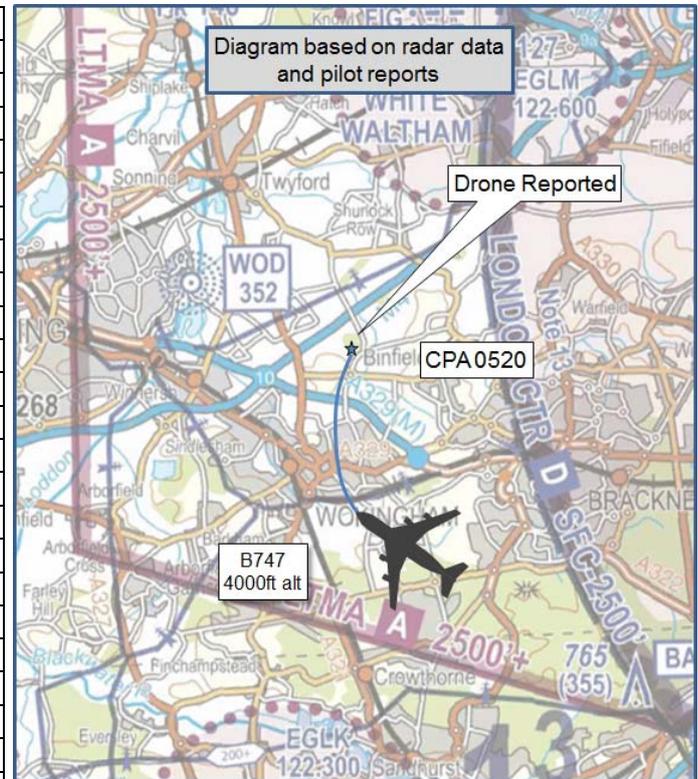


AIRPROX REPORT No 2016128

Date: 23 Jun 2016 Time: 0520Z Position: 5126N 00049W Location: Heathrow App

PART A: SUMMARY OF INFORMATION REPORTED TO UKAB

| Recorded | Aircraft 1 | Aircraft 2 |
|-------------------|---------------|------------|
| Aircraft | B747 | Drone |
| Operator | CAT | Unknown |
| Airspace | LTMA | LTMA |
| Class | A | A |
| Rules | IFR | |
| Service | Radar Control | |
| Provider | Swanwick | |
| Altitude/FL | | |
| Transponder | A, C, S | |
| Reported | | |
| Colours | Company | |
| Lighting | NK | |
| Conditions | VMC | |
| Visibility | 10km | |
| Altitude/FL | 4000ft | |
| Altimeter | QNH (1018hPa) | |
| Heading | | |
| Speed | 200kt | |
| ACAS/TAS | TCAS II | |
| Alert | None | |
| Separation | | |
| Reported | 100ft V/0m H | |
| Recorded | | NK |



THE B747 PILOT reports that he was inbound to Heathrow and positioning downwind at 4000ft when a drone passed over the nose of the aircraft, about 100ft above. No avoiding action was taken.

He perceived the severity of the incident as 'Medium'.

The drone operator could not be traced.

Factual Background

The weather at Heathrow was recorded as follows:

METAR COR EGLL 230520Z VRB03KT 6000 -RA FEW004 BKN006 18/18 Q1016 RESHRA TEMPO 4000 SHRA=

Analysis and Investigation

UKAB Secretariat

The Air Navigation Order 2009 (as amended), Article 138¹ states:

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

Article 166, paragraphs 2, 3 and 4 state:

¹ 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>.

(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.⁷

(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.

In addition, the CAA has published regulation regarding First Person View (FPV) drone operations which limit this activity to drones of less than 3.5kg take-off mass, and to not more than 1000ft².

Summary

An Airprox was reported when a B747 and a drone flew into proximity at 0520 on Thursday 23rd June 2016. The B747 pilot was operating under IFR in VMC, and in receipt of a Radar Control Service from Swanwick. The drone operator could not be traced.

PART B: SUMMARY OF THE BOARD'S DISCUSSIONS

Information available consisted of a report from the B787 pilot and radar photographs/video recordings.

There are no specific ANO regulations limiting the maximum height for the operation of drones that weigh 7kg or less other than if flown using FPV (with a maximum weight of 3.5kg) when 1000ft is the maximum height. Drones weighing between 7kg and 20kg are limited to 400ft unless in accordance with airspace requirements. Notwithstanding, there remains a requirement to 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. CAP 722 gives guidance that, within the UK, visual line of sight (VLOS) operations are normally accepted to mean a maximum distance of 500m [1640ft] horizontally and 400ft [122m] vertically from the Remote Pilot.

Neither are there any specific ANO regulations limiting the operation of drones in controlled airspace if they weigh 7kg or less other than if flown using FPV (with a maximum weight of 3.5kg) when they must not be flown in Class A, C, D or E, or in an ATZ during notified hours, without ATC permission. Drones weighing between 7kg and 20kg must not be flown in Class A, C, D or E, or in an ATZ during notified hours, without ATC permission. CAP722 gives guidance that operators of drones of any weight must avoid and give way to manned aircraft at all times in controlled Airspace or ATZ. CAP722 gives further guidance that, in practical terms, drones of any mass could present a particular hazard when operating near an aerodrome or other landing site due to the presence of manned aircraft taking off and landing. Therefore, it strongly recommends that contact with the relevant ATS unit is made prior to conducting such a flight.

Notwithstanding the above, all drone operators are also required to observe ANO 2016 Article 94(2) which requires that the person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made, and the ANO 2016 Article 241 requirement not to recklessly or negligently cause or permit an aircraft to endanger any person or property. Allowing

² ORS4 No. 1168 Small Unmanned Aircraft – First Person View (FPV) Flying available at: [ORS4 No 1168](#).

that the term 'endanger' might be open to interpretation, drones of any size that are operated in close proximity to airfield approach, pattern of traffic or departure lanes, or above 1000ft agl (i.e. beyond VLOS (visual line of sight) and FPV (first-person-view) heights), can be considered to have endangered any aircraft that come into proximity. In such circumstances, or if other specific regulations have not been complied with as appropriate above, the drone operator will be judged to have caused the Airprox by having flown their drone into conflict with the aircraft.

Members noted that the drone was operating at 4000ft and therefore beyond practical VLOS conditions. Also, in flying as it was within Class A airspace without the permission of Swanwick ATC, the Board considered that the drone operator had endangered the B747 and its occupants. Therefore, in assessing the cause, the Board agreed that the drone had been flown into conflict with the B747. Turning to the risk, although the incident did not show on the NATS radars, the Board noted that the pilot had estimated the separation to be 100ft directly below the aircraft and that there was no time to take any avoiding action. Acknowledging the difficulties in judging separation visually without external references, the Board considered that the pilot's estimate of separation, allied to his overall account of the incident, portrayed a situation where safety had been much reduced below the norm; they therefore determined the risk to be Category B.

PART C: ASSESSMENT OF CAUSE AND RISK

Cause: The drone was flown into conflict.

Degree of Risk: B.