

Meeting:	NuLeAF Steering Group, 9 April 2014
Agenda Item:	4
Subject:	An update on the Managing Radioactive Waste Safely (MRWS) programme
Author:	Stewart Kemp
Purpose:	To update members on developments in the MRWS process and on-going work of NuLeAF officers

Introduction:

This paper reports on:

- publication of responses to the 2013 DECC consultation on proposals for a revised Geological Disposal Facility siting process
- publication of 3 reports from workshops conducted in support of the DECC consultation
- NuLeAF's continuing contribution to the GDF siting policy review process through: the participation in an advisory 'Stakeholder Reference Group'; advice to the GDF Project Assessment Team; feedback to the independent consultation evaluators; and a meeting with the newly appointed stakeholder manager in NDA's Radioactive Waste Management Directorate
- ongoing regulatory work in support of a GDF

Recommendation:

That the report be noted.

Contribution to 2013/15 Service Plan:

This report is in pursuance of the following tasks under the Geological Disposal Facility (GDF) work-stream for 2013/14 in the NuLeAF Service Plan 2013-15:

- *Fully engage with the review of the MRWS siting process and advise DECC and RWMD as appropriate.*
- *Respond to any consultation to develop a National Policy Statement for a Geological Disposal Facility (GDF).*
- *Help DECC and RWMD develop an informed national debate about the case for geological disposal.*
- *Continue to support the interests of local authorities (including those hosting wastes earmarked for geological disposal) in the GDF process as it develops.*
- *Promote relevant aspects of the generic advice generated by the WCMRWS Partnership, and other learning from international experience, should other areas in England or Wales wish to consider engagement with MRWS.*
- *Advise planning authorities in the development of policies for higher activity waste storage and/or disposal.*
- *Continue to advise DECC, NDA and regulators in the delivery of Government policy for HLW locally. Seek to engage with any new Geological Disposal Implementation Board.*
- *Continue to monitor and contribute to relevant international programmes and disseminate international best practice.*

1. DECC Consultation on a GDF Siting Process

1.1 On 27 February DECC published on line the 719 responses to last year's consultation on a revised GDF siting process. Of the 719 responses, 530 were from individuals (of which 301 were part of a letter writing campaign) and 94 were identified as 'local government', though only 20 of these were from first and second tier local authorities). The majority of local government responses were from Cumbrian parish councils. Remaining responses included 28 from businesses, 22 from non-governmental organisations, 12 from MPs, individual councillors and political parties, 11 from academia and learned societies, and 7 from regulators and other public sector bodies.

1.2 At the same time DECC published three reports summarising opinion about its proposals gained from 4 national stakeholder consultation workshops (in Penrith, Llandudno, Exeter, and London), 3 sectoral workshops (for nuclear, non-governmental, and local authority stakeholders) and 4 iterative public meetings – each spanning two days (in Bridgewater, Nottingham, Penrith, and London). All the above documentation can be found at: <https://www.gov.uk/government/consultations/geological-disposal-facility-siting-process-review>

1.3 The DECC consultation paper invited comments on 9 questions about community engagement, future decision making, and GDF programme delivery. The questions are recapped at Annex A. The DECC summary report provides a quantitative assessment of the responses, though it is important to note that weight of opinion alone is unlikely to determine future GDF siting policy. The DECC summary report states:

- In response to Qu.1 (Para 3.1): "The majority of respondents to this question agreed or partly agreed that there should be a test of public support before a potential host community gave up its Right of Withdrawal from the siting process for a GDF..."
- In response to Qu.2 (Para 3.6): "About half of the respondents...disagreed with the proposed amendments to decision making within the siting process... (and, Para 3.8) ...Opinions were divided on where local decision making authority should lie. A few respondents agreed with the proposal that the district council should be the 'representative authority'..."
- In response to Qu.3 (Para 3.13): "The majority of respondents to this question disagreed with the proposed approach to revising roles in the siting process. A few respondents argued that all affected tiers of local government should be involved in the local decision making process."
- In response to Qu.4 (Para 3.17): "About half of the respondents...disagreed with the proposed approach to assessing

geological suitability... (and Para 3.20) ...many argued that Cumbria in particular should be excluded...".

- In response to Qu.5 (Para 3.22): "About half of the respondents to this question agreed or partly agreed with the proposed approach to land use planning for a GDF (in England). A minority disagreed with the proposals."
- In response to Qu.6 (Para 3.28): "Opinions were mixed on the proposed approach to clarifying, and communicating, the inventory for geological disposal, with similar proportions of respondents to this question agreeing and disagreeing."
- In response to Qu.7 (Para 3.35): "The majority of respondents ... disagreed with the proposed approach... (and, Para 3.36) ...Some respondents were concerned that the provision of community benefits constituted a bribe by Government. A few respondents were concerned that this could mean that economically deprived areas may see their future prosperity as being solely dependent on hosting a GDF. However, a few respondents felt that community benefits were an important reflection of the service that the host community would be undertaking for the nation and noted that community benefits are an accepted part of the planning process."
- In response to Qu.8 (Para 3.43): "More respondents agreed or partly agreed than disagreed with the proposed approach to addressing potential socio-economic and environmental effects that might come from hosting a GDF."
- In response to Qu.9 (Para 3.47): "...there was a wide range of opinions expressed and evidence cited."

1.4 Summarised opinion expressed at the four national stakeholder meetings included:

- Need for more clarity around the definition of community.
- The importance of education and training for future MRWS engagement.
- Challenges to the Government's approach to decision making.
- Concern that in West Cumbria the question about whether there is a reasonable prospect of siting a GDF remains unanswered.
- The potential for more than one GDF.
- Differing views about designating a GDF a 'NSIP', and whether to include ancillary development within the NSIP planning regime.
- Differing views about the content of a GDF inventory.
- The need to ensure community benefits are *additional*, and secured over the long-term.

Overarching themes from the three sectoral workshops included:

- The need to define a 'community'.
- The need to define community benefits and how funds will be administered and distributed.
- Different opinions about appointing a representative body or steering group to speak for a community. (At the LA sectoral meeting participants considered Government and RWMD should 'step back' from involvement)
- The need to explain GDF principles in lay terms.
- The potential for more than one GDF.
- At the LA workshop, different views about the NSIP regime and whether it should cover ancillary development.

Attitudes toward GDF development from the four iterative public meetings included:

- Widespread support for a phase of public awareness raising through national media.
- Widespread support for voluntarism and a 'right of withdrawal' (though discomfort with locating decision making in local authorities, because of public mistrust).
- Concern about health and property value impacts.
- Regulators having a key 'reassurance' role.

1.5 NuLeAF officers reviewed the 20 identified local authority consultation responses, and other selected responses, and the findings are summarised in the note at Annex B.

1.6 On 24 March the Chair and officers took part in a teleconference with DECC as part of their process of forming policy. That process is still in its early days with a revised policy expected in July.

1.7 Later in the year DECC will set out its formal response to the evidence submitted during the consultation. It remains DECC intention to publish a revised GDF siting policy before the summer Parliamentary recess.

2. Radioactive Waste Management Directorate

2.1 On 8 April the Executive Co-Directors met with RWMD's newly appointed Stakeholder Relations Manager, Roy Payne, to discuss the ongoing RWMD support to the Government's GDF siting policy review, and particularly how RWMD would support the proposed year of national awareness raising and engagement around a revised GDF siting policy. The main points from that discussion will be reported verbally at the NuLeAF Steering Group meeting.

3. **Consultation Evaluation**

3.1 As previously reported, officers have contributed to a small 'Stakeholder Reference Group' (SRG) set up by DECC to provide advice and oversight during the course of the consultation. This Group's work will be complete upon publication of a revised GDF siting policy. At its meeting in February the SRG decided to submit a short evaluation report to DECC which will be annexed to a published independent process evaluation when a revised GDF siting policy is announced. A copy of the SRG's views are appended at Annex C.

3.2 Some of the concerns expressed in the SRG's report at Annex C were conveyed separately by the NuLeAF Chair to Lady Verma, the DECC Minister responsible for the MRWS policy. Lady Verma replied to the Chair who can report further to the Steering Group if requested. Importantly, DECC confirmed its commitment to future regular engagement with NuLeAF during the implementation of a revised GDF siting policy.

3.3 In March NuLeAF was interviewed for the purpose of the independent evaluation report conducted by the ICARUS consultancy. A verbal summary of this interview can be provided at the Steering Group meeting if requested.

3.4 In March NuLeAF was also interviewed by the GDF project assessment review team who are part of the Cabinet Office's Major Projects Review Group. Project assessment reviews are a standard process applied to all Government major projects. The interview was led by an official from the Department of Work and Pensions and assisted by an independent consultant.

3.5 The main issue for the project assessment review team is GDF programme *deliverability*. NuLeAF officers reported the concerns about deliverability set out in our submission to the DECC GDF siting process consultation e.g. the need for more GDF programme clarity around the inventory and community benefits, and the need to better incentivise partnership working.

3.6 The review team will produce a non-attributable project review report for the DECC GDF Project senior responsible officer.

4. **Regulatory Update**

4.1 At the NDA's Regulatory Interface Management Meeting on 20 February RWMD reported:

- RWMD will become a wholly owned corporate subsidiary of NDA possibly as early as 1 April 2014.

- The Governmental Geological Disposal Steering Group is expected to develop into a new Geological Disposal Programme Board. Although the Ministerially chaired Geological Disposal Implementation Board has not met for about 14 months it is expected to continue in existence.
- RWMD stakeholder engagement and communications team is being strengthened with a compliment of 6/7 staff (see para 2.1 above). A new Director for Waste Management and Disposability Assessment – Anne McCall - has been appointed. Ann is presently with the Swedish radioactive waste company – SKB – and formerly with Nirex. A new Chief Geologist (part time) from Leeds University - Prof Bruce Yardley – has also been appointed. A structural geologist post has yet to be filled.
- RWMD has updated its 'Issues Management' procedures taking into account advice from NuLeAF officers. 'Issues' are technical and other matters raised by stakeholders (and regulators) that may have a bearing on the deliverability of a GDF. RWMD's updated website is now live at: www.nda.gov.uk/geological-disposal/issues/.

4.2 At the RIMM meeting regulators reported:

- Natural Resources Wales (NRW) will develop a Welsh radioactive waste policy (possibly beginning later this year) but the main Welsh governmental focus is currently on new build at Wylfa – because of the potential economic gains.
- The Environment Agency (EA) is to lose 1350 staff, reducing the workforce to 9000, though recent flood defence work has put these job losses on hold. The MRWS budget within EA is protected though staff are on notice that they could be redeployed in the short term to support flood relief work. The EA website is to merge with the GOV.UK website.
- The Office for Nuclear Regulation (ONR) reported that it will become a public corporation on 1 April 2014. It is currently making a number of senior appointments but facing budget cuts too, though MRWS work is protected and regulation of Sellafield remains the top priority.
- The Scottish Environmental Protection Agency had little to report at the meeting and did not expect any significant development of Scottish higher activity waste policy until after the Scottish independence referendum in September.

4.3 In February 2014 the EA published its Annual Review of RWMD's work. See: <https://www.gov.uk/government/publications/regulatory-scrutiny-of-rwmds-work-on-geological-disposal>. Amongst the report's recommendations are calls for more clarity and consistency in presenting the inventory for geological disposal (see the report on publication of the 2013 inventory elsewhere on this agenda). The EA say RWMD are taking steps to address this. The EA also "encouraged RWMD to make its Disposability Assessment Policy and Principles document readily available to external audiences and to engage with key stakeholders when it updates it."

Annex A

Consultation Questions

1. Do you agree that a test of public support should be taken before the representative authority loses the Right of Withdrawal? If so, what do you think would be the most appropriate means of testing public support, and when should it take place? If you do not agree with the need for such a test, please explain why.
2. Do you agree with the proposed amendments to decision making within the MRWS siting process? If not, how would you modify the proposed phased approach, or, alternatively, what different approach would you propose? Please explain your reasoning.
3. Do you agree with this approach to revising roles in the siting process set out in the White Paper? If not, what alternative approach would you propose and why?
4. Do you agree with this proposed approach to assessing geological suitability as part of the MRWS siting process? If not, what alternative approach would you propose and why?
5. Do you agree with this proposed approach to planning for a GDF? If not, what alternative approach would you propose and why?
6. Do you agree with this clarification of the inventory for geological disposal – and how this will be communicated with the volunteer host community? If not, what alternative approach would you propose and why?
7. Do you endorse the proposed approach on community benefits associated with a GDF? If not, what alternative approach would you propose and why?
8. Do you agree with the proposed approach to addressing potential socio-economic and environmental effects that might come from hosting a GDF? If not, what alternative approach would you propose and why?
9. Do you have any other comments?

Note on local authority responses to the DECC consultation

There have been 18 local authority and 2 national park authority responses to the consultation. Of the 18 LA responses, 8 are districts, 4 are 'unitaries' (2 English, 2 Welsh) and 6 are Counties.

- All support voluntarism, and a test of public support before forfeiting a RoW, and most considered that test should be when full details of a proposed GDF development are available. A few responses call for an early test before getting into a siting process. Views on referenda vary and many responses support NuLeAF's position that continuous testing would be required through a siting process that will span many years.
- With varying qualifications, about half of the local authority responses broadly support the proposed changes to GDF siting decision making though 5 authorities responded in terms similar to NuLeAF emphasising local decision making and challenging proposed NDA or DECC involvement. Cumbria County Council opposed the revised process outright and Lancashire expressed support for Cumbria County Council's position.
- District level authorities (districts and unitaries) broadly supported the proposal to locate local decision making at district level. County authorities in 2 tier areas broadly supported the NuLeAF position on joint working. Notably Allerdale, Copeland and West Somerset all emphasised a need for continued partnership working in 2 tier areas.
- Most authorities, with different caveats, supported proposed changes to the provision of geological information and assessment. 4 authorities (Barrow, Cumbria, Dorset and Essex) supported NuLeAF's call for all available information early. The Lake District National Park emphasised the need to site in an area with the best available geology.
- Broadly, local authorities supported proposals to locate GDF development within the NSIP planning regime, though Allerdale, Copeland, Cumbria and Dorset all argued for local planning control over pre development borehole investigations (Lancashire too by implication given its support for Cumbria's response). Several authorities caveated their support by saying a final test of public support should follow the planning process (similar to the NuLeAF stance). Kent argued for retention of planning at a local level. Gwynedd and Snowdonia NPA pointed to uncertainty about how any GDF development would be treated in Wales.
- Local authority responses on the GDF inventory were divided with 9 supporting the proposed new 'baseline', 6 supporting NuLeAF's position, and 4 expressing no opinion. Allerdale emphasised the need for retrievability of wastes and Kent called for two repositories (the first for legacy wastes and a second, if needed, for new build wastes).
- All authorities that expressed a view favoured the revised approach to the delivery of community benefits. Several responses sought clarification on

different points and Allerdale objected to any claw back of early benefits if GDF development failed to progress.

- All authorities that expressed a view also broadly favoured the proposals for socio economic and environmental impact assessments.
- Various other points were made about the need for trust and a clear legal underpinning for a GDF siting process enshrining RoW and CBs. Kent raised the potential challenge of fracking development for GDF siting. Maldon was concerned about impacts for ongoing waste storage of delays in GDF development. The Lake District NPA called for a commitment not to develop a GDF within Park boundaries.

Parish and other local authority contributions

The 3 responses are from local authority representative groups– NuLeAF, NFLA and the Cumbrian Association of Local Councils were reviewed. CALC's response is close to NuLeAF's position – supporting joint decision making, partnership working and joint decision making, but emphasises the need for the 'best available' geology, not a 'good enough' geology. NFLA take a very different line calling for MRWS to be scrapped and for DECC to restart a siting process based on CoRWM1 recommendations. NFLA also argue for more robust surface storage facilities. NNLAG appear not to have made a submission to this consultation.

Notable too are responses from the Conservative Group on Cumbria County Council and Labour members of Cumbria County Council's Copeland Committee. The former Group favour 'total retrievability' if a GDF is pursued, with a public ballot to test public support to be conducted at the time of the 2015 general election ballot. They also support County Council decision making and say they have no confidence in the NSIP planning process. Labour County Councillors in Copeland broadly support the Government's revised proposals but say GDF development is too important to be left in the hands of any local authorities.

Selected responses from other organisations

Other selected responses were reviewed from other (potentially influential) bodies including regulators (EA and ONR), geologists (BGS and Geological Society), Public Health England, conservationists (Natural England and National Trust), unions (Prospect Union, Sellafield Workers campaign), other governments and international bodies (Republic of Ireland, Isle of Man, and the Swedish Nuclear Fuel and Waste Management Company (SKB)), Sellafield Ltd, and consultants and contractors to Government and the nuclear sector (Atkins, Galson Sciences, AMEC, and Quintessa).

The EA offers broad support for Government proposals, calling for a stronger role for RWMD and the regulators. EA also calls for more clarity around the inventory, and greater openness and transparency. Support is given to the NSIP which the EA argues should be extended to planning decisions for waste storage. ONR says it currently has no regulatory function, but argues a GDF safety case will be determined by many factors of which geology is only one. ONR also says an inventory will be determined by the safety case.

The BGS and Geological Society broadly support the proposed changes to the GDF siting process. The BGS argues for more time for public awareness raising. GSL calls for better geological information earlier, but uncertainties must be explained. GSL supports a stronger role for RWMD.

Public Health England makes general remarks about the need for a GDF on public health grounds.

The National Trust and Natural England offer broad support, though the NT considers a district level authority is not sufficiently strategic to carry the responsibility of GDF decision making. Siting should be 'expert led' but designated landscapes should be ruled out. Natural England seeks clarity on how alternative sites will be assessed.

Prospect and the Sellafield Workers Campaign offer broad support and consider district level authorities should decide. Prospect urges better use of social media to make the case for a GDF. The Sellafield workers campaign supports NuLeAF concerns about a future GDF inventory.

Sellafield Ltd offers broad support and highlights the impact on NDA's long term mission if a GDF cannot be sited.

The Irish Government says it is too early to provide specific comments but it supports retrievability and is concerned about plutonium disposal. The IoM government wishes to engage with any new process, supports CoRWM and doubts a suitable geology exists in West Cumbria. SKB warns against a new process being overly prescriptive and seeks clearer definition of all roles before beginning a new GDF siting process. SKB doesn't comment on planning or inventory but argues from experience that a new siting process must have flexibility to accommodate changes and setbacks.

Contractors and consultants make various points. Atkins, Galson and AMEC all offer broad support to government proposals, though Galson is concerned that the proposed revised approach dilutes Partnership working and marginalises the County level authority in 2 tier areas. Quintessa supports district level decision making, believes the early siting process timetable is too ambitious and needs to allow more time for PSE. Quintessa also says government should define programme failure criteria, be more open and transparent, and determine potential impacts of fracking. CoRWM, as reported to the January Steering Group, supports voluntarism and district level decision making but, like ONR above, also argues for a regulatory led approach to siting in which geology is only one factor in determining a 'safety case'.

Consultation on the Siting Process for a Geological Disposal Facility (GDF)

Report from the Stakeholder Reference Group

Role of the SRG

The Stakeholder Reference Group (SRG) was established to provide independent oversight of the stakeholder and public engagement elements of the consultation on the review of the siting process for a GDF. Its membership consists of three representatives (with a nominated substitute), respectively from the nuclear industry, local government and environmental non-governmental organisations (NGOs). Its role is to provide advice to the Engagement Project Team on such matters as the provision of information, organisation of events, the range of participation and the reporting of events. The key purpose of the SRG is 'to provide a credible, independent voice during the operation of the public and stakeholder events in support of the consultation'.

The SRG met with the project team drawn from DECC, Jacobs, Ipsos-MORI, and 3KQ on three occasions in London. Individual members also observed some of the events. These were the local government and NGO sector workshops held in London and the public dialogue workshops held in Bridgwater, Penrith and London. We were unable to attend any of the four national stakeholder workshops, the industry sector workshop or the public dialogue pilot workshop in Nottingham. We had no involvement at all with the event held with the WI. The SRG read and commented on the materials used at the workshops and commented on the reports on the outcomes of the three types of events.

Organisation of the Engagement Project

The Project was ambitious, complex and comprehensive. It involved three strands, national stakeholders, sector stakeholders and public engagement, each led by a different team of facilitators. A considerable amount of printed material was produced by experts for each workshop alongside short video clips and presentations.

The SRG was able to provide criticism and commentary on the written materials and our comments were largely taken into account. We made a wide range of comments covering the factual basis, the need for clarity, the problem of selectivity, interpretation of history and policy and the description of repository design, the siting process, inventory and so on. We also commented on the proposed list of stakeholder invitees to the events and made suggestions for additions, to ensure a spectrum of opinion would be represented. In general we were satisfied that the list of invitees was comprehensive and representative.

The SRG has two criticisms of the organisation of the events. First, the whole process seemed to be rushed. It took time to assemble the teams and therefore the workshops and deliberative events did not commence until part way through the consultation period. Even so there was little time to set up and send out invitations

for the early events and the consultation period had to be extended to provide an opportunity for those attending late events to make formal submissions to the consultation. The compressed time scale left little time for review and revision of presentational material. As a consequence the SRG felt less engaged with the process and less able to provide advice than might have been the case with a less challenging timetable. However, this is not a criticism of the teams who worked hard and efficiently to set up and run the process. The SRG wishes to congratulate them on the efforts made to make the process successful within severe time constraints.

Our second criticism concerns the locations of the events. While there was a logic in holding the industry sector workshop in Warrington in a region which has a substantial association with the nuclear sector, we question the locations chosen for the national stakeholder workshops. The choice of Exeter, Llandudno and Penrith (less so) seems perverse since they are all small and relatively inaccessible locations. Attendances at Llandudno (14) and Exeter (11) were low while that at Penrith (50) was high because around half of those attending were from local rather than national groups. These were 'national' workshops and the need for regional differentiation is not imperative. Locations such as Manchester (the north), Bristol (for the south west and south Wales) or Birmingham along with London would have been more accessible to a larger population. We were less concerned about the locations for the public dialogue events since they were designed for a representative sample of the local population and the choice of London and sites in the north (Penrith) and south (Bridgwater) provided a broad regional differentiation.

The operation of the events

As indicated above the members of the SRG observed only a few of the events. Our general impression was that these were well run, kept to a timetable and had a good mixture of presentations, break out groups and plenary discussions. The participants were motivated and the facilitation encouraged debate while maintaining focus. The management of the public dialogue workshops was especially impressive and able to develop understanding and capture insights that gave a pragmatic interpretation of the issues. The reporting back was thorough and, from our observations, the participants were motivated and, in the case of the public workshops, seemed to find the experience illuminating and challenging. Our one criticism would be that the presentations and questions did not open up all the key issues, notably the problem of governance of the siting process and the complexities of the inventory. However, this was more the fault of the consultation document itself and the materials provided for the events. The facilitators were able to respond to ideas and criticisms from the participants which sometimes provided interesting and different perspectives on the material.

Reporting of the Events

The three strands of the events were each reported in draft documents which the SRG have considered and commented upon. Our main observation was that the purpose of the reports and their relationship to the policy making process needs to be clarified and presented clearly. The reports provide a recapitulation and synthesis of the events but they also serve as an input into the policy process. Although the limitations, lack of representativeness and absence of specific recommendations necessarily constrain their utility, they are important resources in their own right. They provide perspective on the process and content of the consultation, identify

areas of widespread consensus as well as those of clear difference and identify gaps and limitations in the proposals and alternative approaches. The SRG has suggested the reports provide a clearer indication of the value as well as the limitations of the engagement processes for the policy making process. The SRG has also stressed that the government's response to the public and stakeholder dialogue and workshop should indicate how the outputs have been used and the reasons for accepting or rejecting key issues of concern.

Conclusion

The SRG considers that within the constraints of time and the limitations of the consultation proposals the public and stakeholder dialogue events were well conducted, fruitful and a reasonably successful engagement with a wide range of interests as well as an in-depth interaction with selected citizens. We wish to thank the engagement team for their open and collegiate approach to our work and their receptivity to advice and criticisms. We consider that the involvement of a SRG provides some independent oversight and would recommend that a similar process is established as an integral part of the proposed public awareness raising and engagement process which is expected to mark the start of the GDF siting process under a revised MRWS policy to be announced later this year.

Prof. Andrew Blowers, Co-Chair DECC/NGO Nuclear Forum

Stewart Kemp, Co-Director, NuLeAF

Peter Haslam, Head of Policy, Nuclear Industry Association