

<b>Meeting:</b>	NuLeAF Steering Group, 25 January 2011
<b>Agenda Item:</b>	8
<b>Subject:</b>	Progress Report
<b>Author:</b>	Fred Barker
<b>Purpose:</b>	To report on a range of developments relating to nuclear legacy management

## **Introduction**

This progress report covers the following items:

- the Localism Bill
- the process for siting a Geological Disposal Facility (GDF)
- the Submarine Dismantling Project (SDP) and
- NuLeAF finances

The report is for noting.

## **Strategic Objectives**

The developments reported are relevant to the following strategic objectives:

### *Geological Disposal Facility (GDF)*

- to liaise effectively with any local authority that may wish to consider, or makes, an expression of interest in the GDF siting process and to provide assistance as appropriate
- to work with Government, the NDA, CoRWM, regulators and member authorities to help ensure that the approach based on voluntarism and partnership works robustly in practice
- to ensure member authorities are briefed and up-to-date on developments in the GDF siting process.

### *Submarine Dismantling Project*

- Encourage any member authority that may be affected by the management of the radioactive wastes from laid up nuclear submarines to participate in consultation on the proposed way forward.
- Encourage MoD to adopt clear objectives and good practices in the consultation on options for managing radioactive wastes from the Submarine Dismantling Project.
- Seek to ensure that the approach taken to the implementation of the Submarine Dismantling Project is consistent with developments in the civil nuclear industry.

## 1 Localism Bill

The Bill was published on 13 December. The Government's press release announcing publication of the Bill is available on the DCLG website at [Localism Bill starts a new era of people power](#). The Bill had its second reading in the House of Commons on 17 January.

Provisions in the Bill include:

- **General power of competence:** local authorities will have the power to do anything that is not specifically prohibited by law.
- **Nationally significant infrastructure projects:** the regime is largely unchanged but two manifesto pledges are introduced – to abolish the Infrastructure Planning Commission and reinstate approval by the Secretary of State, and to require Parliamentary approval of National Policy Statements (NPSs).
- **Regional strategies:** removal of the primary legislation setting out the basis for regional strategies.
- **Duty to cooperate on the planning of sustainable development:** applicable to local authorities and other public bodies to encourage strategic working.
- **Local authority development plans:** inspectors will no longer have an absolute say – local authorities will be able to make modifications to their recommendations as long as they do not materially affect development plan policies.
- **Community Infrastructure Levy:** this is retained and its use clarified, including allocation of a proportion back to the neighbourhood with the development (see item 7 on the Steering Group agenda).
- **Neighbourhood planning:** Any qualifying body (a town or parish council or a body designated as a neighbourhood forum) is entitled to initiate a process for the purpose of requiring the local planning authority to make a Neighbourhood Development Order (NDO) and/or a Neighbourhood Development Plan (NDP). An NDO will enable the granting of planning permission in advance for specified types of development. Exclusions include matters decided by county councils, development requiring environmental impact assessment and nationally significant infrastructure projects. NDPs are mini-development plans, which could include policies discouraging types of development (although the same exclusions to NDOs apply). NDOs and NDPs will be subject to examination and must be approved in a local referendum.
- **Referendums:** a new duty on local councils to hold local referendums if it receives a petition signed by 5% of the electors on a local matter. The results of a referendum will be non-binding and can relate to an issue outside the council's direct control.
- **Pre-application consultation extended:** the pre-application consultation in the Planning Act will be extended to some types of ordinary planning applications.

Many commentators have given the Bill a cautious welcome, but highlight considerable uncertainties over the detail of key measures. See for example the press statement on the planning portal at [Cautious welcome for Localism Bill but questions on detail](#). For further details see the LGA briefing at [Localism Bill](#).

It is likely that some provisions in the Bill will have implications for nuclear legacy management. The secretariat will monitor passage of the Bill and bring forward more detailed reports to the SG if appropriate.

In an associated development the Government has announced that it intends to combine the 1000 pages of existing planning and minerals policy statements and guidance into a single

document, the National Planning Policy Framework. The Framework will reflect the provisions of the Bill and be published for consultation later this year. The NPS regime will remain outside the framework.

## **2 The Process for Siting a GDF**

### *West Cumbria MRWS Partnership*

The most recent meetings of the Partnership took place on 10 December and 19 January.

The main objectives of the meeting on 10 December were to: consider international experience of community benefits and discuss potential principles that could be applied in West Cumbria; agree the way forward concerning possible international site visits; agree principles concerning the inventory for disposal and how the community might influence it; and agree the way forward on various operational issues.

The Partnership considered a discussion paper on potential ‘inventory principles’ drafted by the Executive Director (ED). Subject to minor amendments, this was agreed as the basis for discussion with Government.

A verbal update on the Partnership meeting of 19 January will be provided at the Steering Group meeting.

The Partnership has organised a second period of public and stakeholder engagement. Details can be found in the December issue of the Partnership’s e-bulletin at [E-bulletin7](#). This covers:

- communications & engagement
- community drop-in events
- discussion groups
- the Partnership on Facebook & Twitter
- media coverage
- stakeholder workshop

For further information about the Partnership’s activities go to [www.westcumbriamrws.org.uk](http://www.westcumbriamrws.org.uk). See the ‘Latest News’ section for responses to debates in the local press and ‘Recent Documents’ for meeting reports, newsletters and e-bulletins.

### *Geological Disposal Implementation Board (GDIB)*

The ED attended the first meeting of the revamped GDIB as an observer on behalf of LGA. The objective of the GDIB is to provide Ministerial oversight of the implementation programme as well as enabling local communities, CoRWM, key waste consignors and green NGO’s to provide direct input to, or to have direct observation of, the programme. The ED’s note of the meeting is attached as Annex A.

### *Environment Agency (EA) Scrutiny of NDA’s Work on Geological Disposal*

The EA has published its 2009/10 Annual Review of NDA’s work on geological disposal. Key findings include: the need for further discussion to resolve differences of view on disposal system design optimisation; the need for NDA to demonstrate how it will consider

the options of co-location and deep borehole disposal; and the need for NDA's generic plans to characterise a site for a GDF to be flexible to address site specific challenges.

### *Implementing Geological Disposal Technology Platform (IGD-TP)*

The IGD-TP was launched in November 2009 to initiate and carry out collaborative actions in Europe to facilitate the stepwise implementation of safe, deep geological disposal of spent fuel, high level waste, and other long-lived radioactive waste by solving scientific, technological and social challenges, and thereby to support the waste management programmes in the Member States. The IGD-TP has published a draft Strategic Research Agenda (SRA) to provide the basis for priorities regarding RD&D (research, development & demonstration). This is available at [Implementing Geological Disposal - Technical platform](#).

The key topics covered in the SRA are safety cases, waste forms and their behaviour, technical feasibility and long-term repository performance, development strategy, operational safety, monitoring and governance and stakeholder involvement.

### **3 Submarine Dismantling Project (SDP)**

As reported to previous meetings, the SDP has been conducting a Strategic Environmental Assessment (SEA) that identifies and considers the potential environmental impacts of submarine dismantling activities.

As part of this process, potential candidate sites for the removal of radioactive elements ('initial dismantling') of submarines have been named in the SEA scoping report. These sites are Devonport and Rosyth Royal Dockyards. The scoping report is accompanied by a Proposed Site Criteria and Screening Paper which explains, on an indicative basis, how the potential candidate sites for initial dismantling were identified. These reports are available on the SDP website at [Submarine Dismantling](#).

Potential candidate sites for the storage of resultant Intermediate Level radioactive Waste (ILW) will not be identified at this stage due to the developing nature of NDA and MoD strategies on radioactive waste management. However, MOD's proposed criteria for identifying suitable storage sites in the future have been made public in the Proposed Site Criteria and Screening Paper.

MoD does not intend to confirm the list of candidate sites for initial dismantling until it has concluded the ongoing Statutory Consultation process and engaged with key local site stakeholders. MoD plans to do this by early 2011 and, following more detailed options analysis and environmental assessment, it plans to conduct public consultation in the second half of 2011. Having taken the SEA and public consultation responses into account, MoD will then complete its analysis leading to strategic decisions on the project.

The ED has been liaising with officers at Plymouth City Council concerning the announcement that Devonport is one of the potential dismantling sites. A verbal update will be provided at the Steering Group meeting.

### **4 NuLeAF Finances**

At the AGM in October, it was agreed that the Steering Group should receive regular finance updates in the light of a potentially difficult funding position in the next Financial Year (FY).

As a result of representations to Government and a favourable CSR settlement for the NDA, the position is now looking more sustainable. A summary is as follows:

*Estimates for FY 10-11*

At the AGM, an estimated shortfall of £25, 226 was reported, based on an expenditure of £120, 241 and an income of £95, 015.

In the current projections, the estimated shortfall has been reduced to £1,216 as a result of:

- a) the likely achievement of a reduction in expenditure of just under £8000, mainly in travel, accommodation, subsistence, room hire and catering; and
- b) successful representations to Government that some financial support be forthcoming this FY (currently anticipated at £20,000).

*Estimates for 2011-12*

At the AGM, an estimated shortfall of £87,699 was reported, based on an expenditure of £121, 699 and an income of £34, 000.

In the current projections, the estimated shortfall has been reduced to £535 as a result of the following expectations:

- a) being able to sustain the level of expenditure reductions likely to be achieved in the current FY; and
- b) financial support from Government and NDA (currently anticipated at £80,000 combined).

The projected modest shortfalls can be met from reserves.

## Annex 1: Informal Note of the First Meeting of the GDIB

Fred Barker, 30 November 2010

- 1 The meeting agreed a **terms of reference**. The objective of the GDIB is to enhance Ministerial oversight of the implementation of geological disposal. It is intended to help establish a delivery programme that is as robust as possible with increased visibility for key external stakeholders. The GDIB's mission statement, terms of reference and working principles are attached as Annex A.
- 2 The GDIB is chaired by the Minister of State for Energy (Charles Hendry). Core **members** include DECC, the Welsh Assembly Government, HM Treasury, the Ministry of Defence, the NDA and, once established, Community Siting Partnerships. Observing members include CoRWM, the regulators, the LGA, NGOs, and nuclear companies. Observing members have speaking rights.
- 3 In opening the meeting **the Minister** stressed that voluntarism is central to the siting process, but that there is a need to enhance DECC's leadership role. He stated that GDIB should provide real opportunity to speak openly about the issues involved in taking the programme forward. GDIB would have a web page on DECC's site and minutes of the meetings would be published.
- 4 DECC then gave '**situation report**' on the implementation programme. This covered: the programme's history; a high level overview of the site selection process; progress in West Cumbria; an indicative timeline and milestones; international timescales for GDF programmes; DECC's programme management; and key risks and mitigation. DECC highlighted that:
  - It has to manage 'potentially contradictory requirements': on the one hand a need for effective project management, leadership from Government, clear responsibilities and accountabilities, and a timeline and milestones against which progress can be made; and on the other, an approach based on voluntarism, with no presumption that a community will continue to wish to proceed, and working in partnership with local communities.
  - It has developed a timeline and milestones anticipated to lead to the first consignment of wastes to a GDF in 2040. The timeline is only indicative because the approach is based on voluntarism and partnership. A key part of the programme is to build community engagement and confidence.
  - It will also publish an Annual Report outlining the progress that has been made. The first report will be published early next year.
  - The Office of Government Commerce (OGC) has reviewed the programme and made recommendations to encourage stronger project management, an adequate skill base, work with other Government Departments and robustness to future changes. DECC stated that the OGC report would be made available to GDIB members.
- 5 **NDA** gave a brief overview of their role in implementation. It highlighted its projected development into a delivery organisation, the current process of voluntary regulatory scrutiny and its intention to publish a peer-reviewed Generic Disposal

Safety System Case in the spring of 2011. It also referred to the assumption that GDF development would provide a disposal route for legacy and new build wastes.

6 The following points were made in **discussion**:

- EdF welcomed establishment of the Board and the commitment to annual reporting on progress.
- Nuclear Waste Advisory Associates (reflecting an environmental NGO perspective) highlighted various risks to the programme, including the lack of a 'plan B', the uncertainties in the science, and whether local decision-makers will ensure they have a popular mandate for participation.
- Responses referred to: the commitment to make voluntarism and partnership work in practice; the contingency of continued interim storage; NDA and regulator commitment to fully address GDF safety requirements; and the work of the West Cumbria Partnership on what would constitute credible support.

7 The **next meeting** will be in the spring of 2011. It is anticipated that this will include a presentation on the work of the West Cumbria MRWS Partnership.

## Annex A



GDIB terms of  
reference