

## **“Unready Scotland” Update March 2018**

Nukewatch gave the Scottish Government a draft copy of this report on the 27<sup>th</sup> June 2017, requesting a response within three weeks. The aim was to give the Scottish ministers the opportunity to engage with the issues before publication and potentially to affect the final version of the report. In the event, a new deadline of 13<sup>th</sup> August was set. Two days before that deadline Nukewatch received the following letter:

Dear Mr Mackenzie,

11 August 2017

Thank you for sight of your report “Unready Scotland – the critical gap to the transport of nuclear weapons”.

As you are aware, the Scottish Government firmly opposes the possession, threat and use of nuclear weapons. We are committed to the safe and complete withdrawal of Trident from Scotland, and have repeatedly called on the UK Government to cancel plans for its renewal. One issue that forms part of the basis for our opposition to nuclear weapons is the risk they pose during transportation. It is, of course, the case that responsibility for the transportation of nuclear warheads lies with the Ministry of Defence (MoD). The Scottish Government, however, expects any such transportation to be carried out safely and securely as is possible, and has made this expectation clear to the UK Government. The Scottish Government does not have the powers or access to detailed information on the issues around the safety and security of the MoD’s transportation arrangements and, as a result, it is not a practical proposition for the Scottish Government to undertake a public investigation into the risks of nuclear convoys.

Regarding the risk to the public, it is vital that the transport of nuclear weapons in Scotland is rigorously planned, carried out with close co-operation with Police Scotland, and supported by a large number of highly-trained specialists. The MoD advise that “the limited movement of nuclear defence material together with inherent safety and security features and procedures mean that the probability of an incident leading to a release of radiation is extremely low. It is secured in a custom-designed container that is tested to protect against a range of scenarios, and the vehicle that carries the container provides robust crash protection, even in the event of a severe road incident or emergency.” Given the Scottish Government does not have access to the detailed information on the MoD’s arrangements, we are not in a position to independently corroborate the MoD’s assurance.

We can, however, provide our assurance around the preparedness of our communities to respond to major incidents. As well as the detailed plans which the emergency services already have in place for such events, the Scottish Government participates in annual multi-agency exercises around the release of radioactive material from nuclear power sites, the response to which would be very similar to a release from a nuclear convoy. We also support a strong network of resilience partnerships which operate across the country, from local up to national level. These groups, which draw together first responders, local authorities, the voluntary sector and others, ensure that our communities are ready to respond to a wide range of emergencies, regardless of their cause. These resilience structures have been robustly tested and proven, both by regular exercising and real events.

We, therefore, believe we have the right plans in place to be ready should such an incident take place.

Finally, it would be greatly appreciated if references naming officials are removed from the report. Any response to enquiries regarding nuclear weapons, convoys, etc. comes from Scottish Government, rather than a specific unit or individual.

I hope this is of assistance to you.

**PAUL WHEELHOUSE Minister for Business, Innovation and Energy**

The letter was a serious disappointment. Nukewatch replied to the Minister as below:

Dear Paul,

28<sup>th</sup> August

**“Unready Scotland”** Thank you for your letter of 11<sup>th</sup> of August.

We are concerned that you have misunderstood our report and its intention to provide some openings for the Scottish Government. Our focus, arising from the survey of local councils, is firmly on the response of the Scottish civil authorities, not on whatever measures the Ministry of Defence may take to ensure the safety of the nuclear warhead traffic. This is made clear on Page 7 of the report and the emphasis continues throughout.

At the same time your uncritical acceptance of the MoD's assurances is surprising. You quote uncritically their statement about the likelihood of an accident, as if likelihood is the only factor in rigorous risk assessment. On page 14 of the report we point out:

*“Such assessments should combine two factors: the likelihood of an event and the potential impact of an event. In the case of nuclear weapons convoys, even if the likelihood of an event is remote, the potential severity of an event will elevate the risk element to High.”*

As to severity, we have, on the front page of the report, quoted the MoD's assessment of the potential impact of a serious convoy accident:

*“The consequences of such an incident are likely to be considerable loss of life and severe disruption both to the British people's way of life and to the UK's ability to function as a sovereign state”.*

In your letter you say that the Scottish Government participates in annual multi-agency exercises around the release of radioactive material from nuclear power sites, the response to which would be very similar to a release from a nuclear convoy. As we have carefully pointed out in our report the warhead convoys present a very specific threat. Nuclear power sites are not also stores of high explosive nor do they travel around the country. They are in fact regulated by Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR). Generic simulations that cover the broad range of radiological mishaps do not take account of the specific threats provided by the warhead traffic.

In your letter you write: *“The Scottish Government does not have the powers or access to detailed information on the issues around the safety and security of the MoD's transportation arrangements and, as a result, it is not a practical proposition for the Scottish Government to undertake a public investigation into the risks of nuclear convoys.”*

Nowhere in the report do we ask for that. The MOD do publish Local Authority and Emergency Services Information (LAESI) edition 11 of which was issued in July.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/634162/20170627-LAESI-Ed\\_11.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/634162/20170627-LAESI-Ed_11.pdf)

On the basis of what the MOD expect of civil authorities in LAESI here's what we did recommend: *“One way forward is for the Scottish Government to urgently head up a review of the civil authority response (our underlining) to the threat of an incident or accident involving the nuclear weapons convoys.”*

Such a review is perfectly within the power of the Scottish Government and wholly in line with its duties under the Civil Contingencies Act. It is important that the Scottish Government faces up to just how patchy and poor is the readiness of local councils on the convoy routes. If this results in identifying any efforts to obfuscate the issue by the UK Government you could be sure of citizen support.

Nukewatch is a citizen monitoring group with a strong record over 32 years of shining a light on the MoD's weapon and weapon materials transport. We are an organisation whose input and expertise is sought by the Parliament's Cross Party Group on Nuclear Disarmament. It is inappropriate for a Government that is committed to nuclear disarmament to disregard or rebut our work.

Our preference remains to work with the Scottish Government. We are about to embark on an extensive programme of dissemination and it would be helpful to all parties who are committed to taking seriously the nuclear risk we collectively face if we could meet with you beforehand to explore constructive approaches.

Jane Tallents and David Mackenzie for Nukewatch

After many promptings we finally had a reply fully five months later:

Jane Tallents / David Mackenzie Nukewatch

22 February 2018

Dear Jane and David

Thank you for letter of 26 August. Please accept my apology for the delay in responding, as, I understand you are aware, there are a number of issues that I wanted to fully reflect on in respect of your response.

Firstly, and perhaps most importantly, I wanted to make absolutely clear that the Scottish Government is fully committed to the safe and complete withdrawal of Trident from Scotland, and have repeatedly called on the UK Government to cancel plans for its renewal on both moral and economic grounds. I also want to reiterate that the Scottish Government recognises the need for governments to be positive agents for peace.

Indeed, as the First Minister, Nicola Sturgeon, made this clear, in the Scottish Parliament, in her response to a question at First Minister's Questions from Bill Kidd MSP, which touched upon the Scottish Government's view of the passage of the Treaty on the Prohibition of Nuclear Weapons at the United Nations. In her remarks, in response to Bill Kidd, the First Minister stated:

*"I support that Treaty. I want to see a world free of nuclear weapons and I think that countries such as the United Kingdom should lead by example. Instead of spending tens of billions of pounds on a new generation of Trident nuclear missiles, we should get rid of Trident nuclear missiles from the Clyde.*

*"We will continue to support action for unilateral nuclear disarmament because, if countries lead by example, the world will be a safer place in the long term as a result. We will support action on that internationally from the UN and elsewhere, because it is the right thing to do morally, financially and for practical reasons.*

Hence, this Government is proud to support ICAN's efforts to go beyond preventing proliferation of weapons of mass destruction, recognising that the NNPT has limited the growth in nuclear states but not eliminated the threat of nuclear conflict itself, and congratulates ICAN on securing a historic vote at the United Nations that delivered the support of 122 nations for the Treaty on the Prohibition of Nuclear Weapons (TPNW). It is to be hoped that in securing the TPNW, ICAN have allowed the United Nations to put in place a framework that will make it easier for those remaining nations that already have nuclear weapons, such as the UK, to now work towards eliminating their own nuclear arsenals.

However, regrettably, that step has yet to be taken by the United Kingdom Government. As I have myself said previously, given the current constraints of the devolution settlement, it remains the case that the responsibility for the maintenance of the Trident weapons system and transportation of nuclear warheads lies with the UK Government's Ministry of Defence.

For as long as this is the case, the Scottish Government expects any such transportation to be carried out safely and securely as is possible, and has made this expectation clear to the UK Government. While the M09 is exempt from legal duties under the Radioactive Substances Act (1993), and instead complies with a shadow regulatory system by agreement, the UK Government has an undoubted responsibility, for the conduct of the convoys and has a moral responsibility to protect the safety of communities along the routes used. The UK Government must also respect our much valued wildlife, natural environment and ecosystems, and this is why we seek to work closely with the MOD on ensuring that risks are minimised and that the Scottish Government's resilience response is prepared.

In respect of civil contingencies preparedness, I want to reiterate the point I set out in my address to the briefing event held in the Scottish Parliament, that despite not having powers in respect of defence or the transport of nuclear weapons itself, the Scottish Government, through our regional resilience partnerships (RRPs) and the Overarching resilience framework led by the Deputy First Minister, aims to ensure RRPS, which include Scotland's emergency services and local stakeholders, have plans in place for responding to any major incident. In any incident, this framework draws together key organisations to ensure we fulfil our responsibilities under the Civil Contingencies Act 2004 to respond to a wide range of emergencies, regardless of their cause. These resilience structures have been robustly tested and, in some contexts, proven, both by holding regular exercises, but also through learning derived from the response to real events, including severe weather events, and high profile pollution risk incidents, eg. in relation to fires at industrial or waste sites.

Robust arrangements are therefore, we believe, in place across each RRP to coordinate a multi—agency response. However, there is no complacency on this vital matter of public interest, i.e. to ensure a robust resilience response, and the Scottish Government will continue to work with UK Government, including the MOD, and all relevant emergency responders, including local authorities, to ensure these take account of best practice and lessons identified from exercises or real incidents.

In addition to resilience matters, as you may be aware, our agencies, specifically SEPA, have sought to work with the MOD to ensure it fulfils its duties to protect the environment. SEPA has taken a proactive approach to: ensuring issues around the transfer of radioactive waste by MOD from military sites are addressed; to ensure public safety in respect of radioactive dial waste deposited in former air bases, such as has washed up at Dalgetty Bay; and ensuring the safety of communities around key sites, such as the Vulcan Naval Reactor Test Establishment.

I hope this is of assistance to you in setting out the Scottish Government's view on the case for disarmament and our great respect for the work of ICAN. I also hope it makes clear that we take your concerns very seriously and will continue to work to improve and further strengthen our civil contingencies and resilience response to risks of incidents where nuclear safety is concerned.

Paul Wheelhouse

**We replied on 4<sup>th</sup> March 2018:**

Dear Paul, **Nuclear Weapon Convoys and the Civil Contingencies Act (2004)**

Thank you for your letter of 22nd February 2018.

As ever, your e-statement of the Scottish Government's strong opposition to nuclear weapons is most welcome. However, your letter is in all other respects a wholly unsatisfactory response to our concerns.

We note that you have not, in this or in your previous letter, attempted to contradict any of the factual information that our report Unready Scotland contains. The core information in the report may be summarised as follows:

1. According to the survey conducted in the autumn of 2016 no Scottish local authority on the routes regularly taken by the convoys has conducted, either as a single agency or in co-operation with others within its Resilience Partnership, a specific risk assessment of the threat posed by the convoys when passing through their territory.
2. According to the survey conducted in the autumn of 2016 no Scottish local authority on the routes regularly taken by the convoys has made any attempt to communicate with their public regarding the threat posed by the convoys.
3. The twin duties to conduct risk assessments of, and to inform the public about identified threats to public safety are clear requirements of the Civil Contingencies Act (2004) for Category One Responders. Therefore, the local authorities concerned are failing in their duties under the Act.

At least two of the surveyed councils appeared to be blissfully unaware of the existence of the convoys or how they might impact on their public.

In the face of these facts it has been our request that the Scottish Government conducts a review of the readiness of the Scottish civil authorities to respond effectively to a serious incident. That request still stands.

In the light of the facts above, which you have not contested, it could be considered rank complacency for the Scottish Government to refuse to acknowledge that there is a problem. In the meantime, in the apparent failure of the civil authorities to take the issue seriously Nukewatch will continue to do everything in its power to monitor the convoy traffic and to inform the public responsibly.

Yours sincerely, Jane Tallents and David Mackenzie for Nukewatch