

<b>Meeting:</b>	NuLeAF Steering Group, 24 October 2012
<b>Agenda Item:</b>	5
<b>Subject:</b>	An update on the Managing Radioactive Waste Safely (MRWS) programme
<b>Author:</b>	Stewart Kemp
<b>Purpose:</b>	To briefly up date members on developments in the MRWS process and on going work of NuLeAF officers

### **Introduction:**

This paper covers:

- Developments with MRWS in West Cumbria
- Developments with MRWS in Shepway
- On-going MRWS promotion by DECC
- DECC/NDA/NuLeAF discussion 25 July 2012
- CoRWM discussion
- Report back from the MRWS Regulatory Interface Management Meeting on 27 July 2012
- Attendance at Radioactive Waste Management Division's (RWMD) Strategic Environmental Assessment Scoping workshop on 30 July 2012
- Meetings with NDA's Radioactive Waste Management Directorate (RWMD) on 30 August and 12 September 2012

### **Recommendation:**

To note the report.

### **Contribution to 2011/12 strategic objectives:**

- *SO10: Liaise effectively with any LA that may wish to consider, or makes, an expression of interest in GDF siting process and to provide assistance as appropriate.*
- *SO11: Work with Government, the NDA, CoRWM, regulators and member authorities to help ensure that the approach based on voluntarism and partnership works robustly in practice.*
- *SO12: Ensure member authorities are briefed and up-to-date on developments in the GDF siting process.*

## **1 Developments with MRWS in West Cumbria**

In mid August the West Cumbria MRWS Partnership published its final advice to the three decision making bodies for the area - Cumbria County Council, Copeland Borough Council and Allerdale Borough Council. See [www.westcumbriamrws.org.uk](http://www.westcumbriamrws.org.uk). The Executive Summary to the Partnership's report is at Annex A.

Much of the Partnership's final advice is qualified because of inevitable uncertainties given the early pre-siting phase of enquiry. Key advice includes placing MRWS on a legal footing to bring certainty to the process for agreeing a waste inventory for disposal and agreeing community benefits. Uncertainty about whether suitable geology could be identified in West Cumbria divided the Partnership. Some members consider more investigation is needed before any decision is taken to enter the next phase of MRWS, while others considered there is sufficient prospect of identifying a suitable geology to host a geological disposal facility (GDF) and that a decision about whether to continue with MRWS can be taken now.

The three councils were expected to take their respective decisions about whether to continue to engage with MRWS, and consent to NDA beginning 'desk top' candidate site identification and assessment work, at their Cabinet and Executive meetings on 11 October 2012. However, given the uncertainties highlighted through the Partnership's work, these decisions have been postponed until January 2013 at the earliest. In the interim, the three councils wrote to DECC seeking further clarification and reassurance in the terms at Annex B.

DECC has not formally responded at the time of writing though in a press statement, issued by DECC following a meeting with Cumbria Leaders on 4 October, Baroness Verma, Under Secretary of State at DECC with responsibility for MRWS policy, stated:

"Finding a long-term and sustainable solution for dealing with our legacy of nuclear waste is absolutely vital for Cumbria, and for the country as a whole.

"It has been extremely valuable to discuss with councillors in Cumbria the work that has already been done on the issue of siting a geological disposal facility, including the recent report by the Managing Radioactive Waste Safely (MRWS) partnership.

"In light of Cumbria councillors' move to defer a decision on whether to take part in the next stage of the process, I want to be clear that Government remains completely committed to a community-led and voluntarist approach. We will also work closely with the councils to provide the information and clarification they need."

## **2 Developments with MRWS in Shepway**

At its full council meeting on 19 September Shepway District Council decided not to formally enter into the MRWS process and is not now expected to take any further part in the Government's process to identify a suitable site for a GDF. Public responses to Shepway's 'soundings' process ran about 2 to 1 against further involvement in MRWS and this appeared to be the main determining factor. The officer report to full Council is available at: <http://www.shepway.gov.uk/moderngov/ieListDocuments.aspx?Cid=122&MIId=2501&Ver=4>.

## **3 On-going MRWS promotion by DECC**

Interestingly, the above Shepway report states (Para. 5.6): "To date only the West Cumbria councils have submitted EoIs (Expressions of Interest), although it is understood from Government that at least one other community, apart from Romney Marsh, is actively considering whether or not to do so." Officers have contacted DECC to ask when more will be known publicly about any other communities interested in MRWS, but DECC would not be drawn on this. DECC will be present at the SOLACE Summit in Coventry, 16-18 October 2012 and officers will report verbally at the Steering Group meeting if there are any substantive developments.

## **4 DECC/NDA/NuLeAF discussion 25 July 2012**

NuLeAF officers discussed MRWS progress with DECC and NDA officials on 25 July 2012. The main points from the discussion include:

- NuLeAF pressed for clarity about how 'alternative sites' will be addressed by NDA in its MRWS Stage 4 Strategic Environmental Assessment (SEA) work. DECC say the issue will be addressed when NDA consult on its SEA proposals. They were unwilling to go any further at this stage.
- NuLeAF asked DECC to consider the potential options for Community Siting Partnerships (CSPs) should a Decision to Participate in MRWS Stage 4 be taken by the relevant councils for West Cumbria. More resources would be needed to support two CSPs should separate bodies be established for the Copeland and Allerdale areas.
- NuLeAF pressed for greater clarity around 'acceleration' and NDA's Alun Ellis explained that technically feasible options for programme acceleration would be mapped into NDA's strategy management system and the credibility of feasible options would be assessed. As with other areas of developing NDA strategy, draft 'credible options' would be published for comment and NDA expected to do this for 'acceleration' options before the end of the current financial year. A parallel surface based investigation was one 'acceleration' option but

others were around GDF design and waste packaging. DECC and NDA stressed that none of this would compromise the voluntarist principle underpinning the MRWS process.

- NuLeAF asked about the implication of changes to the membership of CoRWM. If MRWS stage 4 - the first implementation phase – is entered, then Government will need stronger technical advice through CoRWM, but NuLeAF argued that this not be at the expense of sound socio-economic, and public and stakeholder engagement, advice which could be all the more important when attempting to balance the competing interests of different communities during an implementation phase. DECC took note of NuLeAF's comments but stressed they understood the need to maintain a balance between the technical and the social expertise on CoRWM.
- NuLeAF raised concern about the functioning of the Geological Disposal Implementation Board as it was a significant time and resource commitment for all attendees but the content of the most recent meeting was very thin. DECC appeared to hear this point.
- DECC raised for discussion how local authorities across England and Wales could still be engaged in the MRWS process, saying they expected the 'window' for engagement in MRWS to close within the next 12 months. This was local government's 'last chance' to get involved. NuLeAF reported discussion at its last Steering Group where members considered DECC needed to highlight the community benefit opportunities more strongly – particularly in these austere times. NuLeAF followed up the discussion by writing with proposals to engage more closely with the relevant LGA Boards. Subsequently DECC reported that they would be represent at the SOLACE Summit (reported above).

## **5 CoRWM discussion**

Officers have discussed informally with CoRWM contacts the above concern about the future balance between social and technical advice available to a renewed CoRWM from 1 November. NuLeAF asked whether CoRWM might consider receiving a presentation from NuLeAF at one of its future meetings (particularly to underline the point about the importance of continuing public and stakeholder engagement should MRWS progress). The request is being held over until the new CoRWM is in place from the beginning of November.

## **6 Report back from the MRWS Regulatory Interface Management Meeting on 27 July 2012**

NuLeAF officers attended the above meeting where the following issues were considered:

- DECC sought help in raising the profile of MRWS (see above comments) and referred to the passage of the Energy Bill which is

expected to receive Royal Assent in the next Parliamentary Session, establishing the Office of Nuclear Regulation as a Non Departmental Public Body (NDPB) from April 2014.

- NDA referred to Government's aspiration to accelerate the MRWS process, stating that this applied to the NDA's technical programme of work in MRWS stages 5 and 6, not earlier, and not to the stakeholder component of MRWS.
- NDA also referred to 'Issues Management' and construction of an NDA register of issues identified (by combing public documents about GDF development) for resolution. Discussion highlighted that clarity was still needed about how 'issues' could be raised, how they will be managed, and how they will be closed out.
- The Environment Agency tabled an updated GDF 'permissions schedule' for discussion. Many suggestions were made to development of the schedule, but the key matters raised by Richard Evans for Cumbria County Council and NuLeAF were a) whether an Environmental Impact Assessment is needed in MRWS Stage 4, as NuLeAF argued, or in Stage 5 and 6, as NDA had argued, and b) whether a Strategic Environmental Assessment (SEA) in MRWS stage 4 should be replaced by a 'Sustainability Appraisal' (SA) as NuLeAF argued, or an SEA incorporating socio-economic impacts as NDA argued. NDA said SA had a specific meaning in other legislative contexts which is why they avoided its use, though NuLeAF is not convinced this is indeed the case. Subsequently NDA's Alun Ellis agreed to meet with Richard Evans to discuss these points further. NuLeAF will now participate in the RWMD Sustainability Assessment Group which is seeking to develop the approach to the appraisal process. The next meeting is on the 6<sup>th</sup> December and the outcomes of this will be reported at the next Steering Group.
- The Environment Agency said it expected to issue guidance on GDF site evaluation after October 2012.

## **7 Attendance at Radioactive Waste Management Division's (RWMD) Strategic Environmental Assessment Scoping workshop on 30 July 2012**

Steve Smith, Copeland BC, attended the above workshop for NuLeAF. The aim of the workshop was to brief and engage statutory consultees who RWMD considered "...will play an important role within the environmental assessments decision making process and ultimate delivery of a Geological Disposal Facility". The key assessments to be undertaken will include:

- Strategic Environmental Assessment
- Habit Regulations Assessment
- Strategic Transport Assessment
- Health Impact Assessment
- Equality Impact Assessment

Workshop participants commented on the assessments that they wished to be involved in, consulted upon, or informed about. NuLeAF expressed interest in engagement in all areas and as noted above, has now been invited to participate in the RWMD Sustainability Assessment Group

## **8 Meetings with NDA's Radioactive Waste Management Directorate (RWMD) on 30 August and 12 September 2012**

These meetings were mainly to give feedback to NDA on its proposed approach to a) identification and assessment of potential candidate sites during MRWS Stage 4 (desk based studies), and b) public and stakeholder engagement (PSE) and communications in MRWS Stage 4. These were part of a series of meetings initiated by RWMD with key national stakeholder organisations.

At the 12 September meeting RWMD provided a more general update on its work programme and advised:

- it is scoping the full range of potential benefits that might accrue from hosting a GDF, and is liaising with comparative overseas programmes to understand the full range of mechanisms available for providing support to a willing community;
- it is ready to commence surface and sub-surface sites identification and assessment and can do this without a formal decision to enter MRWS Stage 4, if that is the wish of the relevant authorities in West Cumbria, so as to have more information available before committing to further MRWS engagement. However, it is NDA's clear preference to undertake site identification and assessment work in conjunction with Community Siting Partnership/s that would be established following a formal decision to participate in MRWS Stage 4.
- it will consider their approach to identification of alternative sites through their consultation on scoping a Strategic Environmental Assessment. NDA will seek views on an approach to 'reasonable alternatives' if a site selection process were not constrained by volunteerism.

## **Annex A**

Executive Summary, West Cumbria MRWS Final Report



Item 5 Annex A  
Executive\_Summary\_

## **Annex B**

Joint letter from Cumbria CC, Allerdale BC & Copeland BC to DECC seeking further clarification on MRWS Stage 4



Letter to DECC 1st  
October 2012.pdf