

THE GEOLOGICAL DISPOSAL OF RADIOACTIVE WASTE IN ENGLAND: RECENT DEVELOPMENTS

There have been two recent changes in the quest to find a permanent site for the geological disposal of higher activity radioactive waste.

Written Ministerial Statement

In a written [statement](#) to Parliament on 17 October, the Minister for Business Energy and Industrial Strategy, Nadhim Zahawi, designated the National Policy Statement (NPS) for Geological Disposal Infrastructure, following its laying before parliament on 4 July. This marked the final parliamentary step in the NPS process.

The Minister stressed the importance of those who have benefited from nuclear technology taking appropriate steps to manage the associated radioactive waste, adding the important role nuclear technology plays in transitioning to a carbon neutral economy. He also acknowledged that geological disposal is internationally recognised “*as the safest and most secure means of permanently managing a proportion of this waste not suitable for other management regimes*”.

He went on to say that the NPS provides an “*appropriate and effective framework for the Planning Inspectorate and the Secretary of State for the Department for Business, Energy and Industrial Strategy to examine and make decisions on development consent applications for geological disposal infrastructure in England.*” (Note that responsibility for this area in the United Kingdom is devolved to its separate countries and this NPS therefore only applies to England).

As well as the geological disposal facility (GDF), the NPS also covers deep borehole investigations which will be necessary to characterise the geology at potential sites. Accompanying the NPS, the government has also [published](#) associated documents:

- Equality Analysis for the National Policy Statement for Geological Disposal Infrastructure, which concludes that people with protected characteristics would not be more or less affected than other groups by the impacts of the NPS;
- Habitats Regulations Assessment of National Policy Statement for Geological Disposal Infrastructure, which supports the Secretary of State in meeting his obligations under regulation 110 of the Habitats Regulations; and
- Post Adoption Statement for the Appraisal of Sustainability of the National Policy Statement for Geological Disposal Infrastructure. This is required by the Strategic Environmental Assessment (SEA) Directive 2001/42/EC and relevant implementing regulations to ensure that environmental considerations are taken into account.

Further Backing

Further endorsement of the approach to achieving geological disposal was announced last week by the nuclear and environmental regulators. Implementation of geological disposal is the responsibility of [Radioactive Waste Management](#) (RWM), a subsidiary of the [Nuclear Decommissioning Authority](#). They are not yet subject to formal regulation, but in their joint [annual report](#), the [Office of Nuclear Regulation](#) (ONR) and the [Environment Agency](#) (EA) reported on the outcome of their scrutiny of RWM during 2018-19.

ONR and EA work together “*to make sure that any future geological disposal facility (GDF) will meet the high standards for environmental protection, safety and security that the public expects.*” They will

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engage with RWM early in the process of identifying potential sites so that when a site is identified RWM already clearly understands what it needs to do as part of the regulatory process. They also liaise regularly with RWM to make sure that it gives the right advice to waste producers about packaging radioactive waste for future disposal at a GDF.

They say that RWM has significantly improved its generic Disposal System Safety Case, including taking the regulators' earlier advice, noting though that *"RWM still has a significant amount of work to do to develop a comprehensive, site-specific safety case and many aspects can only be fully evaluated once a site has been selected and specific designs produced."*

They added, *"We are satisfied that RWM liaises with government and regulators to establish common understanding and manages any necessary changes through its change control process."* Further, *"RWM has made significant progress towards addressing the need to protect groundwater resources and human health from the non-radioactive component of the inventory for disposal, and is providing the necessary advice to waste producers."*

While these two pieces of news are positive, the overall quest to find a site is still a work in progress and RWM is engaging with communities to inform this work.

About the Author

Prospect Law is a multi-disciplinary practice with specialist expertise in the energy and environmental sectors with particular experience in the low carbon energy sector. The firm is made up of lawyers, engineers, surveyors and finance experts.

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