

TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

Appeal by T A Fisher & Sons Limited
against a refusal by West Berkshire
District Council of planning
permission for:

*Erection of 32 dwellings including
affordable housing, parking, and
landscaping. Access via Regis
Manor Road*

Land to the rear of The Hollies
Nursing Home, Reading Road,
Burghfield Common

11 May 2023

PROOF OF EVIDENCE

Prepared by:

Person MD

LPA Ref: 22/00244/FULEXT

Appeal Ref:

APP/W0340/W/22/3312261

1. **ROLE, QUALIFICATIONS AND RELEVANT EXPERIENCE**

- 1.1 I am a Senior Civil Servant, part of the senior leadership team of the Warhead Group of the Defence Nuclear Organisation (DNO), Ministry of Defence (MOD). The DNO's purpose is to deliver nuclear capability to deter the threat and protect our nation. The DNO sponsors the 'defence nuclear enterprise', a broad term which includes the delivery of the UK's nuclear warheads, submarine capability, nuclear skills, defence nuclear infrastructure, and day-to-day defence nuclear policy. The DNO is therefore the MOD customer for the strategic capabilities provided by the Atomic Weapons Establishment (AWE) and the Submarine Delivery Agency (SDA).
- 1.2 I am a member of the MOD's Project Delivery Function and Engineering Profession. My professional qualifications include an HND BTEC in Mechanical and Production Engineering, a Post Graduate Certificate in Defence Equipment Engineering (Land), and a Master's Degree in Defence Administration. I am also a Chartered Engineer, a Fellow of the Institute of Mechanical Engineers (IMechE), and a Member of the Institute of Explosives Engineers (IExpE).
- 1.3 I have 35 years of experience in defence science, technology, and acquisition, encompassing research, engineering, safety, project and programme management, through life support, operations, engineering function management and delivering strategic change. I have up to date specialist technical knowledge in the fields of weapons, ordnance, munitions, and explosives, plus a broad knowledge of many other defence systems and technologies. I am currently the most senior explosives engineer in the MOD.
- 1.4 In my day-to-day work I operate in accordance with the Civil Service Code and its core values of integrity, honesty, objectivity, and impartiality. In my professional engineering capacity I also abide by the IMechE's code of conduct and complementary code of conduct, with three principles based on honesty and integrity, competence, and relationships.
- 1.5 I understand my duty to provide independent evidence to the Inquiry and appointed Inspector and have sought to comply with this duty in preparing my evidence and will continue to comply with this duty as required. To ensure that my evidence is independent, I have approached my analysis and conclusions with objectivity and impartiality, and I have not been influenced by any party or interested person.

2. **SCOPE OF EVIDENCE**

2.1 My evidence covers the following topics:

- (1) Continuous at Sea Deterrent.
- (2) Atomic Weapons Establishment.
- (3) Potential to adversely impact on AWE's operations.
- (4) Potential impact to the security of the site.
- (5) Appellant's Evidence.

3. **CONTINUOUS AT SEA DETERRENT**

3.1 The defence nuclear enterprise is collectively responsible for the development, build, maintenance, and delivery of our Continuous at Sea Deterrent (CASD). The success of the defence nuclear enterprise remains a critical national endeavour, requiring significant and sustained investment and support from government.

3.2 CASD has been a cornerstone of the defence of the UK for over six decades. It is the system that always has at least one nuclear-armed Royal Navy ballistic missile submarine patrolling the seas undetected. Since 1969, CASD has worked every hour of every day to guarantee our safety and that of our NATO allies. The current global security landscape is reinforcing the criticality of that capability, and therefore the entire environment that delivers it. CASD remains essential as the ultimate guarantee of our nation's security.

3.3 The Integrated Review 2021 (IR2021), set out the foreign, defence security and international development policies of the United Kingdom.¹ IR2021 affirms that the foundational component of an integrated approach to deterrence and defence remains a minimum credible, independent UK nuclear deterrent, assigned to the defence of NATO. It ensures that potential adversaries can never use their capabilities to threaten the UK or its NATO allies or to deter the UK from taking the action required to maintain regional and global security and stability.

3.4 The importance of the deterrent necessitates constant investment and development of the warhead programme. IR2021 announced an increase in the number of UK nuclear warheads

¹ Integrated Review 2021 (**CD 13.37**), also available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/Global_Britain_in_a_Competitive_Age-the_Integrated_Review_of_Security_Defence_Development_and_Foreign_Policy.pdf

from 180 to 260. IR2021 also set out that the UK is committed to a one-in-two-generations modernisation of its nuclear capability. A Replacement Warhead is being designed and developed in the UK with some of the most advanced systems ever built.²

3.5 The more recent Integrated Review Refresh 2023 (IR2023) reaffirmed that the foundational component of an integrated approach to deterrence and defence remains a minimum credible, independent UK nuclear deterrent, assigned to the defence of NATO.³ IR2023 also announced the continued modernisation of the nuclear enterprise, including investment in infrastructure, skills, and support to in-service submarines.

4. **ATOMIC WEAPONS ESTABLISHMENT**

4.1 The Atomic Weapons Establishment is an arm's length Non-Departmental Public Body (NDPB), wholly owned by the MOD, that works in close collaboration with the DNO to deliver the UK's Nuclear Warhead capability. The AWE sites at Aldermaston and Burghfield are critical and unique facilities, as the only locations in the United Kingdom that can provide and underpin the complete life cycle of nuclear warheads from design, manufacture, assembly, in-service support, and disassembly. All this activity is delivered whilst meeting the most stringent regulatory and safety requirements.

4.2 The defence of the UK would not be possible without AWE's unique contribution to CASD. The MOD's position is that AWE sites' irreplaceable role in the ultimate guarantee of our security dictates the level of tolerance that this inquiry must apply to any risk to the security and function of these sites.

4.3 Any development that adds risk to the current activity, security or future development of those sites is therefore unsustainable for the MOD, and the defence of the United Kingdom. MOD has consistently sought to ensure that all constraints on delivering AWE's capabilities are minimised. This is separate from the issues surrounding emergency response and the management of radiation risks at the AWE sites.

5. **POTENTIAL TO ADVERSELY AFFECT AWE'S OPERATIONS**

5.1 As I have explained above, to continue its critical contribution to CASD, AWE needs to continue its current operations without the imposition of additional restrictions, and to

² Defence Secretary announces Programme to Replace the UK's Nuclear Warhead (CD 13.38), also available at <https://www.gov.uk/government/news/defence-secretary-announces-programme-to-replace-the-uks-nuclear-warhead>

³ Integrated Review Refresh 2023 (CD 13.6), also available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145586/11857435_NS_IR_Refresh_2023_Supply_AllPages_Revision_7_WEB_PDF.pdf

continue to flexibly evolve and expand its use of the AWE sites to meet changing MOD requirements. This can only be done effectively if AWE is not confined by planning, licensing, objections, or other regulatory considerations that might arise from an increased population close to the site, for example, 'Quantity Distance explosives calculations' used to ensure site and public safety. (This is the method used to work out how far explosives can be stored and processed in relation to occupied buildings. The variables considered include the type of explosive, quantity, distance, number of people and the strength of the buildings - concrete, brick, wood etc. - and time of exposure. So, in even simpler terms, if you have a new housing estate built next door, you will be able to hold much less explosive.)

- 5.2 If population around the sites is allowed to increase, then so does the risk that operational permissions, licenses, or restrictions are affected. An increased population therefore presents a critical risk that AWE may be compelled to limit or constrain its activities to remain in compliance with its regulatory obligations. Projects such as the proposed development therefore risk not only the current operations at AWE, but they also place a risk to the activities that MOD will need AWE to deliver in the future. In addition to the increase in residential dwellings from the proposed development, the potential for this appeal to set a precedent which enables further population increases within the DEPZ is relevant and underscores the MOD's concerns about risk to AWE's operations.
- 5.3 I have referred above to the announced expansion of the UK's Nuclear Warhead stockpile and the Replacement Warhead programme. A relevant example of the significant investment in nuclear infrastructure at the AWE Burghfield site is Project MENSA, the new-build £1.8Bn warhead assembly/disassembly facility that is currently under construction and commissioning.
- 5.4 Iconic developments like MENSA are far from straightforward and can be much less flexible in their delivery than other comparable industrial projects. They cannot be delivered from any other site; nor are they the sort of programmes that can be easily adapted to accommodate potential local population growth. The risk is that the Regulators might impose restrictions on operating MENSA at certain times of the day or night because of the potential risk to the local population; or place restrictions on the quantities of explosives or nuclear materials that can be held or processed on the site. That would place an intolerable impact on site operations.
- 5.5 The potential risk to AWE's activities does not only relate to the complete life cycle of nuclear warheads. The UK remains committed to the ultimate goal of a world without nuclear weapons and supports the full implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in all its aspects. There is no credible alternative route to

disarmament. AWE will remain central to any nuclear disarmament and decommissioning activities for the UK's deterrent, in line with the UK's international legal obligations. This may present different hazards which will require flexibility of AWE's operations in future. A future decommissioning phase would not necessarily initially see a reduced hazard profile for AWE Burghfield, or a material change to regulatory controls.

5.6 Each additional development in proximity to these sites would increase the marginal risk of AWE being unable to provide its irreplaceable contribution to these nationally critical tasks and continue to support the delivery of CASD.

6. **POTENTIAL IMPACT TO SECURITY OF THE SITE**

6.1 Given the nature of warhead operations, information relating to operations at AWE is extremely sensitive and subject to the most stringent security considerations. It is of the highest national strategic importance that sites such as AWE Burghfield can operate, and continue to operate, securely and safely in the long-term. All risks to the security of the site, and to the materials and the information that it holds, must be avoided or minimised. In simple terms, the more people that are in the local area, the more that these security risks have the potential to increase.

6.2 Any potential compromise of nuclear information creates a real risk of serious damage to the UK's strategic military capabilities and international relations. In addition, given the nature of the material protected, compromise could cause widespread loss of life, or threaten the security and economic wellbeing of the country and other nations.

6.3 The measures put in place to secure the information held in the AWE sites are extremely stringent and thorough, but they do not reduce the importance of ensuring that such risks do not arise in the first place. The MOD's position is that decision makers must consider the security impacts of cumulative increases in population in the vicinity of AWE Burghfield. As with the safety concerns addressed by other witnesses, scrutiny of any development proposals must consider the perspective of ensuring security around AWE Burghfield. MOD considers that there would be a worrying increase in security risk if a precedent was set by the development of sites such as the Hollies.

7. **APPELLANT'S EVIDENCE**

7.1 The Appellant acknowledges that they must ensure their development will not hamper current and future use of AWE Burghfield (paragraph 22(c), Statement of Dr Keith Pearce,

Appendix Q to the Appellant's Statement of Case⁴). Paragraphs 117 to 135 of the Statement then consider only compliance with the Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR 2019). I understand that other colleagues are giving evidence in relation to that issue. But as I have set out above, the implications of the proposed development go beyond the emergency planning issues. The Appellant does not address any of these further considerations, nor the potential limitations on the operations at AWE Burghfield as described above.

7.2 The MOD also has concerns about the Appellant's approach to REPPIR 2019 and risk assessment. At paragraph 133 [ibid], they suggest REPPIR 2019 is no barrier to the proposed development because, even if the Office for Nuclear Regulation was to determine that there is a risk of serious personal injury, the Secretary of State can grant an exemption from the operation of REPPIR 2019.

7.3 The Secretary of State for Defence could not simply certify an exemption to dispense with compliance with the safety requirements of REPPIR 2019. The Secretary of State is committed to his Policy Statement on Health, Safety and Environmental Protection in Defence. This makes it clear that where MOD has disapplications, exemptions and derogations from UK legislation, it will put in place arrangements that produce outcomes which are, so far as is reasonably practicable, at least as good as those required by UK legislation⁵.

8. **SUMMARY AND CONCLUSIONS**

8.1 In summary, I wish to set out the four key points of MOD's evidence:

8.1.1 The critical importance of the CASD to the UK's national security and that of our NATO allies.

8.1.2 The vital role that AWE Burghfield plays in the delivery of the complete life cycle of the UK's nuclear warheads, our international legal obligations and specialist defence nuclear capabilities.

8.1.3 The potential increased risk to site operations that would occur if this development was allowed to proceed.

⁴ (CD 5.23)

⁵ Health, safety and environmental protection in defence policy statement (CD. 13 40A), also available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918441/20200325_SofS_HSEP_Policy_Statement_accessible.pdf

8.1.4 The consequent impact on the UK's national security that would arise if intolerable constraints were placed on AWE Burghfield's operations and the security of its activities, both now and in the future.

9. **DECLARATION**

The evidence which I have prepared and provide for this planning appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

Dated: 11 May 2023

Person MD

Person MD

Senior Civil Servant