



10 DOWNING STREET

Prime Minister

NUCLEAR ISSUES

There are two sets of papers in this folder

- (i) Sellafield discharges
- (ii) Waste disposal: planning facilities.

You saw (i) over the weekend. (ii) has only just been circulated and colleagues may feel divinclined to be rushed into an announcement before the Recess.

Dmb

23/7



K.0876

PRIME MINISTER

RADIOACTIVE WASTE DISPOSAL FACILITIES: PLANNING PROCEDURES

F 1. The Secretary of State for the Environment has minuted you today with proposals for taking forward the planning of deep and shallow facilities for the disposal of radio active waste. He suggests they might be discussed at the meeting arranged for tomorrow on Sellafield.

BACKGROUND

2. The Nuclear Industry Radio-active Waste Executive (NIREX) have proposed two sites for waste-disposal - a shallow facility at Elstow, Bedfordshire, and a deep facility at Billingham, Cleveland. Both have run into considerable local opposition. The Secretary of State for the Environment is committed before the end of the month to providing the inspector at the Sizewell inquiry with an up-to-date statement on waste management strategy. In his view the latter will have to deal with how the Government proposes to take matters forward on the two facilities.

3. The Environment Secretary proposes -

- (i) to ask NIREX to identify not less than 3 sites for each of the shallow and deep facilities with a view to holding 2 separate planning inquiries in due course - one to look at the choice of a shallow facility from among the 3 or more sites proposed, and the other to do the same for the deep facility.
- (ii) that NIREX should have to justify their site selection by reference to definitive assessment principles (to be published in October).
- (iii) to agree with NIREX that action on the deep facility will be suspended until substantial progress has been made on the shallow one (ie at least 1988).
- (iv) to promote a Special Development Order (SDO) (which will require a negative resolution of both Houses) to give planning permission for the investigation of works at the



candidate sites. The Environment Secretary argues reasonably that a public inquiry into the investigatory works (which is the alternative) would inevitably be as contentious and difficult as the inquiry into the final site selection.

- (v) to announce these decisions in Parliament before the adjournment.

2
 In his letter of 20 July, the Secretary of State for Energy argues that the proposal for an SDO in particular requires careful thought, that a document for the Sizewell inquiry could concentrate on technical options, and that an announcement before the adjournment would be in danger of appearing as an over-reaction to the Black Report (he has argued similarly about the proposed announcement on Sellafield discharges).

MAIN ISSUES

4. There are 3 main issues -

- The strategy of identifying 3 or more sites for each facility with one public inquiry in each case; with progress on the deep facility being held back for some years. There appear to be definite advantages in concentrating on one facility at a time, and in not "plumping" for just one site with the possible penalty of a series of inquiries rejecting successive selections. Presentation, however, will need care if this is not to appear too transparent.
- The use of SDO procedure to avoid preliminary (but in reality substantive) planning inquiries at the investigatory stage. It seems inevitable that, however presented, this will appear like a device to avoid public consultation. It may nonetheless be the best course. It is not clear that this decision or its announcement needs to be tied in with decision and announcement on the previous issue.
- An announcement. To make both this and the Sellafield discharges announcement within a few days of the Black Report could lead to the misinterpretation the Energy Secretary fears.



If it is decided in the earlier discussion that the Sellafield discharges announcement cannot be made before the autumn, then the case for delaying this one too is weakened and it would make a more coherent response to the Sizewell inspector to set out how the Government is now asking NIREX to approach the waste disposal problem as a whole.

HANDLING

5. This topic might be taken after the other issues on Sellafield discharges and Black. You will wish the Environment Secretary to introduce his proposals. The Energy Secretary will want to explain the difficulties he sees. The Welsh and Scottish Secretaries are likely to have views on the general approach, and they and the Lord President on the proposed Special Development Order approach.

CONCLUSIONS

6. You will wish the meeting to reach conclusions on
- (i) The new strategy on waste disposal proposed by the Secretary of State for the Environment; in particular the proposal to ask NIREX to select several sites and to make substantial progress with the shallow facility before embarking on the deep one.
 - (ii) The proposed use of a Special Development Order instead of public inquiries for the investigatory works.
 - (iii) The timing of an announcement, and whether it should cover both the aspects above.

C J S BREARLEY

23 July 1984



PRIME MINISTER

RADIOACTIVE WASTE DISPOSAL FACILITIES: PLANNING PROCEDURES

I have been reviewing the planning procedures announced in October 1983 for proposals by the Nuclear Industry Radioactive Waste Executive (NIREX), and my officials have discussed them with NIREX and with the Department of Energy. As you know there has been considerable opposition in the two areas named by NIREX as potentially suitable, Billingham (Cleveland) for a deep facility and Elstow (Bedfordshire) for a shallow facility, and it is essential that we do something to defuse that opposition. I am also committed before the end of the month to providing the Inspector at the Sizewell Inquiry with an up-to-date statement of waste management strategy, and it seems to me inescapable in that document to indicate how I now see these issues being handled and on what timing.

The procedure I now propose is as follows:

- i. to ask NIREX to identify a number of sites (not less than 3) for each facility, and progress them in parallel. All the sites will eventually be considered together at a single major inquiry. The identification of other sites was not specifically ruled out in my earlier statement, and NIREX will have to publish a comparison of all the sites in any case before the major inquiry, in order to comply with the EC Directive on Environmental Assessment (which is likely by then to be in operation). If I ask them to announce further possible sites (by January 1985), and investigate them in the same detail, it will meet a point strongly urged on us in Bedfordshire and elsewhere, and reflect advice from the Radiochemical Inspectorate and the Radioactive Waste Management Advisory Committee (RWMAC). It would be made clear that only one facility of each type is currently envisaged, and it would remain open to NIREX to express its own preference between the sites;



ii. to indicate that at the public inquiry NIREX will be expected to justify the further sites identified on the basis of the definitive assessment principles. These principles will be agreed interdepartmentally in the light of the comments that have been submitted on the draft assessment principles, and will be published in October, after RWMAC have been consulted;

iii. to agree that NIREX should suspend action on a deep facility until substantial progress has been made for a shallow facility, ie effectively until at least 1988. The reason is that it would be wasteful and unwieldy for NIREX to promote several sites for both facilities simultaneously; it should now switch its efforts to thorough investigation of several sites for one facility. Billingham cannot be excluded from all possibility of consideration at a later date, but the slate will be wiped clear, and NIREX will be expected to approach the selection of sites for a deep facility afresh;

iv. to indicate an intention to promote a Special Development Order to give planning permission for the investigation of works at the candidate sites, which are a necessary preparation for the major inquiry. If there had to be public inquiries into the investigatory works for each site, it would be very difficult to limit their scope, cost and length, and the whole process would be impossibly cumbersome. Although there have been representations by the Association of County Councils and others that the need for planning permission for such works should be removed by amending the General Development Order, this would probably prove too controversial in contrast to a Special Development Order.



directed to specific sites only. A Special Development Order will provide the opportunity for debates in both Houses on the general policy while also securing planning approval for the investigory works.

It is only realistic to assume that the identification of several sites will swell the total opposition to the projects. However, the interests of objectors will not be identical, and from the point of view of wider public acceptance, there are advantages in asking NIREX to follow a more defensible procedure, and one providing an opportunity for Parliamentary debate. Moreover, there is some evidence that a shallow facility, for short-lived wastes, is less repugnant to the public than a deep facility, and it seems sensible to develop the shallow facility first. Deferring action on the deep facility will mean that some wastes have to be stored for longer, until the end of the 1990s. However that will not give rise to any safety problems or any insuperable practical difficulties.

If you and other colleagues are content with this revised approach, I shall need to announce it in the House before the Recess either in an oral statement or a written statement so timed that there is subsequent opportunity for questions.

/ I attach a draft statement in the form of an answer to a question.

I have just received Peter Walker's letter of 20 July. I suggest that we discuss the planning issues (covered in this minute) at the meeting on Tuesday when we will be discussing discharges from Sellafield.

Copies of this letter go to Willie Whitelaw, Geoffrey Howe, Peter Walker, James Prior, Michael Heseltine, George Younger, Nicholas Edwards, John Biffen, Norman Tebbit, Tom King, Michael Jopling, Peter Rees and Nicholas Ridley, and to Sir Robert Armstrong.

Andrew Murrey

for P J

23 July 1984

(acted for the Secretary of State and signed in his absence)

DRAFT QUESTION AND ANSWER

Q. (Trevor Skeet?) To ask the Secretary of State for the Environment, whether he will take steps to ensure when planning applications are made by NIREX for disposal of radioactive waste that sites alternative to Billingham and Elstow are fully examined.

A. In my Statement to the House on 25 October last year (Official Report: cols 156-7) I made clear that any planning application by NIREX for either the shallow or the deep depository which they proposed would be the subject of a public inquiry. Well before the time of that inquiry it would be my intention to ask NIREX to submit an assessment of the environmental implications. That assessment would need to cover the question of alternative sites and be on the general lines set out in the draft EC Directive on environmental assessments.

I have now however decided that it would not be sufficient for NIREX to submit a single application for each of their two projects, and rely solely on the related environmental assessment for informing all concerned of alternatives considered. I am accordingly inviting NIREX when putting forward an application for their preferred site for a particular facility, also to submit applications for not less than 2 other sites for that facility which in their opinion represent acceptable, even if less preferable, options. This will ensure that at the inquiry at least three possible sites for each facility are considered with equal thoroughness. In that way a better informed judgement can be made on their respective merits.

If not less than 3 possible sites are to be fully considered for each facility, it is essential that any necessary geological investigations should first have been carried out. In my earlier Statement I indicated that any planning applications necessary for such investigatory works would themselves be called in

and decided after public inquiries. However, I have concluded that to proceed in this way in the new situation would entail holding a series of limited inquiries at which it is envisaged that the main issues of principle should not be open. Those issues should as I indicated on 25 October be reserved to the substantive inquiry on the planning application for the actual use of a site for the disposal of radioactive waste. Yet it would be difficult for Inspectors conducting the inquiries into investigatory works to exclude altogether such general issues of principle at what would be the first public stage of the planning process.

I have therefore decided on a different approach. The investigatory works will be the subject of a Special Development Order introduced into Parliament after consultations with the relevant planning authorities.

Any such Order would be subject to Negative Resolution Procedure and would provide the House with an opportunity to debate the general issues involved. The terms of the Order would indicate the nature of the works to be authorised, the areas affected, and any conditions subject to which that authorisation is given. The results of any exploratory works would be made available in full before any public inquiry into a planning application for a depository.

I believe that this revised procedure for a Parliamentary stage for the investigatory works followed by a single comprehensive public inquiry at which several sites can be considered on an equal basis is a fairer and more effective way of proceeding. I will expect NIREX in identifying possible sites to have regard to the statement of assessment principles for new disposal facilities to be published by the authorising Departments under the Radioactive substances Act 1960. A definitive version of these principles is now being prepared in the light of comments received during the public consultation exercise, and will be published later this year.

I envisage that the proposals for a shallow depository will

be handled separately from those for a deep depository. That will entail separate public inquiries being held preceded by separate SDO authorisations of exploratory works. Priority will be given to determining the siting of a shallow facility, and I understand that NIREX will wish to pursue further the possibility of siting such a facility at Elstow, Bedfordshire along with other possibilities which they must now identify. I am however inviting NIREX to make a fresh appraisal of options for a deep depository and not to submit any proposals for investigatory works at the site earlier identified at Billingham pending completion of this appraisal.

I have now reviewed with NIREX the likely timing of their proposals in the light of these developments. The original intention of NIREX was that both the shallow and the deep depository should be brought into operation by 1990. In the case of the deep depository that does not now seem feasible, and it may take longer to bring into operation the shallow depository than originally conceived. For these reasons it may be necessary for both low and intermediate level waste to be stored for somewhat longer periods and in somewhat greater quantities than originally envisaged. I am satisfied that this can safely be done, but the situation will be kept under close scrutiny by the regulatory Departments and the Nuclear Installations Inspectorate.

CORPUS CHRISTI

23 JUL 1984

12 1 2 3 4
5 6 7 8 9

