

[REDACTED]

13 July 2018
EIR Reference: E0003763

Dear [REDACTED]

I am writing in respect of your request of 18 June 2018, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

According to ACP20176205 DVOR Rationalisation Programme – SAM and OCK - NATS update to NATMAC 83

<http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=8489>

some STAR truncation projects are in progress based on a draft CAA STAR Truncation Policy.

Under the Environmental Information Regulations, please can you provide a copy of this draft policy as it is currently being used.

Our response:

Having considered your request in line with the provisions of the Environmental Information Regulations 2004, we are unable to provide the information requested.

To provide some clarity on the NATS presentation to NATMAC and your request, while it is correct that a STAR Truncation Policy is in development and currently exists in draft form, it is not the case that STAR truncation projects are in progress based on a version of that draft policy.

The DVOR Rationalisation Programme – SAM and OCK is within scope of the CAA's new airspace change process ([CAP1616](#)), and, if and when a proposal is submitted to the CAA, it will be assessed against the requirements of CAP1616. More information on the proposal is available on our website at <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Decisions-from-2018/DVOR-Rationalisation-Programme-%E2%80%93-SAM-and-OCK/>.

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR www.caa.co.uk

Telephone 01293 768512 foi.requests@caa.co.uk

We do hold draft versions of a STAR truncation policy, but it remains in development and is subject to internal discussion and further revision.

Regulation 12(4)(d) provides that a public authority may refuse to disclose information where a request relates to material which is still in the course of completion. Although the information falls within the scope of this exception, the information must still be disclosed if the public interest in disclosing the information outweighs the public interest in maintaining the exception.

There is a general public interest in the disclosure of environmental information because, as the ICO guidance states, *“it supports the right of everyone to live in an adequate environment and ultimately contributes to a better environment”*. The disclosure of environmental information promotes the transparency and accountability of public bodies and their decision making. If STAR truncation projects were in progress based on, and being assessed against, a version of that draft policy it would be in the interests of the wider public to have access to the same draft policy to understand the policy against which changes to the airspace structure, such as the DVOR Rationalisation Programme – SAM and OCK, were being developed and assessed. However, as explained above that is not the case, and if and when a proposal is submitted to the CAA, it will be assessed against the requirements of CAP1616 which is publicly available on the CAA website.

There is also a strong public interest in the CAA being able to develop policy, considering all available options fully and carefully, away from the public eye. As explained above, the policy is still evolving and subject to internal CAA discussion and scrutiny. While this policy is of a technical nature and, as explained above, STAR truncation projects are not being progressed based on, or assessed against, a draft version of that policy, all aspects of airspace change are a topic of considerable public interest and the disclosure of a draft policy is likely to generate enquiries and correspondence to the CAA, diverting attention away from the development of the policy before it has been completed. A ‘safe space’ allows CAA officials to consider all the relevant matters fully and carefully away from public scrutiny. Once the policy has been finalised, it will be available to all stakeholders on the CAA website and members of the public with an interest in airspace change will have equal access to it alongside the aviation industry.

Having considered the factors on both sides the CAA considers that, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure and the information is therefore withheld under regulation 12(4)(d).

Under regulation 14(4), if the exception in regulation 12(4)(d) is specified in a refusal, the CAA must specify, if known, the estimated time in which the information will be finished or completed. It is difficult to be precise given competing priorities, but we anticipate that the final policy will be published in the next few months.

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 requests under the Environmental Information Regulations. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right 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

A handwritten signature in black ink, appearing to read 'M Stevens'.

Mark Stevens
External Response Manager

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.

Regulation 12 of the Environmental Information Regulations 2004

- (1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if—
- (a) an exception to disclosure applies under paragraphs (4) or (5); and
 - (b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.
- (2) A public authority shall apply a presumption in favour of disclosure.
- (3) To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with regulation 13.
- (4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—
- (a) it does not hold that information when an applicant's request is received;
 - (b) the request for information is manifestly unreasonable;
 - (c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;
 - (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data; or
 - (e) the request involves the disclosure of internal communications
- 5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—
- (a) international relations, defence, national security or public safety;
 - (b) the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature;
 - (c) intellectual property rights;
 - (d) the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law;
 - (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;
 - (f) the interests of the person who provided the information where that person—
 - (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;
 - (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and
 - (iii) has not consented to its disclosure; or
 - (g) the protection of the environment to which the information relates.