

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

23 August 2024

ADDENDUM PROOF OF EVIDENCE

**National Security and the impact on
AWE's operations**

Prepared by:

Tom Bennington on behalf of AWE plc
and Ministry of Defence

LPA Ref: 22/00244/FULEXT

Appeal Ref:

APP/W0340/W/22/3312261

1. RELEVANT QUALIFICATIONS AND 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) within the Ministry of Defence (MOD). I am also a member of the MOD's Project Delivery function and currently lead a large project at AWE Burghfield.
- 1.2 Prior to joining the Civil Service, I served as an officer in the Royal Air Force. My qualifications include a BSc with Joint Honours in Science (Maths/Physics) and an MA in Defence Administration. I am a graduate of the Joint Services Advanced Staff College, the Defence Strategic Leadership Programme and the Major Project Leadership Academy programme at Oxford University. I have worked in Project Management for 25 years and have led several large MOD capability projects, NATO programmes and projects at the European Defence Agency. I hold certifications in several advanced project and programme management specialisations both in Europe and the UK.
- 1.3 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.
- 1.4 I understand my duty to provide independent evidence to the Inquiry and appointed Inspector and have sought to comply with this duty in reviewing the evidence of my predecessor and preparing my additional evidence. I will continue to comply with this duty as required. To ensure that my own 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 I have read the proof of evidence dated 11th May 2023 [CD13.43] and the rebuttal proof of evidence dated 24th May 2023 [CD13.47] of Person MD that was provided in connection with the previous public inquiry held in June 2023.
- 2.2 I understand the planning inspector's decision to grant planning permission following the public inquiry in June 2023 has been quashed by the courts and the appeal is being redetermined by another public inquiry in September 2024.
- 2.3 I understand that Person MD has moved roles within the MOD and is no longer available to provide evidence to this new public inquiry. I have therefore been asked to provide evidence on the matters that were previously covered by Person MD, specifically the scope listed under Section 2 of Person MD's proof of evidence, namely:
- 2.3.1 the Continuous at Sea Deterrent;
 - 2.3.2 Atomic Weapons Establishment;
 - 2.3.3 the potential of the appeal scheme to adversely impact on AWE's operations;
 - 2.3.4 the potential impact to the security of the AWE Burghfield site; and
 - 2.3.5 the Appellant's evidence in respect of these matters.
- 2.4 Having carefully reviewed and considered Person MD's proof and rebuttal proof, I unequivocally support the evidence given in those documents and adopt it as my own. I do not repeat in this addendum proof matters set out in Person MD's proofs but I wish to address some further matters not covered by Person MD's proofs.

3. THE COMMAND PAPER

- 3.1 I would like to provide additional information about recent developments in national Deterrent policy that have occurred since Person MD's proof was prepared. This concerns the publication of the Defence Nuclear Enterprise Command Paper entitled 'Delivering the UK's Nuclear Deterrent as a National Endeavour' (March 2024) (the "**Command Paper**"), a copy of which was appended to AWE/MOD's Updated Statement of Case [CD26.1] at Appendix 8.
- 3.2 The Command Paper considers the delivery of the UK's Nuclear Deterrent as a national endeavour. The Command Paper needs to be read in its entirety as it represents the latest and most public assessment of the UK Deterrent programme that has ever been published.
- 3.3 I first draw particular attention to the Prime Minister's introduction. He points out that the Deterrent is now more relevant than ever before as the UK faces more diverse challenges from nuclear-armed states. The Prime Minister describes the Command Paper as a platform from which the Government is launching a national endeavour. That national endeavour is one he describes as a "*call to action across government, industry and society*" to renew the Nuclear Enterprise.
- 3.4 The importance of AWE in this national endeavour cannot be overstated. AWE merits a whole section of the Command Paper (see pages 30-31). The Command Paper emphasises that AWE is the only organisation in the UK that performs precision manufacture of components from fissile materials. At page 31 the Command Paper describes how AWE has undertaken some of the biggest projects in Defence to upgrade its unique facilities. The new facilities form part of the critical transformation of AWE's infrastructure that will deliver the current and next generation of warheads.
- 3.5 On 16th July 2024 the new Government announced a strategic defence review. Paragraph 7, of the terms of reference stated that "[t]he Government has a total commitment to the independent UK nuclear deterrent. The SDR will consider the efficiency and effectiveness of the nuclear programme". It is therefore clear that the nuclear deterrent will continue to play a critical role in UK defence policy.
- 3.6 The nuclear deterrent is critical to UK defence policy and AWE has a unique role in the provision of warheads to enable that policy. It is therefore of vital importance that anything which jeopardises or limits AWE's ability to operate must only be permitted in exceptional circumstances.

4. INSURANCE

- 4.1 I understand that an issue arose in respect of the previous public inquiry regarding the fact that AWE/MOD does not insure AWE's operations. I have seen a copy of the Appellant's closing submissions [CD20.22] in which it was stated at paragraph 6 that:

"Indeed, it is extremely revealing that (unlike legislative requirements affecting nuclear sites run by the private sector) AWE's operations are not insured, but MOD chooses instead to "self-insure". It is inconceivable that this is anything other than a conscious decision made following a cost/benefit analysis. The position is, therefore, that MOD does not consider that the risk of an off-site emergency (let alone the reference accident) justifies the payment of insurance premia."

- 4.2 Although I am not directly involved in decisions around what insurance is and is not obtained in respect of AWE's operations and so cannot comment on any specific decision that may or may not have been taken in respect of insurance, based on my general understanding of government policy, I do not consider the Appellant's closing submissions to be a reasonable assessment of the position.

- 4.3 The use of insurance by central government departments and their arms-length bodies (which include AWE) is dealt with in Annex 4.4 of *'Managing Public Money'* (May 2023) (see Appendix 1 to my addendum proof), a publication by HM Treasury which sets out the main principles for dealing with public sector resources in the UK (see the foreword at page 8).
- 4.4 Paragraph A4.4.1 on page 106 sets out the general principle that *"Central government organisations shall not normally buy commercial insurance to protect against risk. Since the government can pool and spread its own risks, there is little need to pay the private sector to provide this service. In general it is cheaper for the government to cover its own risks."*
- 4.5 Paragraph A4.4.2 then explains that there may be some circumstances in which a public sector organisation considers purchasing insurance and Box A4.4A sets out some examples of reasons which are acceptable for using insurance. The types of risk that would be covered by nuclear liability insurance are not of the types listed, so in relation to AWE, the general principle outlined in paragraph A4.4.1 would apply.
- 4.6 In my view, therefore, the Appellant was incorrect to conclude that the only conceivable reason not to insure was as a result of a conscious decision made following a cost/benefit analysis which concluded that the risk of an off-site emergency did not justify the payment of insurance premia. In fact, the decision not to insure is consistent with the default position advised by HM Treasury and a decision to depart from that default position would have had to be carefully and robustly justified.

5. **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: 23 August 2024

Signed: *Tom Bennington*

Tom Bennington