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Scottish Local Authorities and Nuclear Convoys

Summary report and analysis of responses from Scottish councils to Scottish CND letter in May 2022.

In May 2022 Scottish CND wrote to the 15 local councils in Scotland through which nuclear weapon convoys regularly pass asking them to consider their responsibility to inform their public about the risks from the convoys and appropriate emergency measures (see Appendix A). We are aware that Police Scotland have a central role in the response to any serious incident but it will be obvious that local authorities would also be critically engaged. As of 30th June 2022 Scottish CND had received 9 replies, including a holding reply (see Appendix B).

Almost all of the responses indicate a misunderstanding of the status of the convoy safety issue within the Scotland Act. SCND is of course fully aware that defence is a reserved matter, but under the Civil Contingencies Act (2004) community safety is devolved - a fact recognised by the Ministry of Defence when it acknowledges the role of the civil authorities in providing the “off-site” response in the case of an emergency (MoD, 2021). This misunderstanding also muddies the question of risk assessment. Risk assessment must also apply to “off-site” impacts. It may be that such assessment has been conducted by “Category One Responders” working in partnership but there is no public information as to whether such assessment has been carried out or what its results may be. Given that information gap and the statement in a number of the responses that risk assessment is solely a matter for the MoD an assumption that no assessment work has been carried our by individual First Responders or resilience partnerships does not seem unreasonable. Most of the responses imply a further troubling misunderstanding about risk assessment – that the calculation should be based solely on the likelihood of an incident. For a proper risk assessment a calculation of potential impact must also be included. In the professional context this is called the “likelihood X severity” model.

Most of the responses make no reference whatever to the core request in our letter – that the council should reconsider its decision not to inform its public of the threat of an accident involving a nuclear weapon convoy. This omission is especially marked in the response from Argyll and Bute since that council is obliged by regulation to inform its public of the radiological hazards from the Faslane naval base and does so by means of a leaflet, yet it makes no effort to make the public aware of the radiological hazards arising from the convoy traffic. The Argyll and Bute situation has an additional twist. The radiological hazard arising from Faslane would involve gamma radiation which might require evacuation as well as iodine treatment. In the case of the convoys the risk would be from alpha radiation which would require sheltering rather than evacuation. The scope for confusion is clear.
Two councils, City of Edinburgh and Dumfries and Galloway, did address the public information question. Edinburgh’s response mentions the need to avoid alarming the public unnecessarily but offers no rebuttal of our claim that that public panic is more likely if there has not been adequate “pre-event” information and guidance, and that, in the case of a distribution of toxic radiological materials, poor public preparation could lead to problematic public responses such as inappropriate “self-evacuation” (Figure B.6).

In defending its decision not to offer information to the public Dumfries and Galloway cites the Scottish Government Preparedness Review “Road transportation of Defence Nuclear Material in Scotland” and accepts the conclusion of that review, namely that “the decision on what information to provide on convoy movements was a matter best determined by the MoD”. (Figure B.3) It is wholly inappropriate for a civil authority to abandon to a UK department its responsibility for public information and genuine compliance with the requirements of the Civil Contingency Act. It is also telling that no respondent was able to provide a rationale or a defence of the inconsistency between the REPPIR requirement to have public emergency information for fixed sites and the absence of parallel and specific regulation for military radiological hazards while in transport (ONR, 2022).

When the Preparedness Review (Gov.scot, 2019) was published Nukewatch issued a critique which is worth quoting in full:

“We are glad to see that the review exercise has been very broad in its scope, has prompted a good deal of agency awareness of the problem, has already led to the tightening of some procedures and prompted helpful recommendations. We cannot help but note that such a review would not have happened without persistent pressure over the years from Nukewatch and the support of individual parliamentarians.

There are however a number of critical flaws in the review. The agencies concerned have been all too ready to accept without due diligence statements from the UK Ministry of Defence, without engaging with other recognised expertise, as we had recommended. This is especially true on the question of risk assessment. The MoD’s single factor risk assessment – that the likelihood of an incident is remote is accepted without any mention of the second factor in any standard risk assessment, the potential severity of consequence. The review also fails to register adequately the unique hazards posed by the transport, and relies too heavily on generic emergency responses.

There is also no mention of the increase in public concern about the convoys. For those living near Faslane/Coulport there is the Clyde Emergency plan which at least gives basic information to the public about how to act in case of an incident. Also, fixed nuclear sites are governed by the REPPIR regulations. Astonishingly, the review does not deal with the fact that no such such framework exists for the convoys. Members of the public who are aware of the convoys need practical information about what to do in the case of an actual accident to keep them and their families safe. This review does not give this information or indicate where it might be found or accessed.

It is most disappointing that Ash Denham, the current Minister, has endorsed the review in her introduction and given the false impression that all is well. The Scottish Government has a prime responsibility for the safety of citizens and must recognise that this case is far from closed.”

(NukeWatch)
Scottish CND wholeheartedly endorses this critique.

**Conclusion**

Overall the responses to our enquiry have been very disappointing. Most of the replies suggest that there has been only a superficial reading of our letter. The replies also indicate a general misunderstanding around reserved and devolved matters as they relate to nuclear weapon convoy emergencies and they display a limited understanding of what is involved in risk assessment. For those respondents who address the issue of public information there is no effort to engage with or to rebut our case, simply a passive and unexamined acceptance that this duty lies mainly with the MoD.

When an activity is undertaken with an attendant and recognised risk for the sake of a perceived benefit, the risk involved is said to be “tolerated”. At a time when the humanitarian consequences of nuclear weapons are being recognised increasingly at international level – a recognition that has inspired the UN Treaty on the Prohibition of Nuclear Weapons - our earnest wish is that Scottish civil authorities would show some smeddum in responding to the threat from nuclear weapon convoys and declare the manifest risks to be intolerable.

*Scottish CND July 2022*
Appendix A

Scottish CND  Letter to Local Authorities

28.04.2022

Dear Chief Executive,

We are writing to share our concern about the lack of local authority provided public information about the transport of nuclear weapons by road through your council area.

Scottish CND is not campaigning for the safe transportation of nuclear warheads – we want these horrifying weapons to be eliminated – but it is only right that while they still exist adequate emergency responses should be in place, and that the public is respected by being properly informed by the authority most closely connected to its day-to-day life. It may well be the case that following a thorough risk assessment a civil authority may well admit that coping with the potentially disastrous scenario would be beyond its capability. There would be no shame in that - witness the admission of the International Committee of the Red Cross that it could provide no adequate response in the case of a nuclear conflict.

We are therefore asking that your council reviews its decision not to inform its public about this threat to public safety.

Public knowledge of the warhead transport is almost entirely due to the monitoring and campaigning work of Nukewatch UK and we commend the Nukewatch website as an excellent information resource. In particular we would draw your attention to the Nukewatch 2017 publication “Unready Scotland” which deals in some detail with the responsibilities of Category 1 Responders.

A short elaboration of our case is attached. We look forward to hearing from you.

With best wishes,

Figure A.1
Appendix B
Local Authority Response Letters

Arigh and Bute Council
Comhairle Earra Ghàidheal agus Bhoid

Chief Executive/Àrd-offigeir
Pippa Milne

Mr John Cairns
Campaign Co-ordinator
Scottish CND

via email —
john.cairns@banthebomb.org

Dear Mr Cairns

NUCLEAR THREAT/NUCLEAR ACCIDENT

Thank you for your email of 29 April 2022 in regard to the above.

Your email requests Argyll and Bute Council review its decision not to inform the public about this threat to public safety with regards to the transport of nuclear weapons by road.

The safety and security of road transportation of defence nuclear material in Scotland is a reserved matter with the Ministry of Defence being responsible for the risk assessment in relation to the probability of a defence nuclear transport incident leading to a release of radiation. I understand that the assessment by the Ministry of Defence is that the probability is extremely low based on the requirements for inherent safety and security features and procedures, together with the limited movement of nuclear defence material by road.

I further understand that the Ministry of Defence consults with Police Scotland prior to any convoy movement in Scotland to help assess any risks on the identified route.

Most importantly, with regards to your request, I wanted to advise you that Local Authorities are not privy to the route, timings or details of any military nuclear convoys.

I hope this clarifies the matter.

Yours sincerely

Pippa Milne
Chief Executive

Figure B.1
Dear Mr Cairns

Nuclear Threat/Nuclear Accident

Thank you for your email communication dated 29 April 2022 regarding Nuclear Threat/Nuclear Accident.

In your email you ask that Scottish Borders Council reviews its decision not to inform the public about this threat to public safety with regards to the transport of nuclear weapons by road.

The safety and security of road transportation of defence nuclear material in Scotland is a reserved matter with the Ministry of Defence (M.O.D) being responsible for the risk assessment in relation to the probability of a defence nuclear transport incident leading to a release of radiation. I understand that the assessment by M.O.D is that the probability is extremely low based on the requirements for inherent safety and security features and procedures, together with the limited movement of nuclear defence material by road.

I further understand that the M.O.D consults with Police Scotland prior to any convoy movement in Scotland to help assess any risks on the identified route.

Most importantly, with regards to your request, I wanted to advise you that Local Authorities are not privy to the route, timings or detail of any military nuclear convoys.

I hope this clarifies the matter, and thank you again for your email.

Yours sincerely

NETTA MEADOWS
CHIEF EXECUTIVE

Council Headquarters, Newton St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services 0300 100 1800         www.scotborders.gov.uk
Dear John Cairns,

Thank you for your enquiry below regarding your concern about the lack of local authority provided public information about the transport of nuclear weapons by road.

The Ministry of Defence publicly advise that the probability of a transport emergency leading to a radiological hazard is highly unlikely given the limited movement of Defence Nuclear Material together with inherent safety features and procedures. (Local Authority & Emergency Services Information - On Defence Nuclear Material Transport Contingency Arrangements - Edition 12 - Paragraph 1.4).

In consideration of your concern I make reference below to the Preparedness Review of “Road Transportation of Defence Nuclear Material in Scotland” (completed and published in June 2019). Please note that the Society of Local Authority Chief Executives (SOLACE), of which Dumfries and Galloway is a member, co-produced this review.

The Ministerial Foreword to the Review states:
- The responsibility for the road transportation of Defence Nuclear Material in Scotland lies with the UK Government, through the Ministry of Defence.
- The Ministry of Defence has assured Scottish Government that robust arrangements are in place to ensure the safety and security of the road transportation of Defence Nuclear Material in Scotland at all stages of the transportation.

The Review goes on to state:
- A key part of assessing risk is likelihood. The MOD has provided assurances that robust arrangements are in place to ensure the safety and security of all these convoys. There has never been an incident posing a radiation hazard. Therefore, probability of a defence nuclear transport accident leading to a release of radiation is extremely low. (paragraph 203).

- Under the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2004, local authorities, as Category 1 responders, have a duty to warn the public and to provide information and advice, if an emergency is likely to occur or has occurred. In performing this duty they must take account of the importance of not alarming the public unnecessarily. (paragraph 213).

The Review (paragraph 201) concludes:
- It was generally felt that the decision on what information to provide on convoy movements was a matter best determined by MOD.
- The balance within the warning and informing duty between keeping people advised and unnecessarily alarming them was known and accepted.

Dumfries and Galloway Council remains satisfied with this conclusion.

Regards,

Martin
Martin Ogilvie  |  Resilience and Community Safety Manager  |  Communities Directorate
From: "Grant, Andrew" <Andrew.Grant@glasgow.gov.uk>
Date: 16 May 2022 at 14:12:42 BST
To: john.cairns@banthebomb.org
Subject: RE: Nuclear Threat/Nuclear Accident (OFFICIAL)
George Square Glasgow G2 1DU
OFFICIAL

Dear Mr Cairns,

Thank you for your email to the Chief Executive.

The responsibility for the safe transportation of these materials is a reserved matter that sits with the Ministry of Defence.

My understanding is that Councils are not informed of convoys being routed through their area but that the MOD engages with other relevant agencies to inform any plans.

Kind Regards

Andrew Grant
Partnerships Manager
Chief Executive’s Department
Glasgow City Council
George Square
Glasgow
G2 1DU
Enquiries to: Kenneth Lawrie
Direct Dial: 01324 506002
Date: 17 May 2022

John Cairns
Campaign Coordinator
Scottish CND
PO Box 3620
Glasgow
G73 9FQ

Dear Mr Cairns

Nuclear Threat/Nuclear Accident

I refer to your email correspondence to me dated 29 April 2022 where you ask a number of questions surrounding Nuclear Threat / Nuclear accident.

I note from your email your concern about the lack of local authority provided public information about the transport of nuclear weapons by road through our council area and your request that Falkirk Council reviews its decision not to inform its public about this threat to public safety.

The responsibility for the risk assessment for the road transportation of defence nuclear material is reserved and sits with the Ministry of Defence, The MOD assesses the risk of a nuclear transport incident leading to a release of radiation as extremely low. I understand that this risk assessment process also includes consultation with Police Scotland,

Falkirk Council is not provided with or sighted on any information regarding the movement of any such defence nuclear material.

I trust that this provides a suitable response to your question,

Yours sincerely

[Signature]

CHIEF EXECUTIVE

Our ref: AA/0522/KL/IP

Chief Executive: Kenneth Lawrie
The Foundry
4 Central Boulevard, Central Park
Larbert FK5 4RL
DX 556562 Falkirk 6
Telephone: 01324 506070
www.falkirk.gov.uk

Figure B.5
Dear Mr. Cairns,

Thank you for your email to the Chief Executive dated 29 April 2022.

The Council's Resilience Team have advised that the responsibility for the road transportation of Defence Nuclear Material in Scotland lies with the UK Government, through the Ministry of Defence (i.e. it is a Reserved matter). The Scottish Government, expects any such road transportation to be carried out safely and securely.

The MOD is responsible for the risk assessment in relation to the probability of a defence nuclear transport incident leading to a release of radiation. The assessment by MOD is that the probability is extremely low, based on the requirements for inherent safety and security features and procedures, together with the limited movement of nuclear defence material. The MOD states that the routes are carefully selected as part of a rigorous risk assessment process and are regularly reassessed for their continued suitability. This assessment is checked and agreed by an Independent Nuclear Safety Assessment and the Defence Nuclear Safeguarding Regulations, prior to being ‘Approved’ by the Authorised.

The MOD position is that it no longer publishes the Defence Nuclear Safety Regulator Annual Assurance Reports, as to do so during the current age of intensifying threats to the UK would risk national security.

Category 1 responders (including Local Authorities) have a duty to warn the public, and to provide information and advice, if an emergency is likely to occur or has occurred, under the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005. In performing this duty they must take account of the importance of not alarming the public unnecessarily.

Included below is the link to the Road Transportation of Defence Nuclear Material in Scotland Preparedness Review, conducted by Police, Fire, Inspectorates and COSLA, and published on the Scottish Government’s Website, which I hope is of assistance.


Regards

On behalf of Place Directorate

Figure B.6
Dear Mr Cairns,

Nuclear Threat/Nuclear Accident

Thank you for your email communication dated 29 April 2022 regarding Nuclear Threat/Nuclear Accident. In your email you ask that North Lanarkshire Council reviews its decision not to inform the public about this threat to public safety with regards to the transport of nuclear weapons by road.

The safety and security of road transportation of defence nuclear material in Scotland is a reserved matter with the Ministry of Defence (M.O.D) being responsible for the risk assessment in relation to the probability of a defence nuclear transport incident leading to a release of radiation. I understand that the assessment by M.O.D is that the probability is extremely low based on the requirements for inherent safety and security features and procedures, together with the limited movement of nuclear defence material by road.

I further understand that the M.O.D consults with Police Scotland prior to any convoy movement in Scotland to help assess any risks on the identified route.

Most importantly, with regards to your request, I wanted to advise you that Local Authorities are not privy to the route, timings or detail of any military nuclear convoys.

I hope this clarifies the matter, and thank you again for your email.

Yours sincerely,

Andrew McPherson
Head of Regulatory Services and Waste Solutions
From: Chief Exec <pach.exec@southlanarkshire.gov.uk>
Date: 4 May 2022 at 14:08:50 BST
To: John Cairns <john.cairns@banthebomb.org>
Subject: RE: Nuclear Threat/Nuclear Accident

Dear Mr Cairns

Thank you for your email of 29 April 2022 in which you ask that the council reviews its decision not to inform the public about public safety with regards to the transport of nuclear weapons by road.

I can advise that safety and security associated with the transport of defence nuclear material is a reserved matter, with the Ministry of Defence responsible for the risk assessment in relation to any incident leading to a release of radiation.

The Ministry of Defence publicly advises that the probability of a transport emergency leading to a radiological hazard is highly unlikely given the limited movement of Defence Nuclear Material together with inherent safety features and procedures.

20211129-LAESI-Ed12-MHCLG-Tweak-final.pdf (publishing.service.gov.uk)

Police forces are notified in advance by the Ministry of Defence of a convoy being routed through their area, enabling them to provide advice about any local traffic problems. Local Authorities, however, are not informed of convoy routes or schedules.

I hope this clarifies responsibilities in this matter and thank you again for your email.

Yours sincerely,

Cleland Sneddon
Chief Executive

Catherine Burrows
PA to the Chief Executive
South Lanarkshire Council
Council Offices, Almada Street

Figure B.8
From: George Hawthorn <george.hawthorn@west-dunbarton.gov.uk>
Date: 12 May 2022 at 15:22:50 BST
To: john.cairns@banthebomb.org
Subject: Nuclear Accident

Dear Mr Cairns,

Thank you for your email to Joyce White, Chief Executive in connection with the above.

I will pass your email to the Leader of Council, once appointed, for consideration. The Leader of the Council will be appointed at the Statutory meeting of Council on 18 May 2022.

Regards

George

George Hawthorn
Manager of Democratic and Registration Services
West Dunbartonshire Council

Tel: 01389 737204
Mob: 07903010404

Email: george.hawthorn@west-dunbarton.gov.uk

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