



Date: 19 August 2005

No. 48

Subject: **Summary of the main points from the NFLA Steering Committee Meeting, Town Hall, Slough, 24 June 2005**

1. **Publication of the Nirex sites list**

The meeting received a detailed report recapping 16 years of work, led by the NFLA Legal Adviser, to secure the publication of the Nirex list of 537 locations in the UK previously considered for deep geological disposal of radioactive waste. On 10 June 2005, all the site names considered in the 1980s and 1990s were released and the NFLA Secretariat responded quickly with press comment and a Briefing that provided both member authorities and non member authorities with a detailed analysis.

For many years government argued that the information was too sensitive to release and risked creating 'planning blight' in areas affected, whilst NFLAs argued that the public had a right to know – particularly in advance of any new search for a policy and one or more sites.

CoRWM (see Item below) is now leading the search for a new policy and is due to report to Government with recommendations in July 2006. The Steering Committee meeting called for CoRWM's work to be extended by at least 3 months to allow communities on the former Nirex site list, but not yet involved in the current policy process, to get up to speed. To date this call has gone unheeded, which the Steering Committee fear may store up trouble for the future. Although there was little initial community reaction to the release of the site list by Nirex, this may change when the Government search for a policy turns to a search for one or more sites to either store or dispose of the UK's nuclear waste legacy.

2. **Committee on Radioactive Waste Management**

The meeting approved a submission to CoRWM's second phase of public and stakeholder engagement based on a briefing paper circulated to all member authorities. The submission agreed that the four short listed options identified by CoRWM (long-term interim storage for up to 300 years; deep geological disposal; phased deep geological disposal; and near-surface disposal for some wastes that will decay relatively quickly (within a few tens or hundreds of years) should go forward for more detailed analysis.

The Committee expressed its concern to CoRWM that "...institutional momentum is favouring the deep geological disposal options and that this could undermines the public credibility of the CoRWM process." It also warned that any new nuclear build programme, or continued avoidable waste generation at Sellafield, increased risk and uncertainty for the future and made CoRWM's task more difficult.



3. **Proposed transport of waste from Dounreay to Drigg**

The meeting welcomed the decision on 10 May by Scottish Ministers to direct the Scottish Environmental Protection Agency to refuse UKAEA's application for an authorisation to dispose of Low Level Radioactive Waste (LLW) from Dounreay to the national LLW disposal facility at Drigg in West Cumbria.

The Committee had worked to prevent the transport of radioactive wastes across Scotland that would have resulted if UKAEA had been given the authorization it sought. On 21 April the Legal Adviser wrote to Ross Finnie, the Scottish Minister for Environment and Rural Development to:

- support representations made by Shetlands Islands Council, Scottish Nuclear Free Local Authorities as well as Cumbria County Council and the LGA's Nuclear Legacy Advisory Forum;
- point out that the Steering Committee was concerned that the proposed authorisation was premature given that:
- DEFRA and the devolved administrations were undertaking a LLW policy review to conclude mid-2006, coinciding with CoRWM's recommendations on intermediate (ILW) and high level (HLW) radioactive waste; and
- the Environment Agency south of the border had commenced a review of Drigg Authorisations asking that the application be called in and arguing that no authorisation could be granted without a prior Environmental Impact Assessment under the Nuclear Reactors (Environmental Impact Assessment) Regulations 1999.

4. **HSE Guidance on Environmental Impact Assessment**

The Steering Committee approved a consultation response prepared by the Legal Adviser to *HSE Proposals for the redrafted Guidance on the Implementation of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (EIADR99)*. The response suggested that:

- it was necessary that a nuclear site operator spell out alternatives to the decommissioning proposals that the operator wished to pursue;
- the operator should set out the impact of proposals into the future as far as was possible;
- genuine public consultation needed to be facilitated by the removal of obstacles e.g. in accessing information;
- consultation should happen when all the options were open;
- the Office for Civil Nuclear Security's advice created a major obstacle to commentary as it advises that the following information should not be made available:

"Detail of the construction, security measures and quantity of material to be stored in new builds for the treatment and storage of waste and arisings"

“Details in contracts concerning security of waste streams, routes, storage” and

“Details of quantity, type and location of waste and arisings stored”.

if HSE is to continue to attach a condition requiring the licensee to prepare and implement an environmental management plan, it should be a precondition that local authorities and the local community are consulted before it is finalised.

5. **Nuclear Decommissioning Authority**

The Legal Adviser reported that in March he wrote to Ministers in London and Edinburgh responsible for agreeing the NDA’s annual plan, arguing that they could not give their consent to this before a strategic environmental assessment (SEA) occurred. The Legal Adviser was confident that his argument was correct though lawyers for the DTI disagreed against a background where the NDA a) was not setting out to innovate in the first year but to carry on as before and b) claimed to be short-staffed. The Legal Adviser remains confident in the argument, which has laid down a marker that SEA must be undertaken scrupulously in the future.

In May the Legal Adviser and Secretary attended separate regional NDA workshops where the NDA’s draft annual plan was discussed. The Legal Adviser, at his workshop, was able to emphasise the need for NDA plans to set out the alternatives to “business as usual”. At both meetings much was also made of the accidental spillage of dissolved spent nuclear fuel at the THORP plant, its impact on NDA revenue and potential impact on other NDA work programmes. The spillage, caused by a fractured pipe, went undetected for many months and at the time of the Steering Committee meeting accident costs were estimated at £300 million – severely denting NDA’s finances in its first year of operation.

6. **New Nuclear Build: Developments**

The Secretary reported that the Committee’s case against any new nuclear build had been set out in the NFLA’s *New Nuclear Monitor No. 8* prepared by the NFLA (Scotland) Policy Adviser, Pete Roche. This had been circulated widely within and outside the NFLA membership. The NFLA Secretary had also written to the Energy Minister seeking clarification about how the Government will decide its future policy towards nuclear energy, given conflicting reports in the press.

7. **Access to Information and Civil Liberties**

At the end of April the Chair wrote to: the Town and Country Planning Association; the Royal Town and Country Planning Association; the LGA planning, Transport, Waste and Housing Board; CoSLA’s Economic Development and Planning Executive Group; Planning Officers Society (England and Wales); the Scottish Society of Directors of Planning; and the Policy Committee of the Civic Trust; to point out that the Office of Civil Nuclear Security is advising that in making planning applications for nuclear developments, *“Detailed description of the function of the building ... is to be avoided...”*.

The DTI are effectively saying that a planning officer faced with a planning application for, say, a new nuclear waste store or reactor will not be able to seek adequate information about the application unless this is to be handled in secrecy and furthermore the provision of such information will be accompanied by the threat of prosecution if the information is disclosed.

The letters asked each planning organisation to analyse the issue, draw it to the attention of members and to take the matter up with Government.

So far a number of the organisations concerned have referred to the matter to appropriate committee's for discussion, whilst the TCPA has been particularly supportive.

8. **Mayors for Peace**

The Secretary reported on the continued growth of international Mayors for Peace that now had a membership of over 1,000 towns and cities across 110 countries. In May the President of Mayors for Peace, the Mayor of Hiroshima, led a 100 strong cities delegation to the 7th Nuclear Non Proliferation Review Conference held at the UN Headquarters, New York. Four of the six local authority representatives from the UK were NFLA authorities

The programme for the 6th Mayors for Peace quadrennial General Conference in Hiroshima 4-6 August 2005 was also considered. NFLA support had been requested and it was decided that the NFLA Chair should attend. Representatives from the cities of Glasgow, Manchester, Cambridge and Brighton & Hove would also attend.

9. **Nuclear Weapons Programme**

The Legal Adviser received the support of the Committee for an investigation into the scope for challenging the MoD to conduct a Strategic Environmental Assessment on any programme to develop a replacement for the Trident nuclear weapons system.

10. **AGM & Annual Policy Briefing, Manchester, 3-4 November 2005**

A programme around the themes of radioactive waste management, new nuclear build and the proliferation implications of nuclear fuel cycle was in preparation and more details would be provided to the next meeting.

The Committee decided that the inclusive APB and NFLA Annual Dinner fee should be increased by £10 to £75 per single delegate with discounts for additional delegates (£130 x 2, £180 x 3 and £55 for each delegate thereafter). Member authorities were urged to note the AGM and APB dates in their diaries.

11. **Draft Finance Report**

The Steering Committee received a draft finance report detailing the out-turn for year ending 31 March 2005, together with projections for income and expenditure in 2005/06 and 2006/07. There was a small surplus of income over expenditure in 2004/05 offset by projected deficits in 2005/06 and 2006/07. The NFLA Secretary explained that the projections were cautious but allowed for a decision to extend the Development Adviser's contract by 6 months (which the Committee subsequently agreed). The Committee decided that the outturn in FY 2004/2005 and estimates for FY 2005/2006 and FY 2006/2007 be approved for submission to the 2005 NFLA AGM.

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