

Meeting:	NuLeAF Steering Group, 13 April 2011
Agenda Item:	6
Subject:	Low Level Waste (LLW) Management
Author:	Fred Barker
Purpose:	To report on developments

Introduction

This report covers:

- discussion at the NuLeAF seminar on LLW Management and Spatial Planning on 22 March; and
- the implications of Government proposals for changes to the nuclear third party liability regime.

Recommendation

That the Steering Group agree that:

- 1 further discussions be held between officers and LLWR Ltd to develop understanding of the scale, timing and location of LLW arisings and to assess the spatial planning implications;
- 2 in the light of the outcome of ‘1’, the Executive Director enter into further discussions with the NDA to identify appropriate approaches to engagement with local communities and their local authorities about the development of facilities for LLW management; and
- 3 the Executive Director seek clarification from Government about the consideration that will be given to local community views in reaching decisions about approvals and appeals against refusal of planning permissions associated with LLW management.

Contribution to Achieving Strategic Objectives

The initiatives are intended to contribute to the achievement of the following NuLeAF objectives:

- To encourage and assist the NDA, Site Licensee Companies and the supply chain to take full account of the role and needs of the local authority planning system in the implementation of LLW strategy.
- To encourage Waste Planning Authorities to develop policy in MWDFs on the management of LLW (and VLLW).
- To encourage NDA to provide sufficient evidence base information and to engage in discussion about the potential for a more strategic approach to the siting of LLW management facilities.

1 Seminar on LLW Management and Spatial Planning

The seminar took place in Local Government House on 22 March.

The purpose was to:

- promote understanding and discussion of the spatial planning issues that will arise in the implementation of LLW strategy, and
- to discuss what constitutes good practice in addressing those issues in the preparation of plans and in the handling of planning applications.

The seminar agenda is attached as Annex A. Speaker presentations are available on the NuLeAF website at <http://www.nuleaf.org.uk/nuleaf/seminars>. The participants list is attached as Annex B. The information sheet from the seminar pack is attached as Annex C.

Key points from the morning presentations included:

- *'Implementation issues – the Government's Perspective'*: although perceptions of risk can be the key to policy implementation, we need to work to the realities of the low hazards associated with LLW. More thought needs to be given to what 'early dialogue' with stakeholders should mean in practice. NDA must focus finite resources effectively. Forecasting of future waste arisings is important for Waste Planning Authorities, and so that the supply chain can judge when proposals for management facilities need to be bought forward.
- *'Developing the evidence base – information about LLW arisings and the need for management facilities'*: new inventory figures were presented to the seminar. Revised assumptions and better inventory surveys lead to a substantive increase in forecast arisings, particularly for VLLW after 2040. However, the figures could be reduced by large amounts with better waste characterisation (70% of the VLLW could potentially be re-categorised as exempt waste). Contaminated land is not currently within the inventory as it is still being characterised. It is possible that a large proportion of this could be managed in-situ. LLWR Ltd can provide further information for waste planners and wish to understand their requirements.
- *'A spatial planning perspective'*: 'what, when and where' questions are critically important for waste planners. The 'localism agenda' makes local planning policies even more important. There are a number of 'sticky' spatial planning issues associated with LLW management, including questions of need, interpretation of the proximity principle and whether specialist management facilities are required.

Key points from the morning discussion included:

- There is a need to generate a much better understanding of the scale, timing and location of LLW arisings so that the spatial planning implications can be more fully assessed. LLWR Ltd is willing to have further discussion with waste planners to run through the sort of information that can be provided.
- Some joint working between WPAs will be necessary in the light of the abolition of Regional Spatial Strategies. Some form of Regional Technical Advisory Board is likely to be kept going for data gathering purposes. These could consider adopting a regional perspective on radioactive waste arisings.

- Proposals for LLW disposal to landfill can generate concerted local opposition. What contingencies exist if permissions are not granted? The DECC response to the question argued that contingencies are not needed urgently and there is time to plan for the substantial increases in arisings in several decades time.
- There are also some concerns about the possibility of developing LLW disposal facilities on existing licensed nuclear sites, particularly where local stakeholders have aspirations for site clearance and de-licensing.
- Local authorities need to be able to see the overall strategic context when addressing LLW management in spatial planning terms. The wider use of Sustainability Appraisal within the industry would be helpful.

Key points from the afternoon presentations included:

- *'Proposed disposal of LLW to landfill at King's Cliffe'*: as a result of the Inquiry, the Planning Inspectorate is likely to more closely address where WPAs need policies on LLW management in their MWDFs. The Inquiry evidence demonstrates how it is possible to interpret policy and strategy in different ways, indicating there is a need for much greater clarity
- *'LLW management and development control in Cumbria'*: there is considerable concern about the proposed dispersal of LLW management facilities away from the Sellafield and LLWR sites and the impact this could have on other developments and processes in the county (including participation in the siting process for a GDF). It is particularly important to have clear and explicit planning policies on radioactive waste management.

Key points from the afternoon discussion included:

- From the supply chain's perspective, there are only a finite number of sites that it can offer, assess and consult on when responding to the policy and strategy emphasis on early solutions. From a local authority perspective, a problem arises from the NDA 'energising the supply chain' before appropriate community engagement in key areas has taken place.
- There are mixed views on the impact that the Secretary of State's decision on LLW disposal to King's Cliffe is likely to have. On the one hand, permission could prevent more localised sites coming forward (given the large proposed catchment area for LLW disposal to King's Cliffe). On the other, refusal of permission could deter other sites from coming forward because of the costs and risks involved in securing the necessary permissions.
- The issue was raised of how local stakeholder engagement might be done differently. The view was expressed that people feel more comfortable if they are engaged on real choices and with information that they trust.
- The point was made that it may be more appropriate to address spatial choices at a national level.
- In some situations community benefits might help alter views on the acceptability of proposals. It was pointed out that there is a need for a more coherent approach to community benefits at a national level.
- The question of the impact of 'localism' and associated local referenda in Parishes around King's Cliffe on Government's consideration of the King's Cliffe Inquiry Inspector's report was raised.

The recommendations that arise from the seminar are listed on the first page of this report.

2 Implications of Changes to the Third Party Liability Regime

DECC's proposals for changes to the nuclear third party liability regime have implications for LLW disposal facilities. In essence, the revised Paris Convention requires disposal facilities to be brought within nuclear liability regimes. Although DECC intends to seek the exclusion of LLW disposal facilities from the regime on the grounds of low hazard/risk, this requires a formal application to the OECD Nuclear Energy Agency and may take some years. In the interim period, it looks like the operators of facilities with permissions to allow LLW disposal will have to obtain insurance or financial security to a value of 70 million Euros. Chapter 11 of the consultation document at [Consultation on the implementation of changes to the Paris and Brussels Conventions on nuclear third party liability - Department of Energy and Climate Change](#) explains the proposals in more detail.

2 Meeting of the NDA/LLWR Programme Delivery Group

The NDA/LLWR Programme Delivery Group has not met since the last meeting of the Steering Group. The next meeting is on 7 April and a verbal update will be provided at the SG meeting on 13 April.

ANNEX A: SEMINAR AGENDA

10.30 Registration and coffee

11.00 'Implementation issues – the Government's Perspective', *Bruce Cairns, Head of Nuclear Materials, DECC, and Matthew Clark, Integrated Waste Manager, NDA*

11.30 'Developing the evidence base – information about LLW arisings and the need for management facilities', *Dave Rossiter, Head of Strategy Implementation, LLWR Ltd and Mervin McMinn, National Waste Inventory Manager, NDA*

12.00 'A spatial planning perspective', *David Palk, Development Manager, Suffolk County Council*

12.25 Panel discussion

13.00 Lunch

13.30 Case studies in development control:

- (a) 'Proposed disposal of LLW to landfill at King's Cliffe', *Phil Watson, Development Control Manager, Northamptonshire County Council*
- (b) 'LLW management and development control in Cumbria', *Richard Evans, Cumbria County Council*

2.30 Panel discussion

Annex B: Participants

Augean Copeland Borough Council Cumbria County Council	Dr Gene Wilson, Group Technical Director Steve Smith, Interim Nuclear Manager Sue Brett, Senior Minerals & Waste Policy Officer
Decision Sciences Dorset County Council Environment Agency	David Collier, Consultant Charlotte Lewis, Principal Planning Officer Dr Phil Heaton, Nuclear Regulation Group Team Leader
Environment Agency Environment Agency Environment Agency Environment Agency	David Prescott, Nuclear Regulator Chris Lloyd, Nuclear Regulator Dr Andrew Fairhurst, Nuclear Regulator Dave Bennett, Manager, Radioactive Substances Regulation
Hampshire County Council Hampshire County Council Hartlepool Borough Council Hartlepool Borough Council Health & Safety Executive	Emily Butcher, Principal Planning Policy Officer Paul Prowting, Planning (Information) Officer Adrian Hurst, Principal Environmental Health Officer Tom Britcliffe, Principal Planning Officer Elaine Nattress, HM Specialist Inspector of Health & Safety
Health & Safety Executive	Nicholas Blackburn, HM Principal Inspector (Nuclear Installations)
Kent County Council Kent County Council Lancashire County Council Leicestershire County Council	Katherine Dove, Planning Officer John Prosser, Principal Planning Officer – Waste Marcus Hudson, Head of Planning John Wright, Team Leader, Policy, Minerals & Monitoring
LLW Repository Ltd LLW Repository Ltd Norfolk County Council Northamptonshire County Council	Cath Giel, Stakeholder Relationship Manager Dick Raaz, Managing Director Nick Johnson, Planning Service Manager Shari MacDonald, Project Manager
Oxfordshire County Council Oxfordshire County Council Plymouth City Council Plymouth City Council Sedgemoor District Council Somerset County Council Somerset County Council	Peter Day, Minerals & Waste Policy Team Leader Trevor Brown, Principal Planning Officer Grant Jackson, Spatial Planning Officer Alan Hartridge, Planning Co-ordinator Doug Bamsey, Corporate Director, Regeneration Heather Brown, Waste Policy Officer Barry James, Group Manager (Environmental Management)
South Gloucestershire Council	Lisa Price, Principal Planning Officer (Spatial Planning Team)
Suffolk Coastal District Council	Andrew Nunn, Cabinet Member for Green Environment
Suffolk Coastal District Council Suffolk County Council	Clive Pink, Environmental Health Officer Richard Smith MVO, Councillor
Department of Energy & Climate Change	Bruce Cairns, Head of Nuclear Materials and Waste Strategy

Nuclear Decommissioning
Authority
Nuclear Decommissioning
Authority
LLW Repository Ltd
Nuclear Decommissioning
Authority
Suffolk County Council
Northamptonshire County
Council
Cumbria County Council

Dr Matthew Clark, Integrated Waste Manager

Bill Hamilton, Head of Stakeholder Communications

Dave Rossiter, Head of Strategy Implementation
Mervin McMinn, National Waste Inventory Manager

David Palk, Development Manager
Phil Watson, Development Control Manager

Richard Evans, Principal Planning Officer –
Minerals & Waste Policy

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NuLeAF

Cllr Tim Knowles, Chairman
Fred Barker, Executive Director
Catherine Draper, Administrator

Annex C: Information Sources

Government Policy

Government policy is set out in 'Policy for the Long-Term Management of Solid Low Level Radioactive Wastes in the UK', published in March 2007. This is available at:

<http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/nuclear/radioactivity/llw-policystatement070326.pdf>

UK Strategy

UK strategy for managing LLW from the nuclear industry was published by the NDA in August 2010 and is set out in:

<http://www.nda.gov.uk/documents/upload/UK-Strategy-for-the-Management-of-Solid-Low-Level-Radioactive-Waste-from-the-Nuclear-Industry-August-2010.pdf>

A commentary on the strategy – from a local authority perspective - is set out in:

http://www.nuleaf.org.uk/nuleaf/documents/UK_Nuclear_Industry_LLW_Strategy_and_LA_Planning_Briefing_Paper_19_October_2010.pdf

Consultation on proposals for a strategy for managing LLW from non-nuclear industries has recently closed. Details are available at:

<http://www.decc.gov.uk/assets/decc/Consultations/low-level-waste-non-nuclear/977-consultation-nni-llw.pdf>

NuLeAF's comments on the proposed strategy can be viewed at:

http://www.nuleaf.org.uk/nuleaf/documents/Response_to_draft_NNI_LLW_Strategy_2_March_2011.pdf

Strategy Implementation

Documentation about the implementation of strategy can be found on the website of LLWR Ltd:

<http://llwrsite.com>

This includes a Management Plan

<http://www.llwrsite.com/UserFiles/File/LowLevelWasteStrategyGroup/UK%20Nuclear%20Industry%20LLW%20Management%20Plan%20-%20Rev1%20SIGNED.pdf>

and guidance on stakeholder engagement at:

http://www.llwrsite.com/UserFiles/File/LowLevelWasteStrategyGroup/Pointers%20to%20good%20practice,%20LLW%20Strategy%20Group,%2017%20November%2009%20_Final.pdf

Regulation

Environment Agency guidance on the regulation of disposal of LLW is available at:

<http://www.environment-agency.gov.uk/business/sectors/99322.aspx>

Information on current applications for authorisations for disposal is summarised on:

<http://www.environment-agency.gov.uk/business/sectors/100241.aspx>

Minerals and Waste Development Frameworks

Information about the way in which two Waste Planning Authorities are addressing radioactive waste management is available at:

a) Cumbria

http://www.cumbria.gov.uk/planning-environment/planning/policy/minerals_waste/mwdf/mwdevframe.asp

See in particular, section 8 of the Waste Core Strategy at <http://www.cumbria.gov.uk/elibrary/Content/Internet/538/755/1929/1982/39934144143.pdf>

b) Suffolk

<http://www.suffolk.gov.uk/Environment/MineralsAndWastePlanning/WastePlanning/WasteDevelopmentFramework/WasteDevelopmentFramework.htm>

See in particular, policies 19 and 20 in the Waste Core Strategy submission draft at <http://www.suffolk.gov.uk/NR/ronlyres/6252E773-0C0A-461D-81B9-D9DC32F011E1/0/Chapter1to7.pdf>

Development Control Case Studies

The NuLeAF website features a number of case studies and planning reports at:

<http://www.nuleaf.org.uk/nuleaf/DisplayArticle.asp?ID=9416>

<http://www.nuleaf.org.uk/nuleaf/DisplayArticle.asp?ID=9719>

http://www.nuleaf.org.uk/nuleaf/documents/Key_Issues_at_the_King's_Cliffe_Inquiry_Briefing_Paper_20_March_2011.pdf