



# Ministry of Defence

Air Command Secretariat  
Spitfire Block  
Headquarters Air Command  
Royal Air Force  
High Wycombe  
Buckinghamshire  
HP14 4UE

Ref. FOI2016/00434

[REDACTED]

5 February 2016

Dear [REDACTED],

Thank you for your email of 12 January requesting the following information relating to Low Flying Areas 5 and 10.

*I am interested in figures for Low Flying Area 5 and Low Flying Area 10. In particular I would like to receive:*

- 1. The total low flying hours for both fixed-wing and helicopter aircraft carried out in both of Areas 5 and 10 in each of 2012/13, 2013/14, 2014/15 and so far in 2015/16.*
- 2. The total number of complaints received about military low flying in both of Areas 5 and 10 in each of 2012/13, 2013/14, 2014/15 and so far in 2015/16.*
- 3. How much, if any, has been paid out by the MOD relating to complaints about low flying in both of Areas 5 and 10 in each of 2012/13, 2013/14, 2014/15 and so far in 2015/16.*
- 4. The total number of flying hours per complaint received about military low flying in both of Areas 5 and 10 in each of 2012/13, 2013/14, 2014/15 and so far in 2015/16.*

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. We have now completed a search for the information you requested and I can confirm that information in scope of your request is held.

In respect of questions 1, 2 and 4, unfortunately, due to a change in the low flying booking software, we have experienced some issues with collating accurate low flying statistical information for Financial Year (FY) 2013/14 and FY 2014/15. This issue does not affect the careful planning of low flying or aircraft booking into the system, it only affects the subsequent statistical collation. Although extensive efforts have been made to ensure the accuracy of the statistics this has not proved possible. Consequently, it has been decided that low flying statistics will not be published for FY 2013/14 and FY 2014/15. I hope you will understand that there is no point providing you with inaccurate data.

The statistical issues have been resolved for FY 2015/16 and I can confirm that the Department holds statistical information which will be published later this year. As the information is intended for future publication, it is being withheld under Section 22 of the Freedom of Information Act. Section 22 is a qualified exemption, and as such, it has been necessary to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure. I have considered the fact that providing information now would promote openness, transparency and may increase trust in Government and the Armed Forces. I have also considered that withholding the information would allow the Department the space, within reason, to determine the publication timetables and deal with the necessary preparation, administration and context of publication. On balance, I have considered that the information should be withheld.

Low flying statistical information for FY 2012/13 is exempt from release under section 21 of the Freedom of Information Act (information accessible to applicant by other means) as it is available on the internet. Section 21 of the Act is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Under Section 16 of the Act the Department is required to provide advice and assistance and so I have provided below the internet link for low flying statistics for FY 2012/13 referred to above:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/345172/2014\\_0508-military-low-flying-Stats\\_Annex\\_2012-13\\_Revised\\_Final-U\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/345172/2014_0508-military-low-flying-Stats_Annex_2012-13_Revised_Final-U_2.pdf)

In respect of question 3, MOD low flying claims paid by the Department relating to complaints about low flying in both of Areas 5 and 10 in each of 2012/13, 2013/14, 2014/15 and so far in 2015/16 are detailed below:

#### Low Flying Area 5

FY 2012/13	£4,456.81
FY 2013/14	£7,052.47
FY 2014/15	£1,751.00
FY 2015/16	£2,472.50, as at 15 January 2016.

#### Low Flying Area 10

FY 2012/13	£9,606.78
FY 2013/14	£22,230.00
FY 2014/15	£41,629.95
FY 2015/16	£2,600.00, as at 15 January 2016.

Under Section 16, please be aware that when compensation is paid other costs may also be reimbursed by the MOD such as legal fees, where a claimant chooses to be legally represented and, for example, medical, veterinary and other professional costs. These inclusive payments are not recorded separately. Settlement of claims may relate to an incident not occurring in the same financial year.

Additionally, please be aware that the Royal Air Force takes its responsibilities to the general public very seriously indeed. However, to put the reason for low level flying training into perspective, many nations possess modern, capable air defence systems against

which an aircraft's best chance of survival lies in using ground contours to delay detection and reduce the effectiveness of enemy air and ground defences. Low flying is a perishable skill that can only be perfected through rigorous training and continuous practice in a realistic environment. If the skill were to be allowed to lapse through lack of training, combat effectiveness would be considerably reduced and the scope for losses increases noticeably.

Further information explaining the importance of military low flying and measures taken to minimise disturbance can be found on the Gov.uk website at the following link:

<https://www.gov.uk/guidance/military-low-flying>.

If you are not satisfied with this response or 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**, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto: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>.

Yours sincerely,

[Signed]



Air Command Secretariat