

Discussion note – codifying elements of the MRWS process

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Introduction

The Managing Radioactive Waste Safely (MRWS) White Paper set out the UK Government's framework for managing higher activity waste through geological disposal. It is therefore an enduring statement of Government policy. But it is necessarily high level, and leaves scope, if necessary, to codify firm methodologies for each element of the siting process. This approach allows flexibility to address potential requirements of different communities across a very long-term process. In a number of areas the White Paper indicated the 'direction of travel' and stated that further work and / or supporting documentation would be needed before the specific mechanisms that would be employed to take forward future elements of the programme could be determined.

DECC officials and representatives from the West Cumbria MRWS Partnership met to discuss some of the 'longer term' elements of the MRWS process which may benefit from being put on a clearer, more transparent and more certain path (whether through statutory or other means) than they currently are in the White Paper.

Issues to explore in providing greater certainty of the approach

Government remains committed to the voluntarism and partnership approach set out in the White Paper. Any changes to the policy confirmed in the White Paper would need to be consulted on publicly.

There are some particular elements of the MRWS process that could benefit from further clarification and there may be areas where future-proofing elements may help embed the MRWS process, where voluntarism remains at its heart. These elements include:

- **Planning** - A number of land use planning decisions will be needed during the investigation and construction phases for a GDF (i.e. Stages 5 and 6 of the MRWS process). The MRWS White Paper didn't take a decision on the process to be followed for planning permission for the construction of the GDF itself, but said it was 'currently inclined' to look towards applying the planning system about to come in - that is to say, the single consent regime for nationally significant

infrastructure projects. No decisions on an approach to planning permission have been taken.

There are a number mechanisms to be considered for land use planning decisions – including mechanisms provided for in the Town and Country Planning Act 1990, the Planning Act 2008, or indeed new primary legislation. Government will be considering what mechanisms may be appropriate for each stage of the MRWS process and recognises that the applicable planning regime will become an important part of implementing a GDF.

- **Community benefits** - The White Paper envisaged that community benefits would form part of the package for a community, but did not define the level or nature of that community benefits package, nor what specific mechanisms could be used to deliver it. Government maintains the view that any benefits package should be developed and agreed between local areas, the Government and NDA as discussions progress.

It is possible to conceive of aspects of the community benefits package – e.g. its scale, scope, timings and practical delivery mechanisms – being placed on a more certain footing once they are agreed, and the appropriate vehicle for this should be considered alongside the consideration of other elements of the MRWS process.

- **Right of Withdrawal** - the White Paper acknowledged a Right of Withdrawal for communities. It is possible to embed this concept in a more formal way - to help codify the process for exercising (and honouring) the Right of Withdrawal. This is an especially important consideration for the current assumptions about Stage 5 of the MRWS process – due to the considerable investment needed for surface investigations where the White Paper sets out that the Right of Withdrawal in Stage 5 of the process will become ‘conditional’ (i.e. to be exercised subject to a mutually agreed set of criteria / conditions).
- **Inventory change control** - The MRWS White Paper noted that any final agreement with a community on a preferred site for a GDF would need to address possible changes to the inventory in future years. Government welcomes the West Cumbria MRWS Partnership’s approach to managing this uncertainty through proposing to set ‘inventory principles’ at an early stage, which would then govern how the issues are to be tackled as we progress. Codification of the resulting change control processes could play a part in this.

These, and potentially other, elements of the MRWS process may benefit from further underpinning. DECC considers that the appropriate time for exploring these issues fully is when one (or more) participating community (or communities), whose areas have not been screened out by sub-surface criteria, and who wish to continue

their involvement, proceed to the desk based studies at Stage 4 of the MRWS process.

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