

Meeting:	NuLeAF Steering Group, 12 October 2006
Agenda Item:	8
Subject:	Implications of the Energy Review
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Purpose:	To report the outcome of the Government's energy review and propose a response to DTI consultation on the policy framework for new nuclear build

Introduction

This report outlines the conclusions of the Energy Review regarding new nuclear build, with emphasis on the implications for radioactive waste management and decommissioning. With regard to the latter, the report proposes that comments be submitted to DTI in response to proposals for a policy framework for new nuclear build.

Recommendations

That the Steering Group agree that the following comments be submitted to the DTI:

- 1) The Government should consult a wide range of stakeholders, including NuLeAF, on the proposals that will be developed for arrangements to meet the costs of decommissioning and radioactive waste management.
- 2) The Government should accept CoRWM's recommendation that any substantive increase to the radioactive waste inventory for geological disposal will require an additional step in the negotiation process with host communities to allow them to take a decision to accept or reject any additional waste. The spirit of this recommendation should also be applied to the siting and operation of any new regional or national facilities for LLW disposal or ILW interim storage.
- 3) Changes to the planning system for major energy projects should not be allowed to set a precedent for pushing through the siting of radioactive waste management facilities. Commitments must be provided that siting processes for these projects will allow adequate exploration, scrutiny and resolution of all issues of concern to potential host communities.

Outcome of Government Energy Review

The Government published the outcome of its review in July ('The Energy Challenge', www.dti.gov.uk/energy/review/).

Its proposals relating to new nuclear build are:

- Government believes that nuclear has a role to play in the future UK generating mix.
- Any new nuclear station would be proposed, developed, constructed and operated by the private sector who would also meet decommissioning and their full share of long-term radioactive waste management costs.
- Government will undertake further assessment that will help developers identify the most suitable sites.
- Government has asked HSE to take forward proposals to introduce a pre-licensing, design authorisation procedure, and the Environment Agency to introduce a similar system of pre-authorisation.
- Government is consulting on a proposed policy framework for new build and the context in which planning inquiries should be held. The framework will be set out in a White Paper to be published around the turn of the year.
- The draft framework proposes that national strategic and regulatory issues are most appropriately discussed through processes other than the public inquiry. The inquiry should focus on the relationship between the proposal, the local plans and local environmental impacts.
- Government will appoint an inspector whose role will be to ensure that planning inquiries are run to clearly defined timescales, and maximum use is made of major infrastructure project rules.
- Government will engage with industry and other experts to develop arrangements for managing the costs of decommissioning and long term waste management.
- Government intends to appoint an individual to lead the development of these arrangements. Further details of the work programme and timetable will be published by the time of the White Paper.

The DTI is seeking comments on the draft framework for new nuclear build by 31 October.

Although it is not within NuLeAF's remit to comment on whether or not new nuclear stations should be built, it is within its brief to consider:

- The adequacy of arrangements for meeting the costs of decommissioning and radioactive waste management arising from new nuclear build.
- The adequacy of the processes for addressing the impact of new nuclear build on nuclear legacy management in the short and long-term.
- The potential implications for the siting of radioactive waste management facilities of changes to the planning system for major energy projects.

Each of these issues is considered in turn.

Meeting the Costs of Decommissioning and Radioactive Waste Management

Historically, the costs of decommissioning and radioactive waste management have been underestimated and underprovided for. If new nuclear build proceeds within the private sector, it will be important for Government to be able to demonstrate that costs have been robustly estimated and will be fully met by the companies concerned. Any shortfall would have to be met by Government, which could impact adversely on the monies available to meet the costs of nuclear legacy management and other public services.

It is important that the Government should consult a wide range of stakeholders on the proposals that will be developed for arrangements to meet the costs of decommissioning and radioactive waste management.

It is proposed that this point be made in comments to DTI.

Processes for Addressing Impacts on Nuclear Legacy Management

New nuclear build would have a range of impacts on nuclear legacy management, including:

- If constructed on existing nuclear sites, the ‘end state’ or time taken to reach the ‘end state’ of the site.
- The amount of LLW that is likely to be disposed of in facilities local to the site or in other facilities.
- The amount of ILW that will be stored on an interim basis on the site, or at regional or national interim stores.
- The amount and type of higher activity wastes that might be disposed of in a geological repository.

As CoRWM points out:

If a decision is made to build new nuclear power stations, there will need to be a detailed assessment of the waste inventory that will arise so that proper arrangements can be made for its management. At the very least, there could be an effect on repository design and size; there may also be a need for management facilities including interim stores at new reactor sites. The construction and operation of a new generation of nuclear power stations will make it difficult to define a waste inventory once and for all; there will be uncertainties over the volumes of waste and the timescale over which they will be generated. (CoRWM report to Government, Doc 700, July 06, p145).

Potential impacts are likely to affect a range of local communities, in addition to those in the vicinity of the new build site. It is therefore important that effective processes are put in place to enable potentially affected communities and their local authorities to address the impact of new build proposals on the management of radioactive wastes in their area.

CoRWM addresses this point in relation to siting a geological repository in its recommendations to Government:

Recommendation 6: At the time of inviting host communities to participate in the implementation process, the inventory of material destined for disposal must be clearly defined. Any substantive increase to this inventory (for example, creation of waste from a new programme of nuclear power

stations ..) would require an additional step in the negotiation process with host communities to allow them to take a decision to accept or reject any additional waste.

It is proposed that the Steering Group express its support for this recommendation, and agree that its spirit should also be applied to the siting and operation of any new regional or national facilities for LLW disposal or ILW interim storage.

One potential route for considering the impacts on nuclear legacy management and the views of communities that host the associated facilities is the justification process which may be applied to new nuclear build. If applicable, this will involve public consultation. Government guidance is that justification decisions should take into account the whole nuclear life-cycle, including decommissioning and waste management processes.

Changes to the Planning System

The Government states that it is committed to introducing fundamental changes to the planning system for major energy projects once the findings of other reviews are clear later this year. Its stated aim is to reduce risk and uncertainty for developers, while maintaining openness, fairness and accountability.

It intends to do this by:

- Setting the strategic context – hence the consultation on a policy framework for new build.
- Introducing “efficient Inquiries” – that should focus on the relationship between the proposal, the local plans and local environmental impacts.
- Timely decision-making – to ensure appropriate and predictable timings for decisions on applications for energy developments.

A consultation on the detail of changes to public inquiry rules is to be launched later this year, with the intention of introducing new rules in spring 2007.

The NFLAs have objected to these proposals on the grounds that:

- they will empty the public inquiry of any significance other than the consideration of local environmental impacts
- judgements relating to questions of strategic need, justification, safety and security will not be subject to the rigorous analysis that cross-examination at an inquiry brings to bear
- it would set a precedent for railroading other projects and undermining vital aspects of land-use planning (New Nuclear Monitor No 11, September 06).

The question of precedence may be of significance to processes for siting regional or national interim stores and disposal facilities.

As reported elsewhere on the agenda (item 4), Government is committed to developing a “strong voluntary partnership with local communities” in identifying a site for geological disposal. NuLeAF’s policy is that the process should entail a right of withdrawal on the part of participating communities, and a partnership arrangement to ensure adequate scrutiny, research, consultation and negotiation.

In such circumstances, it could be argued that the scrutiny function of the public inquiry in relation to questions of need, safety and security is of less significance. However, this depends on commitments being provided that siting processes for radioactive waste management facilities will allow adequate exploration, scrutiny and resolution of all issues of concern to potential host communities.

It is proposed that this point be highlighted in comments to DTI.