

[REDACTED]

Date: 16 January 2022
Reference: F0006015

Dear [REDACTED]

Thank you for your request of 14 December 2022, for the release of information held by the Civil Aviation Authority (CAA). For reference your original enquiry was as follows:

1. Is it true that the CAA and H&SE have approved a blast exclusion zone at Newquay spaceport of only 1,275-feet?

2. Is that distance measured from the LauncherOne rocket, on the runway, or from the perimeter fence?

3. Is it possible to contain a distance of 1,275-ft within the perimeter fence?

4. Is it possible to maintain a distance of 1,275-ft before LauncherOne clears the Cornish coast?

5. When did either organisation decide that 1,275-ft was a safe distance?

6. Why has neither organisation publicised this decision?

7. Please explain the scientific basis for deciding that a 1,275-ft exclusion zone is adequate and describe the modelling process that led to this conclusion.

8. If either the CAA or H&SE has suggested mitigation measures to reduce, to as low as reasonably practicable, the risks inherent in launching a rocket from Newquay spaceport please list those mitigation measures.

Your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA). I can confirm that the CAA holds some information relevant to your request; if I may I shall address each of your points in turn:

1. Is it true that the CAA and H&SE have approved a blast exclusion zone at Newquay spaceport of only 1,275-feet?

The CAA does not approve "blast exclusion zones". The CAA has determined that Spaceport Cornwall (SPC) has taken the necessary steps to reduce the safety risk to as low as reasonably practicable, in line with the statutory test.

Civil Aviation Authority

Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR.

Email: foi.requests@caa.co.uk

This included an assessment of SPC's identification of the need for a safety clear zone and the size of that safety clear zone, being 1,275 feet. The Health & Safety Executive (as a qualifying health and safety authority) assisted the CAA in carrying out the safety assessment for the spaceport licence.

2. Is that distance measured from the LauncherOne rocket, on the runway, or from the perimeter fence?

There are two safety clear zones marked out on the attached map produced by Spaceport Cornwall.

For Haz Ops 1 the distance is measured from Launcher One on Echo Apron
For Haz Ops 2 the distance is measured from Launcher One as it travels from Echo Apron to the runway and along the runway until wheels up.

3. Is it possible to contain a distance of 1,275-ft within the perimeter fence?

Spaceport Cornwall has made arrangements with their neighbours and the local police force to monitor the boundary of the safety clear zone when it is operational.

4. Is it possible to maintain a distance of 1,275-ft before LauncherOne clears the Cornish coast?

The purpose of the safety clear zone is to provide additional risk mitigation during ground operations only e.g. propellant loading.

5. When did either organisation decide that 1,275-ft was a safe distance?

The CAA safety assessment conclusion in relation to the size of the safety clear zone was made on 15th November 2022.

6. Why has neither organisation publicised this decision?

The spaceport licensing decision was publicised on the CAA website; should you wish to view this licensing please use the following link:

<https://www.caa.co.uk/news/spaceport-cornwall-receives-first-ever-uk-spaceport-licence/>

The licence itself will be published on the CAA website in early Summer 2023 in line with the routine publication of some other types of licences issued by the CAA.

7. Please a) explain the scientific basis for deciding that a 1,275-ft exclusion zone is adequate

It is the CAA position that information within scope of this element of your request is exempt from release by way of section 43 (2) (commercial interests) of the FOIA.

When relying on this exemption public authorities are required to consider the public interest in the release of the information.

I should like to take this opportunity to confirm that the CAA is relying upon the second limb of this exemption – *would be likely to* – and that it is the commercial interests of SPC which would likely be prejudiced. I should also like to confirm that CAA has sought the opinion of, SPC, as we are required to do when considering the likely harm a release may have to another party. They have confirmed that a prejudice is likely to occur to their own commercial interests should this information be released.

I shall, therefore, set out here the factors considered by the CAA in favour of releasing and withholding the requested information:

Factors in favour of release

- The Freedom of Information Act has an underlying element of openness and transparency.
- A release of this information would likely offer insight into safety concerns relating to new advances in technology.

Factors in favour of withholding

- The CAA has contacted SPC, as we are required to when considering the commercial interests of others, in order to determine whether they feel their commercial interests would likely be prejudice as a result of any potential information release; SPC have confirmed there would likely be prejudice caused to their commercial interests.

-If the information is released, way of a Freedom of Information request, then competitors would likely benefit from work and studies carried out by and on behalf of Spaceport Cornwall/Cornwall Council.

-Released information could aid competitors in undermining or otherwise out-performing SPC for future commercial opportunities when furnished, freely by way of an information release, with technical information relating to a newly emerging field.

-Owing to the relatively new field of technology involved competitors would likely be aided by the information as this field of technical study has not been robustly explored by others; thus supplying competitors with information gained at some expense and value (now and in the future) to SPC.

For further information on Section 43(2) (commercial interest) exemption under the terms of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office, website:

Section 43

<https://ico.org.uk/media/for-organisations/documents/1178/commercial-interests-section-43-foia-guidance.pdf>

b) describe the modelling process that led to this conclusion.

The CAA does not carry out a modelling process in terms of the safety clear zone. Therefore, following a review of held information it has been determined that for this element of your request the CAA holds no relevant in-scope information.

8. If either the CAA or H&SE has suggested mitigation measures to reduce, to as low as reasonably practicable, the risks inherent in launching a rocket from Newquay spaceport please list those mitigation measures.

The CAA does not suggest mitigation measures as part of the spaceport licensing process. Therefore, following a review of held information it has been determined that for this element of your request the CAA holds no relevant in-scope information.

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:-

FOI.Requests@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 out below. A request for an internal review should be submitted within 40 working days of the date of this letter.

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

Freedom of Information Team
Information Rights Specialist

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.

