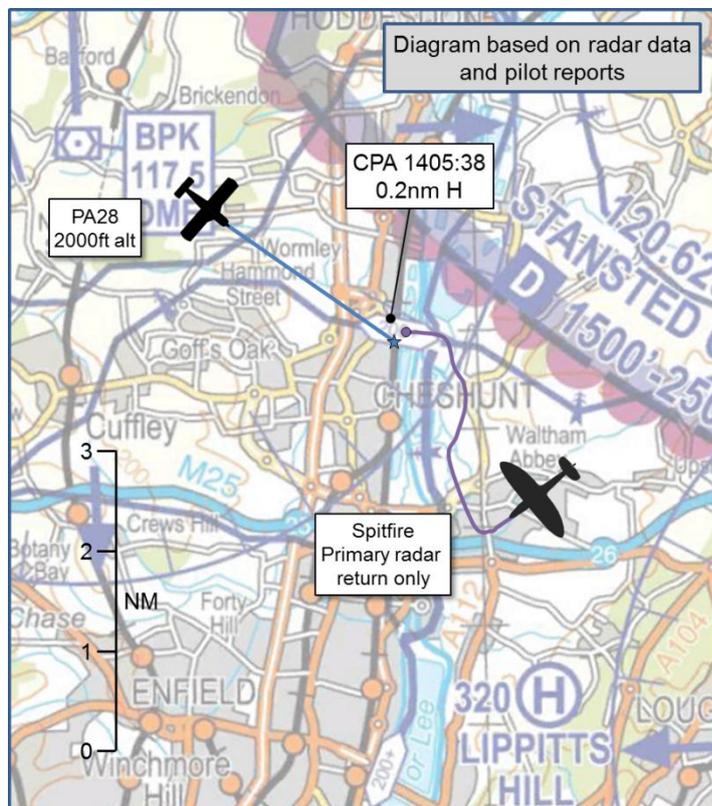


AIRPROX REPORT No 2015059

Date: 4 May 2015 Time: 1405Z Position: 5142N 00001W Location: IVO Waltham Abbey

PART A: SUMMARY OF INFORMATION REPORTED TO UKAB

Recorded	Aircraft 1	Aircraft 2
Aircraft	PA28	Spitfire
Operator	Civ Pte	Civ Pte
Airspace	Lon FIR	Lon FIR
Class	G	G
Rules	VFR	NK
Service	Basic	NK
Provider	Luton	NK
Altitude/FL	1700ft	NK
Transponder	A,C,S	NK
Reported		
Colours	Cream/Brown	WWII markings
Lighting	Strobes/tail beacon	NK
Conditions	VMC	NK
Visibility	>10km	NK
Altitude/FL	1600ft	NK
Altimeter	QNH (1003hPa)	NK
Heading	128°	NK
Speed	120kt	NK
ACAS/TAS	Not fitted	NK
Separation		
Reported	500ft V/0m H	NK
Recorded	NK V/0.2nm H	



THE PA28 PILOT reports that he was at 2000ft receiving a Basic Service from Luton, when they gave Traffic Information on traffic “12 o’clock, 2 miles, no height information”; he became visual with a Spitfire in a steep dive crossing right to left, below him. The aircraft levelled at a very low altitude and, because he was not concerned by its proximity, he set 7000 squawk and changed frequency to Stapleford. Before he could establish RT contact, the Spitfire started to climb and turn towards him, so he took evasive action by descending rapidly. The Spitfire continued to climb and turn, passing directly overhead at approximately 500ft above (with the base of the London TMA at 2500ft). The PA28 pilot levelled at 1600ft, maintained visual contact until the aircraft passed directly overhead, then re-gained it in the five o’clock as the Spitfire appeared to reach the top of its climb. The Spitfire then immediately descended and appeared to make a pass over Waltham Abbey. He did not believe that there had been a NOTAM issued in the area.

He assessed the risk of collision as ‘Low’.

THE SPITFIRE PILOT declined to file a report.

Factual Background

The weather at Luton was recorded as:

METAR EGGW 041350Z 18007KT 140V230 9999 SCT047 17/07 Q1003

Analysis and Investigation

CAA ATSI

The PA28 was routing to Stapleford and had been receiving a Basic Service from Luton Radar. However, at the time of the occurrence the PA28 had left the Luton frequency and was about to select the Stapleford frequency. Just prior to leaving the frequency, the Luton Controller had issued traffic information to the PA28 about an unknown contact ahead. The pilot had reported visual with the traffic and then changed frequency. Radar data showed an unknown aircraft operating in the vicinity at a fairly high speed and making tight turns. There was no height information but it was possible to identify the aircraft using the Mode S transponder data and confirm it was a Spitfire. After leaving the Luton frequency, the PA28 pilot observed the Spitfire fly at low-level and then commence a steep climb. The PA28 pilot took evasive action by descending and reported that the Spitfire flew overhead by 500ft. Under Basic Service a controller is not required to provide any Traffic Information but if a controller considers there to be a definite risk of collision a warning may be issued to the pilot. Under a Basic Service a pilot is ultimately responsible for his own collision avoidance. Figure 1 showed the position at CPA (1405:34).



Figure 1 (1405:34)

UKAB Secretariat

Airspace Utilisation Section confirmed that there was not a NOTAM issued for a flypast or display in that area on that day.

Both pilots shared an equal responsibility for collision avoidance and not to operate in such proximity to other aircraft as to create a collision hazard¹. If the incident geometry is considered to be converging at CPA then the Spitfire pilot was required to give-way.²

Summary

An Airprox was reported on 4th May at 1405 between a PA28 and a Spitfire. The PA28 pilot was receiving a Basic Service from Luton, who gave Traffic Information, prior to him changing to Stapleford's frequency. The PA28 pilot saw the Spitfire and took avoiding action. Unfortunately the Spitfire pilot declined to take part in the Airprox process and did not have Mode C information, so the height separation is not known.

¹ SERA.3205 Proximity.

² SERA.3210 Right-of-Way (c) (2) Converging.

PART B: SUMMARY OF THE BOARD'S DISCUSSIONS

Information available consisted of reports from the PA28 pilot, transcripts of the relevant RT frequencies, radar photographs/video recordings and reports from the appropriate ATC and operating authorities.

The Board first discussed the actions of the PA28 pilot. They noted that he had received timely Traffic Information from the Luton controller, despite being only on a Basic Service, which had enabled him to see the Spitfire. It was clear that at first he was happy that it did not constitute a threat; however, whilst remaining visual, he then became concerned that the other pilot had not seen him and was now climbing towards him. The Board noted that he had taken avoiding action by descending rapidly.

Turning to the Spitfire pilot, the Board expressed their grave disappointment that the pilot had chosen not to participate in the Airprox process; by not submitting a report he had denied the Board the opportunity to make more definitive assessments based on known facts, which, in turn, denied other pilots the opportunity to gain valuable lessons. The Board recalled that the same operator had been involved in a previous Airprox in which he had similarly refused to participate, and wondered whether this reflected his attitude flight safety. In the absence of any report from the pilot, the Board were unable to offer any explanation as to why the radar recordings showed the SSR transponder being deselected as the Spitfire manoeuvred in the vicinity of Waltham Abbey, and then appeared on again for its return to the airfield. The Board frequently reiterates to pilots that switching off a transponder both denies other pilots TCAS information, and controllers Traffic Information, thus leaving see-and-avoid as the only barrier to collision avoidance. Notwithstanding, the Board surmised from his flight profile that the Spitfire pilot was probably visual with the PA28, but without his version of the events they could not be sure whether this was definitively the case, or whether it was just serendipity that his profile took him behind the PA28.

When discussing the cause of the Airprox, the Board acknowledged that both pilots were entitled to be where they were, and so they spent some time deliberating whether this was simply a conflict in Class G or whether the Spitfire pilot should have kept clear of the PA28 by a larger margin. However, in the end, by a majority, they decided that the Spitfire pilot had flown close enough to cause the PA28 pilot concern. That said, because the PA28 pilot had been able to take timely avoiding action, the risk was determined to be Category C.

PART C: ASSESSMENT OF CAUSE AND RISK

Cause: The Spitfire pilot flew close enough to cause the PA28 pilot concern.

Degree of Risk: C.