



Policy Legacy FOI Team
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Reference: FOI: 2018/12196

Date: 29 October 2018

Dear [REDACTED]

REQUEST FOR INFORMATION – I AM WRITING IN REGARDS TO NUISANCE CAUSED BY MOD AIRCRAFT.

Thank you for your e-mail dated 1 October, I can confirm that your request has been considered under the provisions of the Freedom of Information Act 2000 (FOI(A)), and the process is now complete.

You asked for the following:

1. *“Please provide a log of all complaints made to the MoD over the last five years (including 2018 to date) from farmers with an address in Northern Ireland re animals scared or frightened by MoD aircraft. In each case state the month and year, a brief synopsis of the complaint including what animals were affected and how, and whether compensation was paid out. If it was, how much was paid out.*
2. *Please provide a log of all complaints made to the MoD over the last five years (including 2018 to date) from people with an address in Northern Ireland re nuisance caused by MoD aircraft. In each case state the month and year, a brief synopsis of the complaint, and whether compensation was paid out. If it was, how much was paid out.”*

Under Section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to the applicant. In response to Question 1 you can find the most up to date information available regarding nuisance complaints caused by MOD aircraft and complaints received at the following web addresses:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/294878/6th Report of the Independent Reviewer of the Justice and Security NI Act 2007 2012-2013.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/294878/6th_Report_of_the_Independent_Reviewer_of_the_Justice_and_Security_NI_Act_2007_2012-2013.PDF)

<https://www.gov.uk/government/publications/7th-annual-report-of-independent-reviewer-of-justice-security>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/499691/Independent Reviewer of the Justice and Security Northern Ireland Act 2007 8th report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/499691/Independent_Reviewer_of_the_Justice_and_Security_Northern_Ireland_Act_2007_8th_report.pdf)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachm>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/599114/9th Annual Report of Independent Review of Justice Security.PDF

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/701739/10th Annual Report of the Independent Reviewer of Justice Security NI Act 2007.pdf

Please note that Section 21 is an absolute exemption therefore it is not subject to the public interest test.

I can confirm that the information regarding low flying complaints to cover the period 1 August 2017 – 31 July 2018 is exempt under Section 22 of the Act as it is information intended for future publication.

Section 22 provides that:

(1) Information is exempt information if –

(a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not).

(b) It is reasonable in all circumstances that the information should be withheld from disclosure until the date referred to in paragraph a.

Section 22 is a qualified exemption subject to the public interest test. We have considered the public interest in releasing the information against the interest in withholding it. The Independent Reviewer of Justice and Security NI Act 2007 has not yet published his report to Parliament however once he does the Report will be available through the www.gov.uk. Therefore, we have concluded that the public interest in withholding this information outweighs the public interest in releasing it.

In generating our response to Question 2 I have taken the past 5 years to cover 1 October 2013 – 30 September 2018. Please see below table detailing the claims received.

Claim Category	Date of Incident	Claim Details	Incident Location	Payment	Claim Status
Livestock	29 January 2009 (submitted 2015)	Low Flying Helicopter claimed for loss of bloodstock.	Co Down		Active
Livestock	16 April 2015	Low Flying Jet caused poultry to panic and smother.	Co Tyrone	£1,900.00	Closed
Livestock	3 December 2015	Claimed Low Flying Helicopter frightened Bloodstock. Claim received in 2015.	Co Down		Closed (Repudiated)

Livestock	21 July 2017	Claimed Low Flying Helicopter frightened Bloodstock.	Co Armagh		Closed (Repudiated)
Livestock	2 June 2018	Claimed a Tornado flew low over property and spooked cattle.	Co Tyrone		Active

Please note that there is a difference between making a complaint and making a claim for compensation. MOD does not make payments as a result of complaints made, only where a substantiated legal claim has been made.

If you have any queries regarding the content of this letter, please contact this office in the first instance

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the FOI(A). Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

38X Brigade FOI Team