

<b>Meeting:</b>	NuLeAF Steering Group, 22 June 2006
<b>Agenda Item:</b>	8
<b>Subject:</b>	Long-Term Management of Radioactive Wastes
<b>Author:</b>	Fred Barker
<b>Purpose:</b>	To provide an update on developments and propose next steps

## **1 Introduction**

This report outlines developments in:

- Engagement with CoRWM on its draft recommendations on policy for the long-term management of higher activity radioactive wastes;
- The NuLeAF response to the Government's consultation on the management of Low Level Waste;
- NuLeAF work on a process for implementing policy on the long-term management of radioactive wastes.

## **2 Engagement with CoRWM**

Members of the Steering Group met on May 9<sup>th</sup> to consider CoRWM's draft recommendations. On the basis of member views, Sue Crisp then prepared a draft response. This draft provided the basis for discussion with Wynne Davies, CoRWM Vice Chair, at a meeting with Steering Group members on May 16<sup>th</sup>. A brief record of the meeting is attached as Annex 1. Following the meeting, the NuLeAF response was finalised in consultation with Steering Group members.

Broadly speaking, the NuLeAF response welcomes the draft recommendations, subject to various points of emphasis and comments on points requiring clarification. It should be noted, in particular, that CoRWM's draft recommendations on implementation issues align fairly closely with NuLeAF's draft outline policy statement (see below). The NuLeAF response was circulated to all members on 26 May.

CoRWM has subsequently met to review the comments received during its fourth period of public and stakeholder engagement. It is currently in the process of modifying or developing its recommendations in the light of those comments. CoRWM e-bulletin 9 is attached as Annex 2. This provides a brief overview of the position reached by CoRWM at its meeting on June 6-7. The Committee is on schedule to deliver and publish its final recommendations to Government by the end of July.

## **2 Response to LLW Consultation**

Following the decision of the last meeting of the Steering Group, a response to the Government's consultation on LLW was finalised and submitted by the end of May.

The response took into account the views of those member authorities that had communicated with the secretariat, and was circulated to all member authorities on 31 May.

### **3 Work on Implementation Issues**

#### *(a) Draft Outline Policy*

The meeting of the Steering Group on 6 April agreed that a draft outline statement on implementing policy on the long-term management of radioactive wastes should be circulated to member authorities for comment. This was done on 4 May.

At the time of writing, only one response from a member authority has been received. This has come from an officer at Suffolk County Council, who concurs with the statement, and highlights the importance of definitions of ‘community’ and ‘partnership’ and the need for support packages that benefit descendants of communities hosting sites. The officer also asks for clarification about whether the outline policy should be taken to apply to the development of (i) long-term management facilities for all radioactive wastes, including Low Level Waste (LLW), and (ii) interim management facilities.

The draft outline policy is intended to cover LLW, as well as Intermediate and High Level Waste, and a footnote has been added to the outline statement to clarify this intention (see Annex 3).

With regard to the possible application to interim storage arrangements, this is one of the matters on which NuLeAF has asked CoRWM for further clarification. It is suggested that the Steering Group discuss this further when CoRWM’s final report becomes available.

The Steering Group meeting on 6 April also agreed that following receipt of comments from Member Authorities, the draft outline policy statement be finalised and submitted to the Local Government Association for formal endorsement.

*It is proposed therefore that the Steering Group review and formally endorse the statement (Annex 3).*

NuLeAF officers are scheduled to meet with an LGA officer prior to the start of the Steering Group meeting and will report verbally on recommended next steps to secure LGA endorsement of the outline policy.

#### *(b) Further Work*

The outline statement identifies the following areas of further work:

- Identifying appropriate forms of formal agreement between participating authorities and the implementing body.
- Identifying appropriate models of local partnership.
- Identifying appropriate arrangements for support packages (taking 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).

- Identifying ways of integrating siting processes with planning and regulatory requirements, including the potential need for development of Local Development Frameworks and Regional Spatial Strategies and the preparation of a Planning Policy Statement.

The next item on the agenda proposes a programme of regional seminars for local government officers. One of the aims of the seminars is to identify local government officers that can contribute to further work on the issues above.

*(c) Request for a meeting with Nirex*

Nirex has contacted the Executive Director to request a meeting with members of the Steering Group in order to explain its current thinking on how to progress work on implementation issues. As Nirex are making an input into the Government's Interdepartmental Working Group on these issues, it is suggested that a meeting should be arranged at a mutually convenient date in July.

#### **4 Recommendations**

It is recommended that the Steering Group:

- formally endorse the outline policy statement on processes for implementing policy on the long-term management of radioactive wastes (Annex 3);
- discuss the applicability of the implementation measures to interim storage arrangements when CoRWM's final report becomes available; and
- agree that a meeting should be arranged with Nirex to discuss implementation issues.

## **Annex 1: Summary of Meeting between CoRWM and NuLeAF**

### **CoRWM Document Number:**

The outputs from bilateral meetings in May will be reported to CoRWM's plenary meeting on 6-7 June. It is therefore important that a written record is made of these outputs.

Please could one CoRWM Member complete this for each meeting attended and e-mail it to Sam Bains who will give it a document number.

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#### 1. Date, place and title of meeting attended:

Bilateral with representatives of the Steering Group of the Local Government Association's Nuclear Legacy Advisory Forum (SG of NuLeAF)

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#### 2. Who attended for CoRWM:

Wynne Davies.

Fred Barker was also in attendance in a support role (the meeting noted Fred's interest as a CoRWM Member and as Executive Director of NuLeAF).

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#### 3. Others present:

Councillor Geoff Blackwell (Chair of the SG, Copeland Borough Council)  
Councillor Bill Risby (Vice-Chair of the SG, Manchester City Council)  
Fergus McMorro (Officer, Copeland Borough Council)  
Stewart Kemp (Officer, Manchester City Council)  
Sue Crisp (Officer, Cumbria County Council)  
Adrian Hurst (Officer, Hartlepool Borough Council)  
Steve Giblin (Office, Tameside Metropolitan Borough Council)

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#### 4. Purpose of attending meeting:

The NuLeAF SG had met on May 9<sup>th</sup> to discuss the draft recommendations, and will be submitting a formal written response. The bilateral meeting provided opportunity to clarify or highlight specific points.

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#### 5. Main points:

The meeting enabled CoRWM's current thinking on the following issues to be clarified:

- Phased geological disposal
- Potential locations for interim storage
- Screening of the UK prior to issuing invitations to participate in a siting process

NuLeAF SG members made the following comments:

- CoRWM should say more about the nature of the interim storage that it envisages.
- CoRWM should clarify the extent to which its implementation recommendations apply to interim storage. In principle these recommendations should apply where sites agree to take wastes from other sites for interim storage.
- CoRWM should be clear about the definitions of key terms. In particular, CoRWM should clarify what it means by disposal (and not imply that it means "gone forever").
- CoRWM should clarify its thinking on how many repositories might be developed.

- CoRWM should clarify its thinking (and the current state of knowledge) on the potential for co-disposal of wastes in a geological disposal facility.
- CoRWM should clarify the scope for RDW to be treated or managed in a way that would avoid the need to dispose of it in a geological repository.
- CoRWM should clarify the standards of safety that should apply to geological disposal (eg at least as good as applied today).
- On the 'overseeing body', it will be important for Government to get the terms of reference right. Various models should be reviewed for their suitability. Continuity of practice in terms of independence, and openness and transparency will be important.
- On community involvement in implementation, planning authorities should provide the interface and seek to involve local communities through partnership arrangements. There should be no role for new, ad hoc, elected bodies.

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6. Actions for CoRWM (what, when, whom):

Report outcome of meeting to June 6/7 plenary.

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7. This note written by:

Wynne Davies and Fred Barker

## Annex 2

### CoRWM E-BULLETIN, No 9, June 06

This issue of the e-bulletin reports on the discussions at CoRWM's plenary meeting on June 6 and 7.

Most of the meeting was spent reviewing the main comments made during PSE4 and discussing the implications for development of CoRWM's recommendations.

#### FEEDBACK FROM PSE 4

The reports from each of the main activities in PSE4 had been sent to Members in advance of the meeting. These are:

- Opportunity to Comment Compilation (OtC) [Doc 1739.1 and its annex]<sup>1</sup>
- Citizens Panel Report (CP) [Doc 1759]
- National Stakeholder Forum Report (NSF) [Doc 1751]
- England and Wales Round Table (EWRT) [Doc 1752]
- Scotland Round Table (SRT) [Doc 1753]
- Bilateral Report Analysis (BRA)<sup>2</sup>

The Committee welcomed the responses and was particularly appreciative that many stakeholder organisations had been able to respond in such a short period of time.

The headline points from these reports are:

- Most participants – stakeholders and citizens – are supportive of the draft recommendations.
- Many participants make the point that the recommendations should not be 'cherry-picked'. Support is for the recommendations as a package.
- The emphasis on flexibility and management of uncertainties in the draft recommendations is welcomed.
- Participants from many green groups are supportive of substantial elements in the package but opposed to the proposed end point of geological disposal.
- Most participants want CoRWM to say more about its thinking on forms of geological disposal and interim storage, but do not want the committee to make prescriptive recommendations.
- There is strong support for CoRWM's approach to openness and transparency, and public and stakeholder engagement. There is an

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<sup>1</sup> A small number of additional responses are not reported in the current version of the OtC report, but were made available separately to Members. These included responses from Shetland Islands Council, the West Cumbria Living Environment Group, South Lakelands Friends of the Earth, and a joint response from Cumbria Council and Allerdale District Council.

<sup>2</sup> Two reports of bilateral meetings are not included in the current version of the BRA report. These were from meetings with SEPA and the NDA. These reports were tabled at the plenary meeting.

equally strong desire for this to continue as the Government moves forward.

- There is near unanimous support for the recommendations on implementation. Many participants asked for clarity about whether proposed implementation measures would also apply to interim storage arrangements.

The PSE4 reports also contain a wealth of detailed comments. It was agreed that the key points amongst these would be addressed through the process of developing the recommendations and drafting CoRWM's report to Government in July. Others should be addressed as the process moves forward in the autumn.

## **REVIEW OF DRAFT RECOMMENDATIONS**

The meeting went through the clauses in the draft recommendations [Doc 1725] one by one identifying the sort of modifications, clarifications and explanations that were required in the light of feedback from PSE4. Drafts of the revised clauses and rationales would be prepared after the meeting, for review and agreement at future CoRWM plenary meetings in June and July.

The sorts of modifications, clarifications and explanations that were agreed were as follows:

- To highlight that the momentum of the process established by CoRWM should be maintained.
- To clearly define key terms and concepts, particularly 'disposal'.
- To clarify the Committee's view that there is sufficient confidence to start a process to implement geological disposal.
- To clarify that an objective is to implement geological disposal as soon as is practicable, consistent with the need to secure and maintain public confidence.
- To clarify and justify the sort of timescale that is likely to be needed to achieve this objective.
- To address concerns that geological disposal does not have proof of concept, entails too many uncertainties to proceed, and involves abandonment of control.
- To clarify that an objective is to develop the minimum practicable number of facilities as required for disposal of wastes in the CoRWM inventory.
- To explain the steps that should ensure that disposed wastes would not be 'out of mind', including monitoring for public confidence purposes.
- To explain the Committee's preferred form of geological disposal, which is to favour early closure rather than delayed closure, but not to make a prescriptive recommendation.
- To encourage consideration of ways of treating Reactor Decommissioning Wastes that would avoid the need to dispose of them in a geological repository.
- To emphasise that interim storage is an integral part of strategy.

- To clarify the implications for store lifetimes of the need to build in a degree of contingency against delay or failure to implement geological disposal.
- To highlight the importance of pressing forward with the conditioning of radioactive wastes to increase passivity.
- To be more specific about the sort of research and development that should take place on geological disposal, interim storage and alternative long-term management options.
- To add a main recommendation on the need for an independent body to oversee the implementation process.
- To re-iterate the Committee's position on the implications of a new nuclear build programme and to draw attention to the views it has heard on this issue.
- To clarify that any substantive changes to the inventory of radioactive wastes would require an additional step in the negotiation process with host communities, and would require those communities to make a positive decision to accept any changes to the inventory.

CoRWM's Implementation Working Group met immediately after the plenary meeting to undertake a more detailed review of the draft recommendations on implementation. Any further proposals that come out of this review will be discussed at the CoRWM plenary meeting on June 20/21.

### **OBTAINING CORWM DOCUMENTS**

The documents cited in this bulletin are all available for download from the CoRWM website. One way of accessing them is to click on the link in this e-bulletin.

### **CONTACTING CORWM**

CoRWM can be contacted at the CoRWM Office, 3/H26 Ashdown House 123 Victoria Street, London SW1E 6DE, and [contact@corwm.org.uk](mailto:contact@corwm.org.uk)

## **Annex 3**

### **IMPLEMENTING POLICY ON THE LONG-TERM MANAGEMENT OF RADIOACTIVE WASTES**

#### **Draft Outline Policy Statement, 6 April 06**

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 wastes<sup>3</sup> 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
- support from UK stakeholders for such an approach<sup>4</sup>.

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 specific 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

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<sup>3</sup> Taken to include Low Level, Intermediate Level and High Level Wastes.

<sup>4</sup> This support is evident from the responses to CoRWM's second period of public and stakeholder engagement, which included discussion of implementation issues. See 'Overview of PSE2 Responses', Document Number 1186.3, August 2005.

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 might be appropriate for the relevant local authority/ies to join forces with the implementing body in a 'local partnership company' to develop and operate 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 descendents. 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 participating 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.

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.