



# Ministry of Defence

**Defence Business Services**  
Secretariat  
Room 6229  
Tomlinson House  
Norcross  
Thornton-Cleveleys  
Lancashire FY5 3WP

Ref: FOI2023/12732, FOI2023/12773  
and FOI2023/12734

[DBSRES-Secretariat@mod.gov.uk](mailto:DBSRES-Secretariat@mod.gov.uk)

14 December 2023

Dear [REDACTED]

Thank you for your emails of 21 October 2023 to the Ministry of Defence (MOD), requesting the following information:

*"I wish to request a copy / copies of the "extensive legal advice" recently received by the Joint Casualty and Compassionate Centre (JCCC) concerning their changes to the policy regarding licensing of works on historic aircraft crash sites under the Protection of Military Remains Act (1986) referred to in recent correspondence with the JCCC and including that from Brigadier Caroline Hull (head of Armed Forces and Veterans Services, Defence Business Services) dated 3rd August 2023.*

*I wish to request details of all processed licence applications made under the terms of the Protection of Military Remains Act (1986) for the excavation of, or work likely to cause disturbance to, aircraft crash sites from the 1st November 2022 to the present day.*

*The data I require for each instance is: date of application, aircraft type and serial number and stated place of crash. Also could you indicate as to whether a licence was granted or refused and the Applicant category, i.e. if the licence request was made by a private individual or museum, or on behalf of a commercial concern (i.e. developer, utility company or council, DPAA etc).*

*Finally could you also indicate the total number of any licence applications still under consideration*

*I wish to request the total number of licence applications granted under the terms of the Protection of Military Remains Act (1986) from the 1st January 2000 to the present day by commercial applicants (i.e. developers, utility companies or councils, DPAA etc), together with details (i.e. date of application, aircraft type, serial number, stated location on application) of all those, if any, where human remains were reported as being found."*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). I would firstly like to apologise for the delay in replying.

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

- 1. I wish to request a copy / copies of the "extensive legal advice" recently received by the Joint Casualty and Compassionate Centre (JCCC) concerning their changes to the policy*

*regarding licensing of works on historic aircraft crash sites under the Protection of Military Remains Act (1986) referred to in recent correspondence with the JCCC and including that from Brigadier Caroline Hull (head of Armed Forces and Veterans Services, Defence Business Services) dated 3rd August 2023.*

**The MOD holds no written legal advice either in documentary or email form pertaining to the legal advice sought.**

*"I wish to request details of all processed licence applications made under the terms of the Protection of Military Remains Act (1986) for the excavation of, or work likely to cause disturbance to, aircraft crash sites from the 1st November 2022 to the present day.*

*The data I require for each instance is: date of application, aircraft type and serial number and stated place of crash. Also could you indicate as to whether a licence was granted or refused and the Applicant category, i.e. if the licence request was made by a private individual or museum, or on behalf of a commercial concern (i.e. developer, utility company or council, DPAA etc)."*

**This data can be found at Annex A below.**

*"Finally could you also indicate the total number of any licence applications still under consideration"*

**There were six licence applications still under consideration on 20 November 2023.**

*"I wish to request the total number of licence applications granted under the terms of the Protection of Military Remains Act (1986) from the 1st January 2000 to the present day by commercial applicants (i.e. developers, utility companies or councils, DPAA etc), together with details (i.e. date of application, aircraft type, serial number, stated location on application) of all those, if any, where human remains were reported as being found."*


**This data can be found at Annex B below.**

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](mailto: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

Annex A  
to FOI2023/12732, FOI2023/12733 and FOI2023/12734  
dated 14 December 2023

Licence applications 1 November 2022 to 20 November 2023

Date of Application	Aircraft Type	Serial Number	Location of crash	Licence Issued/Rejected	Applicant Category: private individual/group/museum or commercial
01/11/2022	Messerschmitt	1985	Bank Farm, Kent	Issued	Commercial
07/11/2022	JU88	8099	Graveney Marsh, Kent	Issued	Commercial
25/11/2022	Spitfire	AD183	Westmeston	Issued	Private Individual
08/12/2022	Wellington	LP381	Worksop	Issued	Commercial
15/12/2022	Typhoon	DN303	Isle of Wight	Issued	Commercial
04/01/2023	Lancaster	NG132	Withersea	Rejected	Private Individual
09/02/2023	B50	6060	Isleham	Issued	Commercial
18/04/2023	Wellington	X3547	NW Crewe	Issued	Commercial
18/04/2023	Oxford	DF477	NW Crewe	Issued	Commercial
26/04/2023	Bf110	3201	Hants	Issued	Private Individual
19/05/2023	B17	42- 30851	Thurston, Suffolk	Issued	DPAA (American Authorities)
24/06/2023	Halifax	DT673	RAF Leeming	Issued	Group

**Licence applications granted where human remains were reported  
as being found 1 January 2000 to 20 November 2023**

Date of Application	Aircraft Type	Serial Number	Location of crash	Applicant Category: private individual/group/museum or commercial
18/11/2002	Spitfire	X4035	Hadlow Down, East Sussex	Individual
08/07/2004	Dornier	EH5526	Fenhurst	Individual
2004	Mosquito	N5998	Kings Lynn	MOD Authority/hazard to shipping
02/08/2010	Mustang	42-103007	Faldingworth	Group
25/11/2011	Spitfire	AR403	Hurdlaw, Scottish Borders	Individual
27/02/2015	Spitfire	X4593	Holme, Cambs	Group
07/07/2017	Spitfire	AB462	St Erth, Cornwall	Archaeological Unit to recover remains from illegal dig
01/08/2018	Marauder	42-95814	Sawbridgeworth, Herts	DPAA (American Authorities)