

Nuclear Free Local Authorities

briefing



Date: 18 April 2007

No. 61

Subject: Summary of the main points from the NFLA Steering Committee Meeting, Town Hall, Manchester, 23 March 2007

1. New Nuclear Build

The NFLA Legal Adviser reported that on 15 February the High Court overturned the Government's policy on new build, finding in favour of Greenpeace that:

- *there has been a breach of the Claimant's legitimate expectation that there would be the fullest public consultation [before any decision to proceed with the building of new nuclear power stations could be taken],*
- *that the said consultation was procedurally unfair and*
- *therefore the decision of the [Government] dated the 11th day of July 2006 that nuclear new-build has a role to play was unlawful."*

The initiative that led to the court case was taken by the NFLA Legal Adviser who reminded Greenpeace in December 2005 of the promise made in the 2003 Energy White Paper that

"Before any decision to proceed with the building of new nuclear power stations, there will need to be the fullest public consultation and the publication of a further white paper setting out our proposals." (para 1.24 and similar at para 4.68)

A joint letter in January 2006 from NFLAs and Greenpeace to Malcolm Wicks, the then Energy Minister, before the Energy Review consultation commenced, set out our views that a public and stakeholder engagement programme similar to that conducted by the Committee on Radioactive Waste Management was necessary to fulfil a commitment to the 'fullest public consultation'. The Minister replied 'noting' our views and reaffirming the Government's consultation commitment. The High Court Judge referred to the Minister's reply to NFLAs and Greenpeace saying: "As an exercise in avoiding giving the claimant the clarification it had sought, the reply could not be improved upon."

After the judgement the DTI said they would begin a further round of consultation in May. At the time of writing the content of the new consultation is still unclear though the Government's Energy White Paper is expected to be published at the same time raising a question about how the new consultation can inform Government policy if the policy White Paper is published simultaneously.

The Government's Sustainable Development Commission wrote to the DTI following the High Court judgement saying:

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"We welcome the High Court's decision (on the legal challenge by Greenpeace), as it provides a great opportunity for a much-needed public consultation on nuclear power. As we outlined in our nuclear report, it is absolutely essential that the Government undertakes a comprehensive public engagement programme for its Energy Review...."

The Government needs to listen to people's views about nuclear power in order to develop a truly sustainable energy policy. This is absolutely core to the principle of good governance."

NFLAs, together with many other interested parties, are now working with the Green Alliance to meet with DTI and discuss consultation process and content before the expected consultation paper publication in May.

In February NFLAs published a new briefing paper in the *New Nuclear Monitor* series entitled **Opportunity Cost of New Nuclear Power**. The briefing was written by Pete Roche, NFLA (Scotland) Policy Adviser and is available at: www.nuclearpolicy.info.

2. **Radioactive Waste Management Policy**

The Secretary reported on key developments in UK radioactive waste management policy including: an inquiry by the House of Lords Science and Technology Committee; ongoing work by the Committee on Radioactive Waste Management (CoRWM); and meetings between the LGA's Nuclear Legacy Advisory Forum and DEFRA/Scottish Executive/Welsh Assembly Government and DTI to flesh out the CoRWM recommendations that Government was now seeking to carry forward through a public consultation in the second half of 2007.

The Secretary's report highlighted concerns expressed by the Environment Agency about outstanding technical issues to be resolved before wastes can be safely emplaced in a deep geological disposal facility. The Secretary's report also highlighted potential conflicts of interest identified by CoRWM with the Nuclear Decommissioning Authority now taking responsibility for long-term waste management as well as near-term decommissioning.

New Joint Regulatory Guidance for long term radioactive waste management has been prepared by the HSE and Environment agencies and is now subject to public consultation until 31 May. The NFLA Legal Adviser will respond to the consultation on behalf of the Steering Committee.

Considering the report it was decided that a briefing paper for member authorities use be commissioned on the generic safety issues that must be resolved before developing a deep disposal facility for radioactive wastes.

3. **UK Nuclear Weapons Policy**

The Secretary reported on the preparation of an NFLA Briefing Paper for member councils about the Government's White Paper on the future of the UK Nuclear Deterrent (see: www.nuclearpolicy.info). All member authorities were urged to use the NFLA Briefing to oppose the Government's case for Trident replacement. A memorandum based on the Briefing Paper was submitted to the Parliamentary Defence Committee and is available on request from the NFLA Secretary

A meeting of the UK Mayors for Peace Working Group took place prior to the NFLA Steering Committee meeting at Manchester Town Hall on 22 March and the Secretary reported verbally on relevant developments. All councils in England and

Wales not currently supporting Mayors for Peace had received a membership appeal (copies available from the NFLA Secretary) and a similar appeal from Mayors for Peace supporters in Scotland will go to non supporting councils there after the local elections. Meanwhile Mayors for Peace membership has increased to 43 towns and cities in the UK with the recent addition of Derby City Council. NFLAs that have not yet given support to Mayors for Peace are urged to do so. There is no cost and the NFLA Secretary can provide advice upon request.

4. **NFLA Finance & Development Working Group**

The meeting considered a note of the NFLA Finance and Development Working Group meeting and endorsed the proposed campaigning priorities for 2007 as follows:

That new nuclear build development continue to be the NFLAs main priority and that this be reflected in work to influence policy including:

- the publication and circulation of briefing papers
- the content of seminars and conferences
- challenging the HSE's 'pre licensing' proposals
- defending the planning inquiry system
- highlighting continuing nuclear hazards
- developing the economic case for non nuclear energy policy (particularly the employment benefits)

That radioactive waste management policy also continue to be developed and pursued by:

- highlighting outstanding technical difficulties with proposed deep geological disposal (through the preparation and distribution of NFLA briefing materials)
- opposing the dilution and dispersal of nuclear industry radioactive wastes to landfill, incineration or recycling for reuse.
- influencing the content of consultations materials (expected later this year) on the implementation of Government policy, waste facility siting criteria, and an outline repository design.
- highlighting technical, safety and cost issues associated with continued nuclear reprocessing and MOX fuel fabrication and transportation.

That nuclear weapons policy work be developed by:

- continuing cooperative work with international Mayors for Peace
- highlighting technical, safety and cost issues associated with maintaining a nuclear weapons programme including transportation hazards.

5. **NFLA Forum Meetings & Membership Development**

NFLA (Scotland): The Steering Committee received the minutes of the 7 December 2006 meeting in Leeds and the 19 January 2007 meeting in Glasgow. A verbal report of the meeting on 22 March 2007 in Manchester was provided by the Convenor. Key issues

addressed by the Forum over this period included a submission to the Scottish Executive about radioactive waste management policy, and a submission to UKAEA about management of pollution escaping from the Dounreay nuclear site. Monitoring reports on the work of the NDA, British Energy, and Government policy towards new nuclear build were considered. An up date on Government policy proposals for Trident replacement was provided at the 22 March meeting.

This is a time of considerable change for NFLA Scotland and the NFLA Chair, Fife Councillor Mike Rumney, bid a fond farewell to the Forum Convenor, Glasgow Councillor David Stevenson and Forum members, Edinburgh Councillor Dougie Kerr, Renfrewshire Councillor Robert McGerty, Midlothian Councillor Graham Marr, and Western Isles Councillor Angus Nicholson. They are not standing for re-election in the Scottish local government elections in May. New nominations to NFLA Scotland will follow the establishment of new local government administrations. The Steering Committee welcomed a commitment from Glasgow City Council that it will continue to host the NFLA(S) Secretariat. It also recognised that strong cross party support in Scotland for nuclear free policy created an opportunity to increase Forum membership after May. A date will be set for the next meeting after the elections. Contact: cathy.birrell@ced.glasgow.gov.uk .

English Nuclear Free Futures: Bury Councillor Alan Mathews, English NFLA Forum Chair, reported on a seminar hosted by his authority on 9 March 2007 that had been arranged to brief members on economic issues around new nuclear build and alternative strategies for meeting energy needs. Copies of powerpoint presentations and a summary of key points is available from the Forum Secretary, Sean Morris: sean.morris@leeds.gov.uk. The next seminar about radioactive waste policy implementation will be hosted by Leeds City Council on 15 June 2007. It will provide a timely briefing for English Councils before publication of the Government radioactive waste management policy public consultation expected later that month. Again, further details from Sean Morris.

Wales NFLA Forum: A well attended meeting took place in Caernarfon on 16 March where the implications for Wales of a number of ongoing areas of national nuclear policy development were considered. Particular concern focused on the management failings exposed at the Sellafield site following prosecution by HSE over an extended and undetected leak of radioactive material within the THORP plant. Proposals for new nuclear build on the Wylfa site were rejected. Gwynedd County Council was congratulated for carrying unanimously a resolution in opposition to Trident replacement, and circulating that resolution to all Welsh councils. The meeting concluded with a presentation from FoE Cymru on the opportunities for Wales to meet its future energy needs without nuclear power. Powerpoint slides from the FoE (Cymru) presentation are available from the NFLA Secretary: skemp@nuclearpolicy.info. The next meeting will take place on 21 September 2007 at County Offices, Bridgend and Mr Tim Deere Jones has been invited to speak about hazards associated with the shipment of radioactive materials and wastes through the Irish Sea. Further details from Stewart Kemp.

All Ireland NFLA Forum: The next Forum Seminar, business meeting and AGM will be hosted by Newry & Mourne District Council on 5 June. Further details from: skemp@nuclearpolicy.info.

6. **Dates and venue for NFLA Steering Committee meetings in 2007**

10.00am – Midday, Saturday 23 June 2007, Town Hall, Lerwick, Shetland

11.00am -1.00pm, Friday, 14 September 2007, Town Hall, Manchester

11.00am – 1.00pm Thursday, 6 December 2007, venue TBA
(in conjunction with consolidated joint UK & Irish Local Authorities Conference on Nuclear Hazards & 2007 NFLA AGM)

For more information on any of the above matters contact:
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