

[REDACTED]
[REDACTED]

13 July 2016
Reference: F0002801

Dear [REDACTED]

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

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 24th 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.

Dear Sir/Madam,

18.01.2016

**ELECTRICITY ACT 1989 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2000 SCOPING OPINION REQUEST FOR PROPOSED SECTION 36
APPLICATION FOR GLENDYE WIND FARM.**

I am pleased to enclose a copy of the Scoping Report and associated figures for the proposed Glendye Wind Farm. The Report, which has been prepared by Coriolis Energy Limited on behalf of Glendye Wind Farm Limited, sets out the development proposals, the aspects of the environment that will be addressed in the Environmental Impact Assessment and the methodologies proposed to undertake these assessments.

It is my understanding that [REDACTED] of Scottish Government Local Energy and Consents will be in touch shortly with details in relation to timescales, content and format of your responses.

If you have any queries regarding the Scoping Report, or require any further information, please do not hesitate to contact me on the details below.

Yours Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Walker James

From: [REDACTED]@gov.scot
Sent: 28 January 2016 15:06
To: [REDACTED]

Subject: Glendye Wind Farm proposal - request for Scoping Opinion

Dear Consultee

**ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000 (AS AMENDED)**

SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION FOR GLENDYE WIND FARM LOCATED ON THE FASQUE AND GLENDYE ESTATE NEAR STRACHAN IN ABERDEENSHIRE

Coriolis Energy Ltd on behalf of Glendye Wind Farm Ltd has formally requested, in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000, ("the Regulations") a scoping opinion for the proposed Glendye Wind Farm located on the Fasque and Glendye Estate, near Strachan in Aberdeenshire.

Under regulation 7, an Environmental Impact Assessment (EIA) is required to be undertaken for the proposed wind farm and Scottish Ministers are required to consult the specified statutory bodies (and other interested parties) as to their views on the information which ought to be provided in the Environmental Statement.

Coriolis Energy Ltd have sent you the Scoping Report and associated documentation.

In order for Scottish Ministers to be able to issue a comprehensive Scoping Opinion, it would be helpful if you would review the submitted documentation and advise if there is anything further you would like Scottish Ministers to highlight for consideration. This should include site

specific comments and observations. It can also include advice on the proposed assessment methodology and any other further guidance and/or relevant policy to be referred to during the EIA process but not covered in the Scoping Report

The Regulations allow three weeks for this consultation and therefore I would be grateful for your comments by **19 February 2016**. Please note reminder letters are no longer issued by Local Energy & Consents (formerly the Energy Consents and Deployment Unit) for any project. If we have not received your comments, nor have we received any extension request by this date we will assume you have no comment to make.

Please send your response in Word format to econsentsadmin@scotland.gsi.gov.uk.

If you have not yet received a copy of the Scoping Report or if you have any queries regarding the contents of this email please do not hesitate to contact me.

Thanks



Local Energy and Consents
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU



To view our current casework please visit www.energyconsents.scot

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Walker James

From: Windfarms
Sent: 28 January 2016 16:01
To: econsentsadmin@scotland.gsi.gov.uk
Cc: [REDACTED]@gov.scot
Subject: 20160128REGlendyeWindFarmProposalRequestForScopingOpinion

Dear Sir or Madam,

SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION FOR GLENDYE WIND FARM LOCATED ON THE FASQUE AND GLENDYE ESTATE NEAR STRACHAN IN ABERDEENSHIRE

Having reviewed the Scoping Report provided, the appropriate aviation consultees (NATS, the MOD and Aberdeen and Dundee Airports) have been identified although the positions of each consultee regarding the proposed development should be established by consultation.

Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked.

It is noted that the Scoping Report states the maximum turbine height will be 'up to 150m'. If the turbines are 150m high, there would be a CAA requirement for the turbines to be lit. Should the maximum height of the turbines fall below 150m, there would be no CAA requirement for the turbines to be lit, although if an aviation stakeholder (including the MOD) made a request for lighting it is highly likely that the CAA would support such a request. Should the proposed maximum turbine heights increase, or turbine locations change, then previously consulted aviation stakeholders will need to be re-consulted to ensure that any impact assessments reflect such changes.

In terms of charting, there is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. Accordingly such structures should be reported to the Defence Geographic Centre (DGC) which maintains the UK's database of tall structures (the Digital Vertical Obstruction File) at least 10 weeks prior to the start of construction. The point of contact is [REDACTED] ([REDACTED] mail to dvof@mod.uk). The DGC will require the accurate location of the turbines/meteorological masts, accurate maximum heights, the lighting status of the turbines and / or meteorological masts and the estimated start / end dates for construction together with the estimate of when the turbines are scheduled to be removed. In addition, the developer should also provide the maximum height of any construction equipment required to build the turbines.

In order to ensure that aviation stakeholders are aware of the turbines and / or meteorological masts while aviation charts are in the process of being updated, developments should be notified through the means of a **Notice to Airmen** (NOTAM). To arrange an associated NOTAM, a developer should contact CAA Airspace Regulation (AROps@caa.co.uk / 0207 453 6599); providing the same information as required by the DGC at least 14 days prior to the start of construction.

Should you have any further questions please feel free to contact me, details below.

Yours Faithfully,

[REDACTED]
Surveillance Policy
Airspace, ATM & Aerodromes
Civil Aviation Authority



Tel: 020 7453 [REDACTED]

Follow us on Twitter: @UK_CAA

Please consider the environment. Think before printing this email.

From: [REDACTED]@gov.scot [REDACTED]

Sent: 28 January 2016 15:06

To: [REDACTED]

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
The Regulations allow three weeks for this consultation and therefore I would be grateful for your comments by **19 February 2016**. Please note reminder letters are no longer issued by Local Energy & Consents (formerly the Energy Consents and Deployment Unit) for any project. If we have not received your comments, nor have we received any extension request by this date we will assume you have no comment to make.

Please send your response in Word format to econsentsadmin@scotland.gsi.gov.uk.

If you have not yet received a copy of the Scoping Report or if you have any queries regarding the contents of this email please do not hesitate to contact me.

Thanks


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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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