

## AIRPROX REPORT No 2010131

Date/Time: 9 Aug 2010 1627Z

Position: 5136N 00016E (5nm SE LAM)

Airspace: LFIR (Class: G)

Reporting Ac Reported Ac

Type: C150 PA32

Operator: Civ Trg Civ Pte

Alt/FL: 2000ft (QNH 1015mb) 2000ft (QNH)

Weather: VMC CLNC VMC CLBC

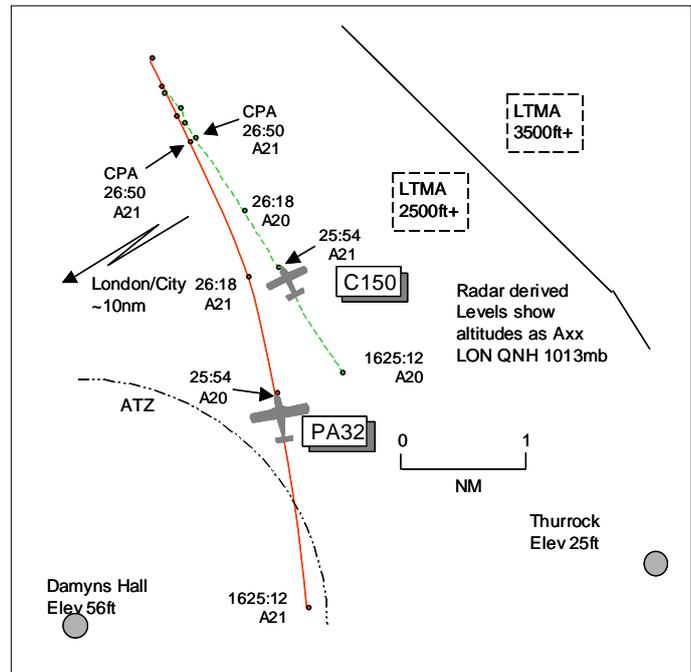
Visibility: >10km 7km

Reported Separation:

40ft V/20-30m H 100ft V/500m H

Recorded Separation:

Nil V/<0.1nm H



## PART A: SUMMARY OF INFORMATION REPORTED TO UKAB

**THE C150 PILOT** reports flying an instructional sortie inbound to Elstree VFR and in receipt of a BS from Farnborough N, squawking an assigned code with Mode C. The visibility was >10km in VMC and the ac was coloured red/white/blue with anti-collision light switched on. After hearing TI passed to another flight he realised that they were conflicting traffic to it and that it was catching them up. Owing to their high-wing configuration, he couldn't see the other ac, which was behind them and to their L (7 o'clock) and reported to be 100ft above. Heading 330° at 85kt and 2000ft QNH they wanted to climb to overfly the Stapleford ATZ so he asked Farnborough if it was clear for them to do so, thinking the other ac may not be a factor any longer. They were told that there was no reason why they couldn't climb and just as the student advanced the throttle the other ac, a PA32, was seen to pass about 40ft above and 20-30m clear to their L.

UKAB Note (1): The completed CA1094 was received at the UKAB on the 15th September by which time the Farnborough RT recording had been returned to service so was not available for transcription.

**THE PA32 PILOT** reports en-route to N Weald VFR and in receipt of a TS from Farnborough squawking an assigned code with Modes S and C. The visibility was 7km flying 100ft below cloud in VMC; no colour scheme or lighting was mentioned. When SE of LAM heading 330° at 2000ft and 145kt he saw an ac on his R about 3nm away on a W'ly heading and on a converging flight path. As they closed he identified it as a C152 [actually a C150], and assessed that it was lower and that his ac was quite a lot faster. He did not consider the C150 to be a threat but wondered why Farnborough did not say anything about it. He was aware of how busy the airspace in that area can be, hence it was not unusual to be close to another ac. He estimated it passed 100ft below and 500m clear laterally and assessed the risk as none. The pilot also supplied a photo of the Cessna taken at the time.

**ATSI** reports that the Airprox occurred at 1626:54, 5.1nm to the SE of LAM, between a PA32 and C150. The Airprox report was received from the C150 pilot, 38 days after the incident and consequently RT recordings were no longer available for transcription. The controller was no longer at the unit and it was not possible to obtain a controller's written report. ATSI had access to radar recordings and the Farnborough fpss for the 2ac involved, together with the written reports from the 2 pilots.

The PA32 fps indicates that the flight called Farnborough at 1553, at an altitude of 1900ft, routing from Bembridge to North Weald, in receipt of a TS and allocated squawk 5021. The C150 fps indicates that the ac was at an altitude of 2000ft, routing from Rochester to Elstree, in receipt of a BS, and allocated squawk 5030. At 1625:09 the radar recording shows both ac on converging tracks towards LAM, with the PA32 aircraft, 8.7nm SE of LAM, indicating altitude 2100ft and the C150, 6.5nm SE of LAM, indicating altitude 2000ft. Radar recording shows that the tracks of the two aircraft cross at 1626:56.

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The C150 pilot's report indicated an awareness that Farnborough had passed TI to the PA32, advising that the pilot of the PA32 was catching up the C150. The PA32 pilot's written report indicated that he had the C150 in sight and did not consider it a threat but wondered why Farnborough did not say anything. The PA32 was in receipt of a TS and according to the C150 pilot TI had been passed to the PA32. CAP493 Manual of Air Traffic Services Part 1 (01/07/10), Section 1, Chapter 11, Page 5, paragraph 4, states:

'A Traffic Service is a surveillance based ATS, where in addition to the provisions of a Basic Service, the controller provides specific surveillance derived traffic information to assist the pilot in avoiding other traffic. Controllers may provide headings and/or levels for the purposes of positioning and/or sequencing; however, the controller is not required to achieve deconfliction minima, and the avoidance of other traffic is ultimately the pilot's responsibility.

The controller shall pass traffic information on relevant traffic, and shall update the traffic information if it continues to constitute a definite hazard, or if requested by the pilot. However, high controller workload and RTF loading may reduce the ability of the controller to pass traffic information, and the timeliness of such information.'

The pilot of the C150 reported an intention to climb in order to overfly the Stapleford ATZ and was also aware of the PA32 behind in his 7 o'clock. The pilot reports that ATC advised that there was no reason the C150 couldn't climb. It has not been possible to determine if the controller considered there to have been a risk of collision; however no warning was passed. The pilot of the C150 was in receipt of a BS CAP493 MATS Pt1 (01/07/10), Section 1, Chapter 11, page 4, paragraph 3, states:

'A Basic Service is an ATS provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights. This may include weather information, changes of serviceability of facilities, conditions at aerodromes, general airspace activity information, and any other information likely to affect safety. The avoidance of other traffic is solely the pilot's responsibility.

Pilots should not expect any form of traffic information from a controller, as there is no such obligation placed on the controller under a Basic Service outside an Aerodrome Traffic Zone (ATZ), and the pilot remains responsible for collision avoidance at all times. However, on initial contact the controller may provide traffic information in general terms to assist with the pilot's situational awareness. This will not normally be updated by the controller unless the situation has changed markedly, or the pilot requests an update. A controller with access to surveillance derived information shall avoid the routine provision of traffic information on specific aircraft, and a pilot who considers that he requires such a regular flow of specific traffic information shall request a Traffic Service. However, if a controller considers that a definite risk of collision exists, a warning may be issued to the pilot.

Whether traffic information has been passed or not, a pilot is expected to discharge his collision avoidance responsibility without assistance from the controller.'

UKAB Note (1): The RoA Regulations 2007 Section 4 General Flight Rules Rule 8 Avoiding Aerial Collisions states: '(1) Notwithstanding that a flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft. (2) An aircraft shall not be flown in such close proximity to other aircraft as to create a danger of collision. (4) An aircraft which is obliged by this Section to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing

ahead of it, unless passing well clear of it.' Rule 9 Converging states '(3) When two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.' Rule 11 Overtaking states '(1) An aircraft which is being overtaken in the air shall the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right. (2) An aircraft which is overtaking another aircraft shall keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.'

UKAB Note (2): The radar recording at 1625:12 shows the PA32 1.9nm E of Damyns Hall tracking 350°, G/S 145kt, indicating altitude 2100ft LON QNH 1013mb with the C150 in its 1 o'clock, range 2nm tracking 330°, G/S 85kt, indicating altitude 2000ft QNH. Both ac continue on steady tracks and by 1625:54 the C150, now showing altitude 2100ft, has moved into the PA32's 1230 position range 1nm, the PA32 now showing altitude 2000ft. The PA32 is seen to commence a slow L turn and by 1626:18 separation has reduced to 0.5nm, the C150 indicating 100ft below the PA32, before the PA32 passes the C150 on its LHS by <0.1nm at 1626:50, the CPA, both ac indicating altitude 2100ft QNH. The PA32 then pulls away from the C150 passing through its 12 o'clock with lateral separation increasing.

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

Information available included reports from the pilots of both ac, radar video recordings and reports from the appropriate ATC authorities.

Members were disappointed that the late filing of the Airprox had resulted in a lack of an RT transcript and the lack of the LARS controller's input, which had hindered the ATSI investigation. Without a transcript Members were unable to resolve the contradictory information from both pilots. The PA32 pilot believed he was not told about the C150, but the C150 pilot thought he heard Farnborough pass TI on his ac to the PA32 flight. Furthermore, the RT exchange between LARS and the C150 flight, when its pilot asked if there was anything to affect a climb approaching Stapleford ATZ, could not be corroborated nor whether LARS had perceived a collision risk at the time.

It was clear that as this incident took place in Class G airspace below the LTMA, both pilots were responsible for maintaining their own separation from other ac through see and avoid. The PA32 pilot saw the C150 in good time and elected to overtake on its L which, although contrary to Rule 11 of the RoA Regulations, was thought not to have contributed to the Airprox. The radar recording shows the PA32 passing close to the C150 (<0.1nm or 185m) leaving Members wondering why the PA32 pilot had not altered his flightpath to give the C150 a wider margin; an early turn of 5-10° and/or a climb/descent would have sufficed. Therefore the Board concluded that the PA32 pilot's chosen separation distance was close enough to cause concern to the C150 pilot, which had led to the Airprox being filed.

Turning to risk, the C150 instructor and student were surprised as the PA32 appeared on their LHS, having approached from behind and above, as they were commencing a climb in the belief that the other ac was no longer a factor. However, the PA32 pilot's early sighting and continuous visual contact with the C150 was enough to persuade the Board that he was always in a position to manoeuvre his ac further, should it have been necessary, thereby removing the risk of collision.

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

Cause: The PA32 pilot flew close enough to the C150 to cause its pilot concern.

Degree of Risk: C.