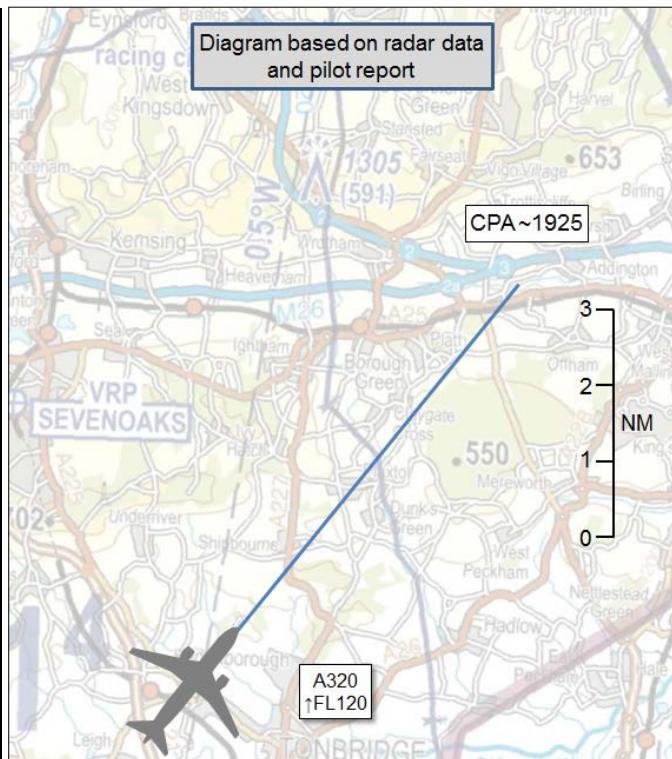


## **AIRPROX REPORT No 2016101**

Date: 09 Jun 2016 Time: 1925Z Position: 5119N 00021E Location: 9nm west DET VOR

### **PART A: SUMMARY OF INFORMATION REPORTED TO UKAB**

<b>Recorded</b>	<b>Aircraft 1</b>	<b>Aircraft 2</b>
Aircraft	A320	Unknown
Operator	CAT	Unknown
Airspace	London TMA	London TMA
Class	A	A
Rules	IFR	
Service	Radar Control	
Provider	Swanwick	
Altitude/FL	FL120	
Transponder	State/Modes	None seen
<b>Reported</b>	Not reported	
Colours	Company	White
Lighting	All on	
Conditions	VMC	
Visibility	NK (Haze)	
Altitude/FL	FL120	
Heading	040°	
Speed	285kt	
ACAS/TAS	TCAS II	
Alert	None	
<b>Separation</b>		
Reported	500ft V/0m H	
Recorded	NK	



**THE A320 PILOT** reports in the climb when, on looking up from a frequency change, he saw a 'white craft' pass rapidly under the nose in a reciprocal direction estimated about 500ft below. He reported the object as a balloon to ATC but the closure rate was such that he was not able to positively determine whether it was a balloon or a drone.

He assessed the risk of collision as 'Medium'.

**THE SWANWICK CONTROLLER** reports no recollection of the event.

### **Factual Background**

The weather at Gatwick and Southend was recorded as follows:

EGKK 091920Z 08005KT CAVOK 19/15 Q1018=  
EGMC 091920Z 12004KT CAVOK 13/11 Q1019=

### **Analysis and Investigation**

#### **UKAB Secretariat**

The Air Navigation Order 2009 (as amended), Article 138<sup>1</sup> states:

'A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.'

<sup>1</sup> Article 253 of the ANO details which Articles apply to small unmanned aircraft. Article 255 defines 'small unmanned aircraft'. The ANO is available to view at <http://www.legislation.gov.uk>.

Article 166, paragraphs 2, 3 and 4 state:

- '(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.
- (3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.'
- (4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft
  - (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
  - (b) within an aerodrome traffic zone ...; or
  - (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.'

A CAA web site<sup>2</sup> provides information and guidance associated with the operation of Unmanned Aircraft Systems (UASs) and Unmanned Aerial Vehicles (UAVs).

Additionally, the CAA has published a UAV Safety Notice<sup>3</sup> which states the responsibilities for flying unmanned aircraft. This includes:

- 'You are responsible for avoiding collisions with other people or objects - including aircraft.
- Do not fly your unmanned aircraft in any way that could endanger people or property.
- It is illegal to fly your unmanned aircraft over a congested area (streets, towns and cities).
- ..., stay well clear of airports and airfields'.

## **Summary**

An Airprox was reported when an A320 and an unknown object flew into proximity at about 1925 on Thursday 9<sup>th</sup> June 2016. The A320 pilot was operating under IFR in VMC in receipt of a Radar Control Service from Swanwick.

## **PART B: SUMMARY OF THE BOARD'S DISCUSSIONS**

Information available consisted of reports from the A320 pilot and the air traffic controller and radar photographs/video recordings.

Members quickly agreed that the type of object seen could not be reasonably determined from the information available. If it was a drone then its operator should not have been flying it at an altitude where it was out of direct unaided visual contact with him or, in the case of FPV (first-person-view) operations, a competent observer, without CAA permission; the altitude of this incident clearly excluded direct, unaided visual contact from the ground. The altitude was such that a toy balloon would not be likely to be present, having a buoyancy limit of a few thousand feet. The Met Office reported that there were no radiosonde launches in the area. In the end, the Board reluctantly agreed that, although an object had been seen with a reported vertical separation of about 500ft, the nature of the object was uncertain, making accurate assessment of the separation problematic. Hence, the degree of risk could not be determined with any certainty.

## **PART C: ASSESSMENT OF CAUSE AND RISK**

Cause: A sighting report.

Degree of Risk: D.

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<sup>2</sup> [www.caa.co.uk/uas](http://www.caa.co.uk/uas)

<sup>3</sup> CAP 1202