



To: [energynpsconsultation@opm.co.uk](mailto:energynpsconsultation@opm.co.uk)

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[www.nuleaf.org.uk](http://www.nuleaf.org.uk)

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Dear Robin Clarke,

### **Comments on the Draft Nuclear NPS**

I write on behalf of NuLeAF, which is a Special Interest Group of the Local Government Association that seeks to represent the views of its member local authorities on nuclear legacy management issues and developments that may impact upon that management. Further information on NuLeAF may be found at [www.nuleaf.org.uk](http://www.nuleaf.org.uk).

As an organisation, NuLeAF is neither pro nor anti nuclear. However, it does have considerable collective understanding and experience of radioactive waste management developments. This has been drawn on in preparation of the comments below. These comments were prepared following discussion at NuLeAF's Strategy Review Group and have been approved by its Steering Group, which consists of councillors and officers from NuLeAF's leading member local authorities.

Given that NuLeAF's remit is limited to issues associated with radioactive waste management and decommissioning, we would like to confine our comments to consultation questions 17, 19 and 26. Our comments are as follows:

#### **Q17 Does the draft Nuclear NPS provide the IPC with the information it needs to reach a decision on whether or not to grant development consent?**

We are concerned about the statement in the draft Nuclear NPS that the IPC need not consider whether effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations (para 3.8.20). This statement is capable of being misinterpreted to mean that the IPC will not have to consider any radioactive waste management issues. We believe that this interpretation is not what the Government intended and that it should clarify its position.



We note in this regard that DCLG advice to Chief Planning Officers is that the IPC will invite the relevant local authority to submit a Local Impact Report by a specified deadline (Letter, 9/11/09, para 9). It adds that the Planning Act is not prescriptive about what should or should not be included in Local Impact Reports – it is for the local authority to determine what they regard as relevant having considered the likely impact of the proposed development on the authority's area.

In determining what is relevant, local authorities are likely to bear in mind the following:

- A statement that the significance of radioactive waste effects will need to be determined through studies at the level of Environmental Impact Assessment and Habitat Regulation Assessments (draft Nuclear NPS, para 1.5.6)
- That the local radioactive waste management effects should be assessed at the project level (Appraisal of Sustainability (AoS), paras S.11.27 and 6.4.14)
- That detailed site specific plans for spent fuel management will be presented by potential operators for assessment by regulators and planning authorities (AoS para 6.4.11)
- That it is at the local site level that a full understanding of the impacts of spent fuel management can be identified, minimised and mitigated (AoS para 6.4.18)
- That when reactor site-specific consideration is given to waste a 'Radioactive Waste Management Case' will be required (Justification Consultation Document, para 4.67).

We believe, therefore, that it will be important for the relevant local authorities to pay close regard to radioactive waste management issues when preparing Local Impact Reports for the IPC. These issues might include:

- the pros and cons of different options for managing spent fuel from new nuclear power stations (see further discussion below under Q26);
- the availability of on and off-site treatment and storage facilities for Intermediate Level Waste (ILW), including on any neighbouring nuclear sites;
- the availability of on and off-site treatment and disposal facilities for Low Level Waste (LLW), including on any neighbouring nuclear sites (see further discussion below under Q26); and
- the case for the provision of community funds in association with the development of long-term storage facilities for spent fuel, or for the on-site disposal of LLW or short-lived ILW.

We would anticipate that the IPC will need to consider the radioactive waste management issues raised in Local Impact Reports. This legitimate expectation should be made clear in the Nuclear NPS.

**Q19 Do you agree with the Government's preliminary conclusion that effective arrangements will exist to manage and dispose of the waste that will be produced by new nuclear power stations in the UK?**

We note that in reaching its conclusion, Government focused on higher activity wastes and concluded that:

- geological disposal is technically achievable for those wastes
- a suitable site can be found for geological disposal, and
- safe, secure and environmentally acceptable interim storage will be available prior to geological disposal.

On finding a suitable site for geological disposal, it is notable that the draft Nuclear NPS states that the "Government is committed to making the voluntarist and partnership approach to site selection work through the MRWS process. However, the Government recognises it has a responsibility to deal with long-term higher activity waste management and is committed to geological disposal as the technical solution, such that it will seek to develop alternative ways to implement that solution if the current framework, as set out in the MRWS White Paper, ultimately proves to be unsuccessful in the UK" (para 3.8.15).

In contrast, the draft Nuclear NPS does not refer to a fall-back position with regard to LLW management, but asserts that arrangements for effective management and disposal of LLW already exist, "as demonstrated by the experience of dealing with such wastes from existing nuclear power stations" (para 3.8.4). To find discussion of contingencies in this case, reference has to be made to the NDA's proposed national LLW strategy. This discusses two main contingencies: the development of facilities by the NDA and the development of a successor national facility to the Low Level Waste Repository (LLWR) (section 7.3).

In responding to Q19, NuLeAF is aware that Government has made being able to draw its preliminary conclusion a condition for development consents to be granted. Not surprisingly then, the robustness (or otherwise) of the conclusion is seen as a key 'battleground' for the advocates and opponents of new nuclear build.

NuLeAF wishes to highlight that it is not entering this debate from either a pro or anti-nuclear perspective. It has the following comments:

- The central issue is not whether technical solutions to radioactive waste management are known in principle or, in some cases, practice (as they are), but whether current strategies for implementing them will succeed and, if not, whether fall-backs or contingencies can be put in place. Whether current strategies are likely to succeed is essentially a matter of judgement. Certainly the Government's current approach to siting a Geological Disposal Facility (GDF) does offer enhanced prospects for success (compared to previous attempts), but the outcome cannot be known for certain. Whether fall-backs or contingencies (as in the case of alternatives to the current GDF siting process) are likely to succeed could be argued to come down to a question of whether Government has the political will and/or financial resources.
- Either way, and regardless of the case for or against new nuclear power stations, it is important that the prospects for effective radioactive waste management arrangements should be enhanced by: (a) maintaining adequate levels of Government funding (particularly for the GDF programme); (b) not imposing rigid deadlines for achieving key steps in the voluntary siting of a GDF; (c) ensuring openness and transparency in radioactive waste management strategy development and implementation; and (d) pursuing strategies for managing radioactive wastes that pay full and proper regard to the views of host communities and their local authorities.
- More specifically on the latter point, this is likely to mean ensuring that: host communities and their decision making bodies can play an appropriate and significant role in decision making about the inventory of wastes for disposal in a GDF; public acceptability is placed at the heart of decision-making in the implementation of strategy for managing Low Level Wastes (LLW); and potentially affected local authorities are fully involved in assessment and decision-making about options for the interim storage of spent fuel from new reactors.

**Q26 Do you have any comments on any aspect of the draft Nuclear NPS or its associated documents not covered by the previous questions?**

We have three sets of further comments on (a) spent fuel storage, (b) LLW management, and (c) proposals that may prejudice effective management of the nuclear legacy.

(a) Spent Fuel Storage

The draft Nuclear NPS assumes that spent fuel from new nuclear stations will not be reprocessed and that it could be stored on the sites of those stations for up to 160 years (para 3.8.17). The associated document on the arrangements for management and disposal of wastes (the 'Waste Document') acknowledges that it may not necessarily be the case that the whole interim storage period will be at each reactor site, and points out that the Government does not wish to preclude alternative arrangements (para 58). The Waste Document points to one alternative which is for an operator with more than one new nuclear station to construct a central store for the spent fuel from all its reactors. Although not specifically referred to in the Waste Document, other options may be a national spent fuel store, either at the GDF site or at another location. Given the public interest and spatial planning issues raised, we think it is essential for potentially affected local authorities to be involved in early discussion about the pros and cons of these options and propose that a process for these discussions be agreed at the earliest opportunity.

We also note that the main AoS document highlights a specific issue that would be relevant to such a discussion – the effect of flood risk (para 3.10.12). It states that for some sites there may be a need to design and maintain flood protection measures for the life of an interim store for spent fuel. Given the potential for severe weather events during the period of spent fuel storage as a result of climate change, it would seem advisable for various scenarios to be examined as part of the assessment of spent fuel management options.

(b) LLW Management

The Waste Document states that the (relatively small amounts of) LLW from new nuclear stations "will be handled in a manner similar to current practices ..." (para 196), and concludes that the "LLWR or an alternative disposal route will be available for new build operational LLW" (para 217). However, some elements of the UK's LLW strategy – such as disposal to landfill and incineration - are likely to attract local opposition, particularly where attempts are made to site facilities away from existing licensed nuclear sites. Furthermore, it is possible that some proposed facilities will not secure the necessary planning permissions. As such, there is a question mark over the extent to which implementation of LLW strategy will increase the availability of alternative waste treatment and disposal routes, whether for legacy or new build sites. This should be taken into account in discussions about the availability of treatment and disposal facilities for LLW from specific new build sites.

(c) Proposals that may prejudice effective management of the nuclear legacy

It is arguable that there are three aspects of current proposals for new build that may prejudice effective management of the nuclear legacy. These are:

- The assumption that new build spent fuel will be disposed of to the GDF may not be welcomed by potential host communities and their decision making bodies. The assumption has potential to become a 'bone of contention' and could impact on the GDF siting process.
- Insufficient sensitivity to the views of communities local to proposed 'green field' sites for new nuclear build that are away from existing licensed nuclear sites (Braystones and

Kirksanton in Cumbria) may impact on public opinion in that area on possible involvement in the GDF siting process.

- There is concern amongst local authorities about whether staffing levels in nuclear legacy management can be maintained, if people working on NDA sites seek employment in new build projects.

NuLeAF suggests that Government give careful consideration to how to most appropriately address these issues in moving forward.

I hope that these comments are of value.

Yours sincerely,

*Fred Barker*

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