

Christine Metcalfe  
[luanam@btinternet.com](mailto:luanam@btinternet.com)

13 July 2016  
Reference: F0002801

Dear Mrs Metcalfe

I am writing in respect of your request of 5 June 2016, for the release of information held by the Civil Aviation Authority (CAA). Please accept my apologies for the delay in responding to you. I can confirm that your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA).

Firstly, in your follow up email of 14 June 2016, you asked that the CAA advise the UK Government and Ministry of Defence to adopt measures implemented by the military authorities of certain other States. The CAA is unable to comment on Ministry of Defence matters unless requested to by the Ministry of Defence. Moreover, the CAA believes that there is currently a robust system in the UK for the identification and mitigation of the effects of wind turbines on aviation activity. Therefore, we are unable to comply with your request.

In your email of 5 June, you requested the following information:

- 1. I should be interested to know, please, whether these officials sought or received any guidance from the CAA or NTS? If so, copies of all related correspondence are requested under Fol regulations.**

Please refer to the 3 attached PDF documents. The CAA was also sent a copy of the scoping report which was destroyed after the response was sent. This is standard practice, the CAA do not retain the reports, however copies of the letter that accompanies them are scanned and retained.

We have redacted all personal information in accordance with Section 40(2) of the FOIA as to release the information would be unfair to the individuals concerned and would therefore contravene the first data protection principle that personal data shall be processed fairly and lawfully. A copy of the exemption can be found below.

- 2. Do any of the above technology providers guarantee their products in the event of litigation following an accident or incident?**

No. An event of an aviation accident is a consequence of a complex circumstances and reasons surrounding the event and is difficult to attribute to a single cause. First of all the possibility of the cause of such an accident/incident being directly attributable to the wind farm mitigation technique is rare. No radar or surveillance systems manufacturer guarantees their products in the event of accidents caused due to the performance of the product. What any equipment manufacturer would do

is to meet their client's criteria for the performance expected of the system. Systems have limitations; however, overall performance will be suitable for the purposes which the system is implemented for.

**3. What independent testing and approval took place prior to installation?**

There are Factory Acceptance Tests (FAT) and Site Acceptance Tests (SAT) to test any equipment at the Factory Level and at the operational site where the system is implemented in real life. Then there is further testing such as Flight Tests, where deemed necessary. The level of testing depends on the equipment and the system architecture and context in which it operates.

**4. Why should the U.K. be any different in its findings and why are we being put at risk in the absence of a failsafe system?**

The effects of wind turbines on radar are well known, are listed in CAP 670 and summarised in CAP 764. In addition, Air Navigation Service Providers and airfields are required, under the safeguarding process, to have measures in place to assess the potential impact of developments such as wind farms on their operations and make representation accordingly. Where there are competing interests, it is for the planning process to weigh up the greater benefit and decide accordingly. It is also for the operators of airfields to ensure continued safe operation in the light of any eventual planning decision and in the presence of any obstacles sanctioned by the planning process.

**5. Can you confirm that no drones of any kind can fly through this system undetected? If able to confirm please provide evidence of why this is so.**

This is a radar performance issue best directed at the radar manufacturers. The statement "no drones of any kind" is an unreasonable requirement for a real world system – the smallest drones currently available from retailers are only several inches across and are made from materials that are effectively transparent to radar. The best that can ever be achieved for any radar system is a statement of the minimum detectable target size, expressed in terms of equivalent Radar Cross Sectional area (RCS) and a probability of detection (pd).

**6. The Scottish Government ran an advertisement for a new radar system for Prestwick last year:**

**Title: Windfarm Radar Mitigation System  
Glasgow Prestwick Airport**

- a. this because deals made with Aveillant and Infratil prior to the purchase of the airport are no longer valid?
- b. Has a new system been purchased and if so what is it?
- c. If not, which system is currently providing cover for Prestwick?
- d. If this is provided by Edinburgh to an extent, please can you explain why this coverage is deemed to be safe when DECC admit that no system is adequate either for MOD requirements or civil needs?

This is a matter for the airport – the CAA may not necessarily be privy to the commercial aspects of these decisions.

**7. Has the aspect of emergency landings involving Whitelee turbines been considered then discussed? If so please provide evidence.**

This is a matter for the airport when it conducted its analysis of the potential impact of the turbines on its operation. Any concerns should have been raised during the planning process.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk  
Head of External Information Services  
Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
Gatwick  
RH6 0YR

[caroline.chalk@caa.co.uk](mailto:caroline.chalk@caa.co.uk)

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely



Rihanne Stephen  
Information Rights Officer

**CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

## **Freedom of Information Act: Section 40**

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if-
  - (a) it constitutes personal data which do not fall within subsection (1), and
  - (b) either the first or the second condition below is satisfied.
- (3) The first condition is-
  - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
    - (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).
- (5) The duty to confirm or deny-
  - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
  - (b) does not arise in relation to other information if or to the extent that either-
    - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
    - (ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24<sup>th</sup> October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.
- (7) In this section-
  - "the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;
  - "data subject" has the same meaning as in section 1(1) of that Act;
  - "personal data" has the same meaning as in section 1(1) of that Act.