

IMPLEMENTING POLICY ON THE LONG-TERM MANAGEMENT OF RADIOACTIVE WASTES

Policy Statement 1

June 2006

The Nuclear Legacy Advisory Forum considers that a strategy which maximises the potential for successful implementation of policy on the long-term management of radioactive wastes¹ will be based on principles that empower and incentivise local authority participants and local communities.

To this end, Nuleaf considers that implementation strategy should be built on the concepts of:

- willingness to participate
- right of withdrawal
- partnership
- support packages
- a step-wise process of decision-making
- implementation bodies that engender trust and confidence

Nuleaf believes there is a case for developing an implementation strategy based on these concepts in the light of:

- the hazardous and long-lived nature of radioactive wastes;
- the decades of failure to implement a long-term management policy;
- the potentially large financial costs of future failure;
- international experience of progress in implementing policy; and
- wide support from UK stakeholders for such an approach².

¹ Taken to include Low Level, Intermediate Level and High Level Wastes.

² This support is evident from the responses to CoRWM's second and fourth periods of public and stakeholder engagement.

Nuleaf recognises that there are challenges to be overcome in the practical application of these concepts in the UK setting. It believes that work to address these challenges should be given priority.

Nuleaf's current view on the practical application of the key concepts is as follows:

Willingness to Participate

Invitations to participate in a siting process for the development of a new facility should be sent to the local authorities in the areas of interest. On receipt of the invitations, the local authorities should initiate widespread discussions to identify community views about participation.

A decision to participate in the siting process should be based on an expressed willingness to do so on the part of directly affected communities. The decision whether to participate should be taken by the relevant local authority (unitary areas) or local authorities (two-tier areas), after engagement with local and neighbouring communities.

Right of Withdrawal

The siting process must include a right of withdrawal on the part of participating communities. A decision to withdraw would be made by the relevant local authority/ies, following engagement with local communities, and in the light of material evidence that set out the case for withdrawal.

The implementing body would respect the decision of the local authority/ies to withdraw and would remove the affected area from the siting process.

It is envisaged that the decision to participate and the right of withdrawal would be set out in a formal agreement between the implementing body and the relevant local authority/ies. This might take the form, for example, of a Memorandum of Agreement. This would specify the sort of conditions under which a right of withdrawal could be exercised (for example, if evidence became available that the proposed site was unlikely to be acceptable on environmental or safety grounds).

The formal agreement should also identify the milestone beyond which a right of withdrawal would no longer be available. This might, for example, be when full planning permission is granted for the development of the facility.

Further work is required to identify appropriate forms of formal agreements. This should take into account current initiatives, for example, the work of the 'Advisory Team for Large Applications' (ATLAS), which has been commissioned by the ODPM to

study the potential use of 'Planning Delivery Agreements' to improve the quality of planning applications and development.

Partnership

In order to ensure effective involvement of local communities, bodies and organisations, local authorities participating in a siting process should take steps to form appropriate local partnerships.

The role of a local partnership would be to engage fully in the siting process, undertaking the necessary scrutiny, research, consultation and negotiation on behalf of its members. In essence, local partnerships would advise and recommend, but the appropriate local authority/ies covering the area of interest would take major decisions, for example, exercising the right of withdrawal.

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. Members might include county and district authorities containing the location of the potential site, Parish/Town Councils containing or neighbouring the potential site, neighbouring local authorities, and representatives from local stakeholder organisations.

Once planning permission has been granted it would be appropriate for the relevant local authority/ies to liaise with the implementing body and maintain an independent scrutiny role during development and operation of the facility.

Further work is required to identify appropriate models of local partnership, including their relationship to local authority decision-making.

Support Packages

In order to empower and incentivise local authorities and communities, support packages should be available.

These packages should include:

- Financial support to meet the costs of effective participation in the siting process. For example, covering the costs of local partnerships, and their scrutiny, research and consultation roles.
- Benefits to compensate for impacts to the area. Packages of benefits would be negotiated within an agreed national framework, with an emphasis on contributing to the sustainable development of the affected area and the well-being of local communities and their descendants. It is envisaged that the

benefits would start to become available once facility development was underway.

Further work is required to identify appropriate arrangements for support packages. This work should take into account existing UK practices, including operation of the Landfill Tax Credit Scheme, the Aggregates Levy Sustainability Fund, and the Sullom Voe Capital and Harbour Authority Reserve Funds. The work should address concerns about precedent.

Step-Wise Process of Decision-Making

Nuleaf believes that the process for siting long-term radioactive waste management facilities should involve clearly defined decision milestones that are integrated with evolving planning and regulatory processes, including requirements for sustainability appraisal and strategic environmental assessment.

In the step-wise process, milestones should be defined in terms of the outputs required from decisions. Although target dates for reaching these milestones should be identified, these should not be fixed in stone. In order to engender trust and build confidence, there is a need to ensure that the siting process allows sufficient time for participant local authorities and communities to reach informed decisions. Furthermore, if there are material changes to evidence, then the decisions based on the earlier evidence should be reviewed and, if necessary, changed accordingly.

At the start of the process there should be clarity about the scale and nature of the inventory of wastes that is to be managed in the facility. Any increases to that inventory should be subject to negotiation and agreement with participant local authorities and communities.

During the course of a siting process it may be necessary to review, amend or develop Local Development Frameworks (LDFs) or Regional Spatial Strategies (RSSs).

In order to clarify what is required of the developer in the siting process, the Government should issue a Planning Policy Statement specific to long-term radioactive waste management facilities.

Further work is required on: the integration of potential siting processes with planning and regulatory requirements; the need for development of LDFs or RSSs; and the preparation of a Planning Policy Statement.

Implementation Bodies that Engender Trust and Confidence

The Government will need to put organisational arrangements in place for managing and overseeing the siting process which are capable of engendering trust and confidence amongst participating local authorities and communities.

These organisational arrangements will be critical to the success or otherwise of the implementation strategy. Careful thought needs to be given to organisational arrangements for carrying the siting process forward, including management of invitations to participate, liaison with participating local authorities and partnerships, administration of funds and packages, review of the work of the developer and resolution of disputes.