



**Defence
Infrastructure
Organisation**

Ministry of Defence
Building 49
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

E-mail: DIOSec-Parli@mod.uk

Ref. FOI2015/09612

26 November 2015

Dear

Thank you for your email of 30 October 2015 requesting the following information:

“(a) copies of the documents considered during the review by the MoD ATC Subject Matter Expert of the proposed wind farm at Muircleuch, Scottish Borders (Defence Infrastructure Organisation reference 15192) during the period July to October 2014; and

(b) a copy of the document setting out the conclusions of the MoD ATC Subject Matter Expert’s review of that application.”

Your request for information has been dealt with under the Freedom of Information (FOI) Act 2000.

A search for the information has now been completed within the Ministry of Defence (MOD) and I can confirm all the information in scope of your request is held. The information in scope of your request can be found attached but some of the information falls entirely within the scope of the absolute exemptions provided at section 40 (Personal Data) and therefore personal information has been redacted.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

I attach the following document which is in scope of your request noting that the MOD knows the development as Muircleugh:

1. Email chain between 1 Gp HQ Safeguarding and Defence Infrastructure Organisation (DIO) advising that 1 Gp wished to remove their objection to the Muircleugh wind farm development (Planning Ref: 13/00044/FUL) and confirmation from DIO as to what action was required.

2. Technical Assessment report from Defence Equipment & Supply, Air Defence & Air Traffic Systems to 1 Gp HQ Safeguarding citing an objection to the Muircleugh wind farm development (Planning Ref: 14/01081/FUL)

3. Letter from 1 Gp HQ Safeguarding dated 23 October 2014 confirming no objection to the Muircleugh Wind Farm proposal.

Please note that the term "review" as utilised by the Air Traffic Control Subject Matter Experts (ATC SMEs) refers to the fact that the ATC SMEs regularly reconsider applications in light of their current understanding of military operations and asset requirements. The ATC SMEs proactively review outstanding objections to determine whether wind farm proposals continue to pose a risk to operations and if they consider that a proposal at that point in time is considered to be manageable they will if necessary remove their objection. There is no official report generated as a result of these reviews.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, www.ico.gov.uk.

Yours sincerely,

DIO Secretariat