

AIRPROX REPORT No 2014072

Date/Time: 26 May 2014 1517Z

Position: 5256N 00239W
(Tilstock)

Airspace: Shawbury AIAA (**Class:** G)

Reporter: DZ Controller

Aircraft 1

Aircraft 2

Type: Parachutist

Bolkow 209

Operator: Civ Club

Civ Pte

Alt/FL: 1500ft
agl

2000ft
QFE (1006hPa)

Conditions: VMC

VMC

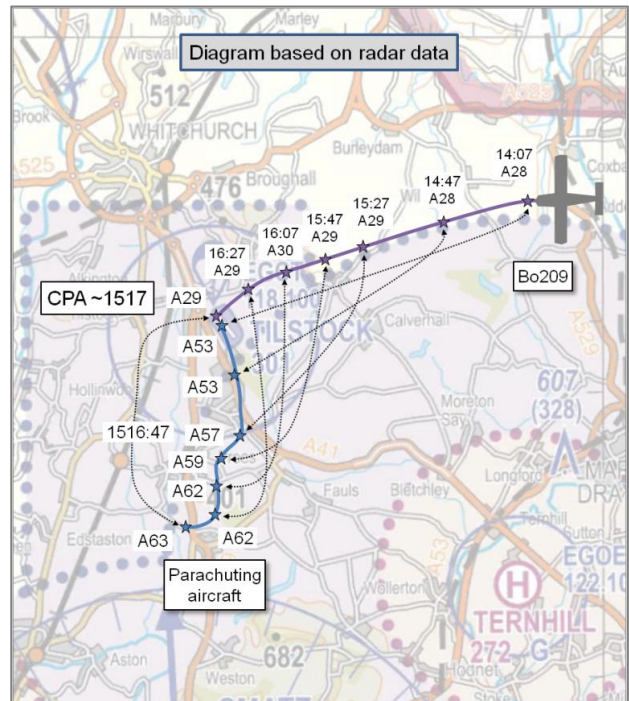
Visibility: >10km

25nm

Reported Separation:

0ft V/0.25nm H 500ft V/½ – 1nm H

Recorded Separation: NK



PART A: SUMMARY OF INFORMATION REPORTED TO UKAB

THE PARACHUTIST reports being unaware of an aircraft in proximity until informed by the DZ controller after landing.

THE DZ CONTROLLER reports his responsibility was to ensure the safety of the parachute drop-zone during parachuting operations. He had issued clearance to parachute aircraft that the Drop-zone was clear, and two parachutists exited the aircraft at 5000ft agl. The two parachutists deployed their canopies at about 2500ft agl. After a short period of time the DZ controller became aware of a red and white, single-engine, low-wing aircraft transiting the overhead from northeast to southwest. He observed the aircraft on telemeters¹ and obtained the aircraft registration. The pilot did not contact Tilstock A/G frequency. The DZ controller estimated the aircraft altitude to be about 1500ft agl. As the aircraft transited through the overhead, one parachutist was at about 300ft agl whilst the highest canopy was still at about 1500ft agl and would have been in the transiting pilot's 10 o'clock position at about ¼nm. The aircraft did not deviate from its track of about 240°; no avoiding action was seen.

He assessed the risk of collision as 'Medium'.

THE BOLKOW 209 PILOT reports in straight-and-level flight. The white and orange aircraft lighting state was not reported. The SSR transponder was on, with Modes A and C selected. The pilot was operating under VFR in VMC and reported being in receipt of an 'Advisory' service from Sleep². Whilst level at 2000ft, heading 250° at 110kt, about 5nm east of Sleep aerodrome, both he and his passenger, who had been briefed to maintain a lookout for other aircraft, saw a square blue parachute canopy in their left 9 o'clock, at a range of ½ to 1nm and about 500ft below.

He assessed the risk of collision as 'None'.

Factual Background

The weather at Shawbury was recorded as follows:

¹ High-power, tripod-mounted binoculars.

² The reported frequency was that of 'Sleep Radio'; the pilot was most likely in receipt of an A/G Service.

METAR EGOS 261350Z AUTO 09006KT 9999 SCT150/// 17/07 Q1018

METAR EGOS 261550Z AUTO 14005KT 9999 FEW039/// 17/08 Q1017

Tilstock parachute jumping site is promulgated in the UK AIP ENR 5.5 (Aerial Sporting and Recreational Activities), page 5.5-7 dated 9 Jan 2014, as follows:

Designation Lateral Limits	Vertical Limits	Operator/User Tel No	Remarks Activity times
1	2	3	4
TILSTOCK, SHROPSHIRE A circle, 1.5 nm radius centred at 525551N 0023905W	Upper limit: FL85	Phone: Prestwick Centre, Ops Supervisor: 01294- 655300 and Shawbury ATC Watch Supervisor: 01939- 250351 (ext 7232).	Activity notified on the day to Prestwick Centre, Ops Supervisor and Shawbury ATC (weekdays). Tilstock DZ contact: 118.100 MHz. Alternative contact: Shawbury Zone: 133.150 MHz (weekdays). Drops may be made up to FL150 with Scottish Area Control (Prestwick) per- mission. Hours: Normally during daylight hours Mon-Sat & PH 0800-2000 Winter (Summer 1hr earlier); and other times as notified.

Analysis and Investigation

UKAB Secretariat

A parachutist is not considered to be an aircraft for the purposes of the Rules of the Air 2007 and as such, general flight rules pertaining to avoidance of collisions, flight in the vicinity of aerodromes etc do not apply. The requirement to give way is therefore governed by normal airmanship considerations and the requirement of Article 138 of the Air Navigation Order 2009 (ANO), which states:

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

Although the common term for a parachute-jumping site is ‘Drop Zone’, there is no ‘zone’ of regulated or controlled airspace associated with a parachute site as such (other than if a site happens to be located within other control zones). The purpose of the 3nm diameter circular marking associated with parachute-jumping sites on the ½ million scale VFR charts is purely to highlight the existence and location of a site at which activity takes place that a passing aircraft could pose a threat to and vice versa. The circle does not denote the existence of a control zone as defined in the ANO.

Summary

An Airprox was reported when a parachutist and a Bolkow 209 flew into proximity at about 1517 on Monday 26th May 2014. The parachutist was operating from an active and promulgated parachute jumping site; the Bolkow 209 pilot was operating under VFR in VMC, most likely in receipt of an A/G Service from Sleep Radio.

PART B: SUMMARY OF THE BOARD'S DISCUSSIONS

Information available consisted of reports from the DZ Controller and the Bo209 pilot and radar photographs/video recordings.

The Board noted the absence of any controlled or regulated airspace associated with the parachute jumping site, and parachute jumping sites in general, and felt that the common term of ‘Drop Zone’ was likely to cause confusion. Although the Bolkow 209 pilot was at liberty to fly in proximity to the parachute jumping site, he was under an obligation not to ‘recklessly or negligently cause or permit an aircraft to endanger any person’. It was not for the Board to find whether he had or not, but members unanimously agreed that he would have been better served by avoiding the site, as would all pilots transiting in the proximity of parachute jumping sites. In the event, the Bolkow pilot had briefed his passenger to keep a lookout and they had seen a parachutist, who was unaware of a light aircraft in proximity.

The Board discussed at some length the status of parachutists within Rules of the Air during this and the debate surrounding a similar incident in Airprox 2014068. Unlike paragliders, parachutists don’t fit into a category of their own regarding right of way or duty to avoid. Whilst some members thought that they should be given specific protection, others argued that they were sufficiently protected under Article 138 of the ANO. In the end, the Board stopped short of making a recommendation that the CAA reviews the issue, but noted that there had been a number of recent Airprox events where parachutists had been involved, and, in particular, where aircraft had flown through the overhead of parachute jumping sites. Members recognised that a parachutist does not have the same degree of control and manoeuvrability as a paraglider pilot, for example, and has a substantially higher rate of descent when in free-fall. Given the likelihood of such high rates of descent at some point in the drop profile, Board members agreed that a pilot would most likely not visually acquire a parachutist on a collision course in free-fall and, depending on the geometry of the encounter, might struggle to visually acquire one even under a canopy. Therefore, the best course of action was to remain clear of promulgated and active sites.

In turning to the cause, the Board agreed that the Airprox occurred because the Bolkow 209 pilot had flown through the overhead of a promulgated and active parachuting site, and that he had passed sufficiently close to a parachutist in the air to cause the DZ controller concern. Even though the parachutist had not seen the Bolkow 209, the Board agreed that the Bolkow 209’s pilot and his passenger had seen the subject parachutist, and had achieved reasonable VFR separation, resulting in a risk categorisation of ‘C’.

PART C: ASSESSMENT OF CAUSE AND RISK

<u>Cause:</u>	The Bo209 pilot flew through the overhead of a promulgated and active parachuting site, close enough to a parachutist to cause the DZ controller concern.
<u>Degree of Risk:</u>	C.
<u>ERC Score</u> ³ :	4.

³ Although the Event Risk Classification (ERC) trial had been formally terminated for future development at the time of the Board, for data continuity and consistency purposes, Director UKAB and the UKAB Secretariat provided a shadow assessment of ERC.