

Inquiry: Draft National Policy Statement (NPS) for Geological Disposal infrastructure

Written evidence submitted by NuLeAF (Nuclear Legacy Advisory Forum)

Executive Summary

We recommend:

- 1. That the Assessment Principles be amended to provide greater clarity on surface water impacts and the scope for additional uses for the GDF site**
- 2. That the Assessment Principles, guided by a rigorous AoS and HRA, promote best practice rather than simply seek to mitigate against adverse impacts**
- 3. That Local Community Consent be added to the Assessment Principles.**
- 4. That further information is provided on the impacts of the GDF in relation to (a) source construction materials and management of material (rock and soil) (b) transport infrastructure and (c) socio-economics.**
- 5. That all Assessment Principles and Impacts should be given equal weight.**

We also believe the NPS should be amended to enable more effective involvement of local authorities, particularly in relation to the pre-application phase. Further supporting information on the context and justification for the policy of geological disposal should be provided as should the implications of any new nuclear power development for the GDF.

Introduction to NuLeAF

- 1. NuLeAF (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on nuclear wastes and decommissioning. We are directly supported by over 100 local and national park authorities across England and Wales and speak on these issues for the LGA as a whole. NuLeAF's work is directed by a Steering Group of elected members, supported by a secretariat and officers from local authorities. NuLeAF is funded by local authority members, the Nuclear Decommissioning Authority (NDA) and Radioactive Waste Management Ltd.**
- 2. NuLeAF was a key partner in the former **Managing Radioactive Waste Safely (MRWS)** process.**
- 3. We have been working closely with the UK and Welsh Governments to help shape the current framework for geological disposal. We submitted detailed responses to the**

recent consultations on **Working with Communities**¹ and the **Draft National Policy Statement (NPS)**², along with the earlier Call for Evidence³. Our Executive Director was a member of the Community Representation Working Group, established by DECC (as was) to consider community engagement and implementation processes for the Geological Disposal Facility (GDF) siting process.

4. NuLeAF's **Radioactive Waste Planning Group** is an expert forum for senior land-use and waste planning officers from across England and Wales, many of whom have significant experience of working on Nationally Significant Infrastructure Projects (NSIPs) and associated National Policy Statements (NPS) and Development Consent Orders (DCOs). This submission has been informed by their insight and by our wider membership.
5. We would **welcome the opportunity to present oral evidence to the BEIS Committee** as part of this inquiry.

Response to the Committee's Questions

Are the draft National Policy Statement's Assessment Principles and Impacts, including the requirement to take the Environmental Impact Assessment and the Habitats Regulation Assessment into account, adequate and comprehensive enough to inform development consent decisions? If not, how could they be improved?

Assessment Principles

6. The development of a GDF will have significant positive and negative impacts on the environment, economy and communities, but often at very different spatial scales. There must be clear principles to guide the design, environmental impacts and mitigation, health, safety and security aspects of the development.
7. We note the Assessment Principles in Table 1 (NPS, page 29) and in general accept that these cover the required areas. However, the following require further clarification:
 - Design quality is not sufficiently addressed. Any facilities should seek not just to '*minimise adverse impacts*' (NPS, para. 4.5.7) but aim to be exemplars of good design and best practice. This should be clearly stated.
 - Management of surface water needs further definition. The NPS is rightly focused on flood risk, coastal change and water quality but the management of surface water should also be listed. The NPS (para.4.7.9) relates this to pollution, but it should also include linkages to wider flood risk and coastal management strategies. There might be scope for the project – through use of rock for defence measures for example – to support wider mitigation measures.

¹ <http://www.nuleaf.org.uk/wp-content/uploads/2018/04/UK-GDF-communities-consultation-NuLeAF-April-2018.pdf>

² <http://www.nuleaf.org.uk/wp-content/uploads/2018/04/UK-GDF-NPS-consultation-NuLeAF-April-2018.pdf>

³ <http://www.nuleaf.org.uk/wp-content/uploads/2015/09/Call-for-Evidence-on-Working-with-Communities-NuLeAF-final.pdf>

- There is a lack of clarity in relation to any additional uses that may be associated with a GDF. The NPS appears to assume that there would be a single use. However, it is not clear whether the GDF might also incorporate a (re)packaging operation, for example, or indeed, whether it may include facilities such as a combined heat and power (CHP) plant. Such uses would affect the assessment criteria. It would also be helpful if this NPS were to state whether or not there is a relationship with the overarching National Policy Statement on Energy (EN-1).

Impacts

8. The Environmental Impact Assessment (EIA), Appraisal of Sustainability (AoS) and the Habitats Regulations Assessment (HRA), along with the associated Health Impact Assessment (HIA) must be given significant weight and be used to help guide the development in ways that apply the mitigation hierarchy of avoid, design out, minimise and, as a last resort, compensate for adverse impacts. In forming these assessments, the proposer should be integrating and then aligning the approaches and outcomes.
9. Regarding the **Habitats Regulations Assessment (HRA)**, we note the statement that if a GDF development might have an adverse impact on a European site, that development consent could still be granted where there are:
 - No feasible alternatives;
 - Imperative reasons, and
 - Adequate and timely compensation measures in place.
10. Whilst we accept that this complies with the requirements of HRA, we feel that it is highly unlikely that there would be no feasible alternatives. There is scope for locating the headworks a significant distance from the underground operations, greatly reducing the need to impact on protected sites.
11. Given the large scale and sensitive nature of a GDF development and associated boreholes, the **Appraisal of Sustainability (AoS)** is of great importance.
12. The AoS objectives and associated questions cover most key sustainability issues. There is nothing though on the democratic and participative aspects of the process, something that is particularly important in this context.
13. The AoS has appraised current policy and two alternatives, namely **a non-site-specific NPS that includes exclusionary criteria**, and **no NPS**. The draft NPS including exclusionary criteria is assessed to have a more positive impact overall than current policy⁴. As noted in para 10, while we agree that suitable geology is critical to the acceptability of any GDF development, we do not believe that the exclusionary criteria used here would be detrimental to a successful siting process.

⁴ (Table 2, AoS non-technical summary). The AoS report states that '*exclusion of these areas could also reduce the scope of community engagement and unnecessarily exclude communities in those areas from the potential socio-economic benefits of hosting a GDF.*' (AoS non-technical summary, xix).

Recommendations:

- **That the Assessment Principles be amended to provide greater clarity on surface water impacts and the scope for additional uses for the GDF site**
- **That the Assessment Principles, guided by a rigorous AoS and HRA, promote best practice rather than simply seek to mitigate against adverse impacts**

Should any other Assessment Principle or Impact, for example local community consent, be added to the list and, if so, why?

Assessment Principles

14. We believe that **Local Community Consent** should be added to the Assessment Principles.
15. A **Right of Withdrawal** (by both the community and developer) and a final **Test of Support** are required by the 2014 White Paper and are therefore fundamental to the operation of the GDF Siting Process and the application of this NPS. Additionally, the recent Working with Communities Consultation suggested that there may be some form of local government veto over the Test of Support⁵.
16. More widely, we do not believe that the link between the NPS and the local siting process, likely to involve several 'volunteer' communities, is adequately reflected in the draft. The NPS should clearly explain how the local siting and development consent processes will interact within individual areas and how the siting process is expected to inform the necessary assessments and other evidence justifying the selected location.

Impacts

17. Many of the likely impacts of geological disposal infrastructure are addressed in the draft NPS. We welcome the statement of the need to take account of the links between, and cumulative effect of different impacts, e.g. between transport, air quality and noise (5.1.2).
18. One area that is not properly addressed is **source construction material** and the **management of material (rock and soil)** generated from construction of the surface facilities and the underground vaults. This is likely to be significant, involving the movement of vast amounts of material, and requiring significant noise and dust mitigation. There is also the need to consider the allocation of potentially significant areas for stockpiling of material and the risk of land contamination from stockpiled material.
19. Minerals and Waste Planning Authorities will have to consider the impact of any GDF schemes in their waste management policies from both within and outside their area. It would be helpful if developers were required to consider in their Site Waste Management

⁵ Working With Communities, Chapter 5 (p47)

Plans whether they consider the waste produced during construction - where this cannot be re-used or retained on site - can be accommodated within the host authority or whether they will be relying on waste management facilities from a neighbouring authority. Consideration should also be given to the impact and control of sourcing and transporting the construction materials needed.

20. More information is also needed on the **transport and related infrastructure impacts** of a GDF during construction and operational phases. Developers should be required to demonstrate that there is sufficient capacity within the local transport infrastructure, and also that impacts on communities, the environment and the economy of the local area are acceptable, at an early, pre-application phase.
21. If significant new transport infrastructure is necessary to support the GDF, then this must be included in the proposals from the outset and placed in the public domain prior to submission of any application for development consent. This will ensure that local plans are able to be formed to reflect the potential investment infrastructure.
22. Transportation of radioactive waste from where it is currently stored to the GDF is another significant consideration and one that is likely to generate much public interest. This should be addressed in the NPS. Assessments of transport and associated impacts must incorporate methods for how the risks (perceived or actual) from the transportation of nuclear waste will be measured so comparisons can be made of the impacts for different locations.
23. Across all impacts, we believe that more weight should be given not just to meeting legislative standards and to mitigation, but in encouraging the use of innovative techniques that help deliver the GDF as an exemplar of good practice. For example:
 - The material generated from a GDF development (soil and rock) could have potential to be used for innovative landscaping or the creation of new habitats or recreational facilities.
 - We welcome the statement that the Secretary of State should give air quality substantial weight (para. 5.2.11). We would suggest though that the aim should not just be to meet existing targets but to strive for the lowest possible levels of air pollution, given the increasing evidence about the adverse health impacts of even low levels of certain pollutants.
24. We believe the NPS also needs to be strengthened in relation to **socio-economic impacts**. A GDF should deliver substantial direct and indirect socio-economic benefits for any host community, and the overall balance of effects must be positive.
25. We believe that section 5.7 should be amended to help maximise the employment and other gains for the host community. In para. 5.7.2, the developer should seek to enhance both employment *and training* - at present it simply states that they should consider the *'likely requirements for training.'*
26. The developer should not just *'work with local resources and organisations to ensure employment opportunities ... are effectively communicated,'* (para. 5.7.2) but should look to develop local skills and recruit locally wherever possible and adopt an approach to

help marginalised groups and individuals gain employment. A **skills engagement strategy** for construction and operation should be proposed. The strategy should include local authorities, which have a significant responsibility for 16-19 education.

27. The document has a narrow focus on the positive impacts of job creation and the negative pressure on infrastructure caused by an influx of new people. A wider assessment of impacts should be included. For example, a development such as a GDF, while creating new employment opportunities, may also affect the availability of labour for existing industries and businesses in an area and neighbouring economic areas. The developer should therefore be required to take this into account and consider what skills, training and procurement approaches should be provided to enable the local workforce and businesses to meet demand.

Recommendations:

- **That Local Community Consent be added to the Assessment Principles**
- **That further information is provided on the impacts of the GDF in relation to (a) source construction materials and management of material (rock and soil) (b) transport infrastructure and (c) socio-economics.**

What priority should each of the Assessment Principles and Impacts have or should equal weight be given to each of them?

28. We believe that the Impacts should have equal weight but that it is essential that the overall Impact Assessment process is rigorous and able to assess all Impacts in an integrated and logical manner.

Recommendation:

- **That all Assessment Principles and Impacts should be given equal weight.**

Are the Assessment Principles and Impacts consistent with the Industrial Strategy's emphasis on regional growth?

29. The GDF has the potential to bring a significant number of direct operational jobs (around 550 on average⁶) to an area. More importantly, there is scope for the GDF to support local skills development and supply chains and, through the significant investment promised to the community that hosts a GDF, to develop local infrastructure to wider benefit. The Industrial Strategy does recognise that, through Science and Innovation Audits and the Knowledge Exchange Framework, collaboration on research occurs across the UK and internationally.⁷ The GDF could therefore support and enhance local and regional economic growth if such opportunities are part of the project. To improve the social and economic benefits, the developer should be encouraged to work with local authorities and the **Local Enterprise Partnership** to establish the right strategy for the area if a GDF were consented.

⁶ <https://www.gov.uk/guidance/communities-and-gdf>

⁷ BEIS (2017) *Industrial Strategy: Building a Britain fit for the future*, page 62, 78 & 90

Additional Comments

30. We would like to offer some additional comments on the draft NPS.

31. The NPS should be amended to enable more effective involvement of local authorities:

- Under Section 60 of the 2008 Planning Act, local planning authorities will have the scope to prepare local impact reports on the development (sub.s.1.1.3). These must be given proper weight in considerations by the Secretary of State, but local impact reports are only prepared at a relatively late stage in the process. The emphasis therefore should be on the promoter to engage much more during the pre-application stage to provide local authorities with the information, time and support needed to inform the local impact reports. The NPS should make clear reference to this.
- This NPS is very light on the pre-application process with regard to local authorities. Their role is broad and the NPS should reflect this. A framework should be set for the decision maker to ascertain whether the right pre-application consultation has been undertaken to enable the Secretary of State (SoS) to accept the consultant report under Section 37.

32. We also consider that that additional information should be provided within Chapter 3.

The Planning Act 2008 states that '*A national policy statement must give reasons for the policy set out in the statement*' (s.5(7)). The NPS states that a GDF is needed because this was previously identified (largely in the 2014 White Paper). We do not believe that this is sufficient. To help understanding, we would suggest:

- It would be useful to provide more explanation on how the multiple barrier approach would be expected to prevent harmful levels of radioactivity reaching the surface, and over what timescales.
- The NPS should illustrate the present distribution of Higher Activity Waste (HAW) within the UK and set out the urgent need to clean up high hazard facilities at Sellafield. It should note the role played by all communities across the country that currently play host to HAW stores and that the great majority of HAW, including the most hazardous material, is currently located at Sellafield and will remain there until a GDF is constructed.
- The NPS should demonstrate in more detail why the GDF is seen as the best solution to this issue, and how this will continue to be reviewed, with other alternative solutions considered through application of a Best Available Techniques (BAT) approach.
- The NDA's current work on options for the near surface disposal of some of the Higher Activity Waste (HAW) inventory should be explained along with the likely impact of this on proposals for a GDF. Discussion of near surface disposal may lead to a degree of uncertainty among potential host communities as to what they are being asked to accept.
- More information should be provided on the current interim storage measures being taken (3.2.4). This should include the expected lifetime of current stores, as well as the impacts that interim storage has on host sites and the process by which waste will be moved from where it is now and emplaced within the GDF.

- Some potential host communities may wish to see a commitment to the retrievability of wastes as technological advances allow. More information should be provided on why this is not viewed as appropriate.

33. The **Appraisal of Sustainability (AoS)** argues that there *'are no reasonable alternatives at a strategic level to meeting the need for geological disposal'* (4.4.3). We accept that the Appraisal of Sustainability (AoS) is of the draft National Policy Statement rather than of the GDF itself, that the NPS reflects agreed UK Government policy and that it is in line with the recommendations of the Committee on Radioactive Waste Management (CoRWM). However, it is the case that one of the UK's devolved administrations, the Scottish Government, has endorsed an alternative approach based on near surface, near site disposal. While NuLeAF's agreed policy is supportive of GDF development, we do question why the alternative approach in Scotland was not assessed as a *'reasonable alternative.'*

34. Finally, the GDF siting process is a voluntary one. It is perfectly possible that no communities will enter the process or be able to secure agreement to proceed through a Test of Support. The Government should set out what it intends to do in this eventuality.

Relationship of Geological Disposal to New Nuclear Power

35. It is not within NuLeAF's remit to form a view on whether new nuclear power stations should be built, but it does have responsibility to comment on any implications for nuclear legacy management. NuLeAF's position was set out in 2007;⁸ consideration to the safe management of nuclear waste must be considered in parallel. The Department's emphasis on the legacy of nuclear power and the priority that should be given to nuclear safeguards⁹ is important. It is an area that the Committee might wish to explore further, for example in terms of the linkage and comparison between this draft NPS and the NPS for Nuclear Power Generation.

⁸ NuLeAF (2007) *New Nuclear Build: Implications for Nuclear Legacy Management*, <http://www.nuleaf.org.uk/wp-content/uploads/2016/12/BP39-2016.pdf>

⁹ BEIS Committee, 21 February 2018, Oral evidence: Work of the Department, HC 604, Q127 & Q150