In July 2014 the Government published its White Paper on “Implementing Geological Disposal – A Framework for the long-term management of higher activity radioactive waste” (the “2014 White Paper”). The 2014 White Paper is the result of an 18 month period of policy review and consultation. The Government decided to update and replace the 2008 White Paper on “Managing Radioactive Waste Safely” as, by January 2013, there were no longer any communities actively involved in the siting process which was set out in the 2008 White Paper. Unsurprisingly, the 2014 White Paper has confirmed the Government’s commitment to geological disposal and the voluntarist approach to the siting process for a geological disposal facility (GDF). The siting process has been significantly refined; moving away from the 2008 six stage approach and introducing one continuous process.

The 2014 White Paper introduces a two year period of initial actions after which the actual process of site selection for a GDF will restart. As with many major infrastructure projects of national significance, there are strongly held and diverse views amongst stakeholders and the public. Consequently, the Government has decided not to resolve some of the more controversial aspects of the siting process and is instead convening a community representation working group to decide over the next two years upon the approach to community representation and investment. During this two year period there will also be a national geological screening exercise and changes to land-use planning, including amendments to the Planning Act 2008. Only after these initial actions are completed will formal discussions with interested communities begin.

The key aspects of the new policy and siting process are summarised below:

**Devolution and the position in Scotland and Wales**
Radioactive waste management is a devolved policy matter. The 2014 White Paper has been issued jointly by the UK Government and the Northern Ireland Executive.

The Scottish Government is not a sponsor of the programme for implementing geological disposal. It does not support deep geological disposal and has its own policy for the long-term management of higher activity radioactive waste in near-surface facilities located as close to the sites where the waste is produced as possible.

The Welsh Government has reserved its position on geological disposal in Wales. However, it is possible under this current policy, for a community in Wales to seek formal discussions with the GDF developer, Radioactive Waste Management Limited (RWM), about potentially hosting a GDF. The Welsh Government issued a call for evidence in April 2014 seeking views on whether it should review its current policy.

**The Waste Inventory for the GDF**
Not all radioactive waste will be disposed of in a future GDF. The inventory for disposal includes high level waste arising from the reprocessing of spent nuclear fuel at Sellafield, intermediate level waste arising from existing nuclear licensed sites and defence, medical, industrial, research and educational activities and spent fuel at the stage when it is declared waste and is not to be reprocessed. Importantly the 2014 White Paper makes it clear that the inventory includes spent fuel (if not reprocessed) and intermediate level waste from a new build nuclear programme up to a defined amount.

**Roles and responsibilities**
The Government is responsible for the policy of geological disposal and is the project sponsor and funder.

RWM is a wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA) and is responsible for implementing Government policy on geological disposal of higher activity radioactive waste and will be the developer of a GDF under the policy.

Any future GDF will be regulated by the following bodies:
- **Office for Nuclear Regulation (ONR)** – ONR will regulate the transport of waste to a GDF as well as the design, construction and operation of the GDF
- **Relevant National Environmental Regulators (the Environment Agency, National Resources Wales and the Northern Ireland Environment Agency)** – the relevant environmental agency will regulate the development of the GDF under the Environmental Permitting (England and Wales) Regulations 2010 (the Radioactive Substances Act 1993 in Northern Ireland)
- **Planning Authorities (the Planning Inspectorate and local planning authorities)** – development consent under the Planning Act 2008 and/or planning permissions under the Town and Country Planning Act 1990 will be required for the development of a GDF and for site assessment works such as boreholes.

In addition, the Committee on Radioactive Waste Management (CoRWM) will provide independent advice and scrutiny to Government and the devolved administrations on the long-term management of higher activity radioactive waste including the plans and programmes for delivering geological disposal set out in the 2014 White Paper.
UK Government publishes White Paper on Implementing Geological Disposal

September 2014

Next steps
The initial actions will comprise of three work streams over a period of approximately two years:

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<th>2014</th>
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<td>Establish independent review panel</td>
<td>Preparing and engaging on guidance</td>
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<td>Preparing to work with communities</td>
<td>Establish working group</td>
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<td>Developing land-use planning processes</td>
<td>Define GDF &amp; boreholes as NSIP</td>
<td>Draft NPS scoping report</td>
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Diagram source: "Implementing Geological Disposal – A framework for the long-term management of higher activity radioactive waste" DECC (July 2014)

The initial work streams are described further below:

1. **National geological screening**
   Public consultation has confirmed a strong desire for information on geology at an early stage in the siting process. The Government has therefore decided there should be a national screening exercise based on the requirements of RWM’s existing generic GDF safety cases.

   RWM is required to develop the guidance on this high level screening exercise with assistance from an independent review panel overseen by the Geological Society. Once the guidance is finalised after public consultation, it will then be applied across England, Wales and Northern Ireland to bring together existing geological information. There will be no site investigations carried out as part of this exercise and the process will not rule out or select any sites.

2. **Preparing to work with communities**
   The question of how to work with communities to identify potential sites and to test public support has been one of the more controversial areas in the siting process and development of the 2014 White Paper. Given the diverse range of opinions, the Government has decided not to prescribe the process of community representation and engagement in the White Paper but rather set up a "community representation working group". This group will develop the process over the next two years so that a prescribed process is in place by 2016 when the formal discussions with interested communities are expected to begin.

   The working group will have to tackle issues such as:
   - defining a community and effective community representation
   - defining the roles and responsibilities for community representatives
   - ensuring all levels of local government have a voice
   - the method of testing public support and when the test is to be taken
   - the options for disbursement of community investment.

   The terms of reference for the working group will be published by the Government and its work programme will be carried out in an open and transparent way, which may involve further public consultations.

   Importantly, the 2014 White Paper confirms that communities will have a right to withdraw from discussions with RWM at any stage in the siting process leading up to the test of public support. Only if the community’s response to the test of public support is positive can RWM apply for development consent for a GDF and site licensing and environmental permitting.

   The community representation working group will develop recommendations on the structures for the disbursement of community investment for those communities who engage in formal discussions with RWM and for the community who ultimately hosts a GDF. Up to £1m per community per year will be available in the early stages of the siting process. This would

Continued on next page >
rise to up to £2.5m per year if a community progresses to intrusive borehole investigations. This is in addition to engagement funding or any section 106 funding made available as part of the mitigation for investigation works. This investment would be retained by the community even if the GDF did not proceed.

3. Developing the land-use planning process

The planning process is different from site selection. Regardless of how a site is identified, its development will need planning consent. The Government has decided that GDF is to be a Nationally Significant Infrastructure Project (NSIP) and it intends to amend the Planning Act 2008 by 2016 to bring both borehole investigations and GDFs into the scope of the Act for England only.

As with radioactive waste management, land-use planning is a devolved matter. If the circumstances were to arise requiring planning consideration in Wales or Northern Ireland, these would be taken through the planning system in those jurisdictions.

The Government has also decided to produce a National Policy Statement (NPS) for GDFs in England. The NPS will guide the Secretary of State and the Planning Inspectorate in their consideration of any application for a Development Consent Order (DCO) for the use of boreholes to characterise potential sites or the development of a GDF.

The GDF NPS will not identify specific sites. It will focus on the high level assessment principles against which any consent application will be considered. The NPS will be subject to an Appraisal of Sustainability and a Habitats Regulation Assessment.

Other Actions

While these three initial actions are being carried out, RWM will also undertake a public awareness raising exercise to explain the science and engineering of geological disposal to the general public. Further, the Government will establish a mechanism by which communities, RWM and/or the Government can access independent, third party views from relevant “Learned Societies” on contested issues to help inform their own processes or considerations. This mechanism will be available from the start of formal discussions circa 2016.

Only after completion of these two years of initial actions will formal discussions between interested communities and RWM begin.

As was the case with the 2008 White Paper, the Government has reserved the right to explore other approaches in the event that this revised siting policy does not look likely to work.

Going forward

Diagram source: "Implementing Geological Disposal – A framework for the long-term management of higher activity radioactive waste" DECC (July 2014)
UK Government publishes White Paper on Implementing Geological Disposal

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