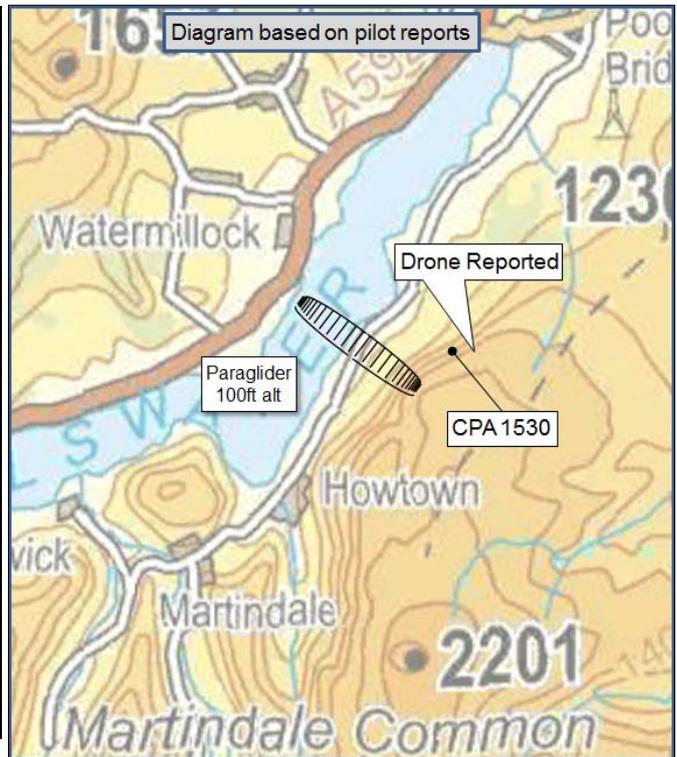


**AIRPROX REPORT No 2016075**

Date: 24 Apr 2016 Time: 1530Z Position: 5435N 00251W Location: Barton Fell

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

Recorded	Aircraft 1	Aircraft 2
Aircraft	Paraglider	Drone
Operator	Civ Pte	Unknown
Airspace	London FIR	London FIR
Class	G	G
Rules	VFR	
Service	None	
Altitude/FL	NK	
Transponder	Not fitted	
<b>Reported</b>		Not reported
Colours	Red/white/blue	
Lighting	Not fitted	
Conditions	VMC	
Visibility	NK	
Altitude/FL	100ft	
Altimeter	agl	
Heading	045°	
Speed	20kt	
ACAS/TAS	Not fitted	
<b>Separation</b>		
Reported	20ft V/20m H	
Recorded		NK



**THE PARAGLIDER PILOT** reports soaring with another paraglider, in marginal lift conditions. The two pilots had landed and then noticed a drone being flown on the north end of the ridge, about 150m from where they were standing. The other paraglider pilot decided to fly northeast along the ridge to another landing area. There was clear visibility and line of sight between the paraglider pilots and the drone operator. The other paraglider pilot made the assumption that the drone operator would land the drone when he saw the paraglider approach. In fact, as he approached, the drone was flown upwards into his path. He shouted down for the drone operator to get the drone out of the way, to which the drone operator vociferously and robustly responded in the negative; insisting, in coarse terms, that, instead, the paraglider pilot should 'get out of the way'. The paraglider pilot was able to land beyond the drone operator. The non-flying paraglider pilot approached the drone operator to discuss the situation but the drone operator 'fled the scene'.

He assessed the risk of collision as 'High'.

**THE DRONE OPERATOR:** Although the drone operator was traced at the scene, he could not subsequently be identified.

**Factual Background**

The weather at Carlisle was recorded as follows:

METAR EGNC 241620Z NIL=  
 METAR EGNC 241550Z NIL=

## 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.’

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 a paraglider and a drone flew into proximity at 1530 on Sunday 24<sup>th</sup> April 2016. The paraglider pilot was operating under VFR in VMC, not in receipt of an Air Traffic Service. The drone operator could not be traced.

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

Information available consisted of a report from one of the paraglider pilots.

Members quickly agreed that although the paraglider pilot and the drone operator were equally responsible for not recklessly or negligently causing or permitting an aircraft to endanger any person or property, it was for the drone operator, with his powered aircraft, to give way to the landing paraglider. The drone operator clearly had many more options to manoeuvre his powered drone clear of the paraglider and its pilot than did the landing paraglider pilot who would be constrained by the performance limitations of his unpowered canopy. Members commented that it was disappointing that the drone operator saw fit to challenge the paraglider pilot at a critical stage of flight, and they recalled previous similar Airprox encounters where a lack of courtesy and consideration had resulted

<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>.

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

<sup>3</sup> CAP 1202

in a situation which was needlessly less safe than it otherwise should have been. Furthermore, members wondered whether the drone operator was familiar with the CAA regulations at all, and determined that the cause of the Airprox was that the drone operator had flown into conflict with the paraglider. Acknowledging that the paraglider pilot had been able to manoeuvre to land beyond the drone operator, the Board were nonetheless unanimous in their agreement that the proximity had been such that the safety of the paraglider pilot had been much reduced below the norm.

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

Cause: The drone was flown into conflict with the paraglider.

Degree of Risk: B.