

# NFLA Policy Briefing No.218



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Subject: Joint response of NFLA and NGOs to a consultation on the Civic Nuclear Constabulary, that police UK nuclear sites

## i. Overview of report

This Policy Briefing has been developed by the NFLA Secretariat in conjunction with a number of groups challenging the development of UK civil nuclear sites – Together Against Sizewell C, Blackwater Against New Nuclear Group, People Against Wylfa B and Stop Hinkley. It has also been supported by the Nuclear Waste Advisory Associates. It has been drafted by the NFLA Steering Committee Policy Advisor on behalf of these supporting groups. The submission is to an official consultation considering the ‘service expansion and diversification’ of the Civil Nuclear Constabulary (CNC).

The CNC is responsible for policing and security around the UK’s civil nuclear sites.

## 1. Foreword

This consultation appears to be about extending the potential use of lethal force beyond nuclear security. Viewed in the context of the Police, Crime Sentencing and Courts Bill 2021, which extends police powers regarding peaceful protests, the potential presence of armed CNC officers at any kind of legitimate protest would add another layer of intimidation, designed to deter citizens from exercising their democratic right to protest.

As with nuclear waste management it would seem sensible when discussing the Civil Nuclear Constabulary to begin by first establishing some principles.

The relevant nuclear waste management principles, which are generally agreed by environment groups (1), and to a large extent, regulators (2), would be:

### (a) The Waste Minimization/Avoidance Principle

Definition: The creation of radioactive waste (solid, liquid and gaseous) should be minimized. First and foremost, this means we need to stop producing more nuclear waste; nuclear power stations need to be phased-out as quickly as possible. Existing waste management and the decommissioning of nuclear facilities needs to minimise the production of new waste during their operations, e.g. the reprocessing of the residual Magnox fuel at Sellafield should be halted forthwith.

### (b) The Passively Safe Principle.

Definition: Radioactive material in existing waste should be immobilized in a stable chemical and physical form utilizing Best Available Technology (BAT), so that the need for maintenance and human intervention is minimized. Waste stores should be monitored and waste should be capable of being retrieved from storage for further remedial action or repackaging if necessary.

## THE LOCAL GOVERNMENT VOICE ON NUCLEAR ISSUES: WORKING FOR A RENEWABLE, SAFE & RENEWABLE FUTURE

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The United Nations Office of the High Commissioner on Human Rights has published its “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”. (3) These principles include:

(i) Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.

The logical conclusion from applying these principles (on waste management and human rights) is that we should be working towards a nuclear waste management system that at least minimises the need to use and, ideally, does not require armed policing. A similar conclusion could be reached regarding other hazardous industries.

Furthermore, a central feature of democratic policing is the understanding that the consent of the people is required. Prerequisites for gaining public support are:

- providing transparency in police operations; and
- cultivating communication and mutual understanding with the public the police serve and protect. (4)

To best cultivate communication and mutual understanding, democratic control should be as close to those who need to give their consent to the policing.

We would also suggest that the Board Members of the Civil Nuclear Authority should be independent of the nuclear industry.

## **2. Overview of the CNC**

The CNC was established on 1 April 2005, replacing the former Atomic Energy Authority Constabulary which was established in 1955. The UKAEA Constabulary policed sites at Chapelcross, Risley, Sellafield, Springfields, Capenhurst, Dounreay, Harwell and Winfrith. At the time, they did not enjoy the right to carry arms, although were expected to be proficient in the use of small arms. It was not until the Atomic Energy Authority Special Constable Act 1976 that the UKAEA was given the rare privilege of raising its own private police force with the explicit power to bear small arms and machine guns not just on UKAEA property but in hot pursuit outside. There is one word to describe the reason for this increase in police powers – plutonium.

The 1976 Flowers Commission feared “an insidious growth in surveillance in response to a growing threat as the amount of plutonium in existence and familiarity with its properties increases.”

The civil liberties champion, the late Robin Cook MP pointed out that:

“...the penalties for failure to detect a nuclear conspiracy would be of such enormity that it would be impossible for even those with a concern for civil liberties to continue to resist the demands of the state for an extension in its powers ...” (5)

Hence, the signatories to this submission are not demanding that we “Defund the CNC”, but that we minimise and reduce the threats which make an armed civil nuclear police force necessary as quickly as possible.

While there is a clear need to protect existing nuclear installations, the funding has to go hand in hand with governance and accountability, and it should not in effect give carte blanche to a paramilitary force which may be deployed at the behest of private industry.

## **3. Current Consultation**

The current consultation relates to the proposal to amend legislation on the remit and powers of the Civil Nuclear Constabulary, which would allow it to utilise its expertise in deterrence and armed response to support other critical infrastructure sites, as well as assist other police forces in an emergency.

The consultation is seeking views on the proposed service expansion and how this can be most effectively achieved.

In our view this is taking policing in the opposite direction to the one required. Our aim as a society should be to reduce hazardous industries, increase the resilience of critical infrastructure and at the same time increase the democratic accountability of the police.

As indicated by the late Robin Cook MP, the security of the UK's civil nuclear infrastructure is important, but this should be an argument for decreasing the threats rather than increasing the powers of a centralised armed police force.

We could do this by, for instance:

- a. Scrapping plans to use the UK's embarrassing plutonium stockpile as reactor fuel which is likely to involve transporting weapons useable plutonium on UK roads and railways.
- b. Immobilising the plutonium stockpile as a waste form and storing it in passive safe form at Sellafield.
- c. Environment groups have generally supported the on-site, above ground storage of spent nuclear waste fuel at the sites where it is produced thus avoiding the need to transport spent nuclear waste fuel to Sellafield. However, since the AGRs will be closing over the next nine years, these transports will be ending soon in any case, thus removing another hazard that requires a police response.
- d. Environment groups are mainly opposed to new nuclear reactors, whether large, small or advanced. At the very least the requirement for armed policing, proliferation resistance and resilience against terrorist attack should be major factors in deciding whether to proceed with future nuclear plans. Opposition to new reactors is on grounds including that radioactive waste will need to be managed above ground on site until well into the 22<sup>nd</sup> century, far beyond a time when security and surveillance can be achieved.

The idea of "the CNC need[ing] to adapt to increase flexibility, resilience and efficiency in the face of the changing landscape" sounds disturbingly like an armed police force over which there is very limited democratic control searching for a job. Our aim should rather be reducing those hazards which require such policing as much as possible given the extent of the nuclear waste we have already created.

CNC powers and role should be limited to civil nuclear sites, as its title implies. Any expansion to other roles and duties:

- a. would require a force trained and indistinguishable to the convention police force and
- b. would represent an expansion of nuclear police at expense of civil police force.

What is required is an adequately funded and democratically controlled police force capable and resourced to undertake policing including that of other critical national infrastructure sites.

If nuclear constables are moved to other jobs in order to manage "fluctuations in demand from UK nuclear sites" there may well be crises when the same personnel are required at nuclear sites and other critical infrastructure sites. If the local police force has not developed its own capacity and resilience and is not adequately funded this could lead to a disaster.

A nuclear force must be specifically dedicated to nuclear sites and its size related to the scale of nuclear activities. Any resources surplus to need should be deployed to support conventional democratically accountable policing.

#### **4. Consultation Questions**

The groups supporting this consultation respond to the specific questions of the consultation as follows:

Q1. Do you agree with the proposal to allow the CNC to carry out a wider range of activities to protect critical national infrastructure sites? Please explain your views.

No. Protection of critical national infrastructure should be carried out by an adequately funded democratically controlled local police force.

Q2. Do you think there is scope for the CNC to support different types of policing functions in addition to armed policing? Please explain your views.

No. CNC's role should continue to be explicitly confined to policing nuclear sites and facilities.

Q3. Are there any other sites or services that you feel the CNC should be empowered to support? If so, please give details and any supporting evidence.

No.

Q4. Do you agree that the proposal will adequately ensure that protection of civil nuclear sites and materials remains the primary function of the CNC? If not, what additional provisions would be needed?

Protection of civil nuclear sites and materials should remain CNCs sole function. The aim should be to reduce nuclear hazards to the point where an armed police force is no longer required.

Q5. Are there any other risks you believe we should be aware of should the CNC pursue service expansion?

(b) Enabling the Civil Nuclear Constabulary to provide support more easily to other police forces.

There should be no expansion of the CNC service or its role.

Q6. Do you agree with the proposed approach to enable the CNC to provide 'special demand' assistance to territorial forces, in line with British Transport Police and Ministry of Defence Police powers? If not, please detail why.

No. CNC training should be specific to the nuclear sites and the materials used on site, within a specified radius of the plant outside of which they have no jurisdiction. We would question whether the CNC is competent and capable of providing such assistance. This seems a rather gratuitous addition to a force that may be over sized and looking for new roles.

Q7. Do you foresee any non-legislative means to effectively achieve the policy outcome? What other options could be pursued?

No comment

Q8. What impacts, if any, do you believe these proposals would have on local police forces in England and Wales, Scotland and Northern Ireland?

The devolved assemblies should take control over the CNC.

Q9. Do you believe that there are financial considerations we should explore as part of the proposals? If so, please give details.

Private nuclear companies should be paying for their own security.

Q10. Do you think that the proposals to expand the CNC's powers will result in additional regulatory burden? Please explain your response.

No comment

Q11. Do you see other opportunities for the CNC to diversify, making best use of their existing specialist knowledge and training facilities? If so, please give details.

Absolutely not.

Q12. If the CNC expand to other areas, how may its existing governance framework need to be reformed?

There should be no expansion of its role.

Q13. Are there any other aspects of these proposals on which you would like to comment?

As a matter of principle, the powers of CNC must be limited to nuclear activities and not expanded to provide paramilitary support to policing activities which are becoming more heavily and routinely armed already. Any increased requirement for armed policing for nuclear security should be a major factor in determining whether future nuclear proposals go ahead.

## 5. References

- (1) See Greenpeace, Environmental Principles for Radioactive Waste Management, May 2004 <https://www.yumpu.com/en/document/read/22079736/environmental-principles-for-radioactive-waste-greenpeace-uk>
- (2) See Basic principles of radioactive waste management, ONR, EA, SEPA Natural Resources Wales, Feb 2015 <https://www.onr.org.uk/wastemanage/basic-principles.pdf>
- (3) See <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>
- (4) See <https://www.osce.org/files/f/documents/5/3/23804.pdf>
- (5) Robin Cook, No Nukes? Talk to the Fabian Society, July 1981.