed?  
 20 A. It was certainly aware that there was a poor — that  
 21 weather was poor, yes.  
 22 Q. Here, Mr Lugg isn't say, "We'll complete this subject to  
 23 weather", as you're telling me now, he says:  
 24 "No, we should have it pretty covered.  
 25 "From 00.30, we'll be covering each aircraft's gap

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1 with another aircraft ."

2 A. Yeah.

3 Q. Why isn't he saying, "There's a risk we might not be  
4 flying tonight"?

5 A. I think those conversations — so at that stage, we  
6 wouldn't want to cancel, we would want to be able to  
7 provide the — provide the assets. The weather was  
8 getting worse, but — and the weather forecasts were  
9 getting worse, so we knew there was risk. My  
10 understanding is that that risk would be articulated,  
11 but the provision of assets, people, planes, airfields ,  
12 was — was a plan, and the plan was to be able to get  
13 airborne if you possibly could.

14 Q. You say that that risk would be articulated. Can you  
15 tell us now whether 2Excel was saying to the MCA, to  
16 the Home Office, "We might not be able to cover this  
17 tasking depending on the weather"?

18 A. I can't — unless it says it in that statement, which  
19 I don't think it does, I can't point to that at  
20 8 o'clock in the evening. I can point to it as time  
21 went on later in the evening.

22 Q. Let's turn then to later in the evening. If we could go  
23 to {INQ000224/1}, please. This is an entry in the ARCC  
24 log for that evening, and if we go to page 2 of  
10:56:33 25 {INQ000224} we're looking at 23:53:50, which is down

1 the bottom half of the page. We can see there:

2 "CG25: Assigned to Incident ...  
3 "ARCC Message."  
10:56:48 4 At 23:53:50. And it says:  
4 "2Excel Ops [to] ARCC.  
5 "Can't complete this tasking.  
6 "Southend out of limits att for Panther AC.  
7 "Will reassess later for King Air."  
8 Now, that doesn't say, "Can't complete this tasking  
9 because of the weather", it says, "Southend out of  
10 limits att for Panther AC."  
11 Can you tell us what the problem was at that stage  
12 that meant that this tasking couldn't be completed at  
13 this time?

14 A. Because Southend's weather was out of limits for  
15 the Panther aircraft .

16 Q. So it's a problem with the weather at Southend; is that  
17 right?

18 A. Yes.

19 Q. We're looking at the time here, we can see this is  
20 22:53. The take-off for the first flight was planned  
21 for I think 11.30?

22 A. Yeah.

23 Q. Is it right that that first flight did not happen,  
24 the Panther flight ?

1 A. Yeah.

2 Q. Okay.

3 Can I ask you to go to 7824, please {INQ007824/1}.

4 This is a further transcript of a call , again between  
5 Mr Lugg and Dominic Golden at the ARCC, and this time we  
6 have dipped over into 24 November and we're looking at  
7 a call at 2.04 in the morning. If we turn to the next  
8 page {INQ007824/2} we can see again:  
9 "Hi Jacob, it 's Dom down the ARCC.  
10 "Hi, you all right?"  
11 And Dominic Golden says:  
12 " ... where are we going with any Eos flying in the  
13 early hours of the morning? Is yours still playing the  
14 — is the diversions ashore? That is the problem."  
15 And Mr Lugg says, as you've just told us:  
16 "Yeah. And it's the weather in the tasking area."  
17 So he goes on to say, further down:  
18 "The weather is not great in the tasking area."  
19 And we can see this is a call in which Mr Lugg  
20 explains to Mr Golden at the ARCC why 2Excel hadn't  
21 flown that night. In that bottom paragraph, Mr Golden  
22 says that there are "upwards of at least 11 vessels ...  
23 on their way across", says that the "Heli brief is  
24 showing awful weather visibility over land ...".  
25 And then if we go over to the top of the next page

1 {INQ007824/1-2}:  
2 " ... Dover Coastguard ... can still see  
3 the lights ..."  
4 Of France in the distance.  
5 And he goes on to say that they've "got no  
6 recognised maritime picture out there". We can see  
7 that, second paragraph:  
8 "So we are now going down a decision matrix here of  
9 what we want to do. We've got no recognised maritime  
10 picture out there. Clearly , we've got yourselves as  
11 the normal de facto solution. But if you are unable to  
12 go ..."  
13 He wants to understand what the thought process is.  
14 So I want to understand, at what stage did 2Excel  
15 determine that the weather that night would prevent them  
16 from completing the taskings?

17 A. So, at 23:50 — sorry, 22:50, the email you just showed,  
18 the decision had been made not to fly the Navajo because  
19 it couldn't go.

20 Q. Is that the Navajo or is that the Panther, the first  
21 flight ?

22 A. The Navajo and — and/or the Panther. So it was  
23 the Navajo until the Panther came up, but we can't  
24 actually pinpoint exactly what minute that happened, we  
25 just know it happened in that evening. So the transfer

1 from the Navajo to the Panther was that -- that evening,  
 2 but the Panther couldn't go either. So the Panther  
 3 couldn't go at 11.30, so the first wave of the plan  
 4 couldn't go. At this stage -- and that was the --  
 5 the cancellation because of Southend out of limits.  
 6 That's part of the story, that's -- you know, there's  
 7 more to that -- that -- that story.  
 8 The -- the King Air was still there, still hoping to  
 9 be able to go if the weather permitted it, but it  
 10 couldn't get airborne either, not actually because  
 11 the weather in the area, but because of the diversions  
 12 which meant that it couldn't -- it couldn't go to  
 13 Southend and know that it was going to be able to get  
 14 in, so it couldn't get airborne because it couldn't  
 15 necessarily land at Southend. If it couldn't land at  
 16 Southend, it had one diversion to be able to go to,  
 17 which was Brize Norton, but the whether was so bad  
 18 around the whole country we needed two diversions to be  
 19 able to go to and we couldn't find a second diversion.  
 20 So --  
 21 Q. Is this right, Mr Norton. The problem with the first  
 22 flight was the weather at Southend?  
 23 A. And -- and the diversions.  
 24 Q. And then the problem with the King Air was really  
 25 the diversions rather than the weather; is that right?

1 A. It was the same problem for both --  
 2 Q. Right, it was a combination --  
 3 A. -- the problem was -- was the consistent problem. It  
 4 wasn't -- it wasn't -- the weather at Southend was  
 5 really bad. Southend was the place we were planning to  
 6 go and land. Even if you -- even if you might -- you  
 7 might be lucky and you might get in to Southend, but if  
 8 you couldn't get in, you needed to have somewhere to go.  
 9 Because the weather was so bad around the country,  
 10 the weather meant we -- the rules that we obey meant we  
 11 had to have two diversions, and we could find one in  
 12 Royal Air Force Brize Norton, but we were not able to  
 13 find another, or we were not able to secure another. We  
 14 could find another, it was called Manchester, but they  
 15 wouldn't accept us as a diversion.  
 16 So we were then unable to get airborne because we  
 17 didn't have a legal place to land, or enough legal  
 18 places to land. That was the reason we couldn't go.  
 19 This -- this discussion, which is more discussions  
 20 about, you know, what could we do if we were there, sort  
 21 of thing, there's lots of pre -- presuppositions,  
 22 because the pilot is looking at the weather for his  
 23 whole mission, but the constraint was we didn't have  
 24 the diversions to be able to get airborne.  
 25 Q. Understood. I think let's look at what Mr Lugg says.

1 And where it says "2Excel pilot" there, that's Mr Lugg.  
 2 A. I don't think it is, actually.  
 3 Q. Oh, forgive me, no, that's the pilot and Mr Golden.  
 4 That's my error, apologies.  
 5 A. Yes.  
 6 Q. So the pilot says here:  
 7 "Our issue, we're looking at the weather here and  
 8 all the forecasts are showing the fog that is over  
 9 France at the moment, is going to be creeping north over  
 10 the next couple of hours."  
 11 Dominic Golden says:  
 12 "Yeah."  
 13 And he says:  
 14 "... it's all layered cloud, so we would be safe to  
 15 fly, but I think there's going to be a layer of cloud  
 16 beneath us, IR camera won't be able to see through as  
 17 soon as it hits ... "  
 18 So, is it right, it was safe to conduct the flight?  
 19 A. It was safe to fly.  
 20 Q. Safe to fly. What's the difference?  
 21 A. You couldn't find a place to land.  
 22 Q. I see.  
 23 And in terms of what the pilot could see using  
 24 equipment and using their eyes, I suppose, the IR camera  
 25 wasn't able to penetrate through fog?

1 A. No.  
 2 Q. What about other equipment on board?  
 3 A. The radar would be able to see through the cloud.  
 4 Q. So the plane, if safe to land, could have flown and used  
 5 radar to look at the Channel below?  
 6 A. The King Air could. The King Air could.  
 7 Q. But not the Panther?  
 8 A. Because it doesn't have a radar.  
 9 Q. Because it doesn't have a radar. Understood.  
 10 Could we turn to page 4 of {INQ007824} of this  
 11 document, please. So we can see here the conversation  
 12 continues, and right down the bottom, we have a comment  
 13 from the pilot saying:  
 14 "9 o'clock is starts to break again, and then we'll  
 15 definitely be able to see. My current train of thought  
 16 is if I get airborne, I'm going to be wasting four or  
 17 five hours of flying because Doncaster has ... got  
 18 a NOTAM with the runway closing tonight."  
 19 Can you tell us what a NOTAM is?  
 20 A. NOTAM stands for Notice to Airmen, and it's a warning of  
 21 some constraint which air crew need to be aware of  
 22 because it would affect their flying.  
 23 Q. And who is it issued by?  
 24 A. The NOTAM is -- is issued -- so the person who knows  
 25 what the constraint is going to be sends it to -- to --

1 they issue it , or they write it , and then it's put on  
 2 a system such that everybody can see it.  
 3 Q. And how is it seen by 2Excel? How is it communicated?  
 4 Is it through a central software system?  
 5 A. Yeah, yes, effectively it's a software system whereby  
 6 you check the NOTAMs, and there is a place to go to to  
 7 check NOTAMs; they're all published and you read them.  
 8 So it's a -- you pull the data, but the data is pushed  
 9 by the person who knows what the constraint is. That  
 10 could be an airfield , it could be an air crew, it could  
 11 be the military , it could be civilian , it could be  
 12 anyone.  
 13 Q. And is that something that 2Excel needs to proactively  
 14 monitor, that system, or are you getting notifications  
 15 and alerts?  
 16 A. If -- if the person who's -- who understands what  
 17 the constraint is going to be knows that it's going to  
 18 affect people, they might buck the system, if you like ,  
 19 and warn you of it, but you have to pull the data. So  
 20 you go somewhere and you check the NOTAMs.  
 21 Q. Could we turn over to the next page, please,  
 22 {INQ007824/5}. We can see Dominic Golden responding:  
 23 "Yeah, of course it is. Yeah ... I suppose down  
 24 south ... as I said, the weather over land is what  
 25 Southend, they're getting worse ... they're all shutting

1 down, aren't they?"  
 2 And he says:  
 3 "... I'm happy with that. I just wanted to gauge  
 4 opinion."  
 5 Then we have some comments from the pilot, again  
 6 explaining the reasons why the tasking couldn't be  
 7 completed:  
 8 "My other concerns as well are available airfields  
 9 for diversions."  
 10 Which you've mentioned to us. And Dominic Golden  
 11 says:  
 12 "Yeah ... that's only going to get worse."  
 13 And the 2Excel pilot says:  
 14 "Getting worse and going out of limits ...  
 15 Manchester is the only one that is legally within limits  
 16 but it is classed as a diversion ... "  
 17 And then there are some words that can't be heard on  
 18 the transcript. That reflects what you were telling us,  
 19 doesn't it, about the restrictions on airfields being  
 20 actually the real reason why 2Excel couldn't complete  
 21 the flight that night?  
 22 A. Yeah.  
 23 Q. Can we go to page 7 of {INQ007824}, please.  
 24 Dominic Golden, in that second entry, makes a comment,  
 25 essentially , about the planning and the arrangements for

1 the night. He says:  
 2 "... I think there's an element here of, I think  
 3 people were thinking, dangerously to put it ... we've  
 4 not got lax but we've dropped back into the assumption  
 5 that we're always going to get aircraft , and they're  
 6 always going to give us the recognised maritime picture  
 7 ... you know, life's a good one. And surprise surprise  
 8 ... the plan doesn't always work. So what's our plan  
 9 B?"  
 10 He asks. And here, we don't actually have an answer  
 11 there to that question, "What's the plan B"? I wanted  
 12 to ask you, Mr Norton, was there a plan B?  
 13 A. I think we should be careful about conflating what  
 14 the subject of that -- that is. So plan B, it's --  
 15 I believe, the way I read that, that that's a rhetorical  
 16 question, because 2Excel is not going to be able to get  
 17 airborne and provide the -- the recognised maritime  
 18 picture. So, "What's our plan B" is not, "What can  
 19 2Excel do about it", it's, "What's my plan B".  
 20 I believe that's a rhetorical question.  
 21 Q. Understood. But I want to know from you, did 2Excel  
 22 have its own plan B, a back up for a situation where it  
 23 couldn't fly like this?  
 24 A. If we can't fly, we can't provide the picture. As -- as  
 25 I said at the -- at the front of this, we're part of

1 a system where we provide a capability and there are  
 2 other people who can provide similar or supplementary  
 3 capabilities to help provide the recognised maritime  
 4 picture. In this particular case, we had two different  
 5 aircraft types. We had a plan to forward deploy in  
 6 order to avoid the NOTAM, so our plan was to go to  
 7 Southend so that we could continue to fly and we would  
 8 be forward deployed. From -- our plan was then to land  
 9 back at East Midlands when it -- when it became fit, and  
 10 that would allow us to swap the crews over and continue  
 11 to provide the assets for -- for the amber day or  
 12 the red day. The -- so our plan was a good plan,  
 13 the best plan we could have, effectively , in  
 14 the conditions. But what stopped us flying was  
 15 the inability to be able to know that we would be able  
 16 to land, and that was down to the lack of alternate  
 17 airfields were we unable to get back into Southend,  
 18 which was forecast to be in and out of limits , but out  
 19 of limits or below limits such that we needed to have  
 20 a diversion .  
 21 So our plan was already: use two different aircraft  
 22 types to relieve in place over the whole VUL, landing  
 23 away in order to not be affected by Doncaster's closure  
 24 and use alternates which mean we could do it and be able  
 25 to put the aeroplanes in right place to change the crews

1 over when the crews ran out of hours as well, with  
 2 a spare aircraft for both lines. So, if you like, we  
 3 put in place all of the things we could, but if we  
 4 couldn't get airborne, we can't provide a picture, and  
 5 that — that — that was the problem. And I think  
 6 the rhetorical question is, "What's our plan B", was  
 7 a question, an internal question, which is, "I don't  
 8 know, what's my plan B", and that could be other  
 9 providers, but it would have to be other providers  
 10 because 2Excel had tried everything that we could to be  
 11 able to get airborne.  
 12 Q. Thank you.  
 13 I do want to ask you a little bit more about  
 14 the NOTAM, if I can.  
 15 A. Okay.  
 16 Q. Can we go back to your statement which is {INQ0010335/1}  
 17 and page 19, please. We're looking at paragraph 86.  
 18 Mr Norton, you've very helpfully excerpted a section  
 19 from the NOTAM here, we can see it in that box. We can  
 20 see the reference code and we can see the timing on  
 21 24 November. It says "Doncaster Sheffield", and it  
 22 says:  
 23 "Closed due loading/unloading of dangerous air cargo  
 24 for up to date information contact the airport duty  
 25 manager."

1 Is that the NOTAM you were talking about —  
 2 A. Yes.  
 3 Q. — when you were referring to —  
 4 A. Yeah.  
 5 Q. — Notice to Airmen coming in to 2Excel?  
 6 Could we go, please, to {INQ0006338/1}, which is  
 7 the record showing the different NOTAMs on the night.  
 8 That might be a native file that needs to be brought up  
 9 on screen, if we just pause for a second.  
 10 We can see there, Mr Norton, is that a spreadsheet  
 11 showing the different NOTAMs that came in in that  
 12 period? So we can see it runs from 8 November through  
 13 to 30 November 2021. If you look at the highlighted  
 14 rows there, we can see coming in 23:36 on  
 15 23 November 2021, we can see NOTAM, "[Runway] 02/20  
 16 closed due loading/unloading of dangerous air cargo."  
 17 Is that that NOTAM coming in?  
 18 A. That's correct.  
 19 Q. If we then go down below an entry to the one that in  
 20 column C is labelled "1825", it again says:  
 21 "[Runway] 02/20 closed due loading/unloading of  
 22 dangerous air cargo ..."  
 23 Then it says NOTAM cancelled, and that's timed at  
 24 23:41. Does that mean that the NOTAM above it was in  
 25 fact cancelled that night at 23:41?

1 A. It's quite confusing, and I think what that refers to is  
 2 the 04:30 NOTAM. So what they did was they changed  
 3 the times. So there was a NOTAM saying 4.30 to 8.30,  
 4 which was cancelled, and a NOTAM that was then moved,  
 5 the times came forward by one hour by 3.30 to 7.30,  
 6 which is what happened. And subsequently, at about  
 7 6.30, they actually cancelled the NOTAM because they'd  
 8 finished the work. So the NOTAM itself, which referred  
 9 to 4.30 to 8.30, was cancelled, but there was another  
 10 one in place that said now 3.30 to 7.30.  
 11 Q. So it's this right, the first highlighted entry is the  
 12 change in timings? That is its own NOTAM identifying to  
 13 others that the timing of the runway opening has  
 14 changed?  
 15 A. That's — that's my understanding, yeah.  
 16 Q. At 4.30 on 24 November?  
 17 A. Yeah.  
 18 Q. Then below that we can see a separate entry at 23:36,  
 19 which is the runway closed all together; is that right?  
 20 That's the second highlighted entry?  
 21 A. Yeah.  
 22 Q. So 1825 below that, highlighted now on the screen, is  
 23 the cancellation of the first highlighted entry, not  
 24 the cancellation of the closure of the runway?  
 25 A. Correct. That's what I understand.

1 Q. And looking then to the entry below that at 6.43 in  
 2 the morning on 24 November, is that the cancellation of  
 3 the actual NOTAM itself?  
 4 A. Yes.  
 5 Q. So the runway remained closed throughout the night of  
 6 24 November up until 6.43; is that right?  
 7 A. That is our understanding, yeah. So the NOTAM closures,  
 8 you have to cancel the NOTAM, but effectively they  
 9 brought the times forward by one hour, so they closed  
 10 the airfield at 3.30, not 4.30, and that's what — and  
 11 therefore they cancelled the NOTAM that said 4.30 in  
 12 order to be able to have the extant NOTAM which said  
 13 3.30 to 7.30, and then they closed that one, they  
 14 cancelled that NOTAM at 6.43, so then the airfield's  
 15 opening again.  
 16 Q. Okay. And when the airfield's opened again at 6.43, did  
 17 that mean that the position had changed and 2Excel was  
 18 now able to fly and complete the tasking?  
 19 A. So from a weather perspective, 2Excel became able to fly  
 20 at 4.54 in the morning. So the weather got — improved,  
 21 and at 4.54 in the morning the weather was fit, but  
 22 unfortunately the aeroplanes were all locked into  
 23 a closed airfield. And at 6.30 we could have gone  
 24 flying — sorry, 6.43, the NOTAM was closed. There  
 25 would have been a reaction time for us to — you know,

1 we weren't expecting it to be closed then, and by that  
 2 stage, we'd had the discussion with the ARCC saying we  
 3 can't fly, so the next tasking we have is 717, I think  
 4 it was, the tasking that started at 8 o'clock in  
 5 the morning.  
 6 Q. So at 6 in the morning, 6.43, that entry that's  
 7 highlighted now --  
 8 A. Yeah.  
 9 Q. -- that was the earliest time on the night that 2Excel  
 10 could have stood up its aircraft and become available to  
 11 fly with of course some lead time --  
 12 A. Yeah.  
 13 Q. -- to be able to take off; is that right?  
 14 A. Yeah, when the NOTAM was cancelled.  
 15 Q. And at that stage the weather was fit for flying?  
 16 A. As far as I can tell, the -- the weather forecasts  
 17 became fit at 4.54. That's the first forecast that's --  
 18 that you could have got airborne at.  
 19 Q. And at that stage there was an hour or so left of  
 20 the Op EOS tasking. Did you consider flying to work on  
 21 that tasking for an hour, or at that stage, what was  
 22 the decision made?  
 23 A. So I don't -- I don't -- the -- the NOTAM was cancelled,  
 24 but we didn't know that was coming. So we were still  
 25 planning for 7.30 NOTAM being cancelled. People were

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1 still there, people were still at work, but they were  
 2 coming to the end of their flight time limitation, so  
 3 effectively you were now looking at crew changeovers  
 4 into the next crews, and so once the -- once  
 5 the aeroplane is effectively -- the tasking has  
 6 effectively been -- we can't get airborne for 3 o'clock,  
 7 then we're now looking at the next sortie which was  
 8 planned for there or thereabouts, 7.30/8 o'clock in the  
 9 morning.  
 10 Q. Understood. And that's the tasking we looked at  
 11 earlier, the Op EOS tasking that followed on I think  
 12 from 8.30 formally in the morning?  
 13 A. Yeah.  
 14 Q. In your statement you talk about other airports  
 15 available as diversions during the night?  
 16 A. Yeah.  
 17 Q. Can I understand, if another airport had been available  
 18 as a diversion, could 2Excel have flown, or would you  
 19 still have had the problem of the aircraft being shut in  
 20 an airfield?  
 21 A. After 3.30, when the airfield was closed, you couldn't  
 22 get airborne.  
 23 Q. Right.  
 24 A. Even though the weather was fit. Had we got airborne  
 25 before 3.30 because the weather was fit, we could have

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1 flown -- sorry, the weather was fit at the diversions,  
 2 then we would have been able to fly.  
 3 Q. So the aircraft could have physically left prior to 3.30  
 4 had there been a diversion available?  
 5 A. Correct.  
 6 Q. Once we hit 3.30 and the NOTAM was issued and the runway  
 7 closed, there was no way for the planes to get out; is  
 8 that right?  
 9 A. Correct.  
 10 Q. In your statement you talk about alternative aerodromes.  
 11 I don't think we need to go to the specific section, but  
 12 you list a number of them as being weather unfit,  
 13 Gatwick, Stansted, Heathrow, for example. How do you  
 14 determine whether an airfield is weather unfit on  
 15 a given night?  
 16 A. In simple terms, it depends on the visibility at that  
 17 airfield and the cloud base compared to the number of  
 18 pilots and the automatics and the approach aids that are  
 19 available between the aircraft and the -- and  
 20 the airfield, in simple terms.  
 21 Q. Is that something that's assessed on an ongoing basis?  
 22 A. Yeah.  
 23 Q. It's kept under review --  
 24 A. Yeah.  
 25 Q. -- through the night by persons at 2Excel?

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1 A. Yeah.  
 2 Q. Okay.  
 3 In your statement you talk about East Midlands as  
 4 a potential alternative and you say it wasn't an airport  
 5 that had limitations on category 1 ILS landing and it  
 6 was potentially available for that reason. Can you help  
 7 us with why East Midlands couldn't have been used as  
 8 the diversion on the 23rd/24th?  
 9 A. So, at the time when -- so on the 23rd and the morning  
 10 of the 24th --  
 11 Q. Yes.  
 12 A. -- it was out of limits because the aids at the airfield  
 13 and the aircraft trying to come in and the limitations  
 14 of the regulations meant that the minimum height that  
 15 the aeroplane could get down to and the minimum  
 16 visibility that it -- the pilot was allowed to use, were  
 17 -- that you were allowed to use with the sensors -- with  
 18 the aids at the airfield, was above the limits of  
 19 the weather. So that the weather was worse than  
 20 the minimum height and the minimum visibility you could  
 21 go to.  
 22 Q. So, again, it was a problem with the weather at  
 23 East Midlands?  
 24 A. Yeah.  
 25 Q. Not anything else to do with its acceptance of different

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1 categories of flights ?  
 2 A. No.  
 3 Q. It was purely to do with the suitability of the weather  
 4 at that location?  
 5 A. So --- so there are --- there are particular aids, that's  
 6 approach aids, at an airfield . They have limits, so  
 7 that may be the type of aid may have a type of ---  
 8 a height minimum that you're not allowed below or  
 9 a range that you're not allowed to get close ---  
 10 visibility you're not allowed to have, and in the case  
 11 of East Midlands, until the next morning, the weather  
 12 was not fit to be used.  
 13 SIR ROSS CRANSTON: Ms Woods, I'm going to have to give  
 14 the transcript writers a break at some stage.  
 15 MS WOODS: Of course.  
 16 SIR ROSS CRANSTON: How much longer do you have?  
 17 MS WOODS: Sir, I think I have five more minutes.  
 18 SIR ROSS CRANSTON: In that case, we'll ---  
 19 MS WOODS: If it won't impose too much on the transcript  
 20 writers, then I think I can wrap up before a break.  
 21 SIR ROSS CRANSTON: Okay, good.  
 22 MS WOODS: Thank you very much.  
 23 Mr Norton, you told us earlier about difficulties at  
 24 Manchester and its willingness to accept certain  
 25 categories of flight . Can you tell us what the problem

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1 was on that evening?  
 2 A. So the --- the weather was fit at Manchester, so we could  
 3 have used Manchester as a legal diversion, and we  
 4 requested that, but that request was rejected, and  
 5 the reason that we were given is because of staffing  
 6 limitations due to the post-COVID impact.  
 7 Q. So it was because of the post-COVID staffing available  
 8 at Manchester itself?  
 9 A. Yeah, so it was the Manchester staffing.  
 10 Q. In certain circumstances, airfields are required to  
 11 accept flights if they fall into a certain category.  
 12 Are airfields required to accept Category B flights?  
 13 Perhaps I can frame that in a different way.  
 14 When asked about potential changes for the future to  
 15 assist in facilitating aerial support for search and  
 16 rescue in the Channel, 2Excel said to the Inquiry team  
 17 that currently airfields are not compelled to accept  
 18 diversion requests from SAR aircraft, search and rescue  
 19 aircraft , on Category B taskings; is that right,  
 20 Mr Norton?  
 21 A. Yeah.  
 22 Q. Was that an issue on the night? Was that part of  
 23 the issue to do with Manchester?  
 24 A. So we could not compel them to accept us.  
 25 Q. Are there circumstances in which you can compel an

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1 airfield to accept a flight ?  
 2 A. If you have a --- a Mayday, so an emergency, or  
 3 particular categories of tasking, you may be able to  
 4 compel them, but at the time we would --- we were unable  
 5 to compel them.  
 6 Q. But ordinary search and rescue taskings, so an Op EOS  
 7 proactive surveillance search and rescue tasking was not  
 8 in the category of flights which were --- airfields were  
 9 compelled to accept; is that right?  
 10 A. That's correct.  
 11 Q. Is that still the case now?  
 12 A. I don't believe that the categorisation of the flights  
 13 has changed. That --- that is a tasking, as opposed to  
 14 something that we would --- we would be able to say.  
 15 The --- but what we have done in --- to cover this  
 16 eventuality --- and, again, as a learning from --- from  
 17 this event --- is put in place with all of the major  
 18 airfields an agreed acceptance for our --- for us to be  
 19 able to use them as a diversion. So all the major  
 20 airfields that will be open at night, you know,  
 21 Heathrow, Gatwick, etc, then we've put in place  
 22 a pre-prepared, you know, if we --- if we ask you to be  
 23 a diversion , we don't need very much from you, but we do  
 24 need to be able to come and use you to land.  
 25 Q. And that wasn't something that was in place ---

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1 A. No.  
 2 Q. --- prior to 23 November 2021?  
 3 A. No, it wasn't.  
 4 Q. Can I ask when that came in, roughly speaking?  
 5 A. To be honest, it's been successive airfields , we've had  
 6 to negotiate with each airfield . Heathrow only accepted  
 7 that a few weeks ago.  
 8 Q. And if 2Excel had been able to compel Manchester to  
 9 accept it as a diversion airfield on the night of  
 10 the 23rd to the 24th, could 2Excel have flown that night  
 11 and used its radar over the Channel?  
 12 A. The King Air could have flown that night had we been  
 13 able to have two diversions, and the Navajo could have  
 14 flown that night, but it wouldn't have had a radar.  
 15 MS WOODS: Understood.  
 16 Thank you very much, Mr Norton. Those are all my  
 17 questions for you.  
 18 Thank you, Chair.  
 19 SIR ROSS CRANSTON: I think we might like to know the full  
 20 list , though, of the airports where you have made those  
 21 successful negotiations. Not now ---  
 22 A. Okay.  
 23 SIR ROSS CRANSTON: --- but at some point subsequently.  
 24 I think that would be quite helpful.  
 25 So, Mr Norton, thank you very much indeed for both

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1 the statement and also the evidence you've given this  
 2 morning. Extremely helpful, and you're now free to go.  
 3 But we'll have a ten-minute diversion -- ten-minute  
 4 break, and I have to, because the usher always wants  
 5 a specific time, so we'll say .25 to 12. Thank you.  
 6 (The witness withdrew)  
 7 (11.25 am)  
 8 (A short break)  
 9 (11.37 am)  
 10 SIR ROSS CRANSTON: Well, good morning, Mr Hamilton. In  
 11 a short moment, Rekka Hollos is going to ask you some  
 12 questions, but first of all, could you read  
 13 the affirmation?  
 14 GRAHAM HAMILTON (affirmed)  
 15 Questions by MS HOLLOS  
 16 MS HOLLOS: Good morning, Mr Hamilton.  
 17 Could you give the Inquiry your full name, please.  
 18 A. Graham Douglas Hamilton.  
 19 Q. Thank you.  
 20 Now, Mr Hamilton, you are currently the director of  
 21 UK search and rescue for Bristow Helicopters Limited,  
 22 a company I think you describe as a UK-based civil  
 23 helicopter operator; is that right?  
 24 A. That's correct, yes.  
 25 Q. You've made a witness statement to this Inquiry which

1 was signed on 3 December 2024 and runs to 25 pages?  
 2 A. That's correct, yes.  
 3 Q. Thank you.  
 4 Now, although you're currently the director, I think  
 5 you in fact joined Bristow back in June 2015 as  
 6 the safety and compliance manager for search and rescue.  
 7 You were then promoted to deputy director of search and  
 8 rescue in 2019, and finally director in 2022; is that  
 9 right?  
 10 A. That's right, yes.  
 11 Q. Could you briefly just explain for us your  
 12 responsibilities as the director of search and rescue?  
 13 A. So my role is mainly accountable to  
 14 the Civil Aviation Authority to ensure that  
 15 the regulatory standards for the aviation activities  
 16 that we undertake are met, and that's from engineering,  
 17 flight operations, training, through to our ground  
 18 operations, our fuel requirements, our cadetships, to  
 19 ensure that we meet the civil flight regulations, but  
 20 also the emergency CAP 999 regulations, which allow us  
 21 to operate search and rescue aircraft outside the normal  
 22 aviation airspace.  
 23 Q. And you are also I think responsible for Bristow's  
 24 contracts with the government, including the search and  
 25 rescue contract with the Coastguard?

1 A. That's correct, yes.  
 2 Q. Thank you.  
 3 In terms of the services provided by Bristow, in  
 4 your witness statement you explain to us that there are  
 5 two types of services provided to the Coastguard:  
 6 helicopter search and rescue and dedicated patrols to  
 7 enhance situational awareness. Can you just take us  
 8 through the differences between those two types of  
 9 services, please?  
 10 A. Yes, the -- the latter came towards 2021, when we were  
 11 asked to provide an overwatch system, but our primary  
 12 role from 2015 to 2021 was search and rescue activities,  
 13 which can be broken down into search and then rescue.  
 14 The overwatch facilities that we then provide are where  
 15 we had aircraft that would fly along beaches to give  
 16 a presence, give the Coastguard situational awareness.  
 17 Or other emergency service, police, for example, if they  
 18 wanted to understand if there was flood protection  
 19 breaches, we would take them up in the aircraft and  
 20 allow them to radio back to their bases. Then latterly,  
 21 from 2022, we introduced the uncrewed air system.  
 22 Q. Now, in terms of the search and rescue aspect of  
 23 the services that you provide, you've outlined in your  
 24 statement, and if we could bring it up, please, it's  
 25 {INQ010336/5} and paragraph 3.6. You've identified for

1 us four categories of taskings: rescue or recovery;  
 2 search; pre-arranged transfer; and support. Are these  
 3 all delivered under the search and rescue contract or  
 4 are they also part of the overwatch services that you've  
 5 described?  
 6 A. No, these are all search and rescue activities under the  
 7 contract.  
 8 Q. And earlier, when you said you can divide search and  
 9 rescue into search and rescue is that because of the two  
 10 types of categories of tasking that you can have, as  
 11 you've set out here?  
 12 A. Yes.  
 13 Q. Thank you. We can take that down please. Thank you.  
 14 I'd like to come, please, on to the process by which  
 15 Bristow aircraft are tasked by the Coastguard, and  
 16 you've set out the process for us at paragraph 3.9 of  
 17 your statement {INQ010336/6}. In summary, a call comes  
 18 in from the Joint Rescue Co-Ordination Centre to  
 19 the relevant Bristow base, that telephone line is manned  
 20 24/7, the JRCC passes information about the tasking to  
 21 the Bristow crew, who can then either accept or decline  
 22 the tasking. Is that an accurate summary?  
 23 A. That's an accurate summary, yes.  
 24 Q. Thank you.  
 25 When the call comes in to the relevant Bristow base

1 from the JRCC, is any record made by Bristow of  
 2 the instructions given in relation to the tasking?  
 3 A. When the tasking's accepted, yes, the information is  
 4 transferred to the pilot's log. But then information  
 5 will be updated as the aircraft goes on task. So the ---  
 6 the initial information will be very scarce, it would  
 7 have location information, the type of rescue they're  
 8 expecting or search activity to be conducted and  
 9 typically the crew will then ask for more information,  
 10 weather conditions at the site, et cetera. And then  
 11 once they've accepted a task, they will then man  
 12 the aircraft and more information will be transferred to  
 13 the aircraft. That will all be recorded on the pilot's  
 14 log.  
 15 Q. What happens if a tasking is refused? Is any record  
 16 made of the reason for the refusal of the tasking?  
 17 A. Yes, there is, yes.  
 18 Q. And where is that recorded?  
 19 A. That's recorded in our electronic system called iSAR.  
 20 Q. And who records that information in iSAR, the JRCC or  
 21 Bristow?  
 22 A. Bristow.  
 23 Q. Now, we've discussed the possibility for taskings to be  
 24 either accepted or refused, and in your statement you  
 25 give us two examples of reasons why a tasking might be

1 refused: if it's better suited to another base, or if  
 2 the crew have just returned from another task. On what  
 3 other grounds might a tasking be refused?  
 4 A. It could be weather, it could be out of range for  
 5 the aircraft. Sometimes it won't be refused, it will be  
 6 delayed while --- say, it's a shipping vessel. It may be  
 7 at the extreme range of the aircraft. By giving it  
 8 another 30 minutes or an hour, so the ship will have  
 9 moved closer and we'll be able to reach it, and the ---  
 10 conduct a search --- or a rescue operation for longer on  
 11 site.  
 12 Q. You've mentioned "out of range". What do you mean by  
 13 that?  
 14 A. So the aircraft have a range of 240 nautical miles. If  
 15 a vessel was at 240 nautical miles, we would have very  
 16 little time to be on task, as we would say. To be  
 17 sitting above the ship, five minutes, that would be very  
 18 difficult, to rescue somebody or pull somebody from  
 19 the deck, so sometimes we'll wait for the ship to get  
 20 close so we can spend longer, half an hour, for example,  
 21 in the hover, to allow medics to go down, treat  
 22 the casualty and bring them back up to the aircraft.  
 23 Q. You've also mentioned the possibility of taskings being  
 24 delayed. What intervals of time can you delay a tasking  
 25 up to before you decide: actually, this isn't feasible

1 we need to refuse?  
 2 A. That would be an ongoing conversation with JRCC.  
 3 Q. I'd like to, please, come on to the types of assets that  
 4 are available for tasking for search and rescue by  
 5 Bristow. You explain at paragraph 2.3 of your statement  
 6 {INQ010336/3} that Bristow operates two types of search  
 7 and rescue helicopter: the Sikorsky S-92 and  
 8 the Leonardo AW189. Are both of those types of  
 9 helicopters designed to operate in challenging, adverse  
 10 weather conditions at sea, whether day or nighttime?  
 11 A. Yes.  
 12 Q. Is there any practical difference between their  
 13 capabilities?  
 14 A. Just their size.  
 15 Q. And does their size affect passenger load?  
 16 A. Yes, the number of passengers you could carry.  
 17 Q. And does their size also affect their endurance?  
 18 A. The S92 has a longer endurance; it can go out to 240  
 19 nautical miles and stay on station for 30 minutes, but  
 20 to do that, it has to --- it's required to have internal  
 21 fuel tanks, which takes up space, so you're --- you're  
 22 balancing one off against another.  
 23 Q. Is one or the other type preferred for the conduct of  
 24 search and rescue in the Dover Strait?  
 25 A. The 189 would be the preferred; smaller, more agile.

1 However, the 92 is just as capable of operating there.  
 2 Q. In terms of the technology available on board, you've  
 3 helpfully set out this in paragraph 6.9 of your  
 4 statement. If we could please bring up {INQ010336/16}.  
 5 A. Yeah, I see it.  
 6 Q. So you've listed here for us a range of technology  
 7 available on board both assets.  
 8 If we could go over the page, please,  
 9 {INQ010336/17}, what I'd like to come on to is your  
 10 identification of the equipment or technology that's  
 11 best suited or of most assistance for conducting search  
 12 and rescue where what you are looking for are persons in  
 13 the water.  
 14 A. Mm-hm.  
 15 Q. If we could go over the page, please {INQ010336/18}, and  
 16 zoom in on paragraph 6.10.2.  
 17 So you've identified here for us four types of  
 18 equipment that I'd like to go through with you.  
 19 The first of those is "Night Vision". Briefly, can you  
 20 just explain for us how night vision operates?  
 21 A. Yes, so the Night Vision system is what you see  
 22 the military helicopter fly with. It's focal tubes that  
 23 go in front of pilot's eyes, focused at infinity. Each  
 24 pilot sets them up for their own eyesight before they go  
 25 flying. They are still limited in that you need ambient

1 light , so you need moonlight or --- or ---  
 2 Q. Moonlight?  
 3 A. Moonlight, yeah, or other lighting from ships/vessels to  
 4 give you some reflective for them to enhance that  
 5 lighting , and it increases your --- your visible --- what  
 6 you can see at night, so it gives you better enhanced  
 7 visuals at nighttime, not during the daytime.  
 8 Q. You've mentioned one restriction on their effectiveness ,  
 9 which is the need for some level of ambient lighting?  
 10 A. Yeah.  
 11 Q. What other elements might affect how effectively they  
 12 can be used to detect persons in the water?  
 13 A. Mist, fog. Same as your normal eyesight.  
 14 Q. What about the sea state?  
 15 A. Sea state --- the sea state, no different to your --- your  
 16 normal eyes, a target can disappear with the waves, so  
 17 it 's very little different between night vision and ---  
 18 and your normal eyesight in the day.  
 19 Q. Does that same analysis apply for the size of the target  
 20 that you're looking for? No different whether you're  
 21 looking through night vision or with your normal eyes?  
 22 A. Slightly harder with night vision; you have to really  
 23 focus in on the target to see a shape. But once you  
 24 see the shape, you can normally build the picture very  
 25 quickly. It 's very granular green picture, it 's not ---

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1 it 's not like sitting in this room.  
 2 Q. It 's not perhaps the cinematic experience ---  
 3 A. No.  
 4 Q. --- we're familiar with from TV?  
 5 A. No.  
 6 Q. The next item of equipment that you've identified for us  
 7 is "FLIR", which I think is forward-looking infrared?  
 8 A. That's correct, yes.  
 9 Q. Can you just explain how that works for us?  
 10 A. So it 's a forward-looking infrared camera fitted to the  
 11 nose of the aircraft that's trying to pick out infrared  
 12 radiation bands. You can use it during the day, but at  
 13 night it 's much more effective. It 's also got normal  
 14 camera vision on there. So, typically , what the crews  
 15 will do is use the infrared function to pick out heat  
 16 signatures in the water, especially if you're looking  
 17 for people in the water, you're trying to look for that  
 18 decaying heat signature, and then as they get --- once  
 19 they've identified it , they' ll switch to the normal TV  
 20 camera to see, to try and pick it out, to pick  
 21 the target out a bit bigger.  
 22 Q. Is it right that, essentially , the way it works is by  
 23 looking for the differences in heat output between ---  
 24 A. Yes, it 's the emissions.  
 25 Q. It 's the emissions?

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1 A. Yeah.  
 2 Q. How does the length of time that a person is in  
 3 the water affect the act of the forward-looking infrared  
 4 to detect their presence?  
 5 A. So your main body will not show up, because your body  
 6 will be under the water, so it will be your head or any  
 7 exposed part. If you've got a life jacket on your  
 8 chest, it will be coming out of the water. But as ---  
 9 the long you're in the water, your heat signature decays  
 10 naturally , because the water's cooling you.  
 11 Q. And if your heat signature decays and becomes closer to  
 12 the temperature of the water, does that reduce  
 13 the ability of the forward-looking infrared to detect?  
 14 A. Yes. And wave height as well. You can disappear behind  
 15 a wave and it won't see you, so ...  
 16 Q. The third piece of equipment is search lights and ---  
 17 A. Yes, so the search lights , they --- they help us.  
 18 Previously, we talked about the ambient light it  
 19 requires. They can flood the area with light levels  
 20 that enhance the goggles. Typically, they're very  
 21 helpful for --- we can control them, so we can send them  
 22 in different directions. If we're looking, typically ,  
 23 for people with life jackets on, of course, they've got  
 24 reflective tape and that sometimes gets caught when  
 25 the search light flashes across them; where, if you've

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1 not got that, the search light --- you're still looking  
 2 into blackness and just trying to pick out something.  
 3 Q. And is the effectiveness of the search light affected by  
 4 weather conditions such as fog?  
 5 A. Yes.  
 6 Q. Are there any other factors that would affect their  
 7 ability to assist?  
 8 A. With the search light?  
 9 Q. Yes. At nighttime.  
 10 A. No, it 's primarily weather would be the big factor.  
 11 They're very powerful lights. They've got almost half  
 12 a mile beam range.  
 13 Q. And finally coming on to radar. How effective is radar  
 14 at detecting people rather than vessels?  
 15 A. It 's got very low probability of detecting a person.  
 16 You'd probably detect something around the person first,  
 17 typically a vessel or an aircraft , which is what we  
 18 typically look for.  
 19 Q. And how effective is radar at detecting small boats  
 20 rather than large shipping vessels?  
 21 A. It 's not very effective. They're made of rubber, so  
 22 they don't give a good reflection, radar reflective  
 23 signature.  
 24 Q. Is the efficiency of the radar affected by weather  
 25 conditions?

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1 A. It can be, yes.  
 2 Q. In what circumstances?  
 3 A. It can be affected by just the atmospheric, so moisture.  
 4 Not so much fog and mist, but heavy rains can sometimes  
 5 affect the screening on the front of the aircraft, which  
 6 affects the reflecting that's coming into the radar  
 7 screen.  
 8 Q. Thank you.  
 9 In terms of conducting search and rescue at night,  
 10 there are a number of other items of equipment that  
 11 you've flagged at paragraph 6.10.3 {INQ010336/18}?  
 12 A. Yes.  
 13 Q. Any of those that you would wish to point out for us, in  
 14 terms of how it might assist at nighttime, over and  
 15 above those we've discussed?  
 16 A. They -- if we're talking about the Automatic Flight  
 17 Control System, this relieves the pilots of the pressure  
 18 of trying to fly at low level. It will keep  
 19 the aircraft at a set altitude and height, so they can  
 20 then focus on allowing an extra set of eyes to look out  
 21 the windows rather than having to concentrate on flying  
 22 the aircraft constantly. So they can just monitor  
 23 the aircraft around there.  
 24 The other systems are there to -- to help the pilot,  
 25 of warnings that he's about to find an oil platform, or

1 a ship is about to come into range that they need to  
 2 avoid.  
 3 The AIS Transponder, again, just identifies shipping  
 4 that's got a transponder on, and it just shows up on  
 5 their mappings so they get better situational awareness.  
 6 And the Mission Management System allows them to  
 7 programme in search patterns, so the aircraft will carry  
 8 them out automatically with the flight control system,  
 9 relieving the pilot of the pressure.  
 10 Q. Thank you.  
 11 I'd like to come, please, on to the endurance of  
 12 the Bristow assets, and I think you've already discussed  
 13 their range in terms of nautical miles. In your  
 14 statement you describe their endurance as three hours  
 15 with a 30-minute reserve?  
 16 A. Yes.  
 17 Q. What are the factors that are capable of affecting their  
 18 endurance?  
 19 A. The weight of the aircraft, so the number of people you  
 20 put in the aircraft, the amount of equipment you carry  
 21 in the aircraft. The outside air temperature can affect  
 22 it, the air density can affect it, so the performance of  
 23 the engines. These are all factors that the crew are  
 24 aware of and they'll calculate that into their fuel burn  
 25 rates for the mission.

1 Q. How would you compare the endurance of a helicopter to  
 2 a fixed-wing asset for conducting searches over  
 3 a prolonged period of time?  
 4 A. It's -- a fixed-wing asset, theoretically, can stay up  
 5 longer. But at the end of the day, we've got human  
 6 beings on our aircraft and four hours in a rotating  
 7 object is quite enduring on them.  
 8 Q. I'd like to come, please, then on to the increase in  
 9 small boat crossings --  
 10 A. Mm-hm.  
 11 Q. -- and the impact on Bristow's work. Could we please  
 12 bring up the diagram from your witness statement, which  
 13 is at {INQ010336/8}, and if we could just zoom in on  
 14 that graph. Thank you.  
 15 You've set out here for us the taskings received by  
 16 Bristow in the Channel up to 23 November 2021, and save  
 17 for a slight decrease in 2019, there is a general  
 18 upwards trend up to 187 taskings in the first 11 months  
 19 of 2021?  
 20 A. Yeah.  
 21 Q. What did you put the increase in taskings down to?  
 22 A. We knew this was linked to the small boats, but  
 23 the resilience within the system wasn't being stretched,  
 24 because we are -- we do use the aircraft as a system, so  
 25 each base will support the other base, they're not

1 individual -- not individual air stations, but they  
 2 require Lee-on-Solent to cover Lydd, Lydd to cover  
 3 Humberside, Humberside to cover Lydd, etc. So we  
 4 weren't stretched; this was not causing us any problems  
 5 with our tasking rates. What it was causing problems  
 6 with was that we were using crews at nighttime, so we  
 7 were having to bring a second base on state in  
 8 the morning to cover off the Channel area.  
 9 Q. And did you experience any difficulties in identifying  
 10 additional crews that could be brought in in  
 11 the mornings?  
 12 A. We can't bring in additional crews because of  
 13 the regulations, so we bring -- we bring another base  
 14 down. So we used to bring Humberside down to Lydd, or  
 15 Lee-on-Solent across to Lydd to cover that area of  
 16 the Channel, if we -- if we were required to.  
 17 Q. Did the type of taskings that were issued to Bristow  
 18 during this time by the MCA change in nature at all?  
 19 A. No, they were search.  
 20 Q. Did you find that you were conducting a greater  
 21 proportion of search taskings as opposed to, for  
 22 example, the rescues, the pre-arranged transfers that  
 23 you'd outlined for us earlier?  
 24 A. No, in Lydd's case, generally it's search and rescue;  
 25 they don't tend to do the transfers.

1 Q. And is Lydd the closest Bristow base to cover  
 2 the Dover Strait?  
 3 A. Yes, it is, yes.  
 4 Q. Can we please take a look at the map of Bristow's  
 5 taskings that you've outlined for us. It's page 12 of  
 6 this same document {INQ010336/12}, and zoom in at that  
 7 map. Thank you very much.  
 8 This is a map of the taskings received by Bristow in  
 9 2021 in the Dover Strait. I presume that each of  
 10 the little orange circles denotes a tasking?  
 11 A. It's a location of a task, yes.  
 12 Q. It's the location of a task. Thank you.  
 13 Is this map broadly representative of  
 14 the geographical spread of taskings in the years leading  
 15 up to 2021 as well?  
 16 A. No, so the -- the top right-hand corner has got more  
 17 activity than we had seen before.  
 18 Q. What do you put that down to?  
 19 A. The small boats. That's all the small boats areas.  
 20 The main part of the Channel, from Eastbourne to  
 21 Folkestone, was very similar to what we saw in previous  
 22 years.  
 23 Q. And so when you're saying "the top right-hand corner" --  
 24 A. So --  
 25 Q. -- are we looking roughly --

1 A. -- so Dover --  
 2 Q. -- between Folkestone --  
 3 A. -- Dover --  
 4 Q. -- and Ramsgate?  
 5 A. Yeah, Folkestone to Ramsgate, yes.  
 6 Q. Thank you.  
 7 We can take that down. Thank you.  
 8 I'd like to come, please, on to Operation Caesar,  
 9 which you describe as an operational awareness programme  
 10 that led to the introduction of dedicated  
 11 Channel aviation assets?  
 12 A. Yes.  
 13 Q. What were the types of aviation assets that were  
 14 introduced as a result of Operation Caesar?  
 15 A. So I -- I was only responsible for delivery, so I was  
 16 given the contract change notices in my evidence pack;  
 17 I don't know what the build-up to that was. So  
 18 I delivered S-100 Camcopter helicopters, four of, and  
 19 DA62s, which are Diamond Aircraft 62 aircraft,  
 20 reconnaissance aircraft, two of.  
 21 Q. How did those additional assets help with  
 22 the situational awareness over the Channel?  
 23 A. So we were able to use those assets, and we still do, to  
 24 do the search patterns, to provide the Coastguard with  
 25 visual -- visuals of the small boats that are crossing,

1 is the have -- is the small boat underway, do they have  
 2 life jackets on, how many people are on there, where --  
 3 what its location is in relation to the other assets  
 4 that are out there, Border Force, etc.  
 5 Q. So in effect you had more assets who were able to  
 6 conduct these overwatch patrols?  
 7 A. Yes.  
 8 Q. Now, in terms of timing, I think earlier in your  
 9 evidence to me you made reference to the overwatch  
 10 patrols commencing in 2021?  
 11 A. Yes, that's right.  
 12 Q. Is that separate to Operation Caesar, which we  
 13 understand was implemented in the March of 2022?  
 14 A. That's correct. It was the build-up to that.  
 15 Q. So help us with the overwatch patrols then. Were they  
 16 brought in pursuant to the same search and rescue  
 17 contract that we've been discussing?  
 18 A. Yes, they were just -- it wasn't even an amendment, we  
 19 were just tasked with more overwatch. We were asked to  
 20 move aircraft from different locations so that we had  
 21 more continuous cover. Especially if Lydd, for example,  
 22 had been used through the night, we would bring  
 23 Humberside down to cover Lydd. It didn't necessarily  
 24 mean the aircraft weren't flying, it was just available  
 25 to be called on to the silver watch.

1 Q. And you said 2021 is when these overwatch patrols began.  
 2 Do you know when in 2021?  
 3 A. No, I couldn't tell you.  
 4 Q. Now, separately then we have Operation Caesar, which is  
 5 March 2022, and the additional aviation assets we've  
 6 discussed?  
 7 A. Yeah.  
 8 Q. Does that mean that the additional assets were available  
 9 to be deployed from March of 2022?  
 10 A. From 1 April, yes.  
 11 Q. 1 April.  
 12 A. Yeah -- oh, in fact, sorry, no, it was 1 March it was  
 13 signed, so, yes, they were. There was reduced numbers.  
 14 We only had two Camcopters. We had a DA62 that we  
 15 borrowed -- that we used from another subcontractor in  
 16 Belgium while we brought our own assets up to full  
 17 strength.  
 18 Q. Now, the DA62 is a fixed-wing aircraft; is that right?  
 19 A. That's correct, yes.  
 20 Q. Was that still nonetheless operated by Bristow?  
 21 A. Yes. Yeah.  
 22 Q. And you've mentioned that initially there were reduced  
 23 numbers. When did the full complement of assets under  
 24 Operation Caesar become available?  
 25 A. So that would be the July of '22.

1 Q. I think you've said in your evidence that you weren't  
 2 involved in the lead-up to Operation Caesar, you just  
 3 received the contract change notice. If I were to take  
 4 you to Bristow's proposal to the MCA in relation to  
 5 Operation Caesar, is that something that you would be  
 6 able to speak to?  
 7 A. If it's about DA62s and S-100s, yes. If it's  
 8 about B62s, no.  
 9 Q. Less about the assets and more about the proposal  
 10 itself.  
 11 If we could bring up {INQ008119/1}. Now, this is  
 12 a presentation entitled:  
 13 "English Channel – Enhanced Situational Awareness.  
 14 "Bristow Proposal.  
 15 "Version: 4.0 Final."  
 16 Dated 26 November 2021. Is this a document that you  
 17 are familiar with?  
 18 A. Only through the evidence packs.  
 19 Q. Were you involved in its preparation at all?  
 20 A. No.  
 21 Q. You may not be able to answer this but let me try. If  
 22 we could go to page 3 of that document, please,  
 23 "Requirement Assumption Overview". Are you able to say  
 24 whether or not this sets out the assumptions to which  
 25 Bristow was working in relation to the proposal?

1 A. Yes, these were. As we know they are the assumptions.  
 2 That's what we were briefed, yes.  
 3 Q. That's what you were briefed?  
 4 A. Yes.  
 5 Q. Can I just ask you please about the second bullet point  
 6 and whether or not you're able to assist with that:  
 7 "HMCG lack situational awareness due to paucity of  
 8 air assets and conflicting priority tasking."  
 9 Were you aware of any conflicting priority tasking  
 10 insofar as the tasking of Bristow assets by  
 11 the Coastguard was concerned?  
 12 A. Not of Bristow assets, no.  
 13 Q. All right, thank you. If we could take that down,  
 14 please.  
 15 Coming, please, on to training exercises. At  
 16 paragraph 4.4 of your witness statement {INQ010336/11},  
 17 you describe attending a table top exercise on  
 18 4 November 2021, which simulated the capsizing of small  
 19 boats and you set out the lessons learned as a result.  
 20 Did Bristow participate in any other tabletop exercises  
 21 or live exercises in relation to small boat search and  
 22 rescue?  
 23 A. I'm not aware if we did, no.  
 24 Q. Would you find it helpful to do so?  
 25 A. Yes, and I know we did, we were involved in deployment

1 of life raft trials, etc. And we normally are, the MCA  
 2 are normally very good at bringing us into  
 3 the tabletops, so ... But again, the previous director  
 4 may have attended though; it was not myself.  
 5 Q. Thank you.  
 6 Coming, please, on to then the operation of  
 7 the search and rescue flights and in particular  
 8 training. I understand from your witness statement that  
 9 Bristow crew members and pilots have to undertake  
 10 training and pass assessments in a number of different  
 11 competency areas before they can conduct search and  
 12 rescue operations; is that right?  
 13 A. That's correct, yes.  
 14 Q. Do those competencies include search and rescue  
 15 techniques as set out in the Bristow Flight Operations  
 16 Manual?  
 17 A. Yes.  
 18 Q. And do they also include search patterns and search  
 19 parameters?  
 20 A. Yes.  
 21 Q. Now, there's guidance on conducting search patterns and  
 22 search parameters in the IAMSAR manual. Is that  
 23 a portion of the manual that you would expect your  
 24 pilots and crew members to be familiar with?  
 25 A. Yes, I would, yes.

1 Q. In order to check that the crew members and pilots  
 2 remain familiar with their competencies, there's an  
 3 annual competence check as well, isn't there?  
 4 A. That's correct, yeah. As a whole crew, that is.  
 5 The pilots get checked every six months in the simulator  
 6 where we can put them through different training  
 7 tests/environments.  
 8 Q. And is it every single competency that is checked on an  
 9 annual basis?  
 10 A. Through the year, yes.  
 11 Q. Through the year.  
 12 Now, staying with the topic of search patterns. Who  
 13 determines the type of search pattern that a pilot would  
 14 follow on a search and rescue operation? Is it  
 15 the pilot or is it what we've come to know as  
 16 the controlling authority?  
 17 A. The controlling authority.  
 18 Q. And is that in all cases or can there be exceptions?  
 19 A. There can be exceptions, but it's very rare. Generally,  
 20 it's when the aircraft is on scene, they'll report back  
 21 that the weather conditions don't allow them to do  
 22 the search pattern and then they would change the search  
 23 pattern.  
 24 Q. If the search pattern is set by the controlling  
 25 authority, can a Bristow pilot question those

1 instructions or make alternative recommendations if they  
 2 don't feel that the pattern is the most appropriate or  
 3 the most effective?  
 4 A. They can, and they have those conversations before they  
 5 launch, yes.  
 6 Q. Where they have those conversations, who does the final  
 7 decision rest with?  
 8 A. The controller.  
 9 Q. Are Bristow pilots expected to be able to provide advice  
 10 on appropriate search patterns and track spacing to  
 11 the controlling authority?  
 12 A. Yes, they are.  
 13 Q. And are they expected to be able to select an  
 14 appropriate search pattern and track spacing if that  
 15 decision hasn't already been made by the controlling  
 16 authority?  
 17 A. Yes, they would be.  
 18 Q. And where the search pattern and the track spacing has  
 19 been selected, that's what gets input into the mission  
 20 information system that you helped us with earlier?  
 21 A. That's correct, yes.  
 22 Q. Final topic from me, please, which are the taskings on  
 23 the night of 24 November.  
 24 A. Mm—hm.  
 25 Q. You've explained to the Inquiry that Bristow assets were

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1 involved in four operations on the night of the 23rd to  
 2 24th November and using the tasking types we've  
 3 discussed at the beginning, these were all search  
 4 operations?  
 5 A. That's correct, yes. But any search can become  
 6 a rescue. Any flight can become a rescue. So  
 7 the aircraft is capable of switching roles in flight.  
 8 Q. Did any of those four search operations become rescue  
 9 operations over that duration?  
 10 A. No, they were all search, and they reported back  
 11 positions of vessels to the controlling authority.  
 12 Q. Thank you.  
 13 You've summarised those different taskings for us at  
 14 paragraph 7.2 of your statement {INQ010336/19}, but just  
 15 briefly, search and rescue 233/21, this was the tasking  
 16 of rescue 163 captained by Christopher Trubshaw and from  
 17 whom the Inquiry will hear later today?  
 18 A. That's correct, yes.  
 19 Q. Search and rescue 224/21, this was a search for illegal  
 20 immigration activity in migrant search area Charlie?  
 21 A. That was rescue 175, wasn't it?  
 22 Q. Yes. What is "migrant search area"?  
 23 A. That's in the Coastguard's instructions, they've got  
 24 areas Alpha, Bravo, Charlie, Delta. It's specific  
 25 coordinate areas that the crews know to go and search

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1 in. It allows to us control the different assets. So  
 2 you can put asset — different air assets, different  
 3 surface assets into different parts of boxes, basically,  
 4 boxes of airspace.  
 5 Q. Now, you wouldn't have been in the room at the time when  
 6 Mr Norton gave his evidence, but we saw a map of  
 7 the Dover Strait broken into areas A, B, C, D, on the UK  
 8 side of the median line, and E, F, G, H, on the French  
 9 side of the median line. Is that what the migrant  
 10 search areas are?  
 11 A. Yes, as far as I understand, yes.  
 12 Q. Thank you.  
 13 The third mission was search and rescue 234/21,  
 14 a tasking to multiple persons in the water who had  
 15 become separated from a small inflatable boat and who  
 16 were located in the vicinity of French vessels?  
 17 A. Yes, that's right.  
 18 Q. And then search and rescue 235/21, which was a return to  
 19 the same general search area as the third mission —  
 20 A. Yeah.  
 21 Q. — to conduct any further searches?  
 22 A. That's correct, yeah.  
 23 MS HOLLOS: Thank you.  
 24 Thank you very much, Mr Hamilton. Those are all my  
 25 questions.

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1 A. Okay, thank you.  
 2 SIR ROSS CRANSTON: Well, thank you very much indeed,  
 3 Mr Hamilton. Your evidence has been extremely useful,  
 4 so thank you very much.  
 5 We haven't got Captain Trubshaw yet? No, so, what,  
 6 that's 2 o'clock? Okay.  
 7 Right, well, we'll pause until 2 o'clock. So thanks  
 8 very much.  
 9 (12.10 pm)  
 10 (The short adjournment)  
 11 (1.14 pm)  
 12 SIR ROSS CRANSTON: Yes, well, good afternoon, everyone, and  
 13 good afternoon in particular, Mr Trubshaw.  
 14 In a moment, Ms Onabanjo is going to ask you some  
 15 questions, but first of all, could you read  
 16 the affirmation.  
 17 A. Yes, sir.  
 18 CHRISTOPHER TRUBSHAW (affirmed)  
 19 SIR ROSS CRANSTON: Thank you.  
 20 Questions by MS ONABANJO  
 21 MS ONABANJO: Thank you, Chair.  
 22 Good afternoon, Mr Trubshaw.  
 23 A. Good afternoon.  
 24 Q. Would you start by giving the Inquiry your full name,  
 25 please?

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1 A. Christopher Trubshaw.  
 2 Q. You have made a witness statement for the Inquiry, which  
 3 you signed on 22 November last year, which runs to  
 4 15 pages; is that right?  
 5 A. I believe so, yes.  
 6 Q. Turning then to your role, you're employed by Bristow  
 7 Helicopters Limited, which I will call "Bristow" in  
 8 the course of your evidence, as a search and rescue  
 9 pilot; is that right?  
 10 A. That's correct, yes.  
 11 Q. And you have been employed with Bristow in this capacity  
 12 since 2015?  
 13 A. That's correct.  
 14 Q. And prior to that, you had significant experience as  
 15 a helicopter pilot. I note from your statement that you  
 16 qualified in 1989 whilst in the Royal Navy?  
 17 A. Correct.  
 18 Q. And you then left around 1996 and you subsequently flew  
 19 for the police as a civilian pilot?  
 20 A. Correct.  
 21 Q. And you rejoined the Navy in 2001, where you stayed  
 22 until you joined Bristow in 2015?  
 23 A. Yes.  
 24 Q. And you were the Captain of the search and rescue  
 25 helicopter with the call sign R163 on the night of

1 the incident that the Inquiry is investigating; is that  
 2 right?  
 3 A. That's correct.  
 4 Q. You mention in your statement that when you joined  
 5 Bristow, you completed an initial operational training;  
 6 that's correct, right?  
 7 A. Yes.  
 8 Q. And you also undertake recurring training with  
 9 competency assessments every six months?  
 10 A. That is a legal requirement under the terms of my  
 11 licence that I hold, yes.  
 12 Q. Thank you.  
 13 The director of search and rescue at Bristow has,  
 14 this morning, given evidence to the Inquiry and he  
 15 confirmed that the training competencies include search  
 16 and rescue techniques contained in Bristow's manual; is  
 17 that right?  
 18 A. Yes, they do.  
 19 Q. And those training competencies also include search  
 20 patterns and parameters?  
 21 A. Yes.  
 22 Q. And those search patterns and parameters are set out in  
 23 the IAMSAR manual?  
 24 A. That is the descriptor for it, yes.  
 25 Q. And Mr Hamilton also confirmed that as a search and

1 rescue pilot, he would expect you to be familiar with  
 2 the portion of the manual dealing with search patterns  
 3 and parameters?  
 4 A. Yes.  
 5 Q. Did you undertake any specific training in relation to  
 6 searching for small boats and persons in water prior to  
 7 November 2001?  
 8 A. I wouldn't say "specific". The training that we are  
 9 given, undertake and continue to do, covers a whole lot  
 10 of potential scenarios, different objects and the ways  
 11 that we are employed using the standard techniques to  
 12 try and find where they are.  
 13 Q. So is it your evidence that your general training in  
 14 relation to search and rescue would enable you to  
 15 competently carry out search and rescue of people in  
 16 water, for example small boats in water?  
 17 A. Yes.  
 18 Q. I would now like to ask you about the helicopter itself  
 19 and the crew.  
 20 A. Yes.  
 21 Q. You set out helpfully in your statement the capabilities  
 22 and the equipment on board the helicopter. The Inquiry  
 23 has heard from Mr Hamilton, this morning, on — on that  
 24 very topic, so I propose to treat it very briefly with  
 25 you.

1 A. Yes.  
 2 Q. What Mr Hamilton said this morning was that, in  
 3 particular, equipment that would be useful searching for  
 4 people in water would be the night vision goggles,  
 5 forward looking infrared cameras, search lights and  
 6 radar; is that right?  
 7 A. Specifically for looking for people —  
 8 Q. For people in water or for small boats in water as well,  
 9 although he — he did acknowledge in the course of his  
 10 evidence, and I will come to that, that those equipment  
 11 have limitations?  
 12 A. Yes. So, sorry, reflecting to the first part of your  
 13 question.  
 14 Q. Yes.  
 15 A. Yes, those equipments are fitted and made available  
 16 to us as aids to location. They do have limitations, as  
 17 I suspect you'll come to, and they are not necessarily,  
 18 in standalone, a panacea for finding anything,  
 19 especially in the water, as it goes.  
 20 Q. Could you explain what you mean by that, that they're  
 21 not standalone?  
 22 A. Yes, so if you're — say you're looking using night  
 23 vision devices, night vision goggles, they are not  
 24 necessarily the only thing that will pick up contacts.  
 25 So they are all used in conjunction with each other and

1 they are all different to the operation, and combined  
 2 give you the best chance of locating something given  
 3 the conditions that they're operated in.  
 4 Q. And would there be a particular combination of those  
 5 aids that would be most useful in identifying/locating  
 6 small boats or persons in water?  
 7 A. They are all useful, and together, along with  
 8 the operators' competency and training and operation,  
 9 that stands you in the best chance of finding what  
 10 you're looking for.  
 11 Q. Thank you.  
 12 In terms of the limitation of equipment,  
 13 Mr Hamilton's evidence was, in relation to night vision  
 14 goggles, for example, that they require ambient lighting  
 15 and they could also be affected by fog; is that right?  
 16 A. Yes, it is a possible popular misconception that night  
 17 vision goggles turn night into day. They do not. They  
 18 require a degree of lighting, ambient lighting, as you  
 19 say, in order for them to function. So without that  
 20 initial trigger, the ambient light, they have reduced  
 21 capability.  
 22 Q. And would it be the case that in circumstances where it  
 23 is dark, search lights would mitigate -- would be  
 24 the mitigator?  
 25 A. Search lights help. They are not necessarily

1 the solution, they help.  
 2 Q. I take from your answer that what you're saying is that  
 3 they are limited in the extent to which they mitigate  
 4 a lack of natural lighting or other source of lighting.  
 5 Could you explain further what you mean?  
 6 A. So I think --  
 7 Q. So I take it from your answer, you say "they help --"  
 8 A. Search lights?  
 9 Q. Search lights.  
 10 A. Yes.  
 11 Q. What is the limitation? What is the limitation of  
 12 the extent to which they help?  
 13 A. A focused search light is obviously a beam of light, not  
 14 something like the sun or the moon, where you have  
 15 a larger pool of light creating that ambient light.  
 16 A fixed point of light, a light on a ship, for example,  
 17 will show up, giving that -- that background, if you  
 18 like, with night vision goggles, if you were looking  
 19 directly at it.  
 20 Q. Thank you.  
 21 In terms of the forward-looking infrared camera,  
 22 which I understand is referred to as FLIR, is that --  
 23 A. FLIR, yes.  
 24 Q. -- is that right? Yes. I understand this relies on  
 25 a contrast between infrared signatures?

1 A. Yes.  
 2 Q. And so if persons had been in the water for a long time,  
 3 this decreases the chance of locating them with  
 4 the FLIR?  
 5 A. Yes, as does the size of the target as well. And  
 6 I refer to things as "target". Basically, that is  
 7 the target we are looking for and nothing else.  
 8 Q. Understood.  
 9 And in terms of the search lights, Mr Hamilton's  
 10 evidence was that they are affected by fog; is that  
 11 right?  
 12 A. Fog refracts light, disperses light, and that will have  
 13 an effect, yes.  
 14 Q. And then finally, radar. His evidence was that they  
 15 have a low probability of detecting small boats and  
 16 people in water?  
 17 A. Yes.  
 18 Q. And why is that?  
 19 A. Without wishing to get into radar theory, basically,  
 20 the way it operates is a beam of energy is sent out and  
 21 is reflected by certain objects and then received back  
 22 from the transceiver. If it's a small object, it has  
 23 what's called a small radar cross-section, a person in  
 24 the water has a tiny radar cross-section and if any at  
 25 all, because we, as humans, do not reflect that energy.

1 Q. Understood.  
 2 Are there any other challenges associated with  
 3 searching for small boats or persons in the water or  
 4 searching at night that you think it would be important  
 5 for the Inquiry to know?  
 6 A. Visibility is a big factor, and at night, you are  
 7 obviously physically restricted in terms of the eyes  
 8 adjusting to light to be able to pick out stuff on  
 9 the water, unless there is an external light source, and  
 10 so your ability to distinguish objects in the water is  
 11 vastly reduced at night.  
 12 Night vision devices help, because they will enhance  
 13 reflected light, etc, as I've explained. The FLIR will  
 14 help, given the fact that it is a camera operating  
 15 within light that we don't necessarily see as human  
 16 beings, but the limitation, again, is, at night, you  
 17 can't directly see out the window unless there is an  
 18 ambient light source, ie the moon.  
 19 Q. Thank you.  
 20 Turning now to the crew of the R163. You explain in  
 21 your witness statement that is usually crewed by four  
 22 people, so there is the captain, the co-pilot, the winch  
 23 operator and the winch paramedic, and you explain that  
 24 the winch operator and paramedic are both competent to  
 25 operate the search equipment. You also explain that,

1 when effecting a rescue, one pilot is flying and  
 2 the other is monitoring. What I'd like to know is, when  
 3 effecting a search, what are the two pilots doing in  
 4 the helicopter?  
 5 A. The captain of the aircraft usually sits in  
 6 the right-hand seat and he has overall responsibility  
 7 for the running and coordination of the operations  
 8 within the aircraft and within the search and rescue  
 9 operation. The pilot in the left-hand seat will  
 10 normally be "hands on flying". He's known as the pilot  
 11 flying for purposes of distinction. The pilot who is  
 12 not actually controlling the aircraft is then known as  
 13 the pilot monitoring. He's monitoring the actions of  
 14 the other pilot, he's monitoring the actions and  
 15 the requests coming in to the aircraft, although doesn't  
 16 necessarily respond to each piece of information, ie is  
 17 not solely talking on the radios, and therefore he has  
 18 responsibility for the safe and effective operation of  
 19 that aircraft.  
 20 The two pilots at the front can swap the handling  
 21 duties, and it is good to do so at times, because it  
 22 provides a different level of stimulation and  
 23 a different level of input into the running of that  
 24 mission, and it relieves fatigue of doing the same thing  
 25 all the time. So that is basically what the pilots do.

1 The captain of the aircraft, though, retains that  
 2 overall responsibility for the input of information,  
 3 the processing of information, and to an extent  
 4 the outward transmission of information, although he  
 5 can't obviously tell any other person on the radio  
 6 exactly what to say at what time.  
 7 Q. In terms of the search equipment --  
 8 A. Yes.  
 9 Q. -- to what extent do the pilots get involved in  
 10 operating the equipment or using the equipment. So, for  
 11 example, you say there are four night vision goggles on  
 12 the helicopter, to what extent would you use that on --  
 13 on a flight?  
 14 A. We would fly with the enhancement of the NVGs and they  
 15 would be down within our eye level at all times. They  
 16 help us with the safety of the aircraft, as far as we  
 17 can see, they do help with the visual look-out, because  
 18 that is the best way of finding something is to actually  
 19 see it. Then the operators in the back are tasked with  
 20 the safe and efficient operation of the -- the FLIR,  
 21 etc, in the back, and they look at the -- monitor it on  
 22 the screen. The pilot can select a repeat of that  
 23 screen on our multi-function displays in the front of  
 24 the aircraft, and certainly if something is being  
 25 investigated, then we would put that display up in

1 the front so that we can see what they're seeing in  
 2 the back at the same time. And that's the delineation  
 3 of responsibility that is formally handed over whenever  
 4 the pilots change control so that nobody's in doubt as  
 5 to who's actually -- excuse me -- who is actually flying  
 6 the aircraft.  
 7 Q. Thank you.  
 8 I'd now like to ask you a couple of questions about  
 9 the general operation of search and rescue flights.  
 10 Firstly, Mr Hamilton confirmed, this morning, that if  
 11 you are tasked to conduct a search and the search  
 12 planning hasn't been done for you, then you would be --  
 13 you would be expected to be able to decide the search  
 14 parameters, so decide the patterns and decide the track  
 15 spacing and the sweep width; is that correct?  
 16 A. The expectation is that we are passed a plan with  
 17 the parameters so that it fits in with the overall  
 18 coordinator's idea of what's going on. For search  
 19 patterns, ones that are dedicated, then we would expect  
 20 to be given a start point, the leg length, direction of  
 21 travel, direction of the first turn, etc, because this  
 22 is -- affects the area that you actually cover during  
 23 the search. So therefore, if we decide to do something  
 24 solely, it might not fit in with the overall  
 25 coordinator's plan of what to do. So therefore we would

1 be given those parameters, we would programme it into  
 2 the aircraft and get the aircraft to fly it under those  
 3 parameters. (a), it's more accurate, and (b), it gives  
 4 us a chance to look out and carry on with the visual  
 5 aspect of looking for whatever it is we're searching  
 6 for.  
 7 Q. I understand that, but if you -- in a case where you are  
 8 not provided with the parameters or the search patterns,  
 9 what would you do?  
 10 A. Ask for them to be given. It sounds a little blunt, I'm  
 11 sorry, but, again, we are there to carry out  
 12 the requirements of the overall mission. Therefore, if  
 13 we randomly choose something that doesn't necessarily  
 14 fit in with what is required, then that would be  
 15 counter-productive. IAMSAR does say that if you  
 16 approach a datum position initially, with very other  
 17 little information, then the use of an expanding square  
 18 search or the sector search, which looks a bit like  
 19 a clover leaf, is the best option, because it covers  
 20 a wide area to do.  
 21 We are trained in the use of or the selection of  
 22 sweep width, but actually the best one determining --  
 23 determining the best one is not down to us in  
 24 the aircraft to do it.  
 25 Q. I understand that, but would you be able to, would you

1 have the information and would you have what you  
 2 required to enable you determine the parameters if they  
 3 weren't provided to you?  
 4 A. Through knowledge of what you are looking for, we could  
 5 decide a parameter. Whether or not it is the correct or  
 6 the most -- sorry, the most desired parameter, we cannot  
 7 calculate that within the aircraft .  
 8 Q. Thank you.  
 9 Next, I'd like to ask you about Mayday relays. You  
 10 mention those in your statement, and perhaps we can turn  
 11 to your statement. If I could have {INQ009651/1},  
 12 please. And if you could go to paragraph 4.1.4 of  
 13 the statement {INQ009651/9}.  
 14 In the second sentence, you say:  
 15 "When we are tasked directly for an incident, we  
 16 would not normally be advised that a mayday relay was  
 17 being broadcast."  
 18 Who would you expect to advise you that a Mayday  
 19 relay was being broadcast?  
 20 A. That would come as part of the tasking. I refer to it  
 21 there, that we were not necessarily aware of Mayday  
 22 relay, because that is to alert other participants  
 23 within an area that an incident is going on. We are  
 24 tasked directly to that incident, so would not be part  
 25 of that Mayday relay.

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1 Q. Would you --  
 2 A. So a Mayday relay is the means by telling everybody else  
 3 that somebody has made a distress call.  
 4 Q. Yes, I understand.  
 5 A. So, to us, to be told necessarily there is a Mayday  
 6 relay going on, is not required because we are tasked  
 7 specifically to -- with that incident.  
 8 Q. Thank you --  
 9 A. And --  
 10 Q. -- I understand that.  
 11 A. Sorry.  
 12 Q. Thank you.  
 13 I would now like to ask you about the typical  
 14 tasking of a search and rescue helicopter by  
 15 the Coastguard. Mr Hamilton explained, in his evidence  
 16 this morning, that the usual process is that the ARCC  
 17 would make a request by ringing the base at Lydd and  
 18 they would provide you with initial details of  
 19 the tasking. Could you tell us what information  
 20 the ARCC would typically give you?  
 21 A. They would say roughly what the tasking is. There is  
 22 language used like "wet job", "dry job", a search task.  
 23 So initially a wet job would indicate it's over  
 24 the water, for example. Then they would give a brief  
 25 synopsis of what is involved, where it is, any

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1 amplifying information that they have, and then who's  
 2 going to be coordinating the incident that you're  
 3 responding to. There is a chance within that initial  
 4 call to ask further questions and for us to get as much  
 5 information as possible within that. So that would be  
 6 the initial tasking: what, where, when, requirements.  
 7 Q. And it would not be part of the ARCC's role to provide  
 8 you with any details of search planning; is that right?  
 9 A. The ARCC would not normally pass the search plan,  
 10 because that is passed to the Rescue Coordination  
 11 Centre, whoever is controlling it within your area.  
 12 They may have information that we would be tasked to  
 13 conduct an area search of something, or given initial  
 14 coordinates, your task -- your search plan will be  
 15 passed, and then we would expect that -- to receive it  
 16 en route. There is an opportunity to further question,  
 17 and if further details are available, then it's best  
 18 given on the ground so that we then have a chance to  
 19 programme the aircraft en route, otherwise it's  
 20 reactive.  
 21 Q. Thank you.  
 22 You've already said that the MRCC provide the search  
 23 plan and that the reason why you would not normally  
 24 decide search parameters is that it has to be --  
 25 the search parameters have to be determined as part of

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1 the overall mission. In relation to small boats,  
 2 wouldn't the overall mission be similar?  
 3 A. No, it can vary. It can vary, and what we have seen  
 4 over the years is these things have progressed from --  
 5 inverted commas -- "patrolling", ie locating possible  
 6 contacts within a certain area, to definite areas, which  
 7 are slightly smaller in surface area, to go and look for  
 8 things. So the tasking can be wide and varied and  
 9 responding to whatever is happening. There have been  
 10 times when boats have been located and we go and provide  
 11 what's called "overwatch", ie making sure, from the air,  
 12 we can see what's going on and relay anything if people  
 13 are missing or something is not quite right, or we can  
 14 be tasked to go and recover people from the Border Force  
 15 boats, for example, if they are listed as unwell.  
 16 So the -- the parameters can change each time as to  
 17 what we're being asked to do.  
 18 Q. So parameters can change depending on whether you're  
 19 being asked, for example, to search for something  
 20 specific --  
 21 A. Sorry, can you say that bit again, sorry?  
 22 Q. So what you've said is that the parameters can change  
 23 depending on whether, for example, you are being asked  
 24 to do something specific, or you are being asked to  
 25 provide overwatch, or you're being asked to patrol?

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1 A. Yes. "Patrolling" is the term that I would call it when  
 2 you are asked to fly up and down to see what you can  
 3 find. Searching is when you are looking for something  
 4 specific within a certain area. And then assisting  
 5 would be somebody's fallen ill, can you go and assist by  
 6 either the paramedic -- which paramedic providing their  
 7 professional opinion or moving the -- inverted commas  
 8 -- "casualty" to the next level of medical treatment.  
 9 So there are several different factors within that.

10 Q. So within -- within patrols, for example, would  
 11 the overall mission be similar in relation to small  
 12 boats? So within that sub-category of type of task?

13 A. Yes. So you're given a line between two points  
 14 potentially, saying we are aware of boats coming across  
 15 -- this is what has happened before -- can you fly along  
 16 there and see what you can find.

17 Q. Thank you.  
 18 Can I now take you -- can I ask you some questions  
 19 now about the tasking of the R163 on the night of  
 20 24 November 2021. If I could call up your statement  
 21 again, it's {INQ009651/1}, and if we can go to  
 22 {INQ009651/8} and paragraph 4.1.3.  
 23 Before I ask you a question about that, how well do  
 24 you recall the events of the night?

25 A. I would say some is patchy, it was a while ago.

1 Q. And I imagine you undertake a lot of search and rescue  
 2 flights over the course of the year and you've  
 3 undertaken many since then?

4 A. Quite a few, yes.

5 Q. At paragraph 4.1.3, you say:  
 6 "On the night of the Incident, our initial tasking  
 7 was quite vague."  
 8 A. Yes, the initial phone call, if you can imagine being in  
 9 your bed at some form of sleep to be woken up by a phone  
 10 call and passed information when your circadian rhythm  
 11 is at its lowest, it takes a while, a finite amount of  
 12 time to actually take in that information that maybe  
 13 needs to be -- repeat itself.  
 14 In the -- in this instance, the initial conversation  
 15 was an opportunity to see the feasibility of actually  
 16 achieving a task. I won't say this particular task, but  
 17 a task, as there were other factors to take into  
 18 consideration.  
 19 So the vagueness of it was, "Can you get up, can you  
 20 have a look and see so that we can discuss  
 21 the feasibility of achieving a task".

22 Q. Ah, so your reference to the initial tasking is  
 23 a reference to the first conversation you had in  
 24 relation to that tasking?

25 A. Yes.

1 Q. Thank you.  
 2 If I could take you now to documents relating to  
 3 your conversation with the Aviation Tactical Commander  
 4 on the night, Mr Golden. If I may call up, please,  
 5 {INQ007825/1}, and as you can see, this is a call on  
 6 24 November 2021 at 2.17, between you and Mr Golden.  
 7 If I could turn to {INQ007825/2}, please. We see  
 8 here that Mr Golden says what you've just described. He  
 9 says:  
 10 "Allow yourself to gather area thoughts and request  
 11 a call back. The request is going to be for you and you  
 12 alone to have a discussion with me about weather and  
 13 suitability for conducting ... a two hour sweep along  
 14 the boundary [line] in ... an hour's time. So if you  
 15 want to adjust yourself, you don't need to get the rest  
 16 of the crew up ..."  
 17 And so he was saying: this is what I am proposing to  
 18 discuss with you, can you get yourself together and we  
 19 have a discussion about it?

20 A. Yes.

21 Q. And then you ask:  
 22 "A two hour sweep of what boundary, along  
 23 the channel you mean?"  
 24 And then he confirms:  
 25 "... along the channel."

1 A. Yes.  
 2 Q. So is this -- it is this conversation that you're  
 3 referring to when you say --  
 4 A. Yes.  
 5 Q. But at this stage, you hadn't been tasked, he hadn't  
 6 given you the tasking, he was just indicating that he  
 7 would task the helicopter?  
 8 A. Yes. The information that is portrayed on the screens  
 9 with regards to weather, visibility, etc, they have  
 10 information within the ARCC, but that discussion was to  
 11 look at the feasibility of actually what we could  
 12 achieve and what useful part we would be able to play  
 13 given the weather information that he had, and he was  
 14 asking me to go and have a look and make an assessment.  
 15 The reason I was asked to get up and not get  
 16 the rest of the crew was to maintain that level of rest  
 17 for them, to allow them the best opportunity that, as  
 18 and when they were woken up, they would be of a fresh  
 19 state before going. If they'd been gotten up earlier  
 20 and nothing happened, then, again, sleep patterns are  
 21 interrupted etc. So what he was trying to do was look  
 22 after the welfare of the crew and look at the actual  
 23 effectiveness and the possibility of achieving a -- what  
 24 I would term a patrol task. I would also say that  
 25 "patrol task" is not actually written down in any of our

1 literature , but that's effectively what it is.  
 2 Q. Thank you.  
 3 If I could now call up {INQ010697/1}, and you'll see  
 4 from that first page that this is a call a few minutes  
 5 later at 02:23 between you and Mr Golden.  
 6 And if we could turn to the next page, please,  
 7 {INQ010697/2}. Halfway down the page, you say:  
 8 "I haven't stuck my head out the window ... and had  
 9 a look. It can always be a sort of false negative,  
 10 false positive ... I think we can do it."  
 11 A. Yes, that's slightly relaxed language. I would say  
 12 I did literally have a look out the window, but I also  
 13 consulted the Met information that we have. Again, at  
 14 3 o'clock in the morning or 2.30 in the morning, you're  
 15 still -- your body is still recovering from rest, so in  
 16 terms of configuring exact language, it's slightly  
 17 difficult . However, what I was referring to there was,  
 18 yes, literally , looking out the window, but if you look  
 19 out the window at night, all you can see is dark, so we  
 20 look into the lume of the lights on the airfield , for  
 21 example, to see if there is moisture in the air and that  
 22 would potentially affect something we need to do. There  
 23 is also Lydd Power Station, which is visible from  
 24 the airfield , which is a good barometer of measuring  
 25 distance, and a water tower halfway between the two,

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1 which, again, gives you an indication of what you are  
 2 faced with before going. And therefore, what I was  
 3 looking at was not a reason not to go, but was just  
 4 getting all the information: can we do it and feasibly  
 5 provide something meaningful to an operation.  
 6 Q. I understand.  
 7 And in that section of text, you ask:  
 8 "Whereabouts are you expecting us to patrol?"  
 9 A. Yes.  
 10 Q. So -- yes.  
 11 And then, if we turn over to the next page  
 12 {INQ010697/3}, he, Mr Golden, talks about the fact that  
 13 a fixed wing couldn't fly because of the issues with  
 14 weather and their inability to get alternate.  
 15 And then, at the bottom of that, he says:  
 16 "Now, as usual, that catalogue of phone calls is  
 17 beginning to trickle in of the, you know, the classic,  
 18 I'm lost, I'm sinking, my mother's wheelchair is falling  
 19 over the site , et cetera."  
 20 Stopping there for a moment. What do you think he  
 21 meant at the time by that?  
 22 A. He was starting to get information in. Over the years,  
 23 we have seen a pattern of calls from certain areas that  
 24 might exaggerate the condition of that object. I think  
 25 he was trying to use levity there -- you would have to

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1 ask him exactly what he was meaning by that one -- in  
 2 order to get the message across, and again overcome  
 3 the circadian difficulties in getting going.  
 4 I think it was not meant to be disrespectful. It is  
 5 a means of introduction into what was being passed.  
 6 Q. I understand.  
 7 How did you come to understand that there was  
 8 a pattern of exaggeration on calls?  
 9 A. We've been involved in migrant crossings for ten years  
 10 now. Patterns changed initially from boats being driven  
 11 by a third party to deliver people crossing  
 12 the Channel and then returning back to whence they  
 13 came -- where that is exactly, I have no idea -- to then  
 14 the pattern of what is widely reported now with  
 15 the amount of migrants crossing.  
 16 The calls have been reported in initial tasking in  
 17 the past that they have reported potential deficiencies  
 18 within the boat and the need for assistance. When we  
 19 have located some of these -- and this is personal  
 20 experience as well as in general -- we have found that  
 21 what has been reported is not necessarily what has been  
 22 going on in the first place. So we have seen that  
 23 increase and it's almost as if it's been scripted.  
 24 However, that has not affected our reaction to what  
 25 we are given, and every incident is treated with

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1 the correct amount of severity and need, so every time  
 2 we get that information, it is an opening means of  
 3 conversation and not exactly what is going on on scene.  
 4 Q. Thank you.  
 5 So that I'm clear, you said at the outset that  
 6 you've been involved in search and rescue for ten years.  
 7 A. Yes.  
 8 Q. Do you mean to date? So, as at the date of this call,  
 9 it wouldn't have been ten years? No, sorry, in terms of  
 10 Bristow's experience of search and rescue?  
 11 A. We have been involved in search and rescue missions  
 12 across the Channel area since inception, ie since  
 13 standing up at Lydd, so the experience has accumulated  
 14 over that period of time.  
 15 Q. Thank you.  
 16 In terms of your understanding of that section of  
 17 the call that I've just taken you to, so that I'm clear,  
 18 you didn't understand Mr Golden to be saying at that  
 19 point that there were in fact people in the water or  
 20 vessels in distress , your understanding was that he was  
 21 conveying that there were some distress calls coming in,  
 22 but these were exaggerated calls?  
 23 A. No, I don't believe that actually distress was mentioned  
 24 at that point, so I was not aware of a specific  
 25 reference to an incident at that point.

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1 Q. Thank you.  
 2 So moving down then, further down the page in terms  
 3 of what Mr Golden tells you, he says:  
 4 "... a solution to generate a maritime picture ..."  
 5 In terms of what he was looking for:  
 6 "... that we might be able to understand the problem  
 7 better would be to get you out if you were prepared to  
 8 go, hence this discussion and fly."  
 9 He says:  
 10 "Dover ..."  
 11 And I assume that's MRCC Dover:  
 12 "... can work on a better plan, but I'm thinking  
 13 about something like the 190 radial down from Dover  
 14 right through to about 150 radial from Dover up and down  
 15 the boundary line ... So it's effectively ... as they  
 16 cross the line."  
 17 And by "they", he means the small boats crossing; is  
 18 that right? So I'm looking now six lines down in  
 19 the bottom text.  
 20 A. Yes, I can't remember whether he would be mentioning  
 21 the median line, ie the sort of halfway point across  
 22 the Channel, or the line as described by an ARCC. He's  
 23 mentioning the general area there, I believe, so that  
 24 I can make an assessment as to the feasibility and  
 25 the effectiveness of a search within that given

1 the weather reported at the time.  
 2 Q. So what do you understand him to mean when he  
 3 said "the boundary line"?  
 4 A. There is what is called the "median line" between --  
 5 roughly divides the Channel in half, and I would -- at  
 6 the moment, I can't remember whether I made a decision  
 7 that's what he meant or whether it was going to be  
 8 a specific tasking line from point A to point B and see  
 9 what is around in that area.  
 10 Q. Thank you.  
 11 If we could go to {INQ010697/4}, please. Halfway  
 12 down the page, where it says:  
 13 "The final thing I'll say of course ..."  
 14 Can you see that?  
 15 A. Yes.  
 16 Q. He says:  
 17 "The final thing I'll say of course is, I have no  
 18 idea with the moisture in the air, whether we are going  
 19 to be dealing with a useful search with ..."  
 20 And I take it that means FLIR, the forward-looking  
 21 infrared --  
 22 A. F-L-I-R, yes, not the flower.  
 23 Q. -- the FLIR:  
 24 "... or are ... going to be, quite frankly, just try  
 25 to look out the windows to see where you're going as

1 the visibility gets worse.  
 2 "Would you rather be doing this now or trying to do  
 3 it at six, seven o'clock in the morning when I think  
 4 looking at the weather tools to hand, the visibility is  
 5 going to be worse. So this is a discussion rather than a  
 6 tasking. I value your input."  
 7 And then you then go on to talk about the search  
 8 equipment:  
 9 "The issue obviously is with the conditions. If  
 10 we've got horizontal visibility and can look through  
 11 the [Night Vision Goggles], that would be okay from  
 12 a safety aspect. The performance of the equipment in  
 13 this sort of weather is not brilliant ..."  
 14 Can we turn over the to next page please  
 15 {INQ010697/5}:  
 16 "... obviously, because you need to have that  
 17 horizontal visibility for Fleur to work. It won't look  
 18 through fog and cloud."  
 19 So you were discussing there the limitations of  
 20 the equipment in terms of carrying out an effective --  
 21 A. To be effective and produce meaningful results, yes.  
 22 There's also a safety aspect, as I mentioned there, we  
 23 need to be able to see where we're going so as to avoid  
 24 collision with objects.  
 25 Q. And then, in the next section, you say:

1 "In terms of sort of getting in and out ... and  
 2 [the] safety of the aircraft, obviously if we are  
 3 looking at radial contacts and trying reduce that, we  
 4 wouldn't pick up a rubber dinghy anyway."  
 5 What did you mean by that?  
 6 A. The "getting in and out" would be taking off and getting  
 7 back to Lydd or somewhere suitable once we reached fuel  
 8 endurance. In terms of the radar performance and  
 9 tracking a small rubber dinghy, as I mentioned before  
 10 about radar cross-section and radar reflection from  
 11 materials, it wouldn't necessarily pick up a rubber  
 12 dinghy on the radar.  
 13 Q. Thank you.  
 14 You then go on to discuss weather and feasibility,  
 15 and then you say you will consider the situation and  
 16 call him back.  
 17 So if I could take you to the next call. It's  
 18 {INQ007389/1}, and this is a call again between you and  
 19 Mr Golden at -- and this time at 2.41.  
 20 If we could go to the next page, please,  
 21 {INQ007389/1}. And the second time you speak, so  
 22 the big block of text --  
 23 A. Yes.  
 24 Q. -- a third of the way down through the page, you say  
 25 you've spoken to the person, who I take it to be your

1 co-pilot, you've got him up and you've had a discussion  
 2 and you confirm that you can do the tasking?  
 3 A. Yes.  
 4 Q. And then six lines down, you say:  
 5 "Obviously, we will try and stand off any vessel if  
 6 we find any."  
 7 What did you mean by that?  
 8 A. Two things. Obviously, collision avoidance, as I've  
 9 mentioned, if we couldn't necessarily see with visual  
 10 aids, so with the naked eye, we would be required to  
 11 maintain a distance away from a contact, because we  
 12 don't know what it is and therefore there is a risk of  
 13 potential collision .  
 14 The second thing is, if we find something, the idea  
 15 is not to fly directly over the top of it , unless  
 16 requested for further information, so as not to alarm or  
 17 disturb any persons on board. So we would stand off,  
 18 observe, report back and see what the next course of  
 19 action was.  
 20 Obviously, if there had been anybody in distress  
 21 that we had located, then we would come up with a course  
 22 of action and recommendations to carry that out.  
 23 Q. Thank you.  
 24 A. But the stand off -- sorry, if I may.  
 25 Q. Yes.

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1 A. The stand off is to get as much information and assess  
 2 the situation . There's no point in charging in if it's  
 3 not required.  
 4 Q. Thank you.  
 5 In the next sentence, you say:  
 6 "Then it's what you do with that information if we  
 7 do find the staff ."  
 8 And then, the following sentence, you say:  
 9 "Obviously, we'll have to be sort of playing  
 10 chicken, radar-wise, with vessels, and it might be that  
 11 we find nothing."  
 12 What did you mean by that?  
 13 A. If the visibility was poor, as I've just iterated , we  
 14 would need to maintain a distance from a radar contact,  
 15 and therefore, if we are maintaining that distance, that  
 16 limits our field of view, our ability to have a broad  
 17 area knowledge of what is going on, and then it's based  
 18 on the grounds of safety. And obviously, if you can't  
 19 see it , you can't do anything about it.  
 20 Q. And so the reference to "playing chicken" in that  
 21 context is?  
 22 A. Again, it's flippant language of early in the morning.  
 23 Q. I understand, yes.  
 24 A. It means that we would not be able to close definite  
 25 radar contacts unless it was on a dedicated radar

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1 approach to them, and that takes up a lot of time, to be  
 2 able to do that. So playing radar chicken means that we  
 3 were having to be cautious.  
 4 Q. Thank you.  
 5 You then say you'll get the crew up and you will be  
 6 airborne by 3.30. But in terms of what you'd agreed  
 7 with Mr Golden, you then say, at the bottom of the page  
 8 -- at the top of {INQ007389/3}, if I could take -- if  
 9 that could be taken to the top of page 3:  
 10 "So we'll have an agreement with yourselves an  
 11 hour--and--and--half on that patrol line, see if we can  
 12 find stuff , which is basically the south--westerly  
 13 traffic separation zone sort of area, isn't it?"  
 14 A. Yes.  
 15 Q. And so what did you understand? What was the agreement,  
 16 as far as you understood?  
 17 A. The agreement was to go and fly a line that was going to  
 18 be defined. Initially , he was saying the rough area on  
 19 those radials , which are bearings from a known point,  
 20 and we will fly along that bit and see what can be  
 21 located to try and help with their recognised maritime  
 22 picture .  
 23 Q. So, from the calls with Mr Golden that I have taken you  
 24 through, your understanding of what he'd asked you to do  
 25 was to patrol the boundary line, you weren't being asked

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1 to search for a particular vessel , it was to obtain  
 2 a recognised maritime picture; is that right?  
 3 A. As far as I can remember, it was non-specific to  
 4 a certain contact.  
 5 Q. And you weren't told that there were people in  
 6 the water, for example, you weren't told that -- about  
 7 particular distress calls , it was just to patrol  
 8 the boundary line?  
 9 A. Again, as far as I can remember, it was just that, yes.  
 10 Q. And as far as you can recall , even though you said  
 11 the initial call with Mr Golden was vague, you  
 12 understood the subsequent instructions he gave you in  
 13 terms of what to do?  
 14 A. Yes.  
 15 Q. I'd like to go through one further aspect of this  
 16 transcript with you, and if I could go to the bottom of  
 17 this page 3, please. Mr Golden says there:  
 18 "The only other question I have, of course,  
 19 the nervousness in my back pocket will be of course we  
 20 say 90 minutes, but of course once you get up, if this  
 21 begins to change, you can then see more and more demands  
 22 being put on you. So my nervousness will be that once  
 23 you're up once, this is it now, you're up for the rest  
 24 of your shift or until you claim the fatigue card ...  
 25 coming back, rotors running and coming back out again

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1 et cetera et cetera. So I would, in the back of your  
 2 mind, have that as a distinct possibility."

3 Do you understand what he was saying there?

4 A. Yes. So the initial bit was, we anticipate building  
 5 a picture as best you can within that hour and a half,  
 6 be alert to the possibility that obviously if things  
 7 change, then the nature of the tasking will change. To  
 8 -- to that end, be prepared, in terms of fuel state, in  
 9 terms of briefing the crew, in terms of preparing  
 10 yourselves mentally, this may extend as things develop,  
 11 and that's what he's saying there.

12 Q. And his reference to the "fatigue card", what do you  
 13 think he meant there?

14 A. Again, the language is slightly, if I may use the word,  
 15 slang. We understood each other, that he knows, being  
 16 tasked at that time in the morning, the effort it takes  
 17 to produce meaningful results, searching in the dark in  
 18 reduced visibility in -- under pressure to find these  
 19 things is fatiguing, so be aware. He was reinforcing  
 20 our ability to say, right, this is tiring, (a) we need  
 21 a break or something, or something further may happen  
 22 that we are unable to continue due to fatigue. And  
 23 would I also stress at this point that fatigue is  
 24 different to tiredness. Tiredness is as it says.  
 25 Fatigue can be a culmination or combination of many

1 factors reducing -- resulting in the reduced performance  
 2 of an individual.

3 Q. I understand, thank you.

4 I'd now like to turn to the search instructions you  
 5 were provided by MRCC Dover.

6 A. Yes.

7 Q. Following your call with Mr Golden, you contacted  
 8 MRCC Dover and is that because Mr Golden had said to you  
 9 Dover would define the parameters?

10 A. No, the reason for contacting Dover was to try and get  
 11 as much information before lifting so that we could  
 12 prepare the aircraft ready for that task. That relieves  
 13 capacity then to deal with potential poor weather and  
 14 the requirements of dealing with that.

15 Q. If I can have {INQ007601/1} on the screen, please. This  
 16 is the first call with MRCC Dover and it's at 2.49, and  
 17 it's a few minutes after you spoke to Mr Golden.

18 If we could go to {INQ007601/2}. And, as you said,  
 19 you said to him:

20 "We're going to get airborne fairly soon ...  
 21 I reckon around 3.30 ... and do this patrolling for ...  
 22 potential boats."  
 23 Then you ask:  
 24 "Are you starting to get distress calls in about it  
 25 now?"

1 And Mr Downs says:

2 "Yes. Yes, we are."

3 But he doesn't provide you with any further  
 4 information about what calls might be coming in; is that  
 5 right?

6 A. As far as I can remember, yes.

7 Q. And so you then say you would like instructions, and he  
 8 said he will speak to the SMC.

9 If we could then have {INQ008823/1}, please. This  
 10 is a call between you and the SMC, Mr Gibson, at 2.50,  
 11 so a minute after.

12 Could we turn to {INQ008823/2}, please, and a third  
 13 of the way down, you say:

14 "A request, please, is just can we be clear on what  
 15 you want us to do and if you want to give me something  
 16 to work on now that we can amend as we go?"

17 And so you were asking for instructions to take off,  
 18 and that could be amended whilst airborne?

19 A. Yes, exactly that.

20 Q. He then says, about halfway down the page:

21 "Yeah. So, I mean, at the minute, from what I've  
 22 got from the French. Their reports -- obviously, there  
 23 are numerous, but I don't believe they were all on  
 24 the water. I think they're just multiple reports that  
 25 have been ringing regularly."

1 What was your understanding of what he was saying  
 2 there?

3 A. I think, if I just step back, what I was hoping for was,  
 4 "You are tasked to do this, at this point, with these  
 5 parameters". So amplifying it a bit further down,  
 6 I believe he was saying that there were reports of  
 7 multiple boats coming across the Channel, and I can't  
 8 remember the exact detail of that part other than what  
 9 is written in the transcript here. So the idea of  
 10 calling him was to try and get clarity before we took  
 11 off as to exactly what they want us to do in the form  
 12 of, "You are tasked to a boat", or, "You are tasked to  
 13 carry out a search of a certain type starting in this  
 14 position here". Now, I should imagine, at that point,  
 15 he didn't have that detail, but the more we can get it  
 16 before we get airborne, the better prepared we are and  
 17 the less time we -- in inverted commas -- spend "just  
 18 flying" waiting for the instructions to come through.

19 Q. That's right.

20 And you can see from the bottom of the page there,  
 21 that he gave you a provisional search area, so he said:  
 22 "... sort of Mike Papa Charlie buoy up towards  
 23 the Sandettie light vessel and then back towards  
 24 the edge of the south-west lane. That sort of area  
 25 there. Seems to be the high intensity crossing area at

1 the minute."  
 2 If we can go to the next page {INQ008823/3}, please.  
 3 Then he talks about the Flamant being on scene, which is  
 4 the French boat, and he refers also to the Valiant,  
 5 which is the Border Force vessel --  
 6 A. Yes.  
 7 Q. -- proceeding.  
 8 And then he -- and then he gives you coordinates for  
 9 the Sandettie Lightvessel; is that right?  
 10 A. He didn't actually give me coordinates, no. He says  
 11 that is the reference point.  
 12 Q. No, sorry, he gave you the reference point for  
 13 the Sandettie Lightvessel, yes.  
 14 A. Yes.  
 15 Q. In his evidence yesterday, Mr Gibson told the Inquiry  
 16 that he wasn't -- and as you've indicated this afternoon  
 17 -- asking you to search for a specific incident per se,  
 18 what he was seeking to do was to gather an aerial  
 19 picture of what was going on, and so he says he set what  
 20 he calls a rectangular box and the task was to identify  
 21 small boats or dinghies in the area that he set. Would  
 22 you agree with that characterisation of what he --  
 23 the instructions he gave you?  
 24 A. I would agree that the initial instruction there is --  
 25 is fairly wide in its construct. I can't say whether it

1 was a definite, "These are the edges of the box", with  
 2 latitude and longitude references to fly within, which  
 3 for an effective search is really what you're after.  
 4 Q. Yes, and what he said, yesterday, was that there was  
 5 a distinction between a search and a patrol, and he  
 6 explained that a search would be undertaken when you're  
 7 looking for something specific, you know, and, you know  
 8 you're looking for where it went, you know its estimated  
 9 drift and size, whereas a patrol is effectively  
 10 intelligence surveillance and a reconnaissance flight  
 11 and so you're not -- the details provided are not as  
 12 specific. Would you agree with that?  
 13 A. Yes, intelligence surveillance and recording or  
 14 reporting.  
 15 Q. And you understood the instructions that Mr Gibson was  
 16 giving you in terms of the patrol area?  
 17 A. I would imagine so, in terms of, "Right, that is  
 18 the rough area where they want us to go, this will be  
 19 refined once we're out there". Because, again, unless  
 20 you have defined parameters, you can carry out something  
 21 within an area and then something else comes in and  
 22 you're searching exactly the same area again, but with  
 23 different parameters.  
 24 Q. Thank you.  
 25 If I could take you back to your statement, please.

1 So if we could have {INQ009651/1} on the screen, and if  
 2 we could go to paragraph 4.1.3 on {INQ009651/8}. So  
 3 we've seen this before, and you referenced the initial  
 4 tasking being vague, we've talked about that and you've  
 5 clarified what you meant by that. And then you said:  
 6 "We received reports of a distress call from people  
 7 in the water saying they were in a boat and it was  
 8 sinking although they did not know where they were."  
 9 Having now gone through the calls that I've taken  
 10 you through, would you agree that, at the time, you did  
 11 not receive that information about people being in  
 12 the water and it sinking?  
 13 A. Maybe not succinctly at that point, no.  
 14 Q. Did you receive it at all?  
 15 A. I can't honestly remember, but my focus at that point  
 16 was the safe operation and getting airborne along those  
 17 initial parameters that we were given, up towards  
 18 the Sandettie Light and along that line, looking for  
 19 a number of boats that were coming across. So I don't  
 20 know if I can honestly say I was specifically told that  
 21 there were people in the water, because that does change  
 22 things.  
 23 Q. Yes, and there's nothing in the transcripts that I've  
 24 taken you to that indicates that you were told that.  
 25 A. I don't believe so, no.

1 Q. And Mr Gibson in fact accepts in his evidence to  
 2 the Inquiry yesterday, that you weren't told that.  
 3 A. It is fairly vague, initially, yes. So given that  
 4 specific detail, I don't think we were, no.  
 5 Q. And at that point, you weren't told about  
 6 Incident Charlie, which is the incident that the Inquiry  
 7 is investigating?  
 8 A. No.  
 9 Q. So nothing at all about a particular boat or  
 10 a particular set of small boats?  
 11 A. No. The idea was to go and see what we could see.  
 12 Q. If I can -- after that, that set of calls then, you then  
 13 went to prepare the helicopter, and you explain in your  
 14 statement that there was some delay in getting  
 15 the helicopter airborne because of an electrical fault.  
 16 A. Yes.  
 17 Q. You've set that out in your statement and I don't  
 18 propose to take you to it.  
 19 The mission report, you understand what I mean,  
 20 the mission report produced by Bristow after the tasked  
 21 flight, records the flight taking off at 3.45 and  
 22 records that you were on task at around 4.02; would that  
 23 be correct?  
 24 A. Yes.  
 25 Q. In terms of the search conducted then, if I could take

1 you to paragraph 4.3.7 of your statement, so that's  
 2 {INQ009651/13}.

3 A. Yes.

4 Q. You say there that:

5 "In this instance we were told to conduct an  
 6 expanding square search, using the parameters provided  
 7 by Dover MRCC which I have referred to above."

8 If I could take you, please, to a call that you had  
 9 with the SMC whilst you were airborne, and that's  
 10 {INQ008825/1}, and this is a call at 3.52 between  
 11 yourself and the SMC.

12 If we could go to the next page, please,  
 13 {INQ008825/2}. It's quite a short call. It's a radio  
 14 transmission, my apologies, and it says, from the SMC:  
 15 "Further information. Valiant's on scene of one  
 16 craft.  
 17 "She has reported one other craft sighted in  
 18 the vicinity. So, I believe that a search around  
 19 the Sandettie light vessel as an expanding square, or  
 20 parallel track as you see fit to search for potential  
 21 other craft in the area."  
 22 Based on this exchange, would you agree that  
 23 Mr Gibson was giving you the choice of the most  
 24 appropriate search pattern to use between the expanding  
 25 square search pattern and the parallel track?

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1 A. Can I first say that might not have actually been me on  
 2 the radio answering that, as the radio duties are shared  
 3 amongst the crew, but the information would have been  
 4 passed. The selection of the expanding square search is  
 5 best used when you're given a datum point and you wish  
 6 to literally expand out from that point to cover a wide  
 7 area of possibilities. The parallel track search means  
 8 that you cover an area parallel to a potential known  
 9 track of a vessel or a -- as I've said before, a target,  
 10 and therefore that will cover the best area known to  
 11 that specific target.

12 The selection of an expanding square search in this  
 13 instance meant that we could cover a large area properly  
 14 and thoroughly around that initial datum that was  
 15 passed.

16 Q. So do you accept that you chose the expanding square  
 17 search pattern?

18 A. I think it was probably agreed that that would be  
 19 the best course of action.

20 Q. And agreed between whom?

21 A. Within the crew. Within the experience that is -- that  
 22 is available to do it. As I've said, the captain of  
 23 the aircraft is responsible for the actions going on and  
 24 the responsibility of the aircraft. It would be a fool  
 25 to ignore the advice and professional input from

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1 the rest of the crew when selecting these things when  
 2 there are multiple other tasks going on at the same  
 3 time.

4 Q. Thank you.

5 Can I have your -- Inquiry {INQ009651/1} on  
 6 the screen again, please. So at paragraph 4.3.7  
 7 {INQ009651/13} you say that -- so you've accepted that  
 8 you chose the expanding square search and you've  
 9 explained why that search pattern was appropriate. But  
 10 in the next sentence, you say:  
 11 "If we had not been given a specific search pattern,  
 12 the best way to search an area quickly is generally to  
 13 do a clover leaf search ... pattern."  
 14 So you're suggesting there that a clover leaf search  
 15 pattern might have been appropriate?

16 A. It is another recognised appropriate search pattern,  
 17 yes. But in this instance, where we were given two  
 18 options and one of them being the expanding square  
 19 search, which is also an appropriate search pattern,  
 20 that is what was chosen to do, and the -- the parameters  
 21 for that would then have been passed to us.

22 Q. In terms of the appropriateness of the sector search,  
 23 could I take you to the IAMSAR manual?

24 A. Yes.

25 Q. And that is at {INQ010511/1}. If I could take you to

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1 page {INQ010511/8}, please, and section 5.5.1. If you  
 2 could highlight the first four lines of that, please.  
 3 So that says:  
 4 "Sector searches are most effective when  
 5 the position of the search object is accurately known  
 6 and the search area is small. Examples of this  
 7 situation include a crew member seeing another crew  
 8 member fall overboard from a ship or a reported distress  
 9 from a craft which provides a very accurate position.  
 10 Sector searches are used to search a circular area  
 11 centred on a datum point, as shown in figure ...  
 12 [below]."

13 A. Yes.

14 Q. Would you still say that the sector search was an  
 15 appropriate type of search in the circumstances?

16 A. Other than the --

17 Q. In the circumstances, given that you were searching  
 18 around the Sandettie Lightvessel, would you say that  
 19 a clover -- a sector search would have been appropriate  
 20 in those circumstances?

21 A. That's very hard to say. Yes, it is -- it is  
 22 a recognised and appropriate search pattern, but in this  
 23 instance, it was better to use the expanding square  
 24 search to cover the area more extensively. So this is  
 25 an initial look, but where it was -- this is on

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1 the night of the incident, this is where we believe  
 2 things are happening, can you cover this area, then  
 3 the expanding square search was more appropriate at that  
 4 point.  
 5 Q. Yes. And it would have been more appropriate because  
 6 the position of the search object was not accurately  
 7 known. So the examples given in the IAMSAR manual,  
 8 a crew member seeing someone else falling overboard --  
 9 A. Yes.  
 10 Q. -- or a ship reported in distress from -- with a very  
 11 accurate location --  
 12 A. Yes.  
 13 Q. -- that didn't apply in this case; is that right?  
 14 A. Not as appropriately as the expanding square search. It  
 15 mentions there small search area, we're talking three to  
 16 five miles out on each leg and then you turn and back  
 17 in. So these legs, even at a reduced air speed so you  
 18 can look out and see, do not take a long time.  
 19 The expanding square search is a more thorough  
 20 investigation of that area and expanding out so that you  
 21 can do it, but it takes a bit longer.  
 22 Q. And in the circumstances, why would you say  
 23 the expanding square search was preferable to  
 24 the parallel?  
 25 A. Because we knew that the -- as you've pointed out,

1 the Valiant was within an area and had seen boats, so  
 2 that seemed an appropriate place to start, to spread out  
 3 from that point to see if there were others in that  
 4 vicinity.  
 5 Q. Thank you.  
 6 If I could have {INQ006370/1}, please.  
 7 And would you confirm that that's the expanding  
 8 square search undertaken, as far as you can recall?  
 9 A. As far as I can recall, yes.  
 10 Q. This is an image taken from the iSAR?  
 11 A. Yes.  
 12 Q. Thank you.  
 13 And the call with -- and the radio transmission with  
 14 Neal Gibson at 3.52, would you accept that he did not  
 15 set -- give you further parameters, so for example track  
 16 spacing?  
 17 A. I can't answer that. I would have thought he would have  
 18 done. We wouldn't necessarily undertake stuff without  
 19 that parameter set. But if it hadn't been sent, then we  
 20 would have adopted a sensible track spacing, which is  
 21 the bit for us within the aircraft, to enable us to  
 22 search effectively with the visibility we had and  
 23 the effectiveness of the devices.  
 24 Q. How would you have determined the track spacing? How  
 25 would you have determined what track spacing was

1 appropriate?  
 2 A. So the -- if I may, sweep width is determined upon  
 3 the probability of detecting an object, a certain type  
 4 of object, and it's computed based on the object you're  
 5 looking for. The idea of track spacing is that you turn  
 6 and then on to a different track so that the sweep  
 7 widths overlap. This gives you the best probability of  
 8 detecting something within that search area. So if  
 9 you're looking for a person in the water, then the sweep  
 10 width you'd want to be is about -- and, again, these are  
 11 off the top of my head and I'm happy to be corrected by  
 12 the manual, but it's between sort of 800 metres to half  
 13 a mile, something like that. So therefore your track  
 14 spacing, to enable that to overlap, would be something  
 15 like 0.7 to 0.8 of a mile so that the distance between  
 16 the two legs that an aircraft flies, the actual visible  
 17 difference overlaps and gives you the best probability  
 18 of detection, which you want to be 1 in an ideal  
 19 situation. And there are other factors that come into  
 20 play, ie sea state, visibility, time of day, etc. So in  
 21 determining for us in the aircraft what would be  
 22 the best track spacing, we would need to say it would be  
 23 about that which gives us a lot of legs to cover but  
 24 enables us to cover each part of the ocean or the sea,  
 25 sorry, as we go over to the best of our ability.

1 Q. And would you refer to any guidance or any documents  
 2 when making that determination of what the appropriate  
 3 track spacing would be?  
 4 A. At that point in the morning, no.  
 5 Q. And so it would be --  
 6 A. So we would be -- sorry, if I may.  
 7 Q. Yes.  
 8 A. We would look to direction as to how big a track spacing  
 9 should be and that is normally passed to us. In this  
 10 instance, as you're saying, would we just make it up?  
 11 No, it is based on experience, and what we're actually  
 12 looking for and the conditions of the day.  
 13 Q. And you used a track spacing of 0.7 nautical miles,  
 14 didn't you?  
 15 A. I can't remember, I'm afraid.  
 16 Q. If I could take you -- if I could take you to the MCA's  
 17 internal review. So if I could have document  
 18 {INQ004344/1}, page 80, please {INQ004344/80}, and  
 19 paragraph 5.2.6, it says:  
 20 "R163 decided to complete an expanding square search  
 21 with a track spacing of 0.7nm"  
 22 Do you have any reason to believe that that's  
 23 inaccurate?  
 24 A. Not inaccurate. 0.7 is the minimum that the equipment  
 25 to the helicopter can take, and that is based on

1 the physics and geometry of flying, that you cannot fly  
 2 a -- an expanding square search any closer than that,  
 3 the helicopter would just be turning on its own axis,  
 4 basically .  
 5 Q. Can I take you to Bristow's flight manual, so  
 6 the concurrently flight manual? It's at {INQ005343/1},  
 7 and if I could take you to {INQ005343/17}, please. At  
 8 the bottom there, section 1.1.7, that gives guidelines  
 9 for the FLIR camera searches when it's searching  
 10 overwater patterns, and my understanding from  
 11 the mission report is that the FLIR was used on this  
 12 search flight .  
 13 If we could turn to the next page, please,  
 14 {INQ005343/18}, there is table 1--2 there, which says:  
 15 "FLIR Camera Search Guidelines for Thermal Searching  
 16 Overwater."  
 17 Could you explain what the table sets out?  
 18 A. It gives guidelines for the operator to set the --  
 19 the best chance of finding an object.  
 20 Q. And --  
 21 A. And -- and these are based on the operator's experience,  
 22 so -- of which, mine is very limited, because I don't  
 23 normally operate the FLIR, so I take advice from  
 24 the technical crew in the back as to what -- what to do.  
 25 Q. Ah, so you mean the operators of the FLIR, the crew

1 members who operate the FLIR?  
 2 A. Yes.  
 3 Q. And is it correct that the suggested track spacing for  
 4 man overboard, dinghy and life rafts, and vessels less  
 5 than 25 feet, is 0.5?  
 6 A. That's what the manual says, yes.  
 7 Q. And so when you say that the helicopter wouldn't be able  
 8 to fly less than 0.7, would you accept, based on this,  
 9 that that can't be correct?  
 10 A. Again, I would have to reference the technical manual  
 11 for the aircraft, not the technical manual for  
 12 the search, to confirm that figure has to go down. But  
 13 you want to achieve as close as possible to that to  
 14 enable you to cover across, as the -- as the manual  
 15 says.  
 16 I'm not answering that particularly clearly, I'm  
 17 afraid, but -- but there is -- the actual geometry and  
 18 physics of flying it might not necessarily, in that  
 19 first part, be -- be accomplished. If you imagine  
 20 flying a first leg on a direction of, say, quarter of  
 21 a mile, and then turning right for another quarter of  
 22 a mile, which is the first start of the expanding square  
 23 search, and then you expand the third leg, which goes to  
 24 half a mile. Actually getting an aircraft to turn that  
 25 tightly in wind, across wind, etc, etc, is not

1 achievable at all times, so this is a guide as to what  
 2 you should be trying to achieve. However, within that  
 3 first two legs, you are in a very small area, so you are  
 4 covering, utilising the equipment as best as you can,  
 5 and visual, so you are saturating that area and  
 6 sanitising it as you go round.  
 7 Q. I understand that, but is it likely that Bristow's  
 8 manual will specify a track spacing that its helicopters  
 9 were incapable of meeting?  
 10 A. I would say unlikely, and have to refer, as I say, to  
 11 the actual aircraft operating manual and cross-reference  
 12 it with this table, which I've not been able to do.  
 13 MS ONABANJO: Thank you.  
 14 Sir, I'm conscious that the stenographers require  
 15 a break. I don't propose to be more than about  
 16 15 minutes.  
 17 SIR ROSS CRANSTON: About?  
 18 MS ONABANJO: About 15 minutes, so I don't know whether  
 19 you~...  
 20 SIR ROSS CRANSTON: I think that might be all right.  
 21 Yes, it is.yes.  
 22 MS ONABANJO: If I could take you back to the May report,  
 23 please, it's {INQ010445/78}. It's the second -- if you  
 24 could zoom in, please, on the second paragraph and there  
 25 we find a summary of the MAIB's findings -- this is

1 the Maritime Accident Investigation Board and  
 2 the investigation they conducted the investigations into  
 3 the event the Inquiry is investigating, and they say:  
 4 "R163's expanding square search was conducted in  
 5 the appropriate area and was demonstrably effective in  
 6 detecting small boats as it found three migrant boats."  
 7 And then it refers to the fact that it didn't detect  
 8 people in the water. It says, if I go down five lines:  
 9 "... the occupants of the swamped migrant both  
 10 Charlie were not detected until many hours later when  
 11 the victims were found by a French fishing vessel. This  
 12 may have been because the search pattern's track spacing  
 13 of 0.7 aligned with the IAMSAR recommendations for  
 14 searching for boats, not people in water, and  
 15 the likelihood of the victims being detected by  
 16 the helicopter was therefore much reduced."  
 17 And then if we skip down, it says, the next  
 18 sentence:  
 19 "Effective detection of people in the water required  
 20 a lower track spacing than that required to detect small  
 21 boats and the IAMSAR manual recommendation given  
 22 the visibility on the night was for a sweep width of  
 23 0.0nm."  
 24 Would you agree with that?  
 25 A. I cannot comment on whether we were tasked initially, at

1 that point, to look at people in the water.  
 2 Q. No.  
 3 A. So therefore the track spacing at 0.7 nautical miles was  
 4 both a physical and a predicted calculation. The ---  
 5 the sweep width of 0 nautical miles means you have to  
 6 fly over the same piece of ocean all the time in order  
 7 to find it, so --- or be in the hover and looking right  
 8 down on --- onto something. So that's what IAMSAR does,  
 9 so you have to apply a little bit of logic and knowledge  
 10 to this, to say, in order for us to cover an area and  
 11 search an area, we have to do a recognised search  
 12 pattern, and carry on and do as we did and fly  
 13 the expanding square search.  
 14 The IAMSAR recommendations are that, and conditions  
 15 can vary from each job to each job. So at that point,  
 16 I would suggest that we were doing the best we could,  
 17 based on the direction we'd been given and  
 18 the conditions we were faced with on the day. And  
 19 the fact that you can look out and probably see a little  
 20 bit further than the sweep width is --- is suggesting ---  
 21 would mean that we were giving as best coverage as  
 22 possible. As I said before, you're looking for  
 23 a coverage of 1. It's not always possible to achieve  
 24 that coverage of 1 in order to find somebody, in  
 25 probability terms.

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1 Q. If you had been given the information that there were  
 2 people in the water, how would that have altered  
 3 the decisions you made in relation to search parameters?  
 4 A. That's a very good question and I'm not sure I can give  
 5 a complete answer, because it is always done on  
 6 a dynamic basis as to what you're faced with at the  
 7 time. If there had been a report of, "People in  
 8 the water, roughly this point", then we would have gone  
 9 and searched that point, initially, on top of the datum,  
 10 and then with whatever search pattern is given to us or  
 11 predicted. We can suggest search patterns, but as  
 12 I said before, it is down to the controller of  
 13 the incident to --- to actually give the specific  
 14 instructions.  
 15 Now, if we saw somebody in the water, or something  
 16 in distress, then obviously we can respond to that and  
 17 go to that position and make an assessment of what  
 18 the next best course of action is. I stand by the ---  
 19 the actions that we took in conducting that expanding  
 20 square search such that it had provided us the greatest  
 21 probability on the night of detecting something and  
 22 covering an area to minimise the probability that that  
 23 object was outside of where we were looking.  
 24 Q. In his evidence yesterday, Mr Gibson suggested that  
 25 the appropriate track spacing, for example, for

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1 searching for multiple people, so for example 40 people,  
 2 might be higher than that for searching for one person.  
 3 A. That is true.  
 4 Q. And why is this?  
 5 A. Because they are a larger target.  
 6 Q. And ---  
 7 A. So you might see one person out of that group of 40, but  
 8 there are 40 more chances of seeing one person.  
 9 Q. He also suggested that the clothing worn by the target  
 10 would be relevant ---  
 11 A. Sorry, could you say ...?  
 12 Q. The clothing worn by the target ---  
 13 A. Oh, yes.  
 14 Q. --- would be relevant in determining the appropriate  
 15 track spacing. So he suggested, for example, that  
 16 the detection range dramatically increases for someone  
 17 wearing a bright orange life jacket, for example.  
 18 A. And protective clothing, yes.  
 19 Q. Thank you.  
 20 How would your knowledge of the fact that a vessel  
 21 was in distress --- how would that have affected your  
 22 response on the night?  
 23 A. In terms of what aspect, please?  
 24 Q. In terms of --- in terms of your decisions you made in  
 25 terms of the search pattern, the search parameters,

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1 would that ---  
 2 A. Oh, I see.  
 3 Q. --- have impacted your ---  
 4 A. Actually on the scene?  
 5 Q. On the scene, yes.  
 6 A. I think if we'd been given a specific position to go to,  
 7 then we would have started and saturated the area either  
 8 by just standing off a little bit to allow the equipment  
 9 to look, because obviously if you're right over the top  
 10 of it, you're not giving the best horizon to look at to  
 11 see. And then we would have performed some sort of  
 12 search pattern around that position, and as we've  
 13 discussed, the clover leaf position --- the sector search  
 14 is a good one to do, because it searches an area  
 15 quickly. But, again, if we had no detailed position of  
 16 it, then the expanding square search is also a good one  
 17 and would probably have been used.  
 18 What I will say is at that no stage within that  
 19 search pattern can you not stop and make a manual  
 20 manoeuvre to investigate something. So that's the whole  
 21 idea of it is, if you spot something outside of  
 22 necessarily the track you are flying, then you go and  
 23 investigate it. If it turns out to be nothing,  
 24 the aircraft equipment, we can then ask it to take us  
 25 back to that position where we stopped and carry on, and

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1 it is the most effective way of sanitising an area  
 2 effectively and accurately so that you can say, "We have  
 3 searched this area".

4 Q. Thank you.

5 The Inquiry understands that the Coastguard  
 6 considers all small boats to be in distress because of  
 7 the nature of them. Did you take the same view, take  
 8 the same approach?

9 A. Yes. We treat each report of somebody who is in  
 10 difficulty exactly the same and there's no deference put  
 11 between any different one. If it is noted when we get  
 12 there that they are not in distress, then we report that  
 13 back and then carry on with the next part of the search  
 14 that we are directed to do.

15 The advantage of being in the air is you get  
 16 a greater look-down capability and you can see more of  
 17 what's going on than you can directly in -- on  
 18 a horizontal line of sight, and we could see boats  
 19 outside of the search pattern and reported those as  
 20 such, as has been documented. And in other cases, we've  
 21 been able to report vessels and investigate those  
 22 vessels using the FLIR, admittedly in better weather  
 23 conditions, and report that the state of the vessel  
 24 itself and the people on board seemed to be less than  
 25 potentially anything in distress.

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1 Q. I've already mentioned that in your search you  
 2 identified three vessels. Just to confirm, none of them  
 3 were Charlie, which is the vessel that the Inquiry is  
 4 concerned with?

5 A. As far as I understand.

6 Q. Yes.

7 Did you encounter any challenges in carrying out  
 8 the searches that night?

9 A. Well, as we've discussed before in -- in this  
 10 deposition, the visibility is -- is a big factor.  
 11 Obviously it's dark. The -- the moisture in the air  
 12 does have an effect on the FLIR in terms of its  
 13 performance, and it will still work, but it is harder to  
 14 interpret the -- the picture that you get to a point  
 15 where it becomes saturated and won't work. It won't  
 16 look through cloud, and I'm sure the Inquiry has been  
 17 told that. And the fact of an uncertain area to search,  
 18 so you have to start somewhere. So those are the  
 19 difficulties which I think you're alluding to within  
 20 the -- within the question. And no two searches are  
 21 the same. Obviously the mechanisms are, but the  
 22 conditions and the objects, etc, are always different.

23 Q. If I take you to {INQ010445/27} of the document that we  
 24 are currently on, the MAIB report, so if we could go  
 25 down, please. So, in the third paragraph, it says that:

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1 "... R163 relayed the position of a third migrant  
 2 boat ..."

3 And then, in the third line, it says:

4 "... however, the helicopter had since lost sight of  
 5 the boat due to a fault with its infrared camera."

6 Do you recall that being an issue on the night?

7 A. Not specifically that piece. There are a number of  
 8 things that that could relate to in terms of the --  
 9 the camera is -- is obviously stabilised and refers to  
 10 references using a gimbal system. If you're constantly  
 11 manoeuvring that, it is possible to confuse that gimbal  
 12 system, and so the best way is you give it a reset,  
 13 there are a number of electronic things that could go  
 14 wrong, as seemed to go wrong with computers, and again,  
 15 a reset, whether it's just a period of stability on  
 16 a single bearing or whatever it may be, and that allows  
 17 it all to reset and the sensors to realign and it can do  
 18 -- then be reused.

19 In terms of this paragraph, I'm not sure exactly  
 20 what the fault was on the night, I'm afraid.

21 Q. Thank you.

22 And I note that you came off the tasking at 6.30 in  
 23 the morning --

24 A. Yes.

25 Q. -- were you asked to carry out a further tasking that

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1 morning?

2 A. At that point, when we had to go back for fuel, we were  
 3 asked to conduct a further visual search as light was  
 4 coming up along the coast, and you'll see from the trace  
 5 that there seems to be a dog leg within that where we  
 6 investigated another contact and we flew closer to  
 7 the coast on a non-specified search pattern before  
 8 returning to Lydd for fuel.  
 9 MS ONABANJO: I have no further questions. Thank you.  
 10 SIR ROSS CRANSTON: Well, thank you very much, Mr Trubshaw,  
 11 both for your statement and also your evidence this  
 12 afternoon. It's been very helpful, so thank you.

13 Ms Le Fevre, I understand we're back on Tuesday --  
 14 Monday.

15 MS LE FEVRE: Monday, yes, my Lord.

16 SIR ROSS CRANSTON: 10 o'clock?

17 MS LE FEVRE: 10 o'clock.

18 SIR ROSS CRANSTON: So 10 o'clock on Monday.

19 So thanks very much to everyone and we'll see you on  
 20 Monday.

21 (2.45 pm)

22 (The hearing adjourned until 10.00 am on Monday,  
 23 10 March 2025)

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