

From: [REDACTED]
To: [Norfolk Vanguard](#)
Subject: Norfolk Vanguard - (Ref: EN010079)
Date: 29 January 2019 11:07:32
Attachments: [Further plane crash information.docx](#)
[20180110-Rev-Smedley-Contamination left behind from Danish F-16 crash-Re....pdf](#)
Importance: High

Good morning,

I am writing further to my previous submissions concerning the Norfolk Vanguard Offshore Wind Farm.

As you will be aware, I am supporting the local communities in their opposition to the current proposals being taken forward by Norfolk Vanguard Ltd/Vattenfall UK. One of the reasons for this is the lack of sufficient environmental analysis that has been carried out by Norfolk Vanguard Ltd/Vattenfall UK – particularly in light of the news that an F-16 fighter jet crashed at the location back in 1996.

I have been provided with the attached correspondence from a representative of the Necton Substation Action Group, along with a copy of a response that she recently received from the Head of the Information Rights Team at the Ministry of Defence.

In her correspondence, Mrs Smedley has drawn attention to Point 22 of the MOD's response, which explains that it was considered necessary at the time of the crash for a monitoring strategy to be set up *"to continue to assess the whole area for further environmental impact, including the possibility of carbon fibres (if any) entering the food chain and the biodegradation of the aviation fuel on agricultural land"* and, as such, *"the pollution monitoring team from PHMDiv"* were tasked to do undertake this.

Despite this however, as Point 22 goes on to articulate, the Head of the Information Rights Team has confirmed that:

"...no other information has been found relating to any follow-up environmental assessments after January 1997. In addition, no information is held on the advice (if any) to the farmer or landowner about the future use of the land. However, the DIO can confirm that the site is not on any continuing monitor programme run by them and they are not aware of any restrictions on the future use of the site."

While I am not against the principle of this substation (provided changes are made to the proposals in their current form that see proper consultation take place, the substation situated appropriately and the community receiving sufficient benefits in return), I believe it vital that the safety of the surrounding communities is protected.

Given that there is no record of any of the required further monitoring having taken place, I would like to, therefore, repeat again my belief that this application should not be allowed to proceed until appropriate investigations have been conducted to establish that there is no risk to my constituents.

I look forward to this information being taken into consideration.

Yours,

George Freeman MP

George Freeman MP
MP for Mid Norfolk

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From: Jenny Smedley
Subject: Further plane crash information
Importance: High

In the interests of keeping George informed I wanted to let you know that I have received another communication from the MOD regarding the plane crash site.

The MOD has changed my requests for information to them from coming under the scope of the Freedom of Information Act to an 'Environmental Request'. This means, simply, that they don't have to supply the Royal Danish Air Force crash report to me as requested, as it mostly concerns information they would rather withhold, and do not feel relates to environmental questions.

*There are a few comments that the MOD have made that are relevant however as below.
NB The DLA is now called the DIO.*

Comment 1

"...carbon fibre contamination has been found to be present on the site".

Comment 2

c. "A monitoring strategy should be set up by a competent person, in consultation with the Defence Land Agency, to continue to assess the whole area for further environmental impact, including the possibility of carbon fibres (if any) entering the food chain and the biodegradation of the aviation fuel on agricultural land."

Comment 3

"Following the meeting between the DCRO, the Defence Land Agent, the farmer and the farmer's agent during the handover of the field, the pollution monitoring team from PHMDiv have been tasked to carry out further monitoring of the site of the F16 aircraft crash in the arable field for any adverse environmental effects and the reemergence, if any, of carbon composite fibres".

Comment 4

In order to meet the obligation to provide environmental information relating to the monitoring of the crash site, a more comprehensive search has been carried out of the department involving AHB(RAF), the MOD file store and the Defence Infrastructure Organisation (DIO — formerly the Defence Lands Agency). I can confirm that no other information has been found relating to any follow-up environmental assessments after January 1997. In addition, no information is held on the advice (if any) to the farmer or landowner about the future use of the land. However, the DIO can confirm that the site is not on any continuing monitor programme run by them and they are not aware of any restrictions on the future use of the site.

So, these comments show that whilst it was considered necessary for there to be on-going monitoring of the site given the severity of the contamination, despite it being only restored (at the time) for shallow arable use, there is no record of this monitoring ever having been

carried out. Nor is there any way of confirming or denying that there may still be contamination on the site.

Given this, I have told the MOD that if deep excavation of the land by Vattenfall is allowed and there is, as a consequence of this, a health risk to residents and any work force, without the MOD carrying out checks beforehand, then the MOD will, in my opinion possibly be held responsible for it.

I also informed them that Public Health UK is currently looking into the possibility of a cancer cluster in the vicinity of the crash site.

Best regards
Jenny

From: Mrs S Gardiner



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Main Building (Ground Floor, Zone D)
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London SW1A 2HB
United Kingdom

Telephone [MOD] [REDACTED]
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Head - Information Rights Team

FOI2018/06031 & 11881

Ms J Smedley
[REDACTED]

th
10 January 2019

Dear Ms Smedley

ENVIRONMENTAL INFORMATION REGULATIONS (EIR) 2004 – INTERNAL REVIEW

1. I am writing in response to your email of 9 October 2018 in which you requested an internal review of the processing of an information request initially handled by the Air Historical Branch (AHB) of the Royal Air Force, under the Freedom of Information (FOI) Act. The purpose of this review is to consider whether the requirements of the relevant Information Rights legislation have been fulfilled. The scope of internal reviews are defined by Part VI of the Code of Practice under section 45 of the Act, at:

[REDACTED] This is my formal response following the review. I am sorry for the delay in responding.

Review Considerations

2. I note that request FOI2018/11881, relates to information provided under a previous request (FOI2018/06031, which you submitted on 2 May 2018). As the two requests are clearly linked, I have extended the scope of my review to cover the handling of both cases.

3. Although previously handled under the FOI Act ('the Act'), I have determined that that your requests should have been processed under the Environmental Information Regulations (EIR) because the information in scope of your request falls under the definition of environmental information. Regulation 2(1) of EIR defines environmental information as "any information in written, visual, aural, electronic or any other material form on –

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among those elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a)”

There are further categories in the EIR but I consider Regulation 2(1)(b) to be the relevant one in this case, as your request seeks information about land contamination and its long-term management following the crash of a Royal Danish Air Force (RDAF) F16B on private land belonging to Mona Farm, Necton, Norfolk, on 11 December 1996.

4. The Regulations promote the release of as much environmental information as possible to enable increased public participation in environmental decision-making. I apologise that your information request was processed using the wrong information access regime. However, I am satisfied that the processing of your request under the Act has not materially affected the response provided, and has not placed you at any disadvantage.

5. In conducting my review, I have focussed on the following requirements of the EIR:

a. Para 5(1) which provides that a public authority holding environmental information shall make it available on request;

b. Para 5(2) which states that the information shall be made available no later than 20 working days after the date of receipt of the request;

c. Para 7(1) which provides that where a request is made under Regulation 5, the public authority may extend the period of 20 working days to 40 working days if it reasonably believes that the complexity and volume of the information requested means that it is impracticable either to comply with the request within in the earlier period or to make a decision to refuse to do so;

d. Para 7(3) which states that where para 7(1) applies, the public authority shall notify the applicant accordingly as soon as possible and no later than 20 working days after the date of receipt of the request;

e. Para 9(1) which states that a public authority shall provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to applicants and prospective applicants.

Handling of FOI2018/06031

6. Your first request for information, received by the Department on 2 May 2018, was worded as follows:

'I am trying to find out some information about contamination that was left behind after a Danish RAF jet crashed in a field close to my house in Necton, Norfolk PE37 8HY on 11th December 1996. Can you help me with this please or point me in the right direction?

Local knowledge says that this is carbon fibre and/or depleted uranium from armaments.”

7. In accordance with Regulation 7(1), a substantive response was due no later than 1 June 2018. The response you received, dated 29 May 2018, met that statutory deadline and contained details of your right to appeal in the first instance to MOD and then, if still not content following internal review, to the Information Commissioner.

8. The response stated that a search for the information had been completed within Ministry of Defence (MOD) and it was confirmed that 'some' information in scope of your request was held. This took the form of a Loose Minute reference D/Sec(AS)/58/1/36, dated 11 December 1996, which was a written brief to the then Under-Secretary of State for Defence on the day of the crash, confirming details of the incident and the actions taken in follow-up, together with a draft letter for the Minister to send to the MP in whose constituency the crash had occurred, together with the press lines. You were also provided with the Air Traffic Control entry from the RAF Marham Operation Records Book (RAF Form 540) for the same day and given the contact details for the RDAF under section 16 of the Act (advice and assistance). The first document had three small redactions under section 40 of the Act to protect personal information.

9. This response met the timeliness requirements of the Act and EIR. As explained above, your request should have been processed under the EIR rather than the FOI Act. As such, I find that the information withheld under section 40 of the Act should have been withheld under Regulation 13 in the EIRs, which protects the release of personal information.

Handling of FOI2018/11881

10. Your second request for information, received by the Department on 19 September 2018, was worded as follows:

"Does the MOD have any information as to how long the farmer was advised to keep off the land, and the item recalled by our Parish Council, which stated that a major development on the land needed special permission."

11. In accordance with Regulation 7(1), a substantive response was due no later than 17 October 2018. The response you received, dated 21 September 2018, met that statutory deadline and contained details of your right to appeal in the first instance to MOD and then, if still not content following internal review, to the Information Commissioner.

12. Again, this response met the timeliness requirements of both the Act and EIR.

Substance of FOI2018/11881

13. This request specifically sought "*any information as to how long the farmer was advised to keep off the land*" and you were advised that relevant information was contained in the *RAF Institute of Health and Medical Training Report IHMT/5/97*, dated February 1997. The response explained that due to cataloguing errors at the MOD file storage facility, a file¹ had come to light that contained information which, had it been found at the time of the first request, would have been considered for release. The AHB apologised for this oversight and included the following information in their reply:

- Attachment A: Information Regarding the Crash of a Danish F-16;
- Attachment B: *Enclosure 2 – Danish Air Force F-16*;
- Attachment C: *Enclosure 5 – Update on Danish Air Force F-16 Accident*;

¹ STC/4599/2028/FS raised by Flight Safety, HQ Strike Command, RAF High Wycombe on 12 Dec 1996.

- Attachment D: *Enclosure 12 – Report on the Recovery of an RDAF F-16 Trainer*,
- Attachment E: *RAF Institute of Health and Medical Training Report IHMT/5/97*.

However, I note that these documents are a mixture of originals from the period of the crash and one that was created by the RDAF in response to UK MOD's contact with them about releasing the original Danish documents. As this document was not held by the Department at the time of your request, it should not have been considered for release:

- Attachment A, comprised the releasable extracts from two Danish documents otherwise redacted under section 27 (International Relations) attached to a final RAF report - see Annex D.
- Attachment B was a two-page loose minute addressed to Director Operations Strike Command from RAF Marham, dated 12 December 1996, and we released with some redactions under section 40 (personal information) and 44 (prohibition on disclosure). Attached to this was a third page that appears not to belong to the same document (although it was included in the release because shares the same enclosure number).
- Attachment C, was a one-page loose minute from RAF Marham, dated 20 December 1996, addressed to the Personal Staff Officer to the Air Officer Commander-in-Chief Strike Command (and other senior RAF officers); we released the content in full, apart from a small redaction under section 40 for the signature block.
- Attachment D was a final report following the recovery of the aircraft, dated 24 January 1997. It contains 22 pages in total. You were provided with the two-page cover note and the four pages of the report produced by the RAF with small redactions to protect personal data, under section 40. However, as mentioned above, you were not given access to two Danish reports, one of 10 pages from the Commission on Accidents in Flight, dated 6 January 201997 and another of 6 pages which covers the conclusions and recommendations of the RDAF into the causes of the accident. The Danish documents were partially disclosed in the form of releasable extracts (Attachment A) and the remainder of the information withheld under section 27 (International Relations).
- Attachment E was a report produced by the RAF Institute of Health and Medical Training Report IHMT/5/97 (13 pages), dated February 1997 and this was provided with small redactions for personal data under section 40.

Use of Section 27 (international relations)

14. I have carefully read through the two Danish documents to which this exemption was applied, and can confirm that the only environmental information they contain has already been provided to you as Attachment A to your second request.

15. As the remainder of the reports contain detail of the sequence of events during flight, the personal injuries sustained by the crew, information about the aircraft, the weather conditions, and conclusions and recommendations about future flying arising from the accident the information that was withheld under section 27 is not in scope of your request. The withheld material does not contain any information about the environmental impact of the crash, any long-term monitoring of the site or instructions to the land-owner.

16. I find that the Department has applied the exemption to information that is not in scope of your request. I apologise for this error and any inconvenience that may have been caused by the Department giving you the impression that the withheld material could have informed a public debate about any potential safety concerns relating to the proposed development of the crash site.

Relevant Environmental Information

17. Para 5(1) of the EIRs places a duty upon a public authority to search and retrieve *relevant information* that meets the description of the request. My understanding of FOI2018/06031 and FOI2018/11881, and the context for your requests provided in your correspondence with my team, is that you are seeking information about any contamination in the crash site, and any information about the long-term environmental management of the site. You are not seeking information about the causes of the crash, injuries sustained by the crew, details of the flight up to the point the crew ejected or recommendations that may have been made to improve flight safety for military pilots.

18. I have concluded that the Department chose to interpret your initial request as one for all information held in relation to the aircraft crash and the subsequent investigation into its cause. Having looked at the released documents and the two Danish documents which were withheld, I have concluded that most of the information held about the crash is not relevant to your specific enquiries.

19. I am sure all the documents provided to you, were intended to be helpful and they certainly provide useful background and context to the crash. However, the only relevant information in response to your original requests would be environmental. Under the EIRs, as with the Act, requesters are entitled to receive recorded information that meets the description of their request. I believe that a series of relevant extracts from the relevant documents might have been more helpful to your enquiries.

20. With these principles in mind, I have looked through the information (both withheld and held) and have extracted the information that meets the description of your request. This is attached to this review at Annex A.

21. With regard to 'Attachment E', I have concluded that the entire report is in scope of your request because it is an environmental assessment of the crash site produced by the RAF Institute of Health and Medical Training (IHMT). It records the visits to the site by the Public Health Medicine Division (PHMDiv) of the RAF IHMT, in association with the civil Environmental Health Department and the Duty Crash Response Officer (DCRO) on three occasions, during the period December 1996 to January 1997.

22. Of all the information held by MOD on the crash, I consider this the most relevant to your enquiries, as it contains a description of the assessed extent of the fuel contamination at the site and references to the need for future monitoring, I draw your attention to paragraph 17 in which it is stated that, amongst other recommendations:

"b. Arrangements should be made for the DCRO to return [to] the crash site to take part in the handover of the field to the farmer and his agent once it has been cleared of all contamination.

c. A monitoring strategy should be set up by a competent person, in consultation with the Defence Land Agency, to continue to assess the whole area for further environmental impact, including the possibility of carbon fibres (if any) entering the food chain and the biodegradation of the aviation fuel on agricultural land."

Para 20 also states:

“Following the meeting between the DCRO, the Defence Land Agent, the farmer and the farmer’s agent during the handover of the field, the pollution monitoring team from PHMDiv have been tasked to carry out further monitoring of the site of the F16 aircraft crash in the arable field for any adverse environmental effects and the re-emergence, if any, of carbon composite fibres”.

In order to meet the obligation to provide environmental information relating to the monitoring of the crash site, a more comprehensive search has been carried out of the department involving AHB(RAF), the MOD file store and the Defence Infrastructure Organisation (DIO – formerly the Defence Lands Agency). I can confirm that no other information has been found relating to any follow-up environmental assessments after January 1997. In addition, no information is held on the advice (if any) to the farmer or landowner about the future use of the land. However, the DIO can confirm that the site is not on any continuing monitor programme run by them and they are not aware of any restrictions on the future use of the site.

Use of exemptions

23. For the material released in response to your second request, I find that the only exemption necessary is Regulation 13 in the EIRs, to withhold personal information, principally the identities of the writers of the report and those mentioned by name in the text who were involved in the assessment visits.

Advice and assistance

24. The Contaminated Land Officer at the local authority, may hold information about known contaminated sites in their area and, if you have not already done so, it may be advisable to contact them with your request. Indeed, both Norfolk local councils maintain databases of such sites on their websites for public consultation. It is also possible that the Land Registry and the Environment Agency will hold relevant information.

Conclusion

25. In summary, I find that:

- The processing of this request did not focus on providing environmental information under the EIRs consequently, much of the information provided was not relevant to your enquiry;
- The initial processing under FOI Act rather than EIR has not materially affected the outcome of your information request;
- The responses met the timeliness requirements of both FOI and EIR;
- The information that was withheld under section 27 is not in scope of your request; all environmental information contained in the Danish reports has already been provided to you at Attachment A;
- A more comprehensive search of the department has been undertaken for relevant information as part of this review;
- Appropriate help and assistance has been provided.

If any aspect of this review is unclear, I would be happy to explain it. If you are dissatisfied with the review, you may wish to make a complaint to the Information Commissioner under the provisions of section 50 of the Act. Further details of the role and powers of the Commissioner can be found on the website at: <https://ico.org.uk> . The address is: Information Commissioner's Office, Wycliffe house, Water Lane, WILMSLOW, Cheshire, SK9 5AF.

Yours sincerely,



Mrs S Gardiner

Environmental Information in scope of FOI018/06031

Loose Minute Reference D/Sec(AS)/58/1/36, dated 11 December 1996

Paragraph 3, the first two sentences:

“Post-crash management personnel at the site are alert to the presence of a highly toxic, flammable chemical compound known as Hydrazine (H₄N₂) which the F-16 uses during the engine start-up sequence. Although only a small amount of the substance is carried, it can cause systemic poisoning and permanent kidney damage if improperly handled.”

Press Lines – If pressed, bullet three:

“Confirm that F-16 aircraft carry a small amount of Hydrazine, which is used during the aircraft’s start-up sequence. As with any chemical compound, Hydrazine is entirely safe provided it is handled only by trained and properly equipped professionals”

Attachment A

Paragraph 4:

“The accident spread carbon fiber [sic], hydrazine, oil products and some 6,000 lbs of fuel. The concentration of hydrazine was neutralized using chlorine products.”

Attachment B

Paragraph 4, final sentence:

“Crash site hazards are hydrazine, MMMF¹ and 200 rounds of 20mm ball ammunition.”

‘Para 7, final sentence:

“Testing for hydrazine has been completed and carbon fibre contamination has been found to be present on the site”.

Attachment C

While paragraph 2 of this document does refer to wreckage recovery teams ‘working to clear the site’, this relates to the removal of aircraft wreckage only. The document does not contain any information about possible environmental contamination or longer term environmental management of the site, and I do not consider it to be in scope of your request.

¹ MMMF = Man-Made Mineral Fibre (in this instance, carbon fibre)

Attachment D

Paragraph 2, fourth sentence:

"...it was quickly established that apart from the health and safety implications of hydrazine, aviation fuel and carbon composite fibres deposits, it should be a relatively straight forward recovery operation."

Paragraph 3, second and third sentence:

"On impact, it produced a 3m deep crater and spread aircraft wreckage and aviation fuel over a wide area of...sugar beet field. The crash site was also contaminated with hydrazine from the Emergency Power Unit (EPU) and burnt carbon composite fibres"

Paragraph 9, second, third and fourth sentence:

"They quickly located the aircraft's hydrazine tank, which had split open leaving several deposits within a 60 metre area down-slope from the crater. This area was deemed the inner cordon and only RDAF personnel were permitted to enter whilst the hydrazine threat was being alleviated by their specialist team. This lasted 3 days."

Para 11, first sentence:

"The site was declared safe from the hydrazine on 15 Dec 96."

Para 12, line 17:

"...in association with the DLA and IHMT, the ARO had all the contaminated soil removed to licenced tips."

Para 13 sub-titled "Environmental Health/Health and Safety at Work Aspects" beginning *"The Hydrazine hazard gave concern throughout the recovery"* and the whole of the rest of that paragraph ending: *"Protective equipment was used, as directed by the ARO, by the AR&TF team and the support personnel of RAF Marham and Coltishall."*

Attachment E

The entire report.

Environmental Information in scope of FOI018/11881

None