



Ministry of Defence

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13 September 2016

Ref. FOI2016/07863

Dear

Thank you for your email of 16 August 2016 requesting the following information:

- "1. According to the minutes of the South Ruislip Residents Association (SRRA), the runway at RAF Northolt is going to be resurfaced next year (2017), closing the runway for around 9 months (REF - <http://srra.org.uk/2016/05/minutes-of-the-south-ruislip-residents-association-quarterly-meeting-held-at-st-marys-church-wednesday-april-27th-2016/>). Can the MoD confirm the accuracy of this information with regard to the closure of RAF Northolt due to runway resurfacing and give further clarification on the due dates for such closure?
2. If the resurfacing is due to take place, what plans does the MoD have to rehouse its military operations to nearby aerodromes in the interim?
3. Regarding an earlier FOI request [Ref. FOI2015/11458 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492293/201601-FOI11458.pdf], the MoD confirmed that EMAS arrestor beds will be installed at Northolt. What will the cost to the public purse be, and on what grounds is Section 43 used to withhold this information?
4. In light of the statement by _____ that RESAs "did not pose an unacceptable safety risk to the use of RAF Northolt by civil aircraft" (REF <http://www.bailii.org/ew/cases/EWHC/Admin/2015/24.html>), what is the basis for the decision to install new, alternative EMAS arrestor beds at RAF Northolt?
5. On what date did the MoD (/does the MoD intend to) formally announce the resurfacing work/EMAS arrestor beds installation at RAF Northolt? i.e. how much notice is intended to be given to all users?
6. Has the assumed considerable, earmarked spending on infrastructural improvements at RAF Northolt been subject to public consultation?
7. Has the intention to spend public money at RAF Northolt been scrutinised by an external body and, if so, are the relevant reports available to the public with all the necessary redactions?
8. The Emst and Young "Project Ark" report (2013) stated that the extent of non-compliance at Northolt is such that "it could not be licenced (for civil compliance) in its current form"

(EY, 2012). Did the EY report have any bearing on the decision to resurface the runway and install EMAS arrestor beds at RAF Northolt?"

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence (MOD) and I can confirm that some information in scope of your request is held.

The information you have requested can be found below, but some of the information falls entirely within the scope of the qualified exemptions provided for at sections 38 (Health and Safety) and section 43 (Commercially Sensitive) of the FOIA and has been withheld.

Section 38 and 43 are qualified exemptions and are subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 38(1) (a) and (b) has been applied because some of the information has the potential to adversely affect the physical health and endanger the safety of individuals. The balance of the public interest test concluded that whilst release would increase public understanding and satisfy your request it would seriously jeopardise Service Personnel at the site, therefore the balance of the public interest lay in withholding this information you desire. I have considered it necessary to apply the higher level of prejudice against release of the exempted information at the higher level of "would" rather than "would be likely to".

Section 43(2) has been applied because some of the information would be likely to prejudice the commercial interests the Ministry of Defence. The outcome of the balance of the public interest test concluded that whilst release would promote openness and transparency and satisfy your request for information, it would not be in the public interest to have access to commercial information. It has been necessary to weigh the factors favouring disclosure on a case by case basis against the strong public interest in protecting the commercial interests of MOD. The balance of the public interest therefore lay in withholding this information you desire.

I have responded to each of your questions below:

1. Work is currently underway to progress both the arrestor and runway projects to its design phase, with a view for construction by the end of 2018. MOD is unable to provide any further details on exact closure period and plans for operating aircrafts until the design phase is completed.
2. Section 38 (1) (a) and (b) have been applied to this question and as detailed above the information has been withheld.
3. Section 43 (2) has been applied to this question and as detailed above the information has been withheld. You may find it helpful to note that the MOD does not need to provide an explanation as to what grounds S43 has been applied, in accordance with the FOIA.
4. The MOD has a programme of lifecycle replacement for all of its assets, the arrestor project is part of this programme of works.
5. As outlined in question 1, the MOD cannot provide information on this subject until the design phase is completed, at this stage the MOD will engage with all appropriate parties regarding the programme of works.
6. The mandated scrutiny procedures have been and shall continue to be followed in full.
7. The mandated scrutiny procedures have been and shall continue to be followed in full. Section 43 (2) has been applied to this question and as detailed above the information has been withheld.

8. All applicable legal and regulatory frameworks have been followed and complied with in relation to commercial use of RAF Northolt. Any non-compliance in respect of MOD sites is managed and mitigated in accordance with all applicable legal and regulatory frameworks.

Yours sincerely,

DIO Secretariat

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 Information Rights Compliance team, 2nd Floor, Zone N, 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, <http://www.ico.org.uk>.