

3 February 2014
FOIA reference: F0001774

Dear XXXX

I am writing in respect of your recent request of 5 January 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

"Records/data pertaining to an "incident occurred while the A320 Airbus was cruising at 34,000ft, around 20 miles west of the airport, over the Berkshire countryside." The object was described as a rugby ball shaped object"

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

The incident was reported to the CAA as a Mandatory Occurrence Report (MOR), which are provided to the CAA under Article 226 of the Air Navigation Order 2009 (ANO). Each report is reviewed and, where appropriate, further investigation carried out and action taken.

Under Section 23 of the Civil Aviation Act 1982, information which relates to a particular person (which includes a company or organisation) and has been supplied to the CAA pursuant to an ANO is prohibited from disclosure. This includes information submitted under the MOR scheme. Section 44(1)(a) of the FOIA provides that information is exempt information if its disclosure is prohibited by, or under, any enactment and Section 23 of the Civil Aviation Act is such a statutory prohibition. Any information relating to a particular person or organisation is therefore exempt from release under Section 44(1)(a) of the FOIA. A copy of this exemption can be found below.

The incident was subsequently investigated by the UK Airprox Board (UKAB) and a copy of their report into this incident is attached. This contains full details of the incident without identifying a particular person or organisation and can also be found on the UKAB website at <http://www.airproxboard.org.uk/docs/423/20131127-2013.11Reports.pdf>.

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:-

Mark Stevens
External Response Manager
Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

mark.stevens@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 Freedom of Information Act to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.gov.uk/complaints.aspx

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield
Information Rights and Enquiries 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 44

(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it-

- (a) is prohibited by or under any enactment,
- (b) is incompatible with any Community obligation, or
- (c) would constitute or be punishable as a contempt of court.

(2) The duty to confirm or deny does not arise if the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) fall within any of paragraphs (a) to (c) of subsection (1).

Section 23 of the Civil Aviation Act is such a statutory prohibition. Accordingly, the obligations of the CAA to comply with Section 23 are unaffected by the Freedom of Information Act.

Under Section 23, information supplied to the CAA in connection with its regulatory functions and which relates to a particular individual or organisation must not be disclosed by the CAA unless such disclosure is authorised by one of the exceptions contained in Section 23 itself.

AIRPROX REPORT No 2013086

Date/Time: 19 Jul 2013 1835Z

Position: 5126N 00058W
(19.5nm W LHR)

Airspace: Lon UIR (Class: C)

Reporting Ac Reported Ac

Type: A320 Unknown

Operator: CAT NK

Alt/FL: FL340 NK

Weather: NK NK

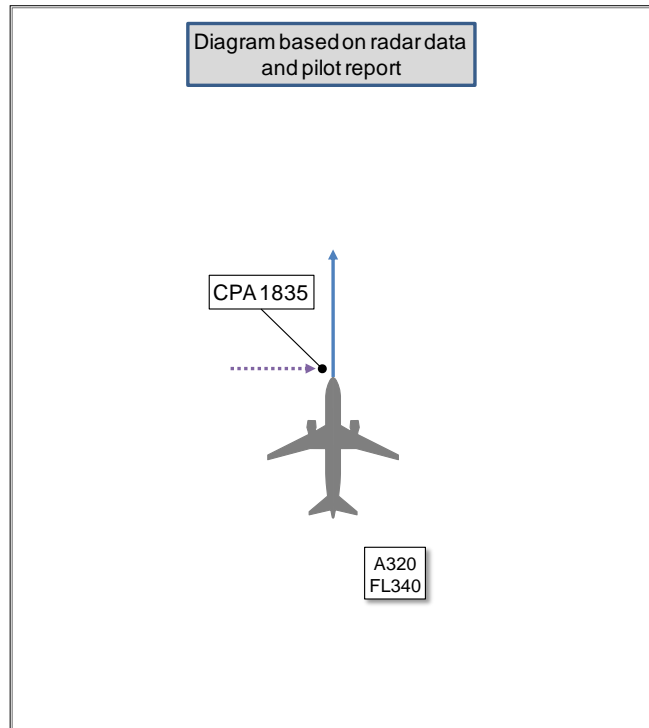
Visibility: NK NK

Reported Separation:

NK NK

Recorded Separation:

NK



PART A: SUMMARY OF INFORMATION REPORTED TO UKAB

THE A320 PILOT reports transiting in level cruise at FL340, just to the west of Heathrow. The First Officer (FO) in the RH seat, was looking down at the PLOG¹. The Captain, in the LH seat, looked to the West out of the flight deck 'Direct Vision'² window. As he turned to look ahead, he perceived an object travelling towards them, at what appeared to be the same level, slightly above the flight deck windscreen. Having very little time to focus, he was under the apprehension that they were on a collision course with no time to react. His immediate reaction was to duck to the right and reach over to alert the FO; there was no time to talk to alert him. The FO turned and looked at him, thinking something was wrong with the aircraft. The Captain was fully expecting to experience some kind of impact with a conflicting aircraft. His first words to the FO were, "did you see that", who replied, "see what". The Captain perceived an object pass within a few feet above the aircraft. It could best be described as cigar/rugby ball like in shape, bright silver, and metallic like in construction. His first reaction after gathering his thoughts, was to interrogate the TCAS for returns within the area; none were seen. He then asked ATC for information on any aircraft in the vicinity, again there were no known aircraft in the area at the time and no other primary or secondary returns. He explained the situation to ATC and the crew both decided they would file an Airprox. Upon arriving at the destination, the Captain spoke extensively by phone with the ATC watch manager for that sector.

The UK Airprox Board Secretariat was unable to trace the other aircraft.

Factual Background

At 1835 on 19 Jul 2013 at the position of CPA, the sun was at a bearing of 278° and elevation 21° at ground level³. This equates to an elevation of about 24° at FL340.

¹ An abbreviation for Progress or Pilot's Log. The PLOG is a tabular record which includes information such as planned track, heading, altitude, ETA and fuel state for each leg of the journey. Information such as actual track, heading, altitude, ETA and fuel state is completed as the flight progresses and is used to assess the safe progress of the flight.

² The Direct Vision (DV) window, also known as the Direct Ventilation window, is a part of the windscreen that can be opened should direct vision be required, e.g. in the event of windscreen obscuration the pilot can open the DV window and look 'directly' outside, rather than attempt to judge a landing through the obscured windscreen.

³ As a guide, with a hand held at arm's length, back of the hand facing you and fingers spread as wide as possible, the span from little finger to thumb subtends an angle of 20°-25°.

Analysis and Investigation

CAA ATSI

The incident was reported to have occurred at approximately 1835, 19.5nm to the West of London Heathrow at FL340. The A320 pilot was operating under IFR in receipt of a Radar Control Service from London Control. CAA ATSI had access to area radar recording, together with the written report from the A320 pilot and the NATS Ltd investigation report.

The estimated viewing aspect through the DV window is shown at Figure 1 below.

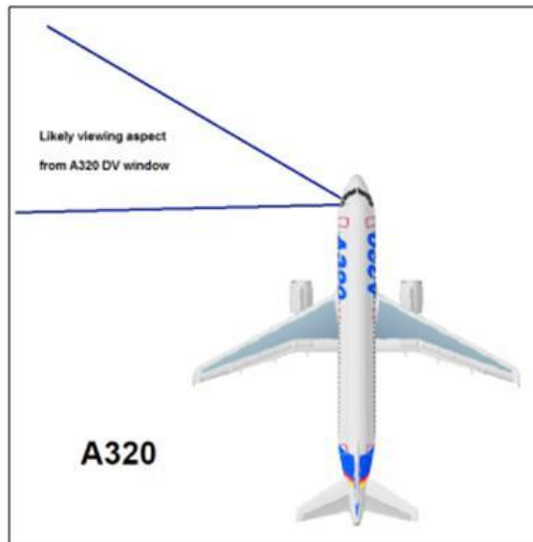


Figure 1: LH DV window Viewing Aspect

At the time of the reported occurrence (1835:22) the radar recording was filtered to show aircraft operating within the level band FL320 and FL390 along with unknown primary contacts, these have been circled red in Figure 2 below.

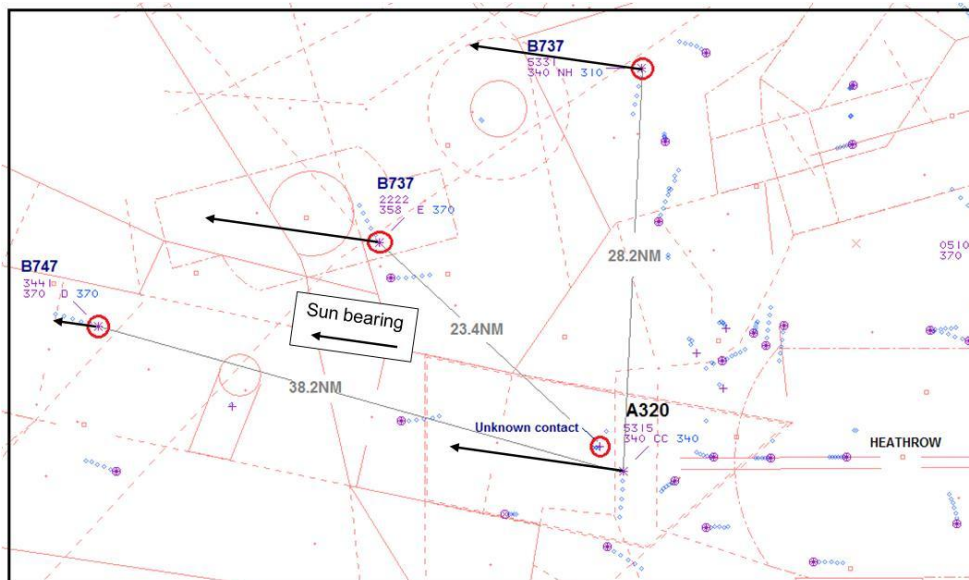


Figure 2: Swanwick MRT at 1835:22

An unknown primary contact was recorded in A320's 10 o'clock at a range of 2.2nm. This contact first appeared on the radar at 1828:53, in the vicinity of the village of Eling, approximately 30nm West of Heathrow. The unknown contact routed West and landed at White Waltham at 1846. This was identified as being a Tiger Moth aircraft which was operating at low-level and was eliminated from the investigation.

Three other aircraft are shown: a B747, 38.2nm West of the A320 at FL370 tracking east-southeast; a B737, 23.4nm northwest of the A320 at FL358 tracking south-southeast and another B737, 28.2nm ahead of the A320 at the same level on a similar routeing.

The NATS Ltd AIS pre-flight bulletin, nav-warning for the London FIR, contained three NOTAMS which promulgated the release of Meteorological and Radiosonde balloons (with unlimited upper levels). The sponsors of each were contacted and it was confirmed that no balloons were released from the specified sites on the incident date.

A NATS Ltd investigation was not able to verify the origin, level or size of the object reported by the A320 pilot. The Military Radar Analysis Cell (RAC) where unable to trace the reported object.

There were no radar traffic returns within the immediate vicinity of the A320. There were two aircraft 20nm and 35nm West and slightly above the level of the A320 and one aircraft 20 miles ahead of the A320 at the same level. It was considered possible that given the position of the sun, these aircraft may have been glinting in the sun. However, it was not possible to trace the object or determine the likely cause of the sighting.

Summary

An A320 pilot, in Northbound level cruise at FL340, perceived an object through the LH DV window which he assessed as travelling towards him at the same level, slightly above the flight deck windscreen. There were no aircraft in the vicinity indicated on TCAS or on radar. There were no recorded releases of meteorological balloons in the area.

PART B: SUMMARY OF THE BOARD'S DISCUSSIONS

Information available included a report from the A320 pilot, radar video recordings and a report from the appropriate ATC authority.

The Board established that there did not appear to be any conflicting traffic on radar and that no TCAS alerts or advisories had been issued. The involvement of a meteorological balloon was ruled out and it was calculated that a helium filled envelope would have to be of the order of 1m in diameter to reach FL340, hence ruling out commercially available toy balloons. Nevertheless, the A320 pilot was subject to a powerful impression of immediate danger, caused by his perception of an object closing rapidly on his aircraft. Although only supposition, members opined that this may have been due to a combination of a possible reflection from the low sun off one of the aircraft to the West, and of the pilot's head movement as he looked forward. After some discussion it was decided that, although the reflection theory held some merit, the overall dearth of information relating to the event rendered a meaningful finding impossible.

PART C: ASSESSMENT OF CAUSE AND RISK

Cause: Sighting report.

Degree of Risk: D.

ERC Score⁴: N/S

⁴ 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.