

<b>Meeting:</b>	NuLeAF Steering Group, 18 October 2007
<b>Agenda Item:</b>	5
<b>Subject:</b>	MRWS: Proposed Response to Consultation
<b>Author:</b>	Fred Barker
<b>Purpose:</b>	To provide a proposed response to Government consultation on the implementation framework for a geological repository

## **Introduction**

This report covers:

- the proposed response to the consultation on the implementation framework and
- the need for further feedback from member authorities.

## **Proposed Response to Consultation on the Implementation Framework**

The annex to this report sets out proposed points for inclusion in NuLeAF's formal response to the Consultation Document on the implementation framework for siting a geological repository. It takes Briefing Paper 10 (preliminary comments) as its starting point, and adds points made in the MRWS Officer Working Group, LGA Conference (6 Sept), meeting with Govt/NDA (7 Sept), and NDA literature reviews of UK and international experience.

Members are asked to review the points in the Annex with a view to approving the proposed response for submission to Government. The closing date for submission is 2 November. Opportunity can be taken at the Steering Group to discuss any points that may require amendment or development. Note that some proposed points indicate the range of views that exist amongst member authorities (see points 5B and 6C).

## **Encouraging Feedback from Member Authorities**

It is important that member authorities provide feedback to NuLeAF about their views on the implementation framework. It is recommended that they be invited to supply copies of their comments on the consultation and to inform NuLeAF if they wish to discuss issues around an Expression of Interest in the siting process.

## **Recommendations**

That the Steering Group:

- 1 approves the proposed response to the consultation on the implementation framework
- 2 invites member authorities to supply copies of their comments on the consultation and to inform NuLeAF if they wish to discuss the implications of a possible Expression of Interest in the siting process.

# PROPOSED POINTS FOR RESPONSE TO CONSULTATION ON THE FRAMEWORK FOR SITING A GEOLOGICAL REPOSITORY

## Introduction

This annex outlines the points that are proposed for inclusion in NuLeAF's formal response to the Consultation Document on the implementation framework for siting a geological repository. It takes BP10 (preliminary comments) as its starting point, and adds points made in the MRWS Officer Working Group, LGA Conference (6 Sept), meeting with Govt/NDA (7 Sept), and NDA literature reviews of UK and international experience.

## The Radioactive Waste Inventory

**Question 1:** Do you agree with this approach to compiling and updating the radioactive waste inventory and using it as a basis for discussion with potential host communities? If not, what would you propose?

1A The suggestions in the CD are welcome. NuLeAF agrees that any final agreement with a community on a single preferred site will need to address possible changes to the inventory in future years, and that this should include an agreement on a 'change control process'. Discussion within the local Siting Partnership will be required to define the scale and type of changes to the inventory that should be subject to local agreement. The need for flexibility in relation to relatively minor inventory changes is recognised.

1B There is a need for clarity about the management routes for the main categories of wastes, including different types of LLW, and for materials that might be declared as wastes in the future (including spent fuel, plutonium and uranium). As far as is possible, a clear picture of these management routes should be published in the information packs associated with the invite for Expressions of Interest (EoI).

1C There is a need for further public information about the potential implications of new build wastes for the size (footprint) and period of operation of the repository. The potential implications need to be clearly set out for potential host communities.

## Technical Approach to Developing a Repository

**Question 2:** Do you have any comments on the proposed technical approach for developing a geological disposal facility, as set out in Chapter 3?

2A The commitment not to exclude extended retrievability is welcome. NuLeAF believes that the issue of whether to design a repository for an extended period of underground storage prior to closure should be discussed and agreed with potential host communities during the siting process. NuLeAF has produced a Briefing Paper to inform debate about the pros and cons of early versus delayed closure<sup>1</sup>.

2B The NDA should clarify (a) what it means when it uses the term 'retrievability'; (b) how the repository will be designed so as not to exclude retrievability; (c) when potential

<sup>1</sup> 'Retrievability and Design of a Geological Repository', NuLeAF Briefing Paper 8, July 07

decision points about repository closure would occur; and (d) what provision it proposes to make for the monitoring of wastes in the repository. These points should be clarified in the information packs associated with the invite for EoI.

2C The commitment to undertake further research to reduce uncertainties and to support development of site specific safety cases is welcome. It will be essential that this is done in an open and transparent way, so that stakeholders can see what research is being undertaken, and understand the way it contributes to the reduction of uncertainties and development of site specific safety cases.

2D Steps should be taken to encourage national and local stakeholder review of the adequacy of the research programme. There should be a commitment to regular review with stakeholder participation eg every three years (as in Sweden). The programme of review should start with a regulator-led workshop in early 08.

2E The NDA should publish an early version of the repository Lifetime Plan, including an explanation of the proposed repository design and safety concepts, and how it will be built, operated and closed. The preliminary version of the LTP should be published for comment alongside the White Paper.

## Public and Stakeholder Engagement

**Question 3:** Do you agree with the approach to public and stakeholder engagement set out here? If not, how do you believe your input could be better managed or your concerns addressed?

3A The Government's proposal that the NDA will work in partnership with potential host communities through the siting process is welcome. Government should also expect repository development to feature as a key aspect in the NDA's stakeholder engagement plan, so that there is clarity about the timing of the NDA's different national and local engagement activities on repository development, and the objectives of those activities. In addition, it is important that Government itself takes a programmatic approach to its stakeholder engagement activities up to the point when NDA takes the lead. It should therefore liaise with key stakeholders to establish a forward programme of stakeholder engagement. The quality of the Government's engagement programme will be an important factor in determining the success or otherwise of the early part of the siting process.

3B As argued in NuLeAF BP3<sup>2</sup>, following a local decision to participate in the siting process, community engagement should be coordinated through a local Siting Partnership (see also proposed points under 'Community Partnerships'). This would ensure that national bodies and agencies are not in competition to engage with local communities, and that adequate liaison and joint planning of engagement takes place.

## System of Regulation

**Question 4:** Government believes the system of regulation outlined in paragraphs 4.2 to 4.14 is strong and robust in relation to a geological disposal facility. Do you agree? If not, what other regulation do you feel is necessary?

<sup>2</sup> 'Developing the Implementation Framework: Proposals for Siting Partnerships', Briefing Paper 3, January 07.

4A The proposed staged approach to regulation, with important hold-points as development progresses, is welcome. It will be important to align this approach with right of withdrawal and planning decisions during the siting process. NuLeAF is involved in discussions with NDA and the Environment Agency about how to do this.

4B The EA considers that amendments to the Radioactive Substances Act are required to ensure a legislative underpinning to their early and step-wise involvement in the siting process, particularly regarding regulatory consents at key stages. This would help provide strong and effective environmental regulation throughout the siting process. NuLeAF supports the EA proposal, as staged environmental regulation is essential to an effective siting process, including provision of structured information and advice to SPs and LAs, and development of community confidence in the role of the regulator.

## Proposed Planning Reforms

**Question 5:** Do you think the proposed planning reforms in England outlined in Chapter 4 should apply to the development of a geological disposal facility, and if so how could this be integrated with the voluntarism and partnership approach outlined in Chapter 5?

5A The Government statement that proposed planning reforms will need to fit with a voluntarism and partnership approach is welcome. NuLeAF has set out proposals for how the siting process should take into account planning requirements and a right of withdrawal on the part of participating communities<sup>3</sup>. These proposals provide a basis for discussion about how the planning reforms could be integrated with the voluntarism and partnership approach.

5B An important point to note is that if a partnership approach is followed, and a local right of withdrawal has not been exercised, it could be expected that the planning application for repository construction will be supported by the local Siting Partnership and Local Planning Authority. In such circumstances, it is difficult to see what purpose would be served by referring the planning application to the Infrastructure Planning Commission (IPC) for determination. In addition, the *possibility* of referral to the IPC will be perceived by some local authorities as a coercive fall-back position for Government and may help to deter participation in the siting process. These authorities are likely to take the view that the possibility of referral should be ruled out at the start of the siting process. However, other authorities may see referral to the IPC as an appropriate *last resort* if conflicting views ultimately emerge over planning issues, for example, between a district and county authority involved in the siting process.

5C The possibility that there could be a single planning application covering underground investigations ('underground research laboratory') and repository development is problematic because the LPA would not have sufficient information to determine an application for repository development prior to the underground investigations. If an adequate form of 'planning permission' hold point between URL and repository development cannot be identified, NuLeAF would consider it necessary to pursue a two stage planning process for URL and repository development. This issue requires further discussion between the NDA, regulators and NuLeAF.

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<sup>3</sup> 'Siting, Planning Requirements and Rights of Withdrawal', NuLeAF Briefing Paper 6, April 07

5D The Minerals and Waste Development Framework relevant to a participating area should be reviewed regularly so that it provides a local planning policy framework appropriate to the different stages of the siting process, including the initial identification and investigation of potential sites. MWDF review and development should be informed by the advice of potential or actual partners in the siting process.

5E It is essential that a coordinated approach be taken to permissioning processes, including environmental and safety regulation and the determination of planning applications. The establishment of the Regulatory Interface Forum, with NuLeAF participation, is a welcome development and should be seen as the forum within which to develop the framework for a coordinated approach.

## Approach to Defining Community

**Question 6:** Do you agree with this approach to defining 'community' for the purposes of the site selection process? If not, what alternative approach would you propose and why?

6A The Government's preference for an approach based on voluntarism and partnership is welcome. In particular, NuLeAF supports Government recognition of "the important role that existing local democratic decision-making structures must play in a successful process as they are elected representatives with a mandate to speak for communities". NuLeAF recognises that the proposed categories of 'community' will all have important roles to play within the siting process. However, there are three key aspects of Government's proposed approach that raise significant concerns:

- The Government's proposal that local landowners or organisations could express an interest in having a repository built on their land, encourages a premature focus on specific sites. Identification of potential sites within a local authority area would be better managed once a Siting Partnership has been established and with explicit regard to local authority policies on the development of land and waste management. Any decision to undertake surface-based investigation of such sites should only be taken with the explicit support of the potential 'host community'.
- If any landowners or local bodies wish to express an interest, they should enter into discussions with their principal local authority/ies with a view to jointly making an approach to Government. The early involvement of the appropriate local authority/ies is necessary if the foundations are to be laid for the partnership approach that Government is seeking. Any attempts to by-pass the involvement of the local authority/ies could jeopardise the development of an effective partnership.
- The CD fails to make reference to the need for a formal local decision about whether to participate in the siting process. This should be seen as a distinct and separate step to an initial expression of interest. Government should recognise that the purpose of an initial expression of interest is to facilitate discussion and agreement about the steps that are needed to reach a formal local decision about participation. These steps include: undertaking community engagement and assessment to inform the decision about participation; and the application of 'sub-surface' criteria to rule out local areas that are not suitable for repository development. The current omission of provision for a formal local decision about participation militates against an open and transparent process, and means that there is a considerable risk that an initial expression of interest will be misinterpreted as a decision to volunteer.

6B A failure on the part of Government to seriously address these concerns is likely to increase the risk that no local authorities will be found that will endorse participation in the siting process. It would be helpful if the intended White Paper could spell out that any local landowner or organisation that wishes to express an interest should enter into discussion with their local authorities so that a joint approach to Government can be made. Government should make it clear that any initial approach from a landowner or other local interest will be referred to the relevant local authorities so that they can participate in preliminary discussions about the possibility of participation. NuLeAF will encourage its member authorities to consider any approaches from local landowners or organisations with an open mind so that the pros and cons can be identified and discussed widely prior to reaching a formal decision about whether to participate in the siting process.

6C NuLeAF recognises that in some areas it might be difficult for agreement to be reached between different tiers of local government about their respective roles in decision-making about participation and exercise of right of withdrawal. It therefore encourages Government to clarify its views on which tier/s of local government in two-tier areas should have responsibility for such decision making. There are different views on this amongst NuLeAF member authorities. Some authorities consider that decision-making responsibility should be at district level. Others consider that district and county tiers should be involved in decision-making.

## Providing Information and Issuing Invitations

**Question 7:** Do you agree with the proposals for providing information to communities and the way Government proposes to issue invitations?

7A The Government's proposal to work with NuLeAF and others on the preparation of information materials is welcome. However, the way it proposes to issue invitations is problematic because it encourages a premature focus on specific sites and places insufficient emphasis on the role of the relevant decision-making bodies in this key *initial* step in the siting process. The basis for this view is set out in response to Q6. The Government also proposes that considerable effort be put into gauging the level of community support prior to an initial expression of interest, when that effort needs to be taken to inform a formal local decision about whether to participate<sup>4</sup>. This suggests a lack of clear thinking about the distinction between an expression of interest and a formal decision about participation.

7B Government should make it clear that there must be democratic accountability at the point of formal decision about local participation in the siting process. The decision to participate should be taken by the relevant local authority/ies, informed by the findings of community engagement.

7C Time must be allowed for the local processes of discussion and decision-making about (a) an EoI and (b) participation in the siting process. It is particularly important that time is allowed for the steps that are likely to be necessary prior to making a formal decision about whether to participate in the siting process. These steps are likely to include:

- Organisation of engagement with local communities and potential partners
- Review of the findings of local engagement
- Discussion with Government about the issues raised through local engagement

<sup>4</sup> See the section on 'programmes of local engagement' in NuLeAF Briefing Paper 4, February 07, p9.

- Review of the Government's response
- Assessment of the pros and cons of participation

NuLeAF recognises that Government may wish to adopt 'target dates' for decisions about participation, but would consider it unhelpful if arbitrary and fixed deadlines were to be put in place. NuLeAF would welcome further discussion with Government to identify realistic 'target dates'.

## Initial Sub-Surface Screening Criteria

**Question 8:** Do you believe that the initial sub-surface screening criteria proposed by the expert panel are correct? Do you believe that the way in which Government proposes to apply these criteria in the process is correct? If not, how could this be done differently?

8A The proposed approach is likely to be appropriate as long as it is clearly understood that the objective is to identify excluded areas *in order to inform local decision-making about whether to participate in the siting process*. This objective would ensure that the application of the criteria is limited as far as practicable to the provision of information about areas that should be excluded, rather than part of a premature attempt to identify potential sites for repository development. As explained above, it is preferable for the initial identification of potential sites within an area to be approached systematically once a decision to participate has been taken and a Siting Partnership is up and running.

8B The proposals to use the British Geological Survey to apply the criteria and to publish the findings are welcome. The implementation framework should also specify that the relevant local authority/ies will be the local point of contact for the BGS. This would assist coordination in local authority areas if a situation arises where there is more than one interested 'host community', and would be appropriate where a local authority wishes to know which specific local areas within its boundaries are not suitable for repository development. The initial exclusion of unsuitable areas should not be taken to imply that remaining areas are suitable. That could only be established during the course of the subsequent siting process.

## Assessment of Potential Sites

**Question 9:** Has Government identified the relevant assessment criteria? If not, what other criteria should be used? Do you have any comments on how the criteria should be applied at different stages?

9A The proposed criteria provide a check-list of the major issues that will need to be assessed. As such, they should be seen as providing a basis for further discussion within a Siting Partnership. It is expected that this discussion will develop and refine the criteria as appropriate to the stage of assessment and local circumstances. The Government should provide guidance, rather than be prescriptive in specifying criteria, their weighting and assessment methodology. It is important for local confidence and trust in the siting process, that the development of the criteria, weightings and methodology, and their application, can be undertaken in partnership between the relevant national and local players.

## Community Partnerships

**Question 10:** Do you have any comments on whether and how a partnership arrangement could be used to support a voluntarism approach?

10A The Government's proposals for community partnerships are welcome, and are largely consistent with NuLeAF's pre-consultation input<sup>5</sup>. The Government should give encouragement to the setting up of local partnerships in participating areas, and prepare guidance<sup>6</sup> to ensure that the partnerships provide effective vehicles for local involvement in the siting process.

10B NuLeAF agrees that it is not appropriate for Government to be prescriptive about the forms of local partnership that should be established. However, it would be appropriate for Government to give guidance on key aspects, including the mission and role of a local partnership. To this end, NuLeAF proposes that the implementation framework should define the mission of a Siting Partnership as follows:

*The mission of a Siting Partnership is to ensure that:*

*(a) all the questions and concerns of potential host communities within its area and other affected communities about repository siting, construction, operation, closure and post-closure are addressed and resolved as far as reasonably practicable; and*

*(b) the well-being of host communities is enhanced.*

It is anticipated that fulfilment of this mission would substantially enhance the prospects for a successful implementation programme.

10C NuLeAF also proposes that the core elements of the role of a Siting Partnership should be set out in the implementation framework, including:

- Developing advice and recommendations for decision-making bodies
- Scrutiny of the work of the bodies involved in repository siting and development
- Obtaining specialist advice or commissioning research to inform its scrutiny role, address community concerns or identify ways of enhancing community well-being
- Provision of public information about the activities, views and recommendations of the Partnership
- Engagement or consultation with potential host communities, other affected communities and neighbouring local authorities
- Identifying and addressing divergent views within those communities
- Liaison and discussion with local bodies with remits related to the mission of the Partnership (eg Local Strategic Partnerships or Site Stakeholder Groups)
- Building the capacity of its membership to enable it to effectively carry out these roles.

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<sup>5</sup> 'Proposals for Siting Partnerships', NuLeAF Briefing Paper 3, January 07. See also NuLeAF Briefing Paper 6, 'Siting, Planning Requirements and Rights of Withdrawal', April 07, for reference to a draft model Partnership Agreement.

<sup>6</sup> There is a significant literature that reviews the role, operation and effectiveness of various forms of local partnership. There would be value in distilling this material to produce guidance on how partnerships can provide effective vehicles for local involvement in a siting process. The NDA reviews of experience of partnerships, and NuLeAF BPs 2 and 3, provide a starting point for developing this guidance.

10D The implementation framework should clarify that a Siting Partnership is primarily a partnership of local community interests, with members identified and recruited locally to enable the Partnership's mission to be fulfilled. The framework should acknowledge that:

There needs to be flexibility in the geographic scope and membership of a local partnership to take account of local circumstances. The make up of partnerships should be a matter of local decision.<sup>7</sup>

The framework should, however, make clear that Government expects that the relevant local authority/ies will be effectively represented within the partnership so that its views can be expressed, local political realities are recognised and there are no surprises when proposals are presented to the local authority/ies for decision.

10E It is important that the timetable for the siting process allows sufficient time for local discussion and negotiation to enable a shared local vision to be developed about the mission, role and organisation of a local partnership. A partnership must have sufficient time to get up to speed and function effectively in the siting process.

10F A very early task of a SP should be to develop a detailed local implementation plan, building on the national implementation framework. This would enable the requirements of the partnership approach to be integrated with the technical programme, resulting in a shared understanding of the way forward and a plan that is owned by all key players at national and local levels.

10G The SP should be seen as a resource, bringing valuable local knowledge and experience to the process. In order to most effectively harness that resource, the SP must be allowed to participate in the programme in 'real time' eg through consideration of draft reports when first produced by the implementer (as opposed to being simply informed about decisions after they have been taken).

10H It should be noted that Site Stakeholder Groups do not provide a model for the sorts of SPs that are required. The work of a SP will be far more intensive, requiring an independent secretariat and a much greater level of resourcing. It will also have a substantially more involved advisory role, particularly in developing advice and recommendations for decision-making at local authority level.

## Engagement Packages

**Question 11:** Do you agree that the work of communities and/or partnerships should be funded by Government through an engagement package? If so, what activities do you think it would be reasonable to expect Government to fund?

11A The Government's proposals are welcome. It will be important that the work of partnerships and participating local authorities receives adequate funding from Government. These proposals are largely consistent with NuLeAF's pre-consultation input<sup>8</sup>. Government should also provide a commitment to meet the costs of the key steps leading to a decision to participate in the siting process (including community engagement to inform that decision).

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<sup>7</sup> NuLeAF, 'Implementing Policy on the Long Term Management of Radioactive Wastes', Policy Statement 1, June 06.

<sup>8</sup> 'Funding Participation and Enhancing Community Well-Being', NuLeAF Briefing Paper 5, March 07.

These early costs can be identified and agreed in discussions between Government and local authorities that have expressed an interest in participation.

11B Government should establish funding arrangements that are independent of the implementing body (the NDA). This approach would reflect the requirement for the funding of packages to be in addition to and separate from existing arrangements for funding socio-economic initiatives. Having a funding mechanism that is independent of the implementing body would also contribute to the development of trust and confidence in a Siting Partnership on the part of local communities.

## Community Benefits Packages

**Question 12:** How best can Government and the NDA ensure that the development of a geological disposal facility delivers lasting benefits to the host community? Should this involve the use of benefits packages and if so how might this best be achieved, taking into account the need to make the best use of public funds?

12A A geological repository will be a highly controversial development. The scale of the benefits package will have to enable local judgements to be made that the overall benefits outweigh the actual and perceived detriments. In order to provide sufficient incentive for participation in the siting process, Government should provide a clear commitment that a benefits package *in addition* to the direct and indirect benefits from repository development *will* be provided. It should make clear its *commitment to honour* a benefits package negotiated and agreed by the relevant parties within the siting process. A lack of certainty that a substantive package will be available could increase the risk that no local authorities will be found that will endorse participation in the siting process.

12B The rationale for providing a benefits package is based on principle and pragmatism (it is right thing to do and one of the key ingredients needed to make implementation work in practice). It is based on the following combination of factors:

- the long-term management of radioactive wastes is a national issue that requires local sites;
- a geological repository will contain hazardous and very long-lived radioactive wastes;
- the actual and perceived impacts of the repository will be mainly in an area containing the site<sup>9</sup>;
- there have been decades of failure to implement a long-term management policy in the UK, with high financial costs and damage to stakeholder relations;
- future failure to site a geological repository will have large financial costs, with associated impacts on decommissioning and clean-up programmes;
- international experience shows that the availability of Engagement and Benefits Packages is a key element of many of the programmes where substantial progress has been made in the siting of disposal facilities<sup>10</sup>;

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<sup>9</sup> There are likely to be some additional impacts in transport corridors.

<sup>10</sup> Enviro, 'The Implementation of a National Radioactive Waste Management Programme in the UK: Implications for Local Communities and Local Authorities', report for NuLeAF, June 06. Enviro point out that 'voluntarism' alone does not guarantee success, and that its actual or potential failure has often led to the development of various approaches to community benefits. The community benefits developed in different countries are set out in Appendix A of the June 06 Enviro report.

- an Engagement Package is a way of enabling potential host communities to understand, address and, as far as practicable, resolve issues associated with repository siting, development, operation and closure;
- a Benefits Package is a way of recognising the role that host communities are playing on behalf of the UK; and
- there is wide support from UK stakeholders for the provision of support packages<sup>11</sup>.

12C NuLeAF recognises the importance of discussing and identifying ways of maximising the benefits that could be gained from (a) the potential cultural and amenity value of repository siting and (b) S106 planning agreements, but highlights the need for benefits over and above these aspects. In particular, there is a case for establishing an Intergenerational Trust Fund to enable future generations to fund projects and make provision for schemes designed to compensate for any adverse impacts. Precedents for this approach are already well established, as identified in recent NDA reviews of UK and international experience.

12D On defining the contents of a Benefits Package<sup>12</sup>, this should be done at a local level by reference to:

- the principles of sustainable development and enhancing well-being;
- the principle of self-determination;
- the need for consistency with local strategic plans; and
- the need for local democratic accountability.

12E On geographic scope, the primary focus for the bulk of the Benefits Package should be the local area containing the site. Provision should also be made for specific elements of the Benefits Package to be applied over a larger area, including, for example, improvements to public transport and transport infrastructure, and provision for compensation for any detrimental impacts on tourism and agriculture.

12F On the timetable for defining a Benefits Package, this should be started once the SP is properly established. Preliminary discussions and negotiations should proceed in parallel with investigations to identify a short-list of possible sites. Proposals for the package should be finalised once a preferred site has been identified.

12G Government should establish funding arrangements for the benefits package that are independent of the implementing body (see also 11B above). It should also ensure that there is early clarity in the respective roles of Government, NDA and others in negotiating and agreeing benefits packages.

## **Q13 Do you have any other comments?**

### **Right of Withdrawal**

13A The Government's proposal that local decision-makers could exercise a Right of Withdrawal (RoW) after desk-based and surface investigation stages is welcome. This right is an integral part of a siting process based on willingness to participate. As explained above, these decision-makers should also have opportunity to make a decision about participation at the start of the siting process, following community engagement. Further

<sup>11</sup> This support is evident from the responses to CoRWM's second and fourth periods of public and stakeholder engagement.

<sup>12</sup> Further details can be found in 'Funding Participation and Enhancing Community Well-Being', NuLeAF Briefing Paper 5, March 07.

discussion is needed about whether there is a case for a more limited form of right of withdrawal between underground investigations and repository construction, based on specialist and regulatory assessment of the environmental safety case.

13B The NDA's suggestion that RoW should end prior to borehole investigations is strongly opposed. Such a constrained RoW would be insufficient to deliver community confidence that their concerns will be addressed within the siting process beyond the point where borehole investigations start. It is therefore likely to increase the risk that no local authorities will be found that will endorse participation in the siting process. International experience strongly suggests that maintaining the RoW is one of the key elements that will increase the prospects for a successful siting process.

13C NuLeAF proposes that a decision by the relevant local authority/ies to withdraw from the siting process could only be taken after thorough consideration of the advice and recommendations of the SP and the advice of national bodies, including the NDA and regulators. Factors that may be taken into account by the local authority/ies should include:

- the extent to which the mission of the SP is being fulfilled
- the views of local communities as identified through community engagement
- the acceptability of the proposed Benefits Package
- the acceptability of the repository design concept, including its provision for the retrievability of wastes and
- the acceptability of any substantive changes to the inventory of radioactive wastes to be emplaced in the repository.

The Implementation framework should make it clear that any decision to withdraw should be based on documented evidence covering the factors as above.

13D NuLeAF recognises that there is a need to encourage a cross-party approach at a local authority level, so that any consideration of right of withdrawal following a change of political control takes full and proper account of documented evidence covering the factors outlined above.

## **Formal Agreements**

13E The Implementation Framework should acknowledge that formal agreements will be needed to underpin key aspects of the siting process, including Siting Partnerships, Participation and Benefits Packages and rights of withdrawal. As far as is possible, such agreements will need to provide assurance that the agreed approach will not be overturned by changes of Government. It is proposed that the outline Siting Partnership Agreement contained in work commissioned by NuLeAF<sup>13</sup> be used as the basis for review and development through discussion between Government, NDA, CoRWM and NuLeAF.

## **Maintaining Government Support for the Siting Process**

13F Government should make strenuous efforts to develop a cross-party consensus on the implementation framework and seek to develop safeguards to ensure an approach based on voluntarism and partnership will be followed by future administrations. At some point it may be desirable for specific elements of the siting process to be embedded in statute.

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<sup>13</sup> Hetherington Nuclear Consulting, 'Implementing Radioactive Waste Management: Siting and Planning in Partnership', Report to NuLeAF, April 07

## **Timetable**

13G NuLeAF recognises that the momentum of the MRWS process should be maintained, but wishes to highlight that the pace needs to be at that of potentially participating or participating communities and local authorities (see points 7C, 10E and 10F above). This is particularly important in the early stages of the programme, when decisions are being made about participation, Siting Partnerships are being established, and a local implementation plan is being developed with the SP. International experience shows that the implementing body must have patience and that time invested in the early stages of a siting process will pay dividends later.

## **Plan B**

13H Plan B should entail review and re-appraisal of how to make an approach built on voluntarism and partnership work in practice. Plan B should not involve a return to a top-down, decide-announce-defend approach.