

Public notice of an appeal

Public Notice of an appeal by Faldingworth Defence Limited against the imposed variation of their explosives licence by the Health and Safety Executive

- **Appellant Name:** Faldingworth Defence Limited (FDL)
- **Site Location:** Faldingworth Base, Spridlington Road LN8 3SQ.
- **Original Decision Authority/Respondent:** The Health and Safety Executive (HSE)
- **Nature of the Appeal:** FDL is appealing to the Secretary of State for Work and Pensions against the HSE's decision to impose a variation on their explosives licence under the Explosives Regulations 2014.

The Secretary of State for Work and Pensions has appointed Andrew Kinnier KC to hear the appeal on his behalf and to make recommendations about the outcome of the appeal so that he can make a determination in due course.

- **Grounds for Appeal:** The grounds of the appeal are as follows:
 1. That the HSE has failed to identify any change in circumstances on the Faldingworth site since the issue of Exemption Certificates and Explosives Licences to tenants on the site that has resulted in the health and safety of those working there being prejudiced.
 2. That there has been no material change in site circumstances and therefore Regulation 16(1)(a) is not applicable.
 3. That a number of the changes proposed by HSE are outside the provisions of Regulation 16(1)(a).
 4. That HSE has failed to give appropriate consideration to representations made under Regulation 16(5).
 5. That HSE is acting contrary to the Explosives Regulations in the enforcement of separation distances.
 6. That HSE failed to consult on reasonable alternatives to the variation proposed.
 7. The action taken is disproportionate and unnecessary.
- **Date of Hearing:** This appeal will be heard in person at Henderson Chambers, 2 Harcourt Buildings, Temple, London EC4Y 9DB on 15 and 16 June 2026
- **Persons wishing to attend or be heard:** Persons wishing to attend the appeal or to apply to be heard at the appeal shall inform the Health and Safety Executive **by 5th June 2026**, either by emailing Explosives.Licencing@hse.gov.uk or by writing to:

Explosives licensing

1.2 Redgrave Court

Merton Road

Bootle

L20 7HS

Any persons applying to be heard must also serve on HSE a statement of their proposed submissions **by 5 June 2026**, which will then be shared with the Appellant and the Secretary of State's Appointed Person. The Secretary of State's Appointed Person will then decide the application to be heard.