

By email to: [siteevaluation@nda.gov.uk](mailto:siteevaluation@nda.gov.uk)

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Dear Sir or Madam,

## **Site Evaluation Consultation: response from NuLeAF**

### **1. Introduction**

NuLeAF (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on legacy wastes and decommissioning. NuLeAF is directly supported by over 100 local authorities and national park authorities across England and Wales and speaks for the wider local government community. We have a remit encompassing all aspects of the management of the UK's nuclear waste legacy. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common, local government viewpoint on nuclear legacy management issues;
- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including Government, the NDA, RWM and the regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

NuLeAF has and will continue to work with RWM and the UK and Welsh Government on the Geological Disposal Facility (GDF) siting process. Our Executive Director sat on the Community Representation Working Group (CRWG) that advised the Secretary of State on the community aspects of the GDF framework. We have provided detailed responses to all relevant consultations and given oral and written evidence to the Parliamentary Inquiry into the National Policy Statement (NPS).

This response has been prepared in consultation with our member local authorities and informed by discussion with RWM at our December 2018 Steering Group and January 2019 Radioactive Waste Planning Group (RWPG) meetings. We will also be submitting a response to the parallel consultation on site evaluation as it will operate in Wales.

## 2. General Comments

The search for a suitable site for a Geological Disposal Facility is a complex process which will run over many years. It is likely that a number of potential host communities will enter. Each of these will have different characteristics and it is vital that a clear, understandable and objective approach to evaluating the merits of different sites is adopted.

We therefore welcome the publication by Radioactive Waste Management (RWM) of their proposals for Site Evaluation (SE) in England. As the SE Consultation recognises, an assessment of sites must draw on a wide range of regulatory, policy and legislative requirements. It should be guided by the generic Disposal System Safety Case (gDSSC), and in particular by the recently published **Working with Communities (WWC) policy**, the **National Policy Statement for Geological Disposal Infrastructure (NPS)** and **legal requirements** including those related to land use planning, Environmental Impact Assessment (EIA), Habitats Regulation Assessment (HRA), licencing and permitting.

The scale of a GDF, coupled with the many questions and concerns that potential host communities will have, make the process of managing site evaluation challenging. This is compounded by the fact that site specific information, for example on geology or the characteristics of potential surface sites, will be limited in the early years of the process. It is thus of great importance that RWM, and local Community Partnerships, operate in the most open and transparent way possible, and engage constructively with all sections of community opinion.

Local authorities have a central role in the GDF siting process through their participation (if they wish) in Working Groups and Community Partnerships, their defined role within the NPS and their wider responsibilities for land use planning, infrastructure, transport and economic development. Effective engagement with local government is therefore crucial.

In terms of the Site Evaluation document itself, we have provided a response to the consultation questions below. However, in general terms we believe it would benefit from the following:

- Additional information on the context, explaining the scale and current location of the UK's legacy nuclear and radioactive wastes and the need for a GDF as a critical part of national infrastructure.
- More explanation of how a GDF is viewed internationally as the best solution at present to the problems of legacy waste management, and how geology and other barriers will be used to keep waste safe.
- A brief explanation of the key elements of the Working with Communities policy and how it and the NPS (when published) will underpin and interact with the Site Evaluation process.
- More use of easily understandable maps and graphics throughout and the use, wherever possible, of non-technical language.

## 3. Response to consultation questions

**Question 1: Are there any other sources of high-level requirements, other than the Siting Process Requirements and the Legal Requirements identified, that you think should be reflected in the Site Evaluation and why?**

No. We believe that the consultation sets out all the Siting Process and Legal Requirements that will underpin Site Evaluation.

However, we believe that greater clarity is required on whether the inventory for disposal is fixed or flexible; whether a community might propose to host parts, but not all, of the materials, and on how this would be evaluated against other solutions. Five of the eight categories of material noted in the WWC policy are yet to be declared as waste, and therefore are not currently suitable for disposal. The disposal of spent fuels and plutonium, for which there may be a future reuse or alternative use under different economic, technological or political conditions will be controversial, and may not be acceptable to some communities.

The timing upon which the inventory is either generated or re-classified as waste is another important consideration in building confidence in a potential host community. The inventory does not include future spent fuel or waste arisings from any advanced reactor programme. Therefore, in order to give communities confidence in engaging with the process, rigorous, well-defined and transparent Requirements Management and Change Control processes are required. It is hard to imagine a community would be willing to engage without firmer clarity on the definitive inventory and how any changes over the multi-decade process would be managed.

**Question 2: Do you agree with the Siting Factors we have identified? Are there any other Siting Factors that should be included and why?**

We agree with the six Siting Factors identified. Other critical issues for consideration are Security and Geology. While we would not propose they should be added as separate siting factors, they clearly underpin a number of factors and this should be explained more clearly in the document.

The definition of 'Affected Community' in WWC must align with the implications addressed by the Siting Factors. We would therefore propose the following:

- Change 'Transport' to 'Logistics', so that all implications of transfer of the materials from their current location to the site of a GDF are clearly captured;
- Change 'Cost' to 'Economics', to capture all NDA estate-wide/national costs including the issue of ongoing interim management of material;
- Community Criteria should focus on social impact in its wider sense rather than 'socio-economics'.

We note in 3.13 that the site evaluation approach will not involve ranking or scoring but will be qualitative. While we agree with this, there is a risk that qualitative assessments will be open to dispute and to potential challenge from the various communities within the process. In particular, the comparative assessments undertaken to determine the selection of sites for boreholes and for the GDF itself (5.2) will have to be carefully managed, both in those communities selected to remain in the process and in those that would be prevented from continuing.

Communities will wish to understand the specifics of how each Siting Factor or Evaluation Consideration will be assessed, in order to make a judgement as to whether they have a realistic prospect of being considered for the Facility. We would therefore suggest that the final Site Evaluation document should identify a benchmark or a required standard against each criterion.

**Question 3: Do you agree with the Evaluation Considerations we have identified? Are there any other Evaluation Considerations that should be included and why?**

In terms of the Evaluation Considerations we believe that more information should be provided to allow communities to understand what issues will be considered under each Siting Factor. Additional issues that should be included are:

**Community** – This is a process based on community consent. We would therefore propose that the local political environment should be considered as a factor.

We feel that the Community evaluation should also consider how proposals for a site will support sustainable development and public health.

**Environment** - It is important that assessments of environmental impact do not simply seek to mitigate negative impacts, but to actively promote positive environmental outcomes and 'added value'. Examples of this might include the development of low carbon power generation on site which could reduce the carbon footprint of the GDF and contribute to low cost energy generation for the host community.

**Engineering** – Plans for a GDF should be guided throughout the siting process by regular reviews to determine whether geological disposal remains the optimal solution to the long-term management of the waste inventory.

We understand that the intention is to enable retrievability of materials during the operational phase of a GDF, but that this will not extend into post-closure phase. Retrievability is an issue that communities have a significant interest in. While there are differences of opinion on the merits of being able to retrieve material post-closure, some in communities are more likely to be supportive if there is greater flexibility on this. It is therefore important for RWM to engage fully with local government and communities on this issue. Retrievability should be explored in an open and transparent way where a full range of opinions can be aired and debated.

**Question 4: Is there anything else that you think we should consider in our site evaluations and why?**

Yes:

- a. Section 4 commits to the preparation of increasingly detailed evaluations (4.2) as the process advances but early in the process there will be higher levels of uncertainty (4.4). We believe RWM will face challenges in the early years of any local siting process in explaining the limits to knowledge, uncertainties and the inability to properly address some questions or concerns that communities might have. The management of this issue will be of critical importance in maintaining community support, particularly as limitations on the information provided by the developer may be used by opponents to challenge the validity of the process.
- b. Section 6 rightly identifies the need for effective oversight and scrutiny of the site evaluation process. We believe that NuLeAF can support this. In particular we would suggest that NuLeAF could convene regular meetings between those local authorities and communities involved in the siting process. These meetings would enable

discussion and review of the siting process and the results could be fed back to RWM. Reviews of Site Evaluation could be part of this, with a particular focus on the way in which local authorities and communities are engaged in Site Evaluation and how the process is communicated to them.

- c. We note that this consultation has been published before the final National Policy Statement (NPS) for the GDF and has been prepared with only the draft NPS available. A commitment must therefore be given to review the final NPS when available and ensure that the Site Evaluation document fully reflects all relevant aspects of the Policy Statement. If changes have to be made a new consultation should be undertaken on the Site Evaluation proposals.
- d. We believe that more information should be provided as to whether any weighting will be given to each of the evaluation considerations in assessing the relative merits of different local sites. For example, it is not clear how much importance will be given to cost implications relative to environmental impacts. It is also not clear what weighting will be given to assessing various issues within an appraisal of a single evaluation consideration – for example within Environment what significance will be given to climate considerations relative to noise or transport?
- e. It may be the case that potential host communities will enter the siting process at different times or proceed at different rates. We would welcome more information on how RWM will manage its engagement with communities progressing at different rates. Most importantly, RWM should explain whether it will wait until all potential host communities have reached a certain stage before evaluating their relative merits, or if the developer will proceed to the borehole phase as soon as two communities are deemed to have met the required standard?

I hope these comments are helpful.

Yours faithfully,



**Philip Matthews**  
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