

# Nuclear Free Local Authorities

# briefing



Date: 20 February 2003

No. 30

Subject: **Summary of main points from the NFLA Steering Committee Meeting, Civic Hall, Leeds, 17 January 2003**

1. **Emergency Planning:** The Secretary reported on developments in emergency planning. In December 2002 the Cabinet Office released two papers on the new emergency planning duty and emergency powers legislation. The new duty contained in a Civil Contingencies Bill to be published soon, will place organisations into two categories according to their roles and responsibilities in emergency planning and disaster response. Category One will have a *core* role defined in law; Category Two will have a broad *cooperating* role.

Currently Category One includes shire counties, metropolitan districts, unitary authorities, all police forces, fire services, ambulance services, Environment Agency and, where appropriate, Maritime and Coastguard Agency. These organisations will have the duty to plan to: maintain generic and specific capabilities; undertake risk assessment and mitigation; respond to emergencies; undertake business continuity planning; and inform and warn the public. It was noted that the HSE appears to be a significant omission from this group.

Category Two organisations with a duty to cooperate are expected to include: English Shire districts; NHS organisations [with some in Category One]; public utilities; transport companies [network rail, train operators, airlines, ports, airports]; and local BBC.

**Emergency Powers:** It was reported that the Civil Contingencies Bill proposals would be accompanied by an overhaul of Emergency Powers legislation. Current legislation dating from 1920, and only invoked on 12 occasions during periods of industrial unrest, is to be repealed. New legislation is expected to create four categories of emergency for which new Emergency Powers can be invoked at either a national or regional level: Public Welfare Emergencies (e.g. disease); Environmental Emergencies (e.g. flooding); Public Order Emergencies (e.g. strikes) and; Defence Emergencies (i.e. war). It is understood that emergency powers legislation is being modelled on existing arrangements in Canada and that terrorism and nuclear emergencies will be specifically included.

**Issues for Local Authorities - Local Democratic Accountability:** How these duties will be implemented in Scotland and Wales and how accountability to the Scottish Parliament or Welsh Assembly Government will be established was not clear at the time of reporting to the NFLA Steering Committee. Neither was it clear how accountability in emergency planning at a local level, and how elected member involvement, would be maintained following the appointment of new regional 'deputy directors of resilience' to co-ordinate emergency planning.

**Issues for Local Authorities - Resources:** The Steering Committee recognised that a stepwise increase in emergency planning preparedness at a local, regional and national level was envisaged. However, funding remained unclear and in the absence of a stepwise increase in resources to match heightened expectations of local government emergency preparedness a yawning 'credibility' gap was in danger of developing. The Steering Committee noted that resources to the Fire Service, Intelligence Services and Police had increased post '9/11' but arguably, allowing for price inflation, Central Government allocation to all English and Welsh local authorities in 2003/04 for emergency planning at £19 million represented a *decrease* in spending power.



THE LOCAL GOVERNMENT VOICE ON NUCLEAR ISSUES

Manchester City Council, Town Hall, Manchester, M60 2LA

Tel: 0161 234 3244

Fax: 0161 234 3379

E-Mail: [nfznscc@gn.apc.org](mailto:nfznscc@gn.apc.org)

Website: <http://www.gn.apc.org/nfznscc/>

*Issues for Local Authorities - Nuclear Site Emergency Planning:* It was recognised that whilst emergency planning preparedness at a general local authority level is currently being overhauled this is not being carried over into nuclear site emergency planning which continues in its 'pre-9/11' ossified form. Continuing shortcomings in nuclear site emergency planning were exposed during the May 2002 emergency exercise at Bradwell nuclear power station in Essex where a '9/11' type scenario involved a large commercial aircraft crashing on to a nuclear reactor.

Concerned about continuing nuclear hazards the Steering Committee asked the Secretary bring to its next meeting for consideration a costed project proposal to identify short-term actions to reduce UK nuclear risks.

2. **Government Energy Policy Review:** The Secretary reported correspondence with the Energy Minister and DTI to promote the Committee's policy that:

- *the Government should put concerted action on energy efficiency and renewables at the top of its energy policy agenda, and not provide State support for a large, capital-intensive and inflexible programme of new nuclear power stations; and*
- *if the nuclear option is to be kept open as insurance against the failure of energy efficiency and renewables to deliver, then proper attention needs to be paid to identifying and meeting conditions of public and stakeholder acceptability.*

In response the DTI's Director General of Energy expressed her interest in NFLA proposals for keeping nuclear energy under review, insisted Ministers had yet to reach a final decision on energy policy, and reported that a White Paper could be expected early in 2003\*.

\*Note: Publication is now expected on 25 February and the Secretariat will provide an analysis to all member councils.

3. **Radioactive Waste Management:** The Secretary reported on:

- follow up to the meeting with the Environment Minister last October urging publication of the UK sites previously short-listed for radioactive waste disposal. This was rejected but the Legal Adviser is to pursue the matter further.
- assistance to NFLA (Scotland) with arrangements for a seminar about radioactive waste management policy in Scotland, held in the City Chambers, Edinburgh, on 12 November 2002. The seminar brought together a number of key players in Scottish radioactive waste management policy and provided an excellent overview of policy and key issues from a Scottish perspective. Elizabeth Gray, speaking for the Scottish Executive, stressed radioactive waste management policy in Scotland was a devolved matter for Scottish Government to decide.
- progress with DEFRA led national policy work including proposals to establish an independent policy steering group and arrangements for a seminar in March to discuss public consultation techniques that could be adopted in support of this process.
- the start of the second stage of MoD's ISOLUS process to identify an interim storage strategy for decommissioned nuclear submarines. A new steering group has been formed and Cllr Mike Rumney, NFLA Vice Chair, subsequently joined it to represent NFLAs. The steering group will oversee public consultation during the summer on outline proposals received by MoD from potential contractors. MoD will soon write to all local authority Chief Executives with details of the proposed consultation.

4. **Liabilities Management Authority/Nuclear Decommissioning Authority:** The Secretary reported on continuing dialogue between the DTI and environmental stakeholders (including the NFLA Steering Committee) about the content of a Nuclear Industry Bill that is expected to establish a Liabilities Management Authority (now to be renamed the Nuclear Decommissioning Authority -

NDA). The NDA will take ownership of sites currently in the hands of BNFL and the UK Atomic Energy Authority.

The Legal Adviser raised substantial concerns about the DTI commitment to NDA openness and transparency arguing that in practice this is unlikely to materialise - particularly in the absence of any such duty upon the Health and Safety Executive. The Legal Adviser therefore asked the DTI to say whether the Nuclear Industry Bill will a) provide a statutory requirement that the HSE consult the public on nuclear licensing matters and b) contain a statutory duty to promote sustainable development. No such commitment has yet been provided.

Concerned about future accountability at specific NDA sites, NFLA staff have supported efforts to increase the effectiveness and accountability of site local liaison committees. Views from a number of NFLA members involved with existing nuclear site Local Liaison Committees have been collected and were submitted to DTI following the Steering Committee meeting.

5. **Trawsfynydd Public Inquiry:** The Legal Adviser reported on his evidence submitted to the public inquiry into proposals by BNFL to construct a new store for intermediate level radioactive waste at Trawsfynydd, and to reduce the height of the reactor buildings in preparation for 'safe store' in excess of 100 years before site clearance.

The Legal Advisers evidence showed: decommissioning plans for similar reactors in Italy and Japan would complete site clearance over a much shorter period; and that BNFL itself considered it safe and efficient to dismantle reactor buildings within 20 years. The Legal Adviser queried BNFL's case that it was financially advantageous to defer dismantlement and argued that deferred dismantlement was inconsistent with relevant policy commitments to intergenerational equity and sustainable development.

The Inquiry Inspector is expected to report by March to the Welsh Assembly Government and the Secretary of State for Trade and Industry who must then jointly decide on BNFL's proposals.

6. **British Energy's Financial Crisis:** The Legal Adviser reported that he a) wrote to the Chancellor of the Exchequer about the legality of the Government's £650 million loan to prevent British Energy insolvency, and b) with the assistance of the Secretariat, wrote to all councils with British Energy sites to ask how they had responded to the Company's request to defer business rate payments. The concern was that local communities were effectively being asked to subsidise BE. It was also reported that the European Competition Commissioner was investigating the legality of this matter in European competition law.

The Steering Committee noted with interest a report prepared for Greenpeace by energy consultants, ILEX, that concluded all BE's stations could be closed down over three years without the threat of power cuts.

7. **UK and Irish Conference on Nuclear Hazards, 20-21 March 2003:** The Secretary reported an encouraging early response from authorities registering for the 5<sup>th</sup> joint conference with Irish Councils to be hosted by Cork City Council. As in previous years the NFLA Secretariat had undertaken programme preparation and would manage conference administration. Leading experts on nuclear safety and radiological protection would join leading local government speakers from the UK, Ireland and Norway, the European Commission and European Parliament, to address issues of current concern and identify actions to further drive down nuclear risks and routine radioactive pollution. All NFLAs were urged to register through the NFLA office for this important conference.

8. **NFLA Policy and Organisational Review:** The Secretary reported continued interest in the Committee's proposal to establish for non NFLAs a *Local Authorities Nuclear Policy Advisory Service (LANPAS)* with effect from April 2003. It was reported that since the Committee's last meeting the NFLA Secretariat had approached the General Council of County Councils in Ireland; authorities that attended the English Councils' LANPAS introductory seminar last July had been

individually followed up; and all non NFLAs in Scotland, Wales and Northern Ireland had been informed about LANPAS and invited to subscribe.

Dublin and Louth in Ireland continue to consider formal association with UK NFLAs and the planned joint UK and Irish Councils conference in Cork in March provided an opportunity to promote these links further. Both LANPAS and Irish Associates could attract new income to sustain NFLA and nuclear policy advisory work.

The Chair introduced a proposal to the meeting that three working groups be established to review: NFLA civil nuclear and radioactive waste policy; international relations and nuclear proliferation policy; and income generation initiatives. The Steering Committee welcomed the Chair's proposals that would be open to all NFLA member council participation and would be aimed at developing a more proactive NFLA policy approach. To progress the proposal the Secretary was asked to bring to the next Steering Committee meeting a report outlining a structure and cycle of meetings that incorporated the proposed new NFLA policy 'think tanks'.

9. **Health Scrutiny:** The Legal Adviser introduced a report on the new health scrutiny function of local authorities in England and Wales created under the Local Government Act 2000. The scrutiny function could encompass practices which affect local community health including routine nuclear operations and accident risks. Local authority health scrutiny committees may be able to require specific information from health services on routine radiation impacts or on emergency preparedness for civil, military or terrorist incidents. The Steering Committee agreed to refer the matter to the NFLA Forums in England and Wales for further consideration.

10. **Missile Defence:** The Secretary reported that the Parliamentary Defence Committee (PDC) had decided to investigate the implications of further development at RAF Fylingdales radar station as the Government was then expected to agree (and did so shortly after the meeting) a US request for full station integration into the global missile alert, tracking and targeting capability within the US 'ballistic missile defense' programme. The Secretariat had assisted the Council for National Parks in the preparation of their evidence to the PDC and the meeting agreed that the Committee also inform the PDC of its concerns about missile defence and additional ground based electro-magnetic pollution around Fylingdales that might result for more intensive activity at the site.

The MoD also published a public 'discussion paper' on missile defence in December raising the prospect of UK signals intelligence gathering and radar stations being used for BMD purposes, and the possibility of ballistic missile interceptors being based in the UK. The Committee's own views on US BMD proposals were set out in its May 2001 policy briefing that was circulated to all NFLA members at the time. The Committee considered then that BMD proposals: detracted from international efforts to promote global security and prevent terrorism; risked fuelling further nuclear weapons development; and increased the exposure of UK towns and cities to greater risk by placing the UK on the 'front line' of future international conflict. The Committee asked the Secretary to submit these views and other points detailed in the NFLA May 2001 policy briefing to the MoD in response to its discussion paper.

11. **Date of Next Meeting:** 21 March 2003, 2.00pm, City Hall, Cork (immediately following the *5th UK and Irish Local Authorities Conference on Nuclear Hazards*, Millennium Hall, Cork, Ireland)

For more information on any of the above matters contact: **Stewart Kemp** 0161 234 3244 or email: [office@nuclearpolicy.info](mailto:office@nuclearpolicy.info)