

Draft National Policy Statement for Geological Disposal Infrastructure

Debate on 6 September 2018

This Lords Library Briefing has been prepared in advance of the debate to take place on 6 September 2018 in the House of Lords on the motion moved by Lord Henley (Conservative), “that the Grand Committee takes note of the draft *National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure*”.

Summary

The [Draft National Policy Statement for Geological Disposal Infrastructure](#) was published on 25 January 2018. It formed part of a public consultation on the construction of facilities to dispose of higher activity radioactive waste.¹ Geological disposal refers to the planned removal of solid radioactive waste into a network of vaults and tunnels deep under the ground or seabed.² The proposed network is termed a geological disposal facility (GDF) and would be situated at a depth of 200 to 1,000 metres.³ The infrastructure required for such a project refers not only to the facility itself, but also to borehole drilling investigations necessary to characterise the geology at a particular location in order to ascertain its suitability as a potential site for a GDF.⁴ In a press release announcing the consultation, the Government linked the construction of a GDF to its industrial strategy, claiming that it “will create up to 2,000 well-paid, skilled jobs and bring at least £8 billion to the UK economy over the lifetime of the facility”.⁵

The draft national policy statement (NPS) concerns the overarching process of considering applications for development consent for the construction of geological disposal facilities. Identifying a particular site in which to construct such a facility is subject to a separate process.⁶ This was the subject of a consultation, [Working With Communities: Implementing Geological Disposal](#), which ran concurrently with the NPS consultation.⁷ Development consent for radioactive waste management facilities is a devolved issue, therefore the draft NPS relates to England only.⁸ However, according to the NPS, as a national policy the Government has a “strong preference” to manage the disposal of the UK’s inventory of radioactive waste in one geological disposal facility.⁹ If this is deemed impossible “it cannot be ruled out that more than one such facility” may be required.¹⁰

Policy Background

Geological disposal facilities are defined as nationally significant infrastructure projects (NSIPs) by section 14 of the Planning Act 2008. The infrastructure constituting such a facility is defined in section 30A of the Planning Act 2008. The Act, and subsequent provisions in the Localism Act 2011, introduced a new category of planning consent for NSIPs, termed development consent orders (DCOs). DCOs removed the need to obtain several separate planning consents and were intended to streamline the decision-making process for major infrastructure projects.¹¹ Applications for development consent are decided in accordance with national policy statements, which provide the framework within which the Planning Inspectorate makes its recommendation to the relevant Secretary of State.¹² NPSs are published in draft form as part of a process of public consultation and parliamentary scrutiny before

being formally ‘designated’ (ie published) by the Government.¹³

Section 2 of the draft NPS sets out the policy background to geological disposal. In 2001, the Labour Government and devolved administrations established the Managing Radioactive Waste Safely programme, with the aim of finding a long-term solution for disposal of the UK’s higher activity radioactive waste. Between 2003 and 2006, the independent Committee on Radioactive Waste Management conducted an extensive investigation of a range of options. In 2006, the Committee recommended geological disposal as the best available long-term solution.¹⁴ The Government accepted the recommendation, and the policy was incorporated into the Government’s 2008 white paper [Managing Radioactive Waste Safely: A Framework for Implementing Geological Disposal](#). The 2008 white paper established a five-year process to find a potential site for a geological disposal facility. A number of potential sites were identified, but were ultimately rejected following public opposition.¹⁵ The siting process ended in 2013, without a suitable host community being identified.¹⁶ In 2014, the Coalition Government published the white paper [Implementing Geological Disposal](#), which established a new approach to siting a facility “based on the willingness of local communities to participate”.¹⁷

Recent Developments

The Infrastructure and Projects Authority produces an annual report grading the successful delivery of various infrastructure projects using a traffic light system. In its annual reports between 2013 and 2017 it graded the likelihood of completion of a geological disposal facility project as ‘amber’, meaning successful delivery “appears feasible but significant issues already exist”.¹⁸ In its 2017/18 annual report, published 4 July 2018, it graded the project as ‘amber/red’, meaning delivery is “in doubt, with major risks or issues apparent in a number of key areas”.¹⁹ The report did not elaborate on what the risks or issues were.

The House of Commons Business, Energy and Industrial Strategy Committee was designated to carry out parliamentary scrutiny of the draft NPS with a remit to consider its “content and scope”, not the merits of geological disposal as a means of disposing of radioactive waste.²⁰ The Committee published its report, [Draft National Policy Statement for Geological Disposal Infrastructure](#), on 31 July 2018. The report stated that, overall, the evidence it had received from stakeholders on the draft NPS was “positive”.²¹ However, the Committee identified four areas in which it made recommendations: protecting national parks and areas of outstanding natural beauty (AONBs); using the GDF to dispose of waste from new nuclear build; the place of local community consent in the NPS; and how the NPS is linked with the industrial strategy.²² Regarding national parks and AONBs, the Committee concluded against adding an “exclusionary criterion” to the NPS, although it agreed with the Government’s stated position that facilities should not be sited in such areas “except under exceptional circumstances”.²³ Regarding the proposed link between the NPS and the Government’s industrial strategy, the Committee found this to be “spurious” and that the claimed socioeconomic benefits to the host community were “insufficient”.²⁴ Despite these caveats, the Committee concluded that the draft NPS provided the “right level of guidance to the decision-maker”.²⁵ Therefore, the Committee supported the case for the final NPS to be “brought forward and approved by Parliament”.²⁶

Key Information

- Department for Business, Energy and Industrial Strategy, [Draft National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure](#), 25 January 2018, pp 5–13 and 23–7

Introduction and section 3 of the national policy statement, setting out the purpose of the statement, its background, and the Government’s arguments in favour of a geological disposal facility.

- House of Commons Business, Energy and Industrial Strategy Committee, [Draft National Policy Statement for Geological Disposal Infrastructure](#), 31 July 2018, HC 1092 of session 2017–19, pp 3–4

Summary of the Committee’s report, which concluded in support of the national policy statement’s approval by Parliament, but also made recommendations for the Government to consider.

- Radioactive Waste Management, [Making Sense of Geological Disposal](#), 10 February 2017

Publication summarising the process of geological disposal: what it is; where radioactive waste comes from; how a geological disposal facility would be constructed; and a timeline of future project delivery actions.

- Department for Business, Energy and Industrial Strategy, [Appraisal of Sustainability Report: Appraisal of Sustainability of the National Policy Statement for Geological Disposal Infrastructure](#), 25 January 2018, pp 113–20

Conclusions of the Appraisal of Sustainability report, published in conjunction with the draft national policy statement, providing an assessment of its socioeconomic and environmental impact and a comparison against its “reasonable alternatives”.

Parliamentary Debate, Statements and Questions

- A selection of written questions from both Houses: [153358](#) (20 June 2018); [HL7167](#) (3 May 2018); [HL7062](#) (26 April 2018); [HL7061](#) (26 April 2018); and [HL7060](#) (26 April 2018)
- House of Lords, ‘[Written Statement: Energy Frameworks](#)’, 25 January 2018, HLWS419
- [Debate on ‘Infrastructure Planning \(Radioactive Waste Geological Disposal Facilities\) Order 2015’](#), HL Hansard, 25 February 2015, cols 347–64

Press Articles and Comment

- Zach Boren, ‘[Government Says It Could Put Nuclear Waste Site Under National Parks](#)’, Greenpeace, 9 May 2018
- Adam Vaughan, ‘[Communities Offered £1m a Year to Host Nuclear Waste Dump](#)’, *Guardian*, 25 January 2018
- Jillian Ambrose, ‘[Government Search Begins for Towns Willing to Have A Radioactive Waste Site In Their Backyard](#)’, *Telegraph* (£), 25 January 2018
- BBC News, ‘[Nuclear Waste Storage ‘Will Not Be Forced’ On Any Area](#)’, 25 January 2018

Further Information

- HM Government, ‘[Geological Disposal: A World Class Solution for the UK’s Radioactive Waste](#)’, accessed 9 August 2018
- Lucy Bailey, ‘[Making a Case for the Safety of a Geological Disposal Facility](#)’, National Decommissioning Authority Blog, 26 March 2018
- Office for Nuclear Regulation, ‘[Geological Disposal](#)’, accessed 6 August 2018

- ¹ Department for Business, Energy and Industrial Strategy, '[National Policy Statement for Geological Disposal Infrastructure](#)', 25 January 2018.
- ² Department for Business, Energy and Industrial Strategy, '[Draft National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure](#)', 25 January 2018, p 16.
- ³ *ibid*, annex I.
- ⁴ *ibid*, p 5.
- ⁵ Department for Business, Energy and Industrial Strategy, '[Local Communities to Give Views on Permanent Disposal of Radioactive Waste](#)', 25 January 2018.
- ⁶ Department for Business, Energy and Industrial Strategy, '[Draft National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure](#)', 25 January 2018, p 15.
- ⁷ Department for Business, Energy and Industrial Strategy, '[Working with Communities: Implementing Geological Disposal](#)', accessed 9 August 2018.
- ⁸ Department for Business, Energy and Industrial Strategy, '[Draft National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure](#)', 25 January 2018, p 8.
- ⁹ *ibid*, p 16.
- ¹⁰ *ibid*.
- ¹¹ Planning Inspectorate, '[National Infrastructure Planning](#)', accessed 10 August 2018.
- ¹² Department for Business, Energy and Industrial Strategy, '[Draft National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure](#)', 25 January 2018, p 5.
- ¹³ Planning Inspectorate, '[National Policy Statements](#)', accessed 9 August 2018.
- ¹⁴ Committee on Radioactive Waste Management, '[Managing our Radioactive Waste Safely: Committee on Radioactive Waste Management's Recommendations to Government](#)', July 2006, p 11.
- ¹⁵ Martin Wainwright, '[Cumbria Rejects Underground Nuclear Storage Dump](#)', *Guardian*, 30 January 2013.
- ¹⁶ Department for Business, Energy and Industrial Strategy, '[Draft National Policy Statement for Geological Disposal Infrastructure: A Framework Document for Planning Decisions on Nationally Significant Infrastructure](#)', 25 January 2018, p 15.
- ¹⁷ *ibid*.
- ¹⁸ Infrastructure and Projects Authority, '[Annual Report on Major Projects 2017–18](#)', 4 July 2018, pp 20–1.
- ¹⁹ *ibid*.
- ²⁰ House of Commons Business, Energy and Industrial Strategy Committee, '[Draft National Policy Statement for Geological Disposal Infrastructure](#)', 31 July 2018, HC 1092 of session 2017–19, p 6.
- ²¹ *ibid*, p 3.
- ²² *ibid*.
- ²³ *ibid*.
- ²⁴ *ibid*, p 4.
- ²⁵ *ibid*.
- ²⁶ *ibid*.

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