

18 February 2014
FOIA reference: F0001798

Dear XXXX

I am writing in respect of your recent request of 27 January 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

“Could you please supply the following information:

- 1. The number of aircraft using the Manchester TMA per day/year, ideally in the sector between 5 and 12nm and 230 - 290 deg of the Pole Hill beacon.*
- 2. The number of unauthorised penetrations of the Manchester TMA for period 1 Jan 10 to 31 Dec 13 in the sector between 5 and 12nm and 230 - 290 deg of Pole Hill beacon”.*

Our response:

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

1. The CAA is not an air navigation service provider and does not provide air traffic control services. The CAA does not therefore hold the information you have requested.
2. Incident reports are provided to the CAA under the terms of the Mandatory Occurrence Reporting (MOR) scheme, as described under Article 226 of the Air Navigation Order 2009 (ANO). Each report made is reviewed and, where appropriate, further investigation carried out and action taken.

We have searched the UK CAA database for all occurrences that have involved the unauthorised penetrations of the Manchester TMA for the period 1 January 2010 to 31 December 2013 and provided a summary of those reports. We have however, removed identifying information from these reports as this information is exempt from disclosure under section 44 (1) (a) of the FOIA.

Section 44 (1) (a) of the FOIA provides that information is exempt information if its disclosure is prohibited by, or under, any enactment. Under Section 23 of the Civil

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Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk

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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 (a copy of this exemption can be found below).

For more information about the Mandatory Occurrence Reporting scheme, please refer to CAP382 which can be found at www.caa.co.uk/cap382.

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.

File number	UTC date	Aircraft category	Location of occ	Headline	Narrative text
201109749	19/08/2011	Airplane	ROSUN	Infringement of the Manchester TMA (Class A) by a TB10 squawking 7000 at 3500ft. CAIT activated. Standard separation maintained.	Pilot had been avoiding CBs and had travelled further South than intended.
201202478	09/03/2012	Airplane	Polehill (POL)	Infringement of the Manchester TMA (Class A) by a DA42 at 4500ft. Standard separation maintained.	
201202529	10/03/2012	Airplane	Polehill (POL)	Infringement of the Manchester CTA (Class A) by a BE36 squawking 2677 at 4500ft. Mode S confirmed identity of a/c. Standard separation maintained.	A/c in receipt of a Basic Service from Blackpool. Squawk changed to 7000 and then to a Leeds squawk. Pilot error acknowledged.
201206075	04/06/2012	Airplane	Polehill (POL)	Infringement of the Manchester TMA (Class A) by a Vans RV7 at 4500ft, where base is 3500ft. A/c identified by Mode S. Standard separation maintained.	MACC contacted Blackpool ATC who informed them they had transferred a/c to Leeds and informed pilot to remain outside CAS. Leeds ATC informed MACC they were not working the a/c. Pilot later reported the chart they had used was out of date and had now been discarded.
201210856	09/09/2012	Unknown	POL	Infringement of the Manchester TMA (Class A) by an unknown a/c indicating a maximum altitude of 4700ft. Traffic info given. Standard separation maintained.	
201212816	21/10/2012	Airplane	POL	Infringement of the Manchester TMA (Class A) by a Bo208 at 4000ft squawking 7000. Standard separation maintained.	Pilot changed destination enroute due to deteriorating weather. Destination further changed due to further deterioration in visibility and a/c returned to departure airfield. Pilot error acknowledged.