

Ref: FOI2023/09270



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

DBSRES-Secretariat@mod.gov.uk

21 August 2023

Dear

Thank you for your email of 25 July 2023 to the Ministry of Defence (MOD), requesting the following information:

"1. Please supply any records in any medium which mention the excavation license concerning the 1943 Fairey Barracuda Torpedo Bomber (believed to be No. BV739).

https://www.wessexarch.co.uk/news/rare-ww2-aircraft-lifted-sea

I would like the above information to be provided to me as electronic copies or paper"

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 that all information in scope of your request is held and can be found in the attached documents.

I should advise that it is MOD policy not to confirm the status of individuals who hold a rank lower than SCS1* or their military equivalents (Commodore, Brigadier, Air Commodore and above), unless they are employed by the Department in public-facing roles. I can, therefore, advise that some of the information in scope of your request has been redacted (black lined) under the exemption provided for at Sections 40(2) (Personal Data) of the FOIA.

Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA.

The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the third-party personal data identified in the attached information.

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 <u>CIO-FOI-IR@mod.gov.uk</u>). 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

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Can you confirm that a license was granted for the recovery and the reasoning behind it in case I am asked any questions? Who will be leading on the gifting of the parts to the Fleet Air Arm Museum?			1				
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Can you confirm that a license was granted for the recovery and the reasoni any questions? Who will be leading on the gifting of the parts to the Fleet Air Arm Museum?		NAVY SEC-1 Charities and Heritage Navy Command Headquarters				2	
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you confirm t questions? o will be leadir	Kind Regards	1			···		
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	-	creative heritage enriching lives through heritage	http://www.wessexarch.co.uk	Wessex Archaeology	Marine Archaeologist		I will forward the initial report based on last week's work to for the source of the sourcelves, with the returns form, and images/video of the work so far. I hope to have this with you sometime next week. There will then be a further report and returns form generated when we do the full recovery, probably in late April or May, again with the FAMM present to offer advice and guidance.	Good Afternoor	Sent: 07 March 2019 14:36 To: (DBS-JCCC Commem 1) Cc: Subject: RE: Retrospective Licence for Barracuda BV739		Regards	As Licence 1878 is now valid from today for one year, we are happy for you to submit everything in one go at the end of the full recovery later this year. But let me know if you need to discuss.		Cc: Subject: RE: Retrospective Licence for Barracuda BV739	Sent: 07 March 2019 15:09 To:	From.
	-	creative heritage solutions enriching lives through heritage	http://www.wessexarch.co.uk	Wessex Archaeology	Marine Archaeologist		k's work to e to have this with you so we do the full recovery, i	Good Atternoor	Sent: 07 March 2019 14:36 To: Cc: Subject: RE: Retrospective Licence for Barracuda BV739	1	Regards	As Licence 1878 is now valid from today for one year, we are happy for you to subm end of the full recovery later this year. But let me know if you need to discuss.		RE: Retrospectiv	07 March 2019 15:0	

Just thought I would forward this from section regarding final report for your information.
From: From: Sent: 07 March 2019 14:05 To: March 2019 14:05 Subject: RE: Retrospective Licence for Barracuda BV739
Dear the second of the report to be forwarded to me (which is kind), and so I look forward to reading that in due course, sincerely,
County Archaeologist
Specialist Environmental Services Economy, Transport and Environment Department Elizabeth II Court West, The Castle, Winchester SO23 8UD
www3.hants.gov.uk/landscape-and-heritage/historic-environment.htm
Share your thoughts on our service here: <u>http://twitter.com/hantsconnect</u>
From: (DBS-JCCC Commem1) (DBS-JCCC Commem1) (DS-JCCC COMMEM1) (DS-JCCCC COMMEM1) (DS-JCCCCC COMMEM1) (DS-JCCCC COMMEM1) (DS-JCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
Retrospective Licence for Fairey Barracuda BV739
For your information, please find attached licence letter and licence for above aircraft.
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& Licensing Email:

Postal Address: Commemorations, JCCC, Rm G35, Innsworth House, Imjin Barracks, Gloucester GL3 1HW Website: https://www.gov.uk/guidance/joint-casualty-and-compassionate-centre-jccc

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also a Charity registered in England and Wales, number registered in England, company number and it is Our registered office is at the second of the information contained in this message or in any attachment.

ionate Centre	Date: 7 March 2019		Contact us: Your reference: Our reference: DBS/14/2/11	Commemorations & Licensing: Contact Name:	email external:	Contact Name: Contact Name:	This letter has been copied to: Landowner County Archaeologist DIO	EOD Enclosed: Licensed: Bannar of thems Ramound form					JCCC 47
Defence Business Services Joint Casualty and Compassionate Centre Imjin Barracks Gloucester GL3 1HW GL3 1HW	-by email	Dear Mr Protection of Military Remains Act 1986	Further to your email of 4 March 2019 advising the recovery under Licence 1874 for Fairey Barracuda RK556 had taken place, however, Fleet Air Arm advised recovered wreckage in fact most probably belonged to Fairey Barracuda BV739.	Therefore, Licence 1874 has now been cancelled and Licence 1878 attached, issued for Fairey Barracuda BV739 retrospectively.	As referred to in our letter of 23 January 2019 sent with the issue of the previous licence:	 please provide the County Archaeologist: when the second se	 complete and return the enclosed Report of Items Removed form, with photographs if possible. Please note, a copy of the completed form will be sent to the relevant County Council for their information. 	 please note that any items found belong to The Crown until it is agreed by us that they will be transferred to you. Paragraph 19 of the Notes for Guidance refers. 	More help or explanation	Please contact us if you have any questions	Yours sincerely	Licensing	04/14

LICENCE UNDER THE PROTECTION OF MILITARY REMAINS ACT 1986

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- To:
- The Secretary of State, pursuant to Section 4 of the Protection of Military Remains Act ("the Act"), hereby authorises you and anyone assisting you at your request, to do anything within the area described in the Schedule to this licence ("the Area"), which would otherwise be an offence under Section 2 of the Act.
 - The authority granted by this Licence is subject to the following limitations and conditions. 2
- If at any time you, or anyone assisting you, discover human remains or unexploded ordnance within "the Area": 3
 - (a) the authority granted by this Licence shall have no further effect, and accordingly all work under this Licence must cease until an officer of the Ministry of Defence tells you that it is operative again.
 - (b) in the case of human remains:
- -(i) you must forthwith telephone the Ministry of Defence (01452-712612 6303/7330), or, you fail to get an answer, you must inform the police as soon as possible thereafter;
 - (ii) the remains must be treated with due respect at all times.
- (iii) the presumed identity of the remains is not to be divulged to anyone, except the Ministry of Defence or the police;
 - no steps are to be taken to trace and notify the next of kin; (iv)
- (c) in the case of unexploded ordnance:
- (i) you must forthwith inform the police;
- you must on no account interfere with it. (II)

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- A report of items recovered is to be rendered to the Ministry of Defence upon completion of the recovery operation.
 - This licence takes effect from 0001 on 07 Mar 2019 and expires at 2359 on 06 Mar 2020 unless revoked. 2

Licence No: 1878

Page: 1 of 2

LICENCE UNDER THE PROTECTION OF MILITARY REMAINS ACT 1986

This Licence is given solely for the purposes of the Act and does not:

(a) entitle you to enter any land;

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(b) affect the rights of any person (including the Crown) as owner of anything found within "the Area", or as owner of the land within "the Area";

(c) entitle you to retain anything found within "the Area";

(d) constitute a licence or consent to do anything for which licence or consent is required under any other enactment.

THE SCHEDULE

An area of land having a radius of 100 metres around OS map references

Issued on behalf of the Secretary of State for Defence

Licence No: 1878

Page: 2 of 2

07 March 2019 14:26 FW: Retrospective Licence for Barracuda BV739	Just thought I would forward this from the second final report for your information.			From: From: Sent: 07 March 2019 14:05 Sent: 07 March 2019 14:05 Subject: RE: Retrospective Licence for Barracuda BV739	Dear comp, thanks for letting me know. I note that the licence requests a copy of the report to be forwarded to me (which is kind), and so I look forward to reading that in due course, sincerely,	County Archaeologist	Specialist Environmental Services Economy, Transport and Environment Department Elizabeth II Court West, The Castle, Winchester SO23 8UD		Share your thoughts on our service here: http://twitter.com/hantsconnect	From: Sent: 07 March 2019 13:51 To: Subject: Retrospective Licence for Barracuda BV739	Retrospective Licence for Fairey Barracuda BV739	For your information, please find attached licence letter and licence for above aircraft.		1	•	
From: Sent: To: Subject:	Just thou	Regards	1	From: From: A	Dear be forwa	County	Speciali Econom Elizabet	I	Share you	From: Sent: 07 h To: Subject: R	Retrospec	For your i	Regards	Í		

Commemorations & Licensing

Commemorations & Licensing Email: Website: https://www.gov.uk/guidance/joint-casualty-and-compassionate-centre-iccc

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				ns recovered				·				
	s issued.			Thank you. Please note it is Fairey Barracuda BV739, not Fairey Battle BV739 . I will forward a list of items recovered and images from the diving to you shortly.						Record your archaeological discoveries with the Marine Antiquities Scheme https://marinefinds.org.ub/		
mem1)	he new licence	1		3V739 . I will for						s Scheme https://r		
(DBS-JCCC Com RK556	d images until t	1		t Fairey Battle E					(Antone Antiquitie the Marine Antiquitie	1	
06 March 2019 16:01 RE: Fairey Barracuda RK556	Sorry, more haste, less speed! Hold the list of items and images until the new licence is issued.	mmem1)		acuda BV739, no tly.				•		A. Iscoveries with the		
06 M	speed! Hold the	From: From: Sent: 06 March 2019 15:59 To: Commerch 2019 15:59 Cc: Remember 10 (DBS-JCCC Commerch) Cc: Barracuda RK556		it is Fairey Barra Aing to you shor			4		ions heritage	r archaeological d		
•	ore haste, less	From: Sent: 06 March 2019 15:59 Sent: 06 March 2019 15:59 Cc: Free Sent Sent Control (DBS-JCCC C Subject: RE: Fairey Barracuda RK556	Good Afternoon	u. Please note es from the div	hes,	Marine Archaeologist	Wessex Archaeology	9	creative heritage solutions enriching lives through heritage	Record you		
From: Sent: . To: Subject:	Sorry, mo	From: From: 6 Sent: 06 To: Cc: Cc: Cc: Subject:	Good Aft	Thank yo and imag	Best Wishes,	Marine Ar	Wessex A		creative enriching			

Sent: 06 March 2019 15:53

To:

(DBS-JCCC Commem2 SO3) Barracuda RK556 Subject: RE: Fairey ü

Thank you for this information. The and I have discussed. We will issue a new licence for the Fairey Battle BV739 and suitably amend our records for Licence 1874 to say it is not this aircraft. I will try and get that done for you tomorrow. And if you could then submit a Report of Items Recovered form to list recovered items, and any photos if possible, for the new Licence number.

Regards

Commemorations & Licensing

Website: https://www.gov.uk/guidance/joint-casualty-and-compassionate-centre-jccc

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From:

Sent: 04 March 2019 15:17 To: (DBS-JCCC Commem1)

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Subject: RE: Fairey Barracuda RK556

Good Afternoon

Following on from our conversation earlier concerning Fairey Barracuda RK556, licence 1874, IFA2 National Grid Ventures, I am writing to confirm that following advice from, and discussion with, the technical staff at the Fleet Air Arm Museum, who attended the site to observe and offer advice, that we believe that the initial identification of the aircraft must be revised.

It has now been identified as probably being serial number BV739, a Blackburn built Fairey Barracuda Mk II. This was delivered to 15 Maintenance Unit from the manufacturer at Brough on 15 July 1943 then allotted to 822 Squadron based at RNAS Lee-on-Solent (HMS Daedalus) that was forming up to be part of the 45th Naval Torpedo Bomber Reconnaissance Wing for service with the Far Eastern Fleet. On 29 September 1943 it lost power on take-off and ditched in shallow water, its pilot Sub Lieutenant DJ Williams was OK.

At this time, we have recovered the remains of the tail wheel and strut, and a push rod, found away from the main wreckage, due to concerns that they were at risk from a scallop dredger working in the area. These items are currently being held in a conservation tank at our Salisbury office.

Would it therefore bossible to revise the original licence, to take this in to account, or how would you like us to proceed, please? Diving operations are currently suspended on the site. Best Withen Best Withen <td< th=""><th>creative haritage solutions enriching lives through heritage Record your archaeological discoveries with the Marine Antiquities Scheme https://marinefinds.org.uk/ From: enriching 14:52 To: enriching 14:52</th><th>ect: Fairey Battle k you for advisin n fact was Fairey u could reply wit forward to your ards</th><th></th></td<>	creative haritage solutions enriching lives through heritage Record your archaeological discoveries with the Marine Antiquities Scheme https://marinefinds.org.uk/ From: enriching 14:52 To: enriching 14:52	ect: Fairey Battle k you for advisin n fact was Fairey u could reply wit forward to your ards	

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the information contained in this message or in any attachment. Wessex Archaeology Ltd is a company limited by guarantee registered in England, company number with a lass a charity registered in England and Wales, number with and in Scottiand, Scottish Charity number with a lass a charity registered in England and Wales, number with an and the second in Scottian (Scottish Charity number with a lass a charity registered in England and Wales, number with an and the second in Scottian (Scottish Charity number with a lass a charity registered in England and Wales, number with an and the second in Scottian (Scottish Charity number with a lass a charity registered office is at with a second and with the second and the second and the second and the information contained in this message or in any attachment.

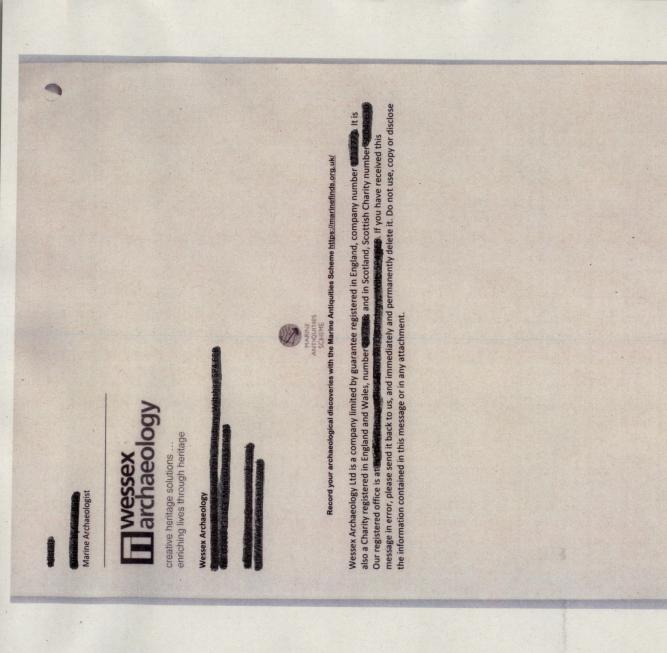
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So I understand, I have been following the project on TV and in the media. It certainly has done a lot to traise the profile of both aviation archaeology and the Fleet Air Arms museum collection. It has been very rewarding. County Archaeologist County Archaeologist Specialist Environmental Services Economy, Transport and Environment Department Elizabeth II Court West, The Castle, Winchester SO23 8UD Share your thoughts on our service here: <u>http://twitter.com/hantsconnect</u> from: environment Elizabeth II Court West, The Castle, Winchester SO23 8UD Share your thoughts on our service here: <u>http://twitter.com/hantsconnect</u> from: environment Elizabeth II July 2020 08:55 Comment Count Parare I Berare Barracuda BV739 Subject: Re: Return Form for ticence 1878 Fairey Barracuda BV739
county Archaeologist pecialist Environmental Services conomy, Transport and Environment Department conomy, Transport and Environment Department conomy, Transport and Environment Department conomy, Transport and Environment ilizabeth II Court West, The Castle, Winchester SO23 8UD ilizabeth II Court West, The Castle, Winchester SO23 8UD hare your thoughts on our service here: <u>http://twitter.com/hantsconnect</u> hare your thoughts on our service here: <u>http://twitter.com/hantsconnect</u> here with 14 July 2020 08:55 content of the Icence 1878 Fairey Barracuda BV739 hank you for your reply. The items go to the licensee but will be part of the Fleet Air Arm's re-build
Specialist Environmental Services conomy, Transport and Environment Department conomy, Transport and Environment Department Elizabeth II Court West, The Castle, Winchester SO23 8UD environment hare your thoughts on our service here: <u>http://twitter.com/hantsconnect</u> hare your thoughts on our service here: <u>http://twitter.com/hantsconnect</u> envi: 14.July 2020 08:55 oi envi: 14.July 2020 08:55 dipject: Re: Return Form for Licence 1878 Fairey Barracuda BV739 dipject: Re: Return Form for Licence 1878 Fairey Barracuda BV739 fank you for your reply. The items go to the licensee but will be part of the Fleet Air Arm's re-build
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rhank you for your reply. The items go to the licensee but will be part of the rieet Air Arm s re-puild
project.
regards
From: From: 13 July 2020 15:50 To: Explored (DBS Milpers-JCCC Commem1 E1) Control of the SMR record, C
County Archaeologist

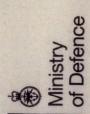
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Economy, Transport and Environment Department Economy transport and Environment Department Share your thoughts on our service here: <u>http://twitter.com/hantsconnect</u>	(DBS MilPers-JCCC Commem1 E1) <	letter re Licence 1878.		nly. Access to this messag use, disclose, distribute, cr is email, please notify the a email, please notify the a d for other lawful purpose d for other lawful purpose.	R
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Economy, Tr Economy, Tr Share your thou	From: 13 July 2020 15:24 Sent: 13 July 2020 15:24 To: the form for Subject: Return Form for	For your inform Regards	Commemorati	This email is in not the intend or transmissio Recipients sho the effective o	

(DB	(DBS MilPers-JCCC Commem1 E1)	
From: Sent:	13 July 2020 15:22	
l o: Subject: Attachments:	Return Form for License 1878 Fairey Barracuda BV739 Return Form.pdf, 20200713-BarracudaBV739_Licence1878-O.doc	
1		
Thank you for sending in the ret confirm the aircraft. Anne and I the licence, leaving it as 8V733.	Thank you for sending in the return form and for advising in your email of 2 July that Fleet Air Arm are still unable to confirm the aircraft. Appendix 1 discussed and have a transfer of ownership letter to complete the paperwork for the licence, leaving it as BV739. But if this changes, then just let us know. That's not a problem.	
Regards		
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This email is intended for the recipient only. not the intended recipient you must not use, or transmission error has misdirected this en Recipients should note that e-mail traffic on the effective operation of the system and for	This email is intended for the recipient only. Access to this message by any other person is not permitted. If you are not the intended recipient you must not use, disclose, distribute, copy, print or reply on this email. If an addressing or transmission error has misdirected this email, please notify the author by replying to this email. Recipients should note that e-mail traffic on MOD systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes.	
From: Structure of the second se	5:06 DBS Milpers-JCCC Commem1 E1)	
Cc: Control Co	e 1878 Fairey Barracuda BV739	
Good Afternoon Getoreth		
Please find attached the return form for license 1878 Fairey B to you, I have been away from work for a number of months.	Please find attached the return form for license 1878 Fairey Barracuda BV739. Apologies for the delay in getting this to you, I have been away from work for a number of months.	
I also have to inform you that the ongoing work bei conversations with the Curator of Aircraft, we have being a different aircraft, whose loss position is indi has confirmed this, there is a significant amount of MKII Fairey Barracuda, lost in similar circumstances staff are hoping to definitively clear this up shortly.	I also have to inform you that the ongoing work being carried out by the Fleet Air Arm Museum, and from conversations with the Curator of Aircraft, generation, and generation, their restoration manager, point to this being a different aircraft, whose loss position is indicated as being further offshore. Though no definitive evidence has confirmed this, there is a significant amount of evidence to indicate that the aircraft recovered is L5473, another MKII Fairey Barracuda, lost in similar circumstances to BV739, again with no casualties on the 06.01.44. The museum staff are hoping to definitively clear this up shortly.	
Best Wishes,		
	-	



N



Defence Business Services Joint Casualty and Compassionate Centre Imjin Barracks Gloucester GL3 1HW





Date: 13 July 2020

Dear Mr

Protection of Military Remains Act 1986

Thank you for sending in the Report of Items Removed form for Licence Number 1878 for Fairey Barracuda BV739.

Further to your email of 2 July 2020, advising the aircraft may possibly not be BV739, or LS473, but at present there is no concluding reference mark to confirm the serial number.

Our reference: DBS/14/2/24

Your reference:

Contact us:

Commemorations & Licen:

Contact Name:

I have discussed with the second and it has been agreed we will keep this Licence for BV739 with ownership transferred to you. However, if Fleet Air Arm are able to positively identify the aircraft at a later date, then please advise us accordingly.

A copy of the form is enclosed for your information and we will keep the original as a reference document.

More help or explanation

Copy to: SMR officer – David Hopkins

Contact Name:

mail external:

Enclosed: Report of Items Removed - copy Please contact us if you have any questions but hope this helps.

Yours sincerely

Licensing

	02 July 2020 12:12	RE: License 1878 Fairey Barracuda BV739 or LS473?		I have recently emailed the team at the Fleet Air Arm Museum concerning this question. Currently they are shut down due the COVID19 restrictions and therefore work, beyond storage and conservation, is not currently occurring on the aircraft. However, the Curator of Aircraft entering the sponded that their identification of the aircraft was still unconfirmed at this time, though based on the recovered components and detailing gleaned from them, they are steering away from it being BV739, or a Blackburn built Barracuda. Due to the predominantly Fairey referencing's on the parts (with some Boulton Paul and Westland components) they feel in all likelihood that it is a Fairey built aircraft. However, they are reluctant at this stage to definitely identify it as LS473, without a concluding reference mark, or some piece of archaeology that draws an absolute conclusion, in terms of a definitive serial number for the aircraft.	In light of this is there a way to close out the return, with an option to update it, as and when new information is found to alter/confirm the identification of the aircraft?			Enterting solutions enriching lives through heritage Wessex Archaeology	From: (DBS MilPers-JCCC Commend E1)
Com.	Sent:	CC Subject:	Good Morning	I have recently emailed down due the, COVID19 on the aircraft. Howeve still unconfirmed at this are steering away from referencing's on the par Fairey built aircraft. How reference mark, or somn number for the aircraft.	In light of this is found to alter/co	Best Wishes,	Marine Archaeologist	Creative heritage enriching lives thr	From: University 2020 09:29 To: Aubject: Fw: License 187

Can I ask if you can confirm the aircrfaft this Barracuda under Licence 1878, which we were advised might be LS473, so I can process the return for you. Look forward to your reply.

Regards

From: A commentation (DBS Milbers-JCCC Comment E1) A Sent: 11 June 2020 13:36

To: Automotion and Automotion Subject: Re: License 1878 Fairey Barracuda BV739

Fairey Barracuda BV739 Licence 1878

Thank you for your email. We are all well and getting used to some new ways of working. Just looking at the notes for this. We received the return 12 March but advised Fleet Air Arm thought it might be L5473. So we were awaiting final confirmation of serial number for the Transfer of Ownership letter. You can confirm by email and we will then organise the letter for you.

Regards

Commemorations & Licensing Imjin Barracks

Good Afternoon

I hope all is well with you and your colleagues during these difficult times?

We are currently putting together the archive on the Fairey Barracuda recovered from the Solent last year and we don't yet appear to have received the Transfer of Ownership letter for the licensee, or is this dependant on the final identification of the aircraft?

Best Wishes,

Marine Archaeologist

From:

(DBS MilPers-JCCC Commem1 E1) To: CC:

Subject: Return Form for License 1878 Fairey Barracuda BV739

Good Afternoon

Please find attached the return form for license 1878 Fairey Barracuda BV739. Apologies for the delay in getting this to you, I have been away from work for a number of months.

I also have to inform you that the ongoing work being carried out by the Fleet Air Arm Museum, and from conversations with the Curator of Aircraft, **activity**, and **activity**, their restoration manager, point to this being a different aircraft, whose loss position is indicated as being further offshore. Though no definitive evidence has confirmed this, there is a significant amount of evidence to indicate that the aircraft recovered is LS473, another MKII Fairey Barracuda, lost in similar circumstances to BV739, again with no casualties on the 06.01.44. The museum staff are hoping to definitively clear this up shortly.

Best Wishes,

Marine Archaeologist



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Wessex Archaeology



Record your archaeological discoveries with the Marine Antiquities Scheme https://marinefinds.org.uk/

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