



Defence Business Services
Secretariat
Room 6303
Tomlinson House
Norcross
Thornton-Cleveleys
Lancashire FY5 3WP

Ref: FOI2022/07120

DBSRES-Secretariat@mod.gov.uk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

08 July 2022

Email: [REDACTED]

Dear [REDACTED]

Thank you for your email of 13 June 2022 to the Ministry of Defence (MOD), seeking information about the Protection of Military Remains Act 1986.

You requested the following information:

" I would like to know: -

- 1. Exactly on what evidence the application to recover Spitfire P9546 was refused, considering that a recovery licence was held on this aircraft in or around 1993, the site investigated and no human remains found.*
- 2. How many aircraft recovery licences have been processed in the last year.*
- 3. How many applications have been granted.*
- 4. How many of those applications concern fatal crashes.*
- 5. As recovery applications concerning fatal crash-sites appear to being refused out of hand, on the basis that 'human remains may be present', can the MOD please explain to me why, if it is so concerned, it does not actually ensure that these sites are cleared?"*

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 MOD and I can confirm all information in scope of your request is held.

1. Since a licence was granted to excavate this crash site in 1993, the criteria for the issuing of POMRA licences has been tightened. This was due to multiple instances where despite deceased crew members having known graves, additional human remains

were found during excavations. Therefore since 2018, if it is believed that human remains could be present at a crash site, the Joint Casualty and Compassionate Centre will only issue a licence in exceptional circumstances. The Ministry of Defence sought further advice about the nature of the crash of Spitfire P9546 from the Air Historical Branch (AHB). AHB searched their records and advised that the aircraft broke up in the air, meaning it was possible fragmentary human remains could still be present at the site. A review of this application is being undertaken.

2. 13 aircraft recovery licences have been processed in the last year
3. Seven of these applications were granted.
4. Four of the successful licence applications were for sites with possible human remains. One of these was issued to the Defence Prisoner of War/ Missing in Action Accounting Agency on behalf of the American Government wishing to excavate an American aircraft. It should be noted that the United States operate a different policy which we facilitate. The other three were issued in order that essential works and development could be carried out in the local area. In these instances, the intent was not to excavate the aircrafts, but licences were needed to excavate within the 100 metres radius of the crash sites.
5. The policy of Commonwealth nations is not to search for missing war dead and not to unnecessarily disturb possible war graves. This applies to crash sites in the UK covered by POMRA as well as sites overseas where missing military casualties may still be located. The exception, as noted in the response above, is where essential works or development are due to be carried out, in which case the MOD will grant a licence on the basis that the excavation is carried out with appropriate oversight by the Coroner's office.

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.gov.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 Freedom of Information Act. 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



Defence Business Services Secretariat