

House of Commons
Environment, Food and Rural Affairs
Committee

**RADIOACTIVE WASTE:
THE GOVERNMENT'S
CONSULTATION PROCESS**

**GOVERNMENT'S REPLY
to the Committee's Third Report of
Session 2001-02**

Seventh Special Report
of Session 2001–02

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SEVENTH SPECIAL REPORT

The Environment, Food and Rural Affairs Committee has agreed to the following Special Report:

RADIOACTIVE WASTE: THE GOVERNMENT'S CONSULTATION PROCESS: GOVERNMENT'S REPLY TO THE COMMITTEE'S THIRD REPORT OF SESSION 2001-02

The Environment, Food and Rural Affairs Committee reported to the House on *Radioactive Waste: The Government's Consultation Process* of Session 2001-02, published on 13 February 2002 as HC 407. The Government's Reply to the Report was received on 24 July 2002 and is appended.

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APPENDIX

INTRODUCTION

1. The Government welcomes the Select Committee's report on radioactive waste management. It has helped to encourage public debate on one of the most critical environmental issues facing the UK over the coming century. And it has helped us to identify ways of managing the debate more effectively.
2. The Committee published its report on 13 February 2002 during the period of consultation for **Managing radioactive waste safely** which was published in September 2001 by the UK Government and the devolved administrations for Scotland, Wales and Northern Ireland. Unless otherwise stated, 'Government' refers throughout to the UK Government and the devolved administrations for Scotland, Wales and Northern Ireland, who are working in partnership. The consultation closed on 12 March and - having considered the Committee's report and the results of the consultation process - we propose to go ahead with a review of waste management options. The review will seek the views of interested stakeholders, the public and government departments. The Government will appoint an independent body to oversee the review. Further details will be announced later.
3. This response sets out each of the Committee's recommendations in turn, and gives our view.

THE GOVERNMENT'S RESPONSE TO THE COMMITTEE'S RECOMMENDATIONS

4. Recommendation (a) said:

A measured and open staged process enabling participation and involving stakeholders and the public has the potential to yield the acceptability necessary to ensure an effective decision. But delay is an ever-present danger. The timetable for the programme of action should not be allowed to extend beyond 2007.

(Paragraph 18 of the Committee's report)

5. **We agree** that we should go as fast as we reasonably can. But we are confident that by 2007 we shall have decided how to manage the waste and that we shall be in the process of implementing that decision. If we can go faster, we shall. As most waste will be

generated over the next century or so, from decommissioning of nuclear facilities still in use today, it will take many years to implement the policy.

6. Recommendation (b) said:

We welcome the document as a first step towards developing a long overdue policy for the disposal of radioactive waste. We are however concerned that the process of policy development should be well-defined and transparent at all stages. The Government should address concerns that a generally phrased consultation document will not engage the public in the debate. It should also set clearer objectives defining the nature of the outcome of each of the remaining stages of the consultation and policy development process, and provide further details of how it will ensure that the programme of action will be completed by 2007.

(Paragraph 20 of the Committee's report)

7. **We agree.** For the programme to work effectively it must be transparent and clear at the outset how each stage will lead into the next, and how different inputs - for example, the views of the public, and the results of research - will contribute to each key decision.

8. Recommendation (c) said:

We are convinced that, if the process of consultation and policy development is to be successful, it should be managed by an independent body which ultimately provides policy advice and recommendations to the Government. The membership of the overseeing body should include experts, stakeholders and lay people, and should be appointed in a personal and not a representative capacity. The body should be adequately staffed. We recommend that the independent body should be established as soon as possible after the end of the first consultation period.

(Paragraph 24 of the Committee's report)

9. **We propose to set up an independent body to oversee the review of waste management options.** We shall publish more detailed proposals as soon as possible.

10. Recommendation (d) said:

We recommend that in order to ensure that the roles performed by the various institutions involved continue to be as clear as possible, a decision be taken quickly about the future role of Nirex, about future responsibility for the functions it currently performs and that it or its successor should be independent of other nuclear companies.

(Paragraph 25 of the Committee's report)

11. **We agree** that the question of the independence of Nirex, or any successor bodies, from the industry needs to be addressed. The UK Government White Paper *Managing the nuclear legacy* recognises the arguments in favour of independence, but considers it important that those funding Nirex (or successor bodies) now and in the future are satisfied that they continue to get value for money for expenditure undertaken on their behalf. The relationship between Nirex and other organisations including the Liabilities Management Authority will be considered as part of the radioactive waste policy formulation process.

12. Recommendation (e) said:

We recommend that the Government come forward with a clear statement of the purpose of its public engagement, and some indication of how the outcome will be evaluated.

(Paragraph 28 of the Committee's report)

13. We agree. We have all benefited from uses of radioactive materials - from medical and research, through to electricity generation - that give rise to radioactive waste. Some of the substances involved will be radioactive and potentially dangerous for hundreds of thousands of years. We owe it to future generations to manage the waste safely. The purpose of engaging the public is to achieve broad agreement on how best to do this. We are therefore seeking to agree the range of materials that will need to be regarded as wastes, the options for their long-term management, and the criteria against which each of these options should be assessed. We need to involve the public fully and actively in the assessment of options, and the emerging conclusions. And we shall endeavour to ensure that eventual policy choices can be seen to have flowed logically and transparently from the assessment process. We do not expect to achieve unanimity, but we need a broad consensus that we have got the proposals right. But it will be ultimately for Ministers to reach a decision, and for their Parliaments and Assemblies to judge whether they got it right. Our proposed programme of action referred to above, will set out how we envisage the process working.

14. We want people across the UK to be involved in the decision-making process. But we shall also welcome the views of people and organisations abroad. They have much experience to contribute, many of them may be personally affected by decisions taken in the UK, and several have already responded to our initial consultation paper.

15. Recommendation (f) said:

The Government needs to elicit from the public consultation and publicise the values and principles which should underpin the process of developing a radioactive waste management policy. If the public are properly consulted about such fundamental matters at the outset, the outcome of the consultation process is much more likely to attract public support.

(Paragraph 29 of the Committee's report)

16. We agree. Appendix 5 to our consultation paper set out a number of principles that could apply to the policy process. Our detailed proposals will take this further by setting out some clear guidelines - including how key principles (including those which stem from the Government's sustainable development policy) might be built into the criteria against which the different options will be judged. People will then have a clearer idea of what they are involved in and why.

17. The Government, too, will need to remember one simple principle of public engagement: it is a waste of everyone's time unless the decision-maker is willing to listen to others' views and then to do something which it would not have done otherwise.

18. Recommendation (g) said:

We believe that Parliament, having considered the advice of the overseeing body, should decide the elements of national policy including, most crucially, the preferred option for long term management of radioactive wastes.

(Paragraph 31 of the Committee's report)

19. We agree. The Government's responsibility is to decide how to manage waste, and then to decide how to implement that decision, ensuring at each step that it has secured a sufficient level of common ground. The policy on radioactive waste is a devolved responsibility and proposals will be presented to respective parliaments and assemblies at each key stage for endorsement. Our further proposals will set out a more detailed programme illustrating this.

20. Recommendation (h) said:

Such overseas experience [ie. Finland, Sweden] should be considered when developing the UK's policy.

(Paragraph 32 of the Committee's report)

21. **We agree.** We should learn from relevant experience abroad as well as experience - for example, in consensus building and decision-making - in the UK. We already participate in international research and in international bodies' development of good practice in stakeholder involvement. International experience will be reflected in the review, both through our programme of research and through public involvement. Each country has its own characteristics, but much can be learned from other countries' strategies and outcomes. And, one day, we hope that our experience will benefit other countries.

22. Recommendation (i) said:

We urge the Government to make a decision as early as is practicable in the consultation process as to the stage at which local communities likely to be asked to host a storage or disposal facility will be identified, and subsequently involved in the decision-making process. It should also be determined in advance whether local communities, however defined, will be given the power of veto over hosting such a facility, and whether they will be provided with benefits for doing so.

(Paragraph 33 of the Committee's report)

23. **We agree** that issues of this nature will need to be considered in the review of options. We shall need to involve a range of people and organisations in this process across the UK by making them aware that their community might possibly be affected one day. We must be open about this possibility from the start.

24. Recommendation (j) said, on whether to reveal the list of sites considered by Nirex:

However, work should be undertaken now on how best to deal with the consequences of eventually revealing possible sites if the whole exercise is not to be sunk by local opposition.

(Paragraph 35 of the Committee's report)

25. **We agree.**

26. Recommendation (k) said:

We recommend that the issues of siting a potential radioactive waste facility should be debated as part of the consultation process in stages moving from generic issues to specific siting questions; that among the generic issues to be debated and decided should be compensation, incentives, volunteerism and vetoes; that the devolved administrations and local authorities should be fully involved in the decision-making process; and that the planning process should not be changed in any way that would impede the process of public debate and staged policy formulation which is necessary for effective decision-making.

(Paragraph 38 of the Committee's report)

27. **We agree.** The Deputy Prime Minister announced on 18 July that the Government does not now plan to introduce the new Parliamentary procedures for major infrastructure projects which it proposed last year; though it will still look at ways of speeding up the public enquiry system. We shall work closely with other agencies including the Office of the Deputy Prime Minister on planning issues in England and Wales. The devolved administrations are working in partnership with the UK Government on this policy. Planning in Scotland and Northern Ireland is a matter for Ministers there.

28. Recommendation (l) said:

It is incumbent on all sides of the nuclear debate to enter into the more open and constructive dialogue that is being envisaged in the consultation paper and endorsed by all the witnesses we spoke to.

(Paragraph 40 of the Committee's report)

29. **We agree.** We in the Government have a particular responsibility to make it possible for all groups to express their views in the forthcoming debate. But all opinion formers, including the media and other organisations, have a responsibility to provide accurate and balanced information so that people know what the issues are. Wide and well-informed debate of the issues is what we seek.

30. Recommendation (m) said:

We recommend that the consultation process seek from an early date to establish the sensitivity of public support for a facility to the possible presence of plutonium.

(Paragraph 44 of the Committee's report)

31. **We agree.** The UK waste inventory already includes large amounts of plutonium-contaminated material. As our Answer¹ says, the review will also recognise that significant amounts of separated plutonium, and other nuclear materials currently regarded as resources, may be declared as wastes at some point in the future. The review will need to make some assumptions about what types and volumes of material might be involved.

32. Recommendation (n) said:

We recommend a review of the remit and independence of Nirex or its successor companies to ensure that there is neither duplication nor a gap in the responsibilities of the many parties involved in the disposal of nuclear waste, especially in view of the formation of the Liabilities Management Authority. Resolution of responsibilities for the various waste streams would make the resolution of the definition of waste a great deal easier.

(Paragraph 45 of the Committee's report)

33. **We agree** that this issue is important and needs to be addressed as soon as possible, as stated in our response to recommendation (d). This will be taken forward as part of the radioactive waste policy process and as part of the process set out in the UK Government White Paper *Managing the nuclear legacy*.

34. Recommendation (o) said:

We recommend that the process of consultation cover at the appropriate stage the possibility of a facility requiring regular receipt of additional waste.

(Paragraph 47 of the Committee's report)

35. **We agree.** Radioactive waste facilities - whether on new sites or at existing locations - will have waste loaded into them over a very long period, as older reactors and nuclear facilities are decommissioned over the latter half of this century. Our assessment of options will reflect the outcome of the Government's energy review, and its implications for the UK's radioactive waste stockpile and how it is managed.

36. Recommendation (p) said:

¹ HoL Deb, 29 July 2002, WA 137.

We anticipate that the establishment of the LMA (Liabilities Management Authority) will be one of the major steps in this process and hope that the Government will find time for the primary legislation in the next session so that this process is not delayed.
(Paragraph 49 of the Committee's report)

37. **We agree.** The White Paper *Managing the nuclear legacy* has set out the Government's programme for action and the importance which it attaches to the process.

38. Recommendation (q) said:

It will be necessary for the LMA to establish whether or not there is a problem with the current system of regulation of the storage and conditioning of waste. Should this prove to be the case, it will be necessary to act quickly to rectify the problem.
(Paragraph 50 of the Committee's report)

39. **We agree** that establishing the proposed LMA should lead to sharper focus and shorter timescales for managing wastes. In the meantime we need to tackle any shortcomings as soon as they are identified. RWMAC, the Nuclear Safety Advisory Committee and the new independent body will also help us to spot these. RWMAC and NuSAC have recently published their views on the current arrangements for conditioning, packaging and storing intermediate-level waste. They are also jointly carrying out a regulatory review which, as chapter 7 of *Managing the nuclear legacy* indicates, will enable us to identify areas for improvement. As our Answer² says, we shall shortly publish more detailed proposals in relation to the storage and conditioning of waste.

40. Recommendation (r) said:

The Committee requires that the Government submit to it a report on progress with the consultation process by 31 December 2002 and that it should do so annually thereafter.
(Paragraph 54 of the Committee's report)

41. **We agree.** We welcome the House's interest in the issue and this opportunity to encourage national debate. We think this will greatly reinforce our efforts to inform and engage the wider public. We shall ensure that respective parliaments and assemblies are kept regularly informed of the policy formulation process and its emerging recommendations.

42. Words are easy, action is harder. We have set out some aspirations. But we now have to put them into practice, and build an effective process which people trust, and which will yield a decision in which they have confidence.

Department for Environment, Food and Rural Affairs
24 July 2002

² HoL Deb, 29 July, WA 137.

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