



Committee on Radioactive Waste Management (CoRWM)

**CoRWM Consultation Response to BEIS on
the draft National Policy Statement on
geological disposal infrastructure**

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On the 25 January 2018, the Department for Business Energy and Industrial Strategy launched public consultation on a National Policy Statement (NPS) for Geological Disposal Infrastructure (GDI). Further details including the consultation document can be found at the following address:

<https://www.gov.uk/government/consultations/national-policy-statement-for-geological-disposal-infrastructure>

The Committee on Radioactive Waste Management (CoRWM) responded to the consultation in April 2018. A copy of CoRWM's response to the seven questions found in the consultation document is presented here. Background on CoRWM and other CoRWM publications, including responses to two recent, further consultations on geological disposal, can be found at the following address:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

Start of response

Question 1: Does the draft National Policy Statement provide suitable direction to the Planning Inspectorate and Secretary of State on the need for geological disposal infrastructure?

CoRWM considers that the draft National Policy Statement (NPS) does provide suitable direction to the Planning Inspectorate and Secretary of State on the need for geological disposal infrastructure, but subject to the important caveat below.

The NPS is non-site specific and therefore its contents are inevitably general in nature. Having said that, it seems clear that the main effects and relevant mitigating measures are likely to relate to the construction phase, and that such effects will not be unique to a Geological Disposal Facility (GDF) but will be similar to any major engineering project with a large subsurface element. As such, none of this is “rocket science”. Clearly the actual impacts and mitigation will in due course need to be assessed on a site specific basis in the light of site specific proposals.

However, the NPS is subject to the EU requirements on Strategic Environmental Assessment (SEA) and to the 2004 domestic regulations on SEA. These include a report which identifies, describes and evaluates the likely significant effects of implementing the plan and "reasonable alternatives" taking into account the objectives and geographical scope of the programme.

The Appraisal of Sustainability (AoS) report restricts the consideration of reasonable alternatives to (i) a National Policy Statement with exclusionary criteria built in, and (ii) having no National Policy Statement at all. In CoRWM's view, the AoS needs to address any reasonable alternatives to the proposal for geological disposal rather than alternatives to the plan. By analogy, if a local planning authority was proposing a local plan which had a new settlement in a specific location, it could not avoid considering alternative locations on the basis that all it needed to do was to consider whether the plan policy might be expressed differently or if there were no plan at all.

It is CoRWM's judgement that from a scientific perspective, there are no reasonable alternatives to permanent deep geological disposal for dealing with higher activity radioactive wastes. However at least two other policies have been considered elsewhere: (a) near surface storage (the policy adopted in Scotland); and (b) a GDF which is not for final disposal but incorporates retrievability of the contents. CoRWM considers that the correct course would be to consider in the AoS their likely significant effects and then in due course after the NPS is formally adopted, to provide a statement of the reasons for choosing the GDF option in the light of other potential alternatives. In

this respect, CoRWM's position has changed as its perspective on the policy aspects has developed.

CoRWM considers that in the wider discussions on the suitability of GDF a clearly articulated commentary on the determinative reasoning for the GDF option will assist the process of progressing local development plan policy and Development Consent Orders where such applications were being submitted at the stage of development consent.

The GDF and other documents rely heavily on the 2006 policy recommendation of CoRWM and their subsequent adoption in the White Paper by Government. However, that could only remove the need for consideration of alternatives if that previous work had complied with the requirements of the Directive and itself included a compliant assessment and evaluation of the environmental effects of alternatives. CoRWM does not consider that it did – but if it did then this should be clearly referenced in the current documents and the evaluation adopted (even then CoRWM considers that an evaluation carried out some years ago would not negate the need for evaluation at this stage).

Therefore CoRWM questions the statement made in paragraph 4.43 of the draft NPS that the supporting AoS has shown there to be no reasonable alternatives at a strategic level to meeting the need for a GDF. It would in CoRWM's view make the NPS more robust if the reasons for the policy preferring the GDF over other alternatives were stated clearly.

Question 2: Do the assessment criteria adequately address the principles that the developer, the Planning Inspectorate and the Secretary of State should take into account in an application for development consent? If not, what further information on the assessment criteria is required?

CoRWM considers that at the generic level the NPS is directed to, the assessment criteria do adequately address the principles that the developer, the Planning Inspectorate and the Secretary of State should take into account in an application for development consent.

Question 3: Does the draft National Policy Statement appropriately cover the impacts of geological disposal infrastructure and potential options to mitigate those impacts? Please provide reasons to support your answer.

CoRWM considers that the draft National Policy Statement appropriately covers the impacts of geological disposal infrastructure and potential options to mitigate those impacts. However, it would be helpful to have a clear statement/summary of how the recommendations made in the AoS and Habitats Regulations Assessment (HRA) have been taken on board, or if they have not, why not.

Question 4: Do you agree with the findings (of 'likely significant effects') from the Appraisal of Sustainability report and the recommendations for enhancing the positive effects of the draft National Policy Statement? Please provide reasons to support your answer.

CoRWM agrees with the findings (of 'likely significant effects') from the Appraisal of Sustainability report and the recommendations for enhancing the positive effects of the draft National Policy Statement. It also notes that the main effects will be during construction and are not unique to a GDF.

Question 5: Do you agree with the conclusions of the Appraisal of Sustainability report? If not, please explain why.

CoRWM agrees with the conclusions of the Appraisal of Sustainability report except for its approach to reasonable alternatives, for the reasons given in CoRWM's response to Question 1.

Question 6: Do you agree with the findings from the Habitats Regulations Assessment report for the draft National Policy Statement? Please provide reasons to support your answer.

CoRWM agrees with the findings from the Habitats Regulations Assessment report for the draft National Policy Statement, but notes that significant effects will only come about when a GDF is approved. The approval process will inevitably involve both EIA and (unless effects on European sites can be screened out) a habitats assessment. The project will not be able to proceed unless either it can be shown that the integrity of the European site will not be affected (taking mitigation into account) or that the stringent tests of IROPI, no alternatives, and compensatory measures can be passed. It would in CoRWM's view be worth stating clearly that this HRA is only the first stage of the process and that further safeguards will apply when the project-specific HRA is undertaken.

Question 7: Do you have any other comments on the draft National Policy Statement and the accompanying documents (Appraisal of Sustainability, Habitats Regulations Assessment)?

Although the NPS is primarily aimed at the Secretary of State, Planning Inspectorate and RWM, others in potential local communities will also read the document. CoRWM considers that it would be helpful to them if the planning process were explained.

The draft NPS does not address the question of compensation to people affected by GDF construction, which may raise concerns in affected communities. It appears that compensation is not part of the planning process, but provision needs to be written into legislation. It would be helpful if this were explained.

During consultation workshops, queries were raised about the changing waste inventory, including different waste types, which underpins the NPS (Section 2.3.16 on page 19). Concerns included whether the inventory would be limited to legacy wastes whose quantities may be reasonably defined, or could include wastes arising from nuclear new build programmes of unknown capacity and duration. This raised the question of when the final inventory would be communicated to a community, and whether this would be before or after the point at which the right of withdrawal might be exercised. This is important because it may impact upon community trust.

An explanation of the relationship between the NPS and other government plans/legislation and their order of precedence would also be helpful. For example, in

consultation workshops, questions arose about how national infrastructure projects would be prioritised if a particular location or environment were proposed for several competing projects.

Finally, CoRWM notes that the separate consultations on the draft NPS for Geological Disposal Infrastructure and the proposed Working With Communities (WWC) policy have been launched together and, consequently, are closely linked. CoRWM suggests that their robustness and clarity would be enhanced if they were made clearly stand alone or the linkages were made explicit.

End of response

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

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