

Nuclear Free Local Authorities

briefing



Date: 11 May 2005

No. 44

Subject: **Summary of the main points from the NFLA Steering Committee Meeting, Westcourt Hotel, Drogheda, Ireland, 11 March 2005**

1. Nuclear energy: does it have a future?

Both Labour and Conservatives signalled before the General Election that they would review the case for nuclear energy should they form the next Government. A White Paper is now expected – possibly as early as June or July. A key issue for Government will be how far it dare subsidise a new nuclear build programme because, as Tom Burke a former adviser to Ministers in the last Conservative Government put it:

“...no one has yet managed to work out a way of getting nuclear reactors to burn uranium as effectively as they burn money.”

Waste management and planning issues are expected to feature strongly too – though there are many other aspects that need to be carefully assessed. This was reported to the last Steering Committee meeting together with action by the NFLA Secretariat to promote an Early Day Motion that gathered cross party support in the last Parliament on *The Future of UK Energy Supply*. The EDM demanded:

*“That this house calls on the Government to sponsor an open, accountable, transparent, and continuous public dialogue to advise upon, evaluate and publish **all options** for secure, sustainable and affordable future UK energy supply, before issuing a White Paper.” (emphasis added).*

To explore other hurdles to a new nuclear programme the NFLA Secretariat also promoted the 7th *Joint UK and Irish Local Authorities Conference on Nuclear Hazards* hosted by Louth Hospitality and Drogheda Town Council between 10 and 11 March 2005. The conference took as its theme: *Nuclear Energy – Does It Have a Future?* It emerged as one of the most successful NFLA events to date with over 100 registered delegates from all corners of the British Isles. A conference report will follow as NFLA Briefing No. 45. Copies of all the Powerpoint presentations to the conference are available to members from the NFLA Secretariat.

Key actions identified in Drogheda that are now being pursued including: 1) developing an all Ireland nuclear free forum 2) encouraging the development of local authority energy contracts with renewables suppliers 3) encouraging local renewable generation and energy conservation when considering large commercial and residential planning applications and 4) encouraging local authorities to engage the current UK consultation on radioactive waste management (see item 2 below) and challenging the justification for continuing to operate the THORP reprocessing plant at Sellafield (now shut down for several weeks due to a major radioactive leak in April).



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2. Committee on Radioactive Waste Management

The second stage of CoRWM's programme of engagement on radioactive waste management began on 4 April and continues until 27 June. The consultation paper can be found at www.corwm.co.uk. The consultation seeks views on 4 short-listed options (long-term interim storage, near surface disposal of short lived wastes, deep geological disposal, and phased deep geological disposal); how the merits of each can be assessed; whether options should be combined; and what are the hurdles to implementation.

The NFLA Steering Committee was advised that a briefing on the consultation would be prepared and circulated to all member authorities. The Committee was also informed about the NFLA submission in response to the first phase of consultation that concluded on 21 January (copies available from the NFLA Secretariat or NFLA website). Additionally the report on the first CoRWM National Stakeholder Workshop attended by Cllr Gregson, Shetland Islands Council, and the NFLA Secretary is now also available from the NFLA Secretariat.

3. Interim Storage of Laid Up Submarines (ISOLUS)

On 9 February MoD published its response to the findings of its public *consultation on initial outline proposals* (CIOP) (copies available from the NFLA Secretariat). The outline proposals came from several different contractors and consortia bidding to manage the interim storage of submarine wastes for MoD. MoD now plans to suspend further development of ISOLUS work pending the publication of recommendations by CoRWM in July 2006. However, technical studies to support any future decision on the management of submarine wastes will continue. NFLAs have argued strongly that submarine wastes should be stored intact by cutting out the reactor compartment rather than chopping up the reactor compartment for cask storage.

Separately, MoD published the list of 118 coastal sites that it sifted in the search for suitable interim storage locations for decommissioned submarine wastes. The report is at www.isolus.org.uk. The Steering Committee had pressed MoD for publication in 2004 and Cllr Rumney, Fife Council, took up this matter in a meeting with Lord Bach, MoD procurement minister who agreed to release details through the Rosyth constituency MP, Rachel Squire.

4. Committee Examining the Radiation Risks of Internal Emitters

In order to brief members on the CERRIE majority report findings published last October, NFLA Briefing No.42 was commissioned from Dr Ian Fairlie who worked in the CERRIE Secretariat until it was dissolved. The CERRIE briefing is circulated together with this briefing.

5. Nirex

The Legal Adviser reported on his continuing efforts to secure the release of information on 500 sites across the UK considered for radioactive waste deep disposal during the late 1980s and mid 1990s. NFLAs consider this information is central to the current CoRWM process which cannot claim to be fully open and transparent in its absence.

The Legal Adviser has asked the Information Commissioner to review Nirex's refusal to provide NFLAs with the site list and he has renewed the application direct to NIREX; contacted thirteen additional organisations seeking the information again or for the first time; and copied correspondence to the CoRWM Chair. At the time of the Steering

Committee the Legal Adviser was drafting further letters to DEFRA and the Institute of Oceanographic studies regarding the role and location of offshore sites.

The Steering Committee agreed that a seminar be arranged to review the key issues involved in this matter though subsequently, at an LGA seminar in Bury on 7 April the Nirex Managing Director offered to engage all local authorities in discussions about a 'managed process' of information release. This offer is now being pursued though the Legal Adviser continues to press for immediate full disclosure. Nirex is expected to publish information about the site selection process around the end of May or beginning of June 2005.

6. Nuclear Decommissioning Authority (NDA) Annual Plan

The Secretary and Legal Adviser contributed to the LGA SIG response on the draft NDA Annual Plan (see Item 7. below). This raised concerns that the justification for continued operation of the Sellafield THORP and MOX/plutonium fuel fabrication plant had not been produced for public consultation.

The Legal Adviser further considered that the first draft annual plan for the NDA must be subject to strategic environmental assessment and was unlawful without it. On 17 February, after consultation with Chair and Vice-Chairs, a letter from the Legal Adviser explaining the NDA's obligation to undertake strategic environmental assessment of the facilities it now operates was sent to the Secretary of State for Trade and Industry and the Minister for Enterprise and Lifelong learning at the Scottish Executive. This was copied to other Scottish Ministers and the Minister for Environment, Planning and Countryside in the Welsh Assembly Government. A complaint of non-compliance with EU law was also lodged with the European Commission.

Strategic environmental assessment requires the NDA by law to set out the alternatives to the continued operation of Magnox nuclear stations, the THORP plant and the MOX plutonium fuel plant at Sellafield. It would require a public consultation on these matters - something which the NDA has thus far failed to carry out. The argument added legal weight to the NFLA's critique regarding the absence of consideration of environmental impacts in the NDA annual plan.

Following the Steering Committee meeting the DTI wrote rejecting the NFLA's case though the Legal Adviser continues to press it and the Committee's complaint lodged with the European Commission is still under investigation.

7. Local Government Special Interest Group

The Steering Committee continues to consider its relationship with the LGA Special Interest Group. At its January meeting the Steering Committee decided:

- a. That the NFLA Steering Committee propose to the LGA SIG that, w.e.f. 1 April 2005, a proportion of the NFLA Secretariat's time be offered to support LGA SIG work in lieu of fees payable to the SIG by NFLA authorities in FY 2005/06.*
- b. That if accepted by the SIG, this arrangement be reviewed annually and terminable by either side upon three months written notice.*

This proposal is now with the SIG and the NFLA Secretary is expected to be in a position to finally report on this matter at the Steering Committee meeting at Slough Town Hall on 24 June.

It was further reported that:

- the SIG had approached the NDA for funding (£60,000) and UK Nirex Ltd for funding (£25,000). Both approaches were subsequently successful.
- that Bury MBC would host hosted a free SIG Seminar on nuclear waste facility siting issues in early April (see item 5 above).
- that the LGA had accepted a bid from the SIG to hold a lunchtime ‘fringe’ meeting at the LGA’s Annual Conference in Harrogate on 14 July.

8. Planning and National Security

It was reported to the Steering Committee that currently all oral evidence at planning inquiries must be heard in public, and that documentary evidence must be open to public inspection (section 321 Town and Country Planning Act). However under section 321(3) the Secretary of State can direct that specified evidence should be restricted, where satisfied that there would otherwise be public disclosure of information relating to national security or to the security of any premises or property, and that public disclosure would be contrary to the national interest. A Section 321(5) has now been added by section 80 of the Planning and Compulsory Purchase Act 2004 to provide that “If the Secretary of State is considering giving a direction under s.321(3), the Attorney General may appoint a person to represent the interests of any person *who will be prevented from hearing or inspecting any evidence at a local inquiry* if the direction is given”. This could severely restrict objectors at any future planning inquiry for new nuclear construction.

9. Mayors for Peace Working Group

The last Steering Committee meeting decided to urge all NFLA authorities not presently supporting international Mayors for Peace to consider doing so and to give their support to the international Mayors initiative calling on all nuclear weapons states to fulfil their Treaty obligations and commit to immediate negotiations on a programme that would conclude with nuclear weapons abolition by 2020. Further details are available from the NFLA Secretariat.

Five NFLA members – London, Glasgow, Manchester, Shetland and Torfaen - committed to sending representatives to join the international Mayors for Peace delegation attending the Nuclear Non Proliferation Treaty Review Conference at the UN Building in New York. 100 Mayors and municipal representatives from 23 countries, led by the Mayors of Hiroshima and Nagasaki, were present at the opening of the NPT conference. They met the UN Secretary General and appealed to national delegations to the conference for stronger controls to prevent nuclear proliferation.

A delegation of UK Mayors for Peace representatives met the Head of the UK Government Delegation to the NPT Review Conference at the Foreign and Commonwealth Office on 21 January where several practical points were pursued – including the opportunity that existed for Britain to announce at the NPT conference a withdrawal from all nuclear weapons usable material production by setting a date for ending all nuclear reprocessing at the Sellafield site. This would not be great step since a closure date of 2012 is already set for the Magnox reprocessing plant and work for the THORP reprocessing plant is expected to dry up by 2010. However, it would be a positive non-proliferation signal by Britain to the rest of the World.

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