

**IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL
(INFORMATION RIGHTS) UNDER SECTION 57 OF THE FREEDOM OF
INFORMATION ACT 2000**

BETWEEN

**(1) MINISTRY OF DEFENCE (EA/2019/0038)
(2) PETER BURT (EA/2019/0041)**

Appellants

-and-

**(1) THE INFORMATION COMMISSIONER (both appeals)
(2) PETER BURT (EA/2019/0038)
(3) MINISTRY OF DEFENCE (EA/2019/0041)**

Respondents

WITNESS STATEMENT 4

PETER BURT

Appellant

1. My fourth witness statement discusses the public interest in the work of the Defence Nuclear Safety Regulator and demonstrates that there is a very high degree of public interest in publishing the reports.
2. Since the decision not to publish the 2015-16 annual assurance report from the DNSR, Members of Parliament have asked six written questions enquiring into the reasons for this, indicating a level of interest on the issue among Parliamentarians and a willingness to scrutinise DNSR's activities.¹

¹ Defence Nuclear Safety Regulator. Written question 113220. Asked by Fabian Hamilton, 15 November 2017
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-11-15/113220>

Nuclear Weapons: Safety. Written question 157649. Asked by Fabian Hamilton, 26 June 2018
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-26/157649/>

Defence Nuclear Safety Regulator. Written question 160364. Asked by Anneliese Dodds, 3 July 2018.
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-07-03/160364/>

Defence Nuclear Safety Regulator: Annual Reports. Written question 198374. Asked by Anneliese Dodds, 3

3. Release of the DNSR annual assurance report, or its predecessor reports, has attracted extensive press attention at both the national and local level in every year since the reports were first published (see list in Appendix). This demonstrated that there is a very considerable public interest in the content of the reports and in continuing their publication. Many of these reports have questioned aspects of MoD's nuclear safety performance, and in particular have questioned a lack of resources (particularly personnel resources) assigned to defence nuclear safety.
4. Other aspects of safety within the defence nuclear programme have also hit the headlines over past months. These include:
- A wide range of risks facing delivery of the MoD's nuclear programme identified by the House of Commons Public Accounts Committee², including major delays to the programme to decommission out-of-service nuclear submarines³.
 - Discovery of radioactivity in the cooling water of a prototype naval nuclear reactor prototype at the Naval Reactor Test Establishment at Dounreay, in Scotland, and the implications for reactors powering the Royal Navy's Trident nuclear-armed submarines.⁴
 - The safety of cranes used to lift nuclear materials at Devonport naval dockyard.⁵
 - Nuclear safety events recorded in annual health and safety reports for HM Naval Base

December 2018

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-12-03/198374/>

Defence Nuclear Safety Regulator: Annual Reports. Written question 250491. Asked by Douglas Chapman, 2 May 2019.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-05-02/250491>

Defence Nuclear Safety Regulator: Accountability. Written question 250492. Asked by Douglas Chapman, 2 May 2019.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-05-02/250492>

2 House of Commons Public Accounts Committee: 'Multiple risks to delivery of nuclear deterrent'. 21 September 2018. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news-parliament-2017/mod-nuclear-budget-report-published-17-19/> Although the report principally addresses programme and financial risks, safety issues are also raised.

3 House of Commons Public Accounts Committee: '15-year delay to submarine disposal risks costing taxpayer £30 million'. 19 June 2019. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news-parliament-2017/submarine-defueling-and-dismantling-report-published-17-19/>

4 See for example 'Nuclear submarine to get new core after test reactor problem'. BBC News Online, 6 March 2014. <http://www.bbc.co.uk/news/uk-politics-26463923>

5 See for example Jonathan Morris: 'Devonport safety probes stop cranes at nuclear submarine dock'. BBC News, 6 December 2018. <https://www.bbc.co.uk/news/uk-england-devon-41858872>

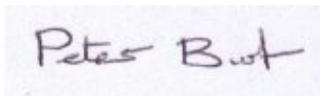
Clyde, where nuclear powered and armed submarines are based.⁶

5. Information on these and other potential concerns relating to defence nuclear safety is in the public domain, and the public are entitled to know what action has been taken and progress has been made in dealing with these matters. Past editions of the DNSR annual assurance report have, among other things, served to give an update on how such issues are being dealt with, adding to the value in releasing them.

Conclusions

6. The DNSR annual assurance report 'ticks all the boxes' for information having a very high degree of public interest in its release. It has been published openly before now; there is proven Parliamentary, media, and public interest in its content; and the report covers matters relating to public safety, about which the general public has a right to know.

Signed:

A rectangular box containing a handwritten signature in blue ink that reads "Peter Burt".

Peter Burt

Date: 30 September 2019

⁶ See for example Catriona Webster: '316 'nuclear safety events' at Faslane base'. The Scotsman, 26 October 2014. <https://www.scotsman.com/news-2-15012/316-nuclear-safety-events-at-faslane-base-1-3584347>

Appendix

Media coverage of annual assurance reports on defence nuclear safety

The following media reports have covered release of the annual assurance reports on safety of the defence nuclear programme (prepared by DNSR and its predecessor bodies) since they were first published:

DNESB Report 2005:

'MoD's own experts reveal nuclear arms safety flaws'. Rob Edwards. Observer, 17 October 2010. <https://www.theguardian.com/world/2010/oct/17/nuclear-weapons-trident>

'Botching the safety of nuclear bombs on the Clyde'. Rob Edwards. Sunday Herald, 17 October 2010. Also online at <https://www.robedwards.com/2010/10/botching-the-safety-of-nuclear-bombs-on-the-clyde.html>

DNESB Reports 2006 and 2007

'Nuclear weapons site cuts put public at risks, says watchdog'. Rob Edwards. Guardian, 13 January 2011. <http://www.guardian.co.uk/world/2011/jan/12/nuclear-weapons-sites-cuts-risk>

'Reports highlighted nuclear 'risks' at Devonport Dockyard'. Plymouth Herald, 14 January 2011. No longer available online.

DNESB Reports 2008 and 2009

'Defence cuts threaten Trident nuclear safety, warns MoD'. Rob Edwards. Guardian, 27 January 2011. <http://www.guardian.co.uk/world/2011/jan/27/cuts-threaten-nuclear-weapons-safety>

'Cutbacks make nuclear bombs and boats unsafe, warns MoD'. Rob Edwards. Channel 4 News, 28 January 2011. <http://www.channel4.com/news/cutbacks-make-nuclear-bombs-and-boats-unsafe-warns-mod>

DESB Report 2010

'Cuts could endanger nuclear safety, warns MoD'. Rob Edwards. Caledonian Mercury, 6 June 2011. Also online at <http://www.robedwards.com/2011/06/cuts-could-endanger-nuclear-safety-warns-mod.html>

'Cuts threaten safety at Ministry of Defence sites, warns report'. Jamie Doward. Observer, 12 June 2011. <http://www.guardian.co.uk/politics/2011/jun/12/cuts-threaten-safety-at-ministry-of-defence-sites>

'MoD report sparks nuke safety fear'. Euan Duguid. Sunday Post, 12 June 2011. No longer available online.

'Defence cuts 'raise nuclear safety fears at Faslane'. Andrew Whitaker. Scotsman, 13 June 2011. No longer available online.

'Sub base nuclear leak alert'. Dean Herbert. Daily Express, 13 June 2011. <http://www.express.co.uk/posts/view/252438/Sub-base-nuclear-leak-alert>

DNESB Report 2010

'Nuclear safety getting worse in military facilities, says MoD study'. Rob Edwards. Guardian, 25 August 2011. <http://www.guardian.co.uk/world/2011/aug/25/nuclear-safety-military-mod-study>

'Risk of nuclear accident 'increasing' at sub base'. Western Morning News, 27 August 2011. <http://www.thisisdevon.co.uk/story-13215142-detail/story.html>

DNESB Report 2011

'Nuclear weapons safety hindered by cuts, says MoD report'. Rob Edwards. Guardian, 17 July 2012. <https://www.theguardian.com/uk/2012/jul/17/nuclear-weapons-safety-cuts-mod>

DNSR Report 2012

'Revealed: Shock 'Code Red' safety report on British nuclear subs as fleet is hit by leaking, cracked reactors, and lack of trained staff'. Marc Nicol. Sunday Mail, 3 August 2013. <http://www.dailymail.co.uk/news/article-2384224/Revealed-Shock-Code-Red-safety-report-British-nuclear-subs-fleet-hit-leaking-cracked-reactors-lack-trained-staff.html>

'Ageing nuclear submarines could put sailors and public at risk, report warns'. Rob Edwards. Guardian, 4 August 2013. <http://www.theguardian.com/uk-news/2013/aug/04/ageing-nuclear-submarines-sailors-report>

'Warning over ageing nuclear subs'. Plymouth Herald, 4 August 2013. No longer available online.

'Warning of problems for ageing nuclear sub fleet'. Yorkshire Post, 5 August 2013. <http://www.yorkshirepost.co.uk/news/main-topics/politics/warning-of-problems-for-ageing-nuclear-sub-fleet-1-5921397>

'Lack of experts to fix ageing nuclear submarines'. Tereza Pultarova. Engineering and Technology, 5 August 2013. No longer available online.

'Fears over ageing nuclear submarines'. Andrew Woodcock. The Herald, 5 August 2013. <http://www.heraldscotland.com/news/home-news/fears-over-ageing-trident-fleet.21790814>

DNSR Report 2012-13

'Nuclear staff shortage sparks MoD safety alert'. Rob Edwards. Sunday Herald, 18 May 2014. <http://www.heraldscotland.com/news/home-news/nuclear-staff-shortage-sparks-mod-safety-alert.24251281>

DNSR Report 2013-14

'MoD struggling with shortage of nuclear engineers'. Rob Edwards. Sunday Herald.
<https://www.heraldscotland.com/news/13204756.mod-struggling-with-shortage-of-nuclear-engineers/>

DNSR Report 2014-15

'Trident nuclear submarine recruitment 'in crisis' - because new recruits can't do without Facebook'. Kirstie McCrum. Mirror, 25 July 2016. <https://www.mirror.co.uk/news/uk-news/trident-nuclear-submarine-recruitment-in-8487826>

'Nuclear programme skills gap 'worrying''. Paul Behan. Helensburgh Advertiser, 21 June 2016.
http://www.helensburghadvertiser.co.uk/news/14569720.Nuclear_programme_skills_gap_worrying_/

'Skills shortage threatens Trident safety, says MoD'. Rob Edwards. The Ferret, 9 June 2016.
<https://theferret.scot/skills-shortage-threatens-trident-safety-says-mod/>